

REPRESSION AND VIOLENCE IN KOSOVO

AND

KOSOVO: THE HUMANITARIAN PERSPECTIVE

TWO HEARINGS

BEFORE THE

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REPRESSION AND VIOLENCE IN KOSOVO

WEDNESDAY, MARCH 18, 1998

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC.

The Commission met, in Room 430, the Dirksen Senate Office Building, Washington, DC., at 10:08 a.m., Hon. Alfonse D'Amato, Chairman, presiding.

Commissioners present: Hon. Christopher H. Smith; Hon. Benjamin Cardin; and Hon. Steny H. Hoyer.

OPENING STATEMENT OF CHAIRMAN ALPHONSE D'AMATO

Chairman **D'Amato**. Today's hearing of the Commission on Security and Cooperation in Europe is called to examine the current, critical situation in Kosovo. In recent days, continuing Serbian repression of the Kosovar Albanian Majority Population has triggered an escalating spiral of violence that demands U.S. leadership now to stop another outbreak of ethnic cleansing and to achieve a peaceful resolution to the crisis.

This is one of the times when all people of conscience must speak out, and we must take action to stop the slaughter of innocent men, women, and children.

Our distinguished panel of witnesses includes Mr. Isa Zymberi, who is the Director of the London Office of the Kosovo Information Center. Mr. Zymberi is a principal international spokesman for the leadership of the non-recognized Republic of Kosovo. We also have with us Mr. Fred Abrahams, and he will be here, of Humans Rights Watch Helsinki, who is a leading expert on human rights violations in Kosovo. Joining him at the witness table are Doctor Janusz Bugajski, the Director of East European Studies at the Center for Strategic and International Studies, and a leading expert on Balkan affairs, and Ms. Nancy Lindborg, who is the Director of the Washington Office of Mercy Corps International, a leading provider of humanitarian assistance. Finally, we have the Serbian Orthodox Bishop in Kosovo, His Grace Artemije.

In addition, Senator Bob Dole, who has been a great friend and support of this Commission and its work wanted to be here today to testify. But unfortunately, his schedule wouldn't permit it. Instead, he has asked that a written statement be included in the hearing record, and I'm going to ask that his statement be included as if read in its entirety.

I am pleased to ask, also, that the statement of Joe DioGuardi, former congressman and president of the Albanian American Civic League, be included in the record.

Let me outline, if I might, two steps for peaceful solution: U.S. leadership should make President Milosevic believe that the world will not stand by while the kind of operation that we have seen take place, the genocide, the ethnic cleansing, continues. It is imperative that the U.S. leadership be very strong on this point.

Talks between Milosevic and the Kosovo Albanian leadership, without preconditions. Any settlement reached must be respected and protect the human rights of all persons residing in Kosovo.

More than 70 Kosovar Albanians were killed by the Serbian police and paramilitary forces. The dead included elderly women and children. The body of Adem Jashari, the alleged Kosovar Liberation Army leader who was the target of Serbian assault, looked like he was killed with a knife. Serbian police and paramilitary units still occupy the center of Kosovo. There is no sign that these horrible violations of human rights have actually ended.

The United States and this Commission have key roles to play in the effort to restore peace to Kosovo. Clearly, the situation is not now stable and after these Serbian assaults, a return to the situation as it was before is not possible. The U.S. must press the Contact Group, which will meet here in Washington on March 25, to agree on a joint, strong stand against Serbian ethnic cleansing. Anything less won't deter Milosevic.

Here today, we will listen to our witnesses tell us what's going on in Kosovo. Mr. Zymberi will tell us what it feels to Kosovar Albanians to live under Serbian rule. Mr. Abrahams, who has just joined us, will tell us about the human rights violations. Ms. Lindborg will tell us about the problem of getting humanitarian assistance to the people of Kosovo. Doctor Bugajski will advise us about the prospects for achieving a peaceful resolution to the problem. The Bishop will provide a Serbian perspective on the situation.

At this point, I turn to my distinguished colleague and the Co-Chairman of the Commission, Congressman Chris Smith from New Jersey. Congressman Smith.

OPENING STATEMENT OF HON. CHRISTOPHER H. SMITH

Mr. Smith. Thank you very much, Mr. Chairman. I want to commend you and thank you for calling this very timely hearing on the ongoing problems in Kosovo.

In recent weeks, Kosovo has increasingly been in the media given the Serbian action against several villages and the death of as many as 80 men, women, and children. The bloody violence is very disturbing and there is legitimate concern that full-scale fighting could spill into neighboring countries which could lead to a potentially dangerous confrontation in Europe.

Kosovo is not new for the Helsinki Commission. In the late 1980s and early 1990s, the treatment of the people of Kosovo was among the leading human rights violations in the former Yugoslavia documented by the Commission. With hearings and congressional and staff delegations to Kosovo, the Commission has continually pressed for action to address the problems there. Amid the conflict in Bosnia and in this post-Dayton era, the Helsinki Commission has kept a trained

eye on the ongoing repression in Kosovo. Absent more meaningful efforts by Belgrade to respect human rights, we should not be surprised by this latest confrontation.

Mr. Chairman, it's a sad reality that Milosevic has been in power for a decade, relying primarily on extreme nationalism, conflict, and the heavy hand of the police to perpetuate his rule. We saw in late 1996 and early 1997 that even Serbs, whom Milosevic claimed to defend, are denied their rights and freedoms when they oppose the government. There are ethnic tensions in the Balkans, and no one mere group can claim total innocence in the troubles which emerged there. But, there is no doubt that there would be more prosperity and certainly more freedom in the Balkans, for everybody, if it were not for his policies and the power hungry minions that surround him.

I look forward to our hearing today. I would note, Mr. Chairman, that yesterday the House of Representatives went on record in condemning the violence in Kosovo. It included a call for a return of the Helsinki Group. We're hoping or envisioning at least 100 people that would make up such a group with a person of prominence to lead it. As we all know, a couple of years ago, Milosevic sent that OSCE group packing. It's time they got back in there and at least acted as eyes and ears, and hopefully would have some chilling effect on the abuses that are taking place here.

So, hopefully, this hearing, too, will serve in the cause of highlighting the abuses and finding some solutions to the problems there.

Thank you, Mr. Chairman.

Chairman **D'Amato**. Thank you, Congressman.

Congressman Hoyer.

OPENING STATEMENT OF HON. STENY H. HOYER

Mr. **Hoyer**. Mr. Chairman, I want to thank you for holding this hearing. It is a very timely hearing and a critical one.

Despite the complexities of the Balkans which are frequently used as excuses for violence and aggression, for me the situation can be viewed simply in the context of Helsinki principles. Regardless of the wrongs of history, real or perceived, and regardless of whether one can make a case for Kosovo's independence or its current attachment to Serbia, change must be sought through peaceful means. Human rights must be respected. Human rights and fundamental freedoms, as stated in the Helsinki Final Act, are fundamental and derived from the inherent dignity of the human person.

Respect for human rights cannot be, and must not be, conditioned nor can violations of human rights be considered the internal affairs of the state in question.

This is why I and many others have spoken out strongly on Kosovo, as I did on Bosnia and many other issues as a member of this Commission.

Personally, I feel Serbs have some legitimate concerns regarding Kosovo. Propaganda has, in my opinion, greatly exaggerated their feelings, however. Their feelings, nonetheless, are real. Moreover, I have never been an advocate of the unilateral changing of borders. However, the Kosovar Albanians do have, and must have, the right

to express their views and to make their case. There is neither the freedom nor the democratic structure in Serbia which currently allows them to do so. In fact, the opposite is true.

Certainly the unilateral removal of Kosovo's autonomy by Milosevic in 1989 was not legitimate or democratic. While there may be a Kosovo Liberation Army which has engaged in violence itself, in acts of terrorism, indeed, which I and others have condemned, and the apprehension of terrorists is certainly a justifiable end of any state. But it does not justify the slaughter, and I use that term advisedly, the slaughter of innocent people, including women and children, and the dumping of their bodies in a mass grave which ought to chill us all in the memory of what was done in Bosnia in similar fashion. The dumping of those bodies was to hide the brutality which accompanied their deaths.

Finally, Mr. Chairman, dialogue is a centerpiece of the Helsinki process, along with principles. It seems absurd for one side to condition dialogue, especially when it is so urgently needed, on concessions by the other side such as Serbian authorities are currently doing to the Kosovar Albanians.

If anything, Mr. Chairman, it is Serbia which should take unilateral action to restore autonomy and respect human rights, not to make demands on the population it has repressed so long and so brutally. Co-Chairman Smith and I have spoken out, as has the Chairman, on Kosovo recently. We have called first and foremost for the deployment of OSCE monitors who could hopefully deter human rights abuses and facilitate local dialogue.

I want to say on local dialogue, as I did on the floor, Mr. Chairman, that I had the opportunity of visiting Pristina some 7 years ago. I had a meeting with the then leader of Kosovo appointed by Mr. Milosevic. I asked him whether there was one person in all of Kosovo, one person of Albanian ethnic extraction, with whom there could be principled dialogue on the resolution of conflicts. Mr. Milosevic's hand-picked leader could not think of one person, not one, in all of Kosovo with whom he would be willing to sit down at the table and discuss differences. In that context, resolution of conflict is impossible and it reflected a determination by the Milosevic regime not to talk about resolution of conflict at any time, in any form, in any way.

Mr. Chairman, I also want to focus attention on the investigation and possible prosecution of the recent actions by Serbian security forces in Kosovo as crimes against humanity, war crimes, on which my colleague, Mr. Cardin, has been so outspoken and such a great leader. I am pleased to see that the International Tribunal in The Hague is willing to undertake such an investigation and prosecution.

Finally, Mr. Chairman, we have called for increasing the quantity and quality of the peace keeping presence in neighboring Macedonia by the United Nations, the OSCE, and NATO. At a hearing on Serbian violations of the rights of non-Serbs, including the Kosovar Albanians, one witness, a prominent Hungarian from Bogodin, Tibor Varady, responded to my question regarding what the International community needs to do to stop Milosevic. His response was simple. Show resolve. Milosevic will test the international community and he will take what he can get. As we did in Bosnia in 1995, we must do now for Kosovo—show Milosevic the resolve of the international community that he cannot get away with unchecked bloodshed.

Mr. Chairman, I look forward to hearing the views of the witnesses regarding the issues confronting us in Kosovo.

Thank you very much.

Chairman **D'Amato**. Thank you, Congressman.

Congressman Cardin.

OPENING STATEMENT OF HON. BENJAMIN CARDIN

Mr. **Cardin**. Mr. Chairman, let me just thank you for this hearing and concur in the comments of my colleagues. There is strong congressional support for the use of the Helsinki process to underscore the responsibility of every state to respect the human rights of its citizens, particularly ethnic minorities. So, I look forward to this hearing and I applaud you for holding it so promptly.

Chairman **D'Amato**. Thank you, Congressman.

I'm going to ask our first witness now, Mr. Isa Zymberi of the London Office Director of Kosovo Information.

Mr. Zymberi.

TESTIMONY OF MR. ISA ZYMBERI, DIRECTOR,

THE KOSOVO INFORMATION CENTER

Mr. **Zymberi**. Thank you, Mr. Chairman.

It is a great opportunity for me to express my views as to the issue of Kosovo today. The ongoing massacre in Drenica which was openly prepared during the last two months by the Serb police, army, and paramilitary forces, and which started on the 28th of February, leaving in less than three weeks around 100 Albanians dead, most of them children, women, and elderly, marks a new moment both for the Serbian regime as well for the Albanians of Kosovo.

The Serbian regime now seems to be confidently ready for a new adventure whereas the Albanians of Kosovo feel like a whole decade of peaceful, nonviolent resistance is going down the drains.

While the whole area in central Kosovo continues to be kept under tight siege and in many villages everything that moves is shot by snipers, while people are being starved to death or dying of the cold weather in the forests around, a Serbian delegation has been for the last few days posing for the cameras in a cynical offer for dialogue. This simply leads one to believe that the Serbian regime is about to continue playing the same old tricks. While pretending to be waiting for dialogue, they keep pouring in additional troops and arms all over Kosovo.

With regards to dialogue, it is the leadership of Kosovo that has insisted for years in a mediated dialogue without preconditions from either side. The mediation is needed because the Serbian side is not one that can be trusted, and the mediator must be one that can provide guarantees for the outcome of the dialogue.

It is a well-known fact that peaceful movements fail when they fail to bring results. This is now happening in Kosovo. The leadership of Kosovo has tried for years to warn western officials that if their peaceful demands continue to be ignored, other more radical groups would come to the scene with more radical needs.

In view of the fact that the Serbian regime has, for over a decade now, unleashed a corrupt police force in Kosovo, numbering around 50,000 troops licensed to kill, wound, beat and torture to death, beat severely, arrest arbitrarily, and rob the Albanians of money and other possessions, it was normal to expect that even the remarkable patience of the Albanians, especially of the young Albanians, would one day come to an end.

So, as a result of more than a whole decade of brutal repression, we now have alternative forces in Kosovo prepared to achieve liberation through other means. The problems in former Yugoslavia began in Kosovo and it seemed that it is in Kosovo that the finale where all characteristics of a new Balkan tragedy will be played out.

Let me briefly make two parallels that lead to the conclusion that unless adequate measures are taken urgently to stop Milosevic, a new conflict with unpredictable consequences is inevitable. In 1981, Albanians of Kosovo came up with their legitimate demand for the status of a fully fledged Republic of Kosovo. They felt insecure with a dual status which in fact made Kosovo an equal entity of the Federation but left it short of the name republic. This feeling was later justified because in response to this demand, Serbia, in cooperation with other Former Yugoslav republics, started the process of the elimination of the autonomy of Kosovo.

When in the late '80s, Milosevic, having bolstered the Serbian nationalism to delirious proportions, in a clear constitutional breach revoked the autonomy of Kosovo, other republics went along with this in the hope that Serbia would be satisfied with Kosovo and would leave them alone, whereas the west chose to stick to conventional diplomacy and treat the issue of Kosovo as an internal matter of the Former Yugoslavia, despite the fact that we had to deal with an aggression of one people against another people. This led to the disintegration of the country.

Ten years later, in 1991, when the Former Yugoslavia disintegrated, the only logical option for the people of Kosovo was to insist in exercising their right to self determination. Unlike others in Former Yugoslavia, the Albanians, led by their prudent leadership, chose to achieve their aspirations peacefully, step-by-step, in a civilized manner, and through democratic means.

When the war broke out in the Former Yugoslavia, the EC then, now EU, was given the job to intervene diplomatically in an effort to try to sort things out. The EC foreign ministers, having concluded that Yugoslavia had virtually died, readied a political decision giving the right to independence only to six out of eight federal units, thus ignoring Kosovo. The delicate job of placing this decision into some legal framework was then given to the Badintaire Commission. The same principles applied for the other republics could have, and can still be, applied in the case of Kosovo.

This decision was subsequently adopted by other states including the United States of America, and it is exactly this conventional attitude that is again creating all the necessary preconditions, not only for a new bloody disintegration of the Federal Republic of Yugoslavia, Serbia, and Montenegro, but very likely for an all out Balkan war.

Following the first wave of the massacre in Drenica, the Contact Group met on March 9 in London in order to come up disunited with measures that Serbia can easily afford to ignore and is in fact ignor-

ing. The resemblance of a situation in Kosovo to the beginning of the conflict in Bosnia is striking and the international community should prove that it has learned its lesson.

The United States involvement and determination to stop the conflict in Bosnia, came only after around 200,000 people died unnecessarily and only after the whole issue had been made more complicated by half measures and empty threats coming especially from many European countries, some of which have never managed to get rid of old sentiments toward Serbia. It is for the United States, as the only super power, to decide whether it is ready to take the lead now and save many lives from both sides, or later after a whole population has been massacred and at a higher price in every aspect.

The measures proposed by the Contact Group and other anticipated measures, such as prolonging the mandate and increasing the number of the UN troops in the Former Yugoslav Republic of Macedonia, and placing at the same time under control the border between Albania and Kosovo, are seen by many Albanians as the beginning of a process of total isolation of the people of Kosovo where only the Serbian troops will have full and free access.

Again, the international community will continue to stick to conventional diplomacy as Milosevic goes on to outmaneuver everybody by using the very means provided for him by the international community. This time it is the premature recognition of the Federal Republic of Yugoslavia by, first of all, the EU countries that has prepared the scene for a new conflict in the region.

The Belgrade regime needs exactly the same treatment as the Baghdad regime, and Slobodon is no different from Saddam. Coincidentally here we have also a good alphabetical order. In many ways, Milosevic is directly responsible for far more deaths and more devastation than Saddam himself, but both of them understand force only.

It is an illusion to expect that the Albanians of Kosovo will ever experience Serbia as their own state or accept to be citizens of Serbia, as it is an illusion to think that any Serbian regime will ever be prepared to treat the Albanians as equal citizens of the state. The Drenica massacre illustrates this best. If Serbia and the Serbs in general had been prepared to live in equality with other peoples, the Former Yugoslavia not only would not have disintegrated but would have probably been among the first to join the EU and NATO.

Those who have prematurely recognized the present Federal Republic of Yugoslavia should be aware that this Yugoslavia has far fewer chances of standing the test of time than the previous two Yugoslavias. It is also wrong to place all the hopes in the democratization of Serbia. Democracy will not necessarily solve the problem of Kosovo. Kosovo needs a political solution of her status now in order to make the establishment of democracy possible first of all in Serbia.

Kosovo now needs a clean solution, one that would subsequently make it possible for an integration process to take place. This can only happen if Kosovo becomes an equal entity with other entities in the region. An independent Kosovo poses no threat to any of the states around, and least of all to the Serbia real interests. I appreciate the importance of the Serbian religious monuments and their emotional ties with Kosovo, but I must say that no monument in the region can be more important than more than two million people living there.

Let me finish by saying that we urgently need help in order to remain peaceful because more and more Albanians are now looking for other means and this is all as a result of the massacre. I must finish by saying that there's no better solution than a peaceful one, and all the help should be concentrated for such a solution.

Thank you very much, Mr. Chairman.

Chairman **D'Amato**. Thank you, Mr. Zymberi.

I'm going to ask His Grace, through his spokesman, Artemije, the Serbian Orthodox Bishop, if he wants to make a statement.

Why don't you pull the microphone up.

Interpreter. Yes, His Grace will say a few words in Serbian. I will translate it. Then I will continue with our statement in English.

Chairman **D'Amato**. Fine.

TESTIMONY OF HIS GRACE ARTEMIJE, BISHOP, THE SERBIAN ORTHODOX CHURCH

Bishop **Artemije**. Mr. Chairman, honorable members of the Senate and Congress, ladies and gentlemen.

It is an honor and a privilege to appear before you today 7 years after His Holiness Patriarch Pavle of Serbia gave testimony in this honorable house. First and foremost, we want to assure you that we are not here today as emissaries or apologists for President Slobodan Milosevic and his autocratic regime. We are here as representatives of Kosovo Serbs who are frightened and who are under a serious threat of being completely ethnically cleansed from their homeland.

Interpreter. I will continue with the statement.

Bishop **Artemije**. We are also here to condemn the blatantly aggressive policy of the Albanian terrorists lead by so-called Kosovo Liberation Army as well as the excessive police repression. Both policies have already caused the unnecessary deaths of dozens of innocent people in Kosovo and Metohija on both sides. The ethnic Albanian terrorist groups carried out many terrorist attacks over the past 2 years aimed at provoking of international intervention. The internal goal still remains the same as before: terrorizing the Kosovo Serbs so that Kosovo can become an ethnically pure Albanian province. Mr. Milosevic, in turn, unleashed the police offensive which resulted in the deaths of not only terrorists but also of innocent civilians like in the recent action in Drenica. This cycle of violence must be put to an end immediately. Nothing will be achieved by war except destruction and carnage. Regrettably, we feel that neither President Milosevic nor the ethnic Albanian leadership grasps this simple fact. Both sides have learned absolutely nothing from the Bosnian civil war which threaten to engulf the entire Balkans with a disastrous armed conflict.

The Serbian Orthodox Church and the Serbian people of Kosovo and Metohija stand for a peaceful, democratic solution to the current crisis through dialogue. We also have detailed a proposal for the long term democratic settlement which, to date, has been ignored both by Mr. Milosevic's regime and the ethnic Albanian leadership. We present these proposals to this Commission.

The Serbian Orthodox Church and the Serbian people of Kosovo and Metohija condemn all actions, by any party, which have led during last few years to an escalation of violence in Kosovo and Metohija. We condemn all terrorist attacks perpetrated by ethnic Albanian ex-

tremists against Serbian civilians, Serbian officials, ethnic Albanians loyal to the Serbian state, and the religious monuments of Serbian Orthodox Church. We also condemn police repression and all excessive and indiscriminate use of police force, especially against the Albanian civilians. Further, we condemn the refusal of the Milosevic regime to institute open and sincere dialogue with the ethnic Albanian community to achieve a peaceful settlement. Likewise, we condemn the refusal of the ethnic Albanian leadership to embrace the path of peaceful dialogue with the Serbian authorities and the Serbian people of Kosovo and Metohija as well as their unwillingness to condemn armed attacks by the Albanian terrorist groups. We support the general condemnation of these terrorist acts by the United States administration and entire international community. Those attacks were calculated to lead to an escalation of violence and in fact have done so. We have detailed documentation of these attacks perpetrated in these last 2 years by the so-called Kosovo Liberation Army, especially in Drenica region. We present this documentation to this Commission as well.

We appeal to this Commission to understand that the conflict in Kosovo is not between the Serbian and Albanian people, but between an undemocratic regime on one side and a secessionist extremism on the other. We appeal to the United States to reject simplistic calls for military intervention in order to hand state power over to the ethnic Albanian leadership. Such an action, in light of the history of Kosovo and Metohija before 1989, would lead to the ethnic cleansing of the Serbian Christian people from the ancient heart of our homeland.

We, on the contrary, strongly believe in democratic, multiethnic, and multi-cultural Serbia. We believe that on this basis a cohabitation of all ethnic communities can be achieved. We support the idea of civic society in which all its citizens will have equal rights. We insist on full respect of the human and minority rights according to the highest international standards. We firmly oppose any change of international borders because such precedent would cause instability in the neighboring countries and the whole region. Our vision of the future of inter-ethnic relations lies in the full democratization of political systems, rather than in further territorial, political, and economic fragmentation of the Balkans. We strongly believe that every political issue cannot be used to raise new territorial claims. Therefore, our regional approach is an initial framework for the future political dialogue in order to achieve a long term stability and cooperation in the Balkans.

We call upon this Commission and the United States to endorse the proposals of the Serbian Orthodox Church and the Serbian people of Kosovo and Metohija for a genuine dialogue, without preconditions. Only in that way a peaceful, democratic settlement of the Kosovo crisis for all people of Serbia regardless of their nationality or religion can be achieved.

We express our deep sympathy for all innocent victims in Kosovo and Metohija and we pray to God to grant us wisdom and courage to preserve peace and mutual understanding because no one can build his own happiness on misfortune of his neighbor.

Thank you.

Chairman **D'Amato**. Thank you.

Doctor Bugajski.

**TESTIMONY OF DOCTOR JANUSZ BUGAJSKI,
DIRECTOR, EAST EUROPEAN STUDIES, CENTER FOR STRATEGIC AND INTERNATIONAL STUDIES**

Dr. Bugajski. Thank you very much, Mr. Chairman. Thank you, Congressmen.

I'm going to try to be very brief and succinct in the points I'm going to raise.

Let me just say, the way I see, the Kosovo crisis has now entered a very dangerous phase that could further destabilize the south Balkan region. This is a consequence of three developments, some of which I think have been mentioned here already this morning. First of all, the Serbian Yugoslav Government has shown little sign that it is seeking a genuine compromise with the Albanian leadership in Pristina now. On the contrary, the recent massacre of civilians demonstrates that Milosevic may be seeking to terrorize the Albanian leadership into submission rather than enticing them into a dialogue.

At the same time, Serbia itself is experiencing political radicalization and social corporatization. Increasing numbers of ordinary Serbs are becoming economically destitute and unfortunately may prove susceptible to xenophobic nationalism. Kosovo may be the next target manufactured by Belgrade to distract public attention from pressing domestic problems.

Second, growing sectors of the Albanian population in Kosovo have become, as was mentioned, disenchanted with the peaceful approach of their political leaders. Some are turning to more radical measures as the human rights situation deteriorates and the political stalemate shows no sign of resolution. The recent atrocities by Serbian paramilitary police will simply drive more angry youths into armed insurgency.

The pacifist Albanian leadership is fearful of losing control over the masses, particularly as the authorities may deliberately provoke wide scale violence as a pretext to forcefully pacify the territory or expel large numbers of Albanian civilians. Such a scenario, of course, would pose a direct threat to the stability of neighboring Macedonia and could embroil several other nearby countries in a spiral of conflict.

Thirdly, the international community has been increasingly perceived in Kosovo as unwilling to promote a peaceful resolution to the crisis. Indeed, the omission of Kosovo from the Dayton agenda and the hesitation of western governments in urgently negotiating a change of status for Kosovo has disillusioned many people who were banking on international support. Even some Kosovo leaders fear that the Albanians have been abandoned by the west in the forlorn hope of democratizing Serbia.

Unfortunately, it has taken the recent blood shed to focus international attention on the unstable and untenable situation in Kosovo. This has clearly internationalized the issue, regardless of Belgrade's protestations.

Let me say briefly a few words about international responses thus far. The recent measures applied by the Contact Group to defused the conflict will not likely be sufficient to solve the root of the problem, the absence of a political settlement. International leaders, unfortunately, continue to grapple with the symptoms rather than the

causes of the conflict. Without a durable political settlement between Serbian and Albanian leaders, mediated by the international community under American leadership, any tentative sanctions applied by the Contact Group will simply focus on conflict prevention and containment. In reality, the permanent prevention of conflict and blood shed is contingent upon the long term political solution to the Kosovo crisis.

And at this point, I'd like to offer a few recommendations. Again, I'll be brief.

In brief, I would say a durable Dayton type solution must be found for Kosovo, otherwise the measures applied would simply be temporary palliatives. A Kosovo Dayton must involve several key components, including the appointment of a high-level American envoy to focus exclusively on this crisis; the urgent convening of high level talks between Presidents Milosevic and Rugova under American mediation and with no preconditions, as well as the withdrawal of Serb para-military police units from Kosovo as a critical confidence building measure. Both incentives and penalties must be applied to make sure that a compromise is reached.

Essentially, I would say, both sides will have to draw back from the diametrically opposed positions in Kosovo's future. One credible solution is Kosovo's transformation into a third federal unit of Yugoslavia. Unfortunately, time may also be running out for this last possible option.

At the same time, any viable diplomacy in dealing with rogue governments that disregard international laws and human rights conventions, must also contain a strong military component. We saw this clearly in the case of Bosnia-Herzegovina where NATO bombing and the threat of a total decimation of the Bosnia Serb military persuaded Milosevic to reach a political settlement. Because of Milosevic's use of force now against Albanian civilians, Kosovo now occupies the same category as Bosnia. The United States, with its NATO allies, must always maintain a military option in dealing with Belgrade. If the slaughter of unarmed civilians were to be repeated or expanded, support for a more effective military response will simply have to grow amongst the allied powers.

If Milosevic is unwilling to negotiate seriously on Kosovo's change status but continues to rule through repression and civilian massacres, and thereby threatens the stability of the wider region, while at the same time the Albanian leadership shows good faith and a willingness to compromise, then the logical next step to breaking the deadlock, in my view, would be to deal with Kosovo as some kind of international subject. This could involve declaring Kosovo as a region with a special status, or a distinct entity as is the case with two entities in Bosnia. This would, of course, necessitate the demilitarization of the region, possibly under NATO auspices, and the placement of international peace keepers and human rights monitors.

Such a scenario, of course, would seriously undermine Belgrade's sovereignty over Kosovo and would place Milosevic in a greatly inferior bargaining position over the future status of the region.

And lastly, I'd just like to say that a successful negotiated settlement between Belgrade and Pristina on the future status of Kosovo, under American auspices, may in turn become an important catalyst for promoting the democratization of Serbia. The re federalization of

Yugoslavia, a new status for Kosovo, and increasing pressure for Montenegrin reform and self-determination could propel Serbia itself toward democratic constitutionalism and the rule of law. If they do not and Yugoslavia remains a kleptocratic autocracy, or it descends into some kind neo-fascism, then the status of both Kosovo and Montenegro would need to undergo further internationalization and revision.

Thank you.

Chairman **D'Amato**. Thank you very much, Doctor.

Fred Abrahams. Fred is a researcher with the Human Rights Watch. Mr. Abrahams.

TESTIMONY OF MR. FRED ABRAHAMS, HUMANS RIGHTS WATCH HELSINKI

Mr. **Abrahams**. Members of Congress, ladies and gentlemen, I'm very sorry to be testifying here today. For close to 10 years human rights groups, journalists, Balkan analysts, and some policy makers have been calling Kosovo a tinder box. Now it seems that the fuse is lit.

The human rights situation in Kosovo is extremely bad. Beginning on February 28, the Serbian police, paramilitary, and possibly the army began an all out attack on a triangle of villages in the Drenica region of central Kosovo, the alleged strong hold of a militant group called the Kosovo Liberation Army. All evidence indicates that the security forces used violence that was both brutal and indiscriminant. An estimated 80 people were killed, many of them civilians.

According to survivors, witnesses, and journalists, security forces attacked villages without warning, firing at women, children, and other noncombatant. Helicopters and military vehicles sprayed village rooftops with gunfire before police entered the village on foot, firing indiscriminantly into private homes. A pregnant woman, Rukia Nebihi, was shot in the face, and four brothers from one family were killed by bullets from behind. Ten members of the Ahmeti family were allegedly killed by security forces while in detention.

Laws may allow governments to take action against militant groups, but never to indiscriminately attack civilian populations or abuse anyone in detention. Whether we are dealing with international standards of police behavior or humanitarian law, the government is clearly forbidden to respond in such a violent and indiscriminate manner.

Some of what actually happened in the villages of Drenica may never be known because security forces have not allowed journalists or humanitarian organizations proper access to the region. The bodies of 51 victims were hastily buried in a mass grave before an international forensics team could perform an autopsy. Physicians for Human Rights is ready to send a group of experts, but they have not yet received a visa from the Yugoslav Embassy in Washington.

An estimated 100 people are currently in detention but the authorities have not said who these people are or stated the reasons for their arrest. Based on the brutal record of the Serbian police in the past, there is reason to fear that these people are being submitted to torture.

The Drenica region is still under siege. Local journalists estimate that 20,000 people remain in the area but humanitarian organizations have very limited access. Food and medicine are a serious concern. As many as 5,000 people from the region have fled to other areas of Kosovo or neighboring Montenegro.

Faced with this human rights and humanitarian crisis, and the risk of the conflict's spread, what should the international community do?

First, any response clearly needs U.S. leadership. Western governments are divided and like in Bosnia, only a U.S. led initiative can effectively address this crisis. Thus far, the U.S. response has been verbally forceful and we hope that the apparent determination will not only continue but be backed up by action.

Last week the State Department offered \$1 million to the International War Crimes Tribunal in The Hague for investigation of alleged war crimes in Kosovo. This is a good first step, but more financial support is needed and the U.S. should encourage other countries to contribute in kind. In addition, the U.S. intelligence community should be asked to share information on atrocities in Kosovo with the tribunal to help it establish accountability and the chain of command.

The U.S. should encourage the Security Council members to impose a comprehensive arms embargo on the Federal Republic of Yugoslavia. If this proves impossible, then a regional embargo by neighboring states will help deny the Serbian authority the weapons they are using against civilians.

Economic sanctions should target the financial apparatus such as Beobanka, that oils the Serbian political machine. Any sanctions that are imposed should not be lifted until the Serbian authorities meet a set of clearly defined benchmarks, such as the withdrawal of Serbian police forces from Kosovo, the readmission of OSCE monitors, and the restoration of civil and political rights in Kosovo which is the root cause of this crisis. The U.S. should forcefully encourage our allies to pursue a unified sanctions policy, especially Italy and Russia who have expressed reluctance.

But sanctions should not keep the U.S., other governmental and non-governmental donors from assisting the small but important civil society in Kosovo. Outside moral and financial support is critical to promote the ethnic Albanian independent media, human rights groups, and women's organizations, as well as Serbian groups throughout Serbia who are fighting for a more democratic Yugoslavia. Albanian groups in Kosovo should be rewarded for the peaceful approach they have taken thus far.

One immediate step is to strengthen the preventive deployment force in Macedonia, perhaps with NATO troops as is being discussed. But a civilian component to this presence is also critical to monitor internal developments in that country. Although no where near the level of abuse in Kosovo, ethnic Albanians in Macedonia do not enjoy equal rights, and this heightens the risk of the conflict spreading.

In all of its policy objectives, the U.S. should keep focused on the man behind the problem, Slobodon Milosevic. The question of Kosovo, Macedonia, and the Balkans as a whole are linked to his unyielding grip on power, which is to the detriment of the Albanians and Serbs alike.

Most importantly, we must learn from past mistakes. In 1991 the West watched as Bosnia burned. Since Dayton, the U.S. has simply hoped that the Kosovo problem would melt away under the literary heat of passive nonviolence. Now is a moment to take preemptive steps before the downward cycle of violence gains too much momentum.

Thank you.

Chairman **D'Amato**. Thank you, Mr. Abrahams.

Nancy Lindborg.

**MS. NANCY LINDBORG,
DIRECTOR, WASHINGTON OFFICE,
MERCY CORPS INTERNATIONAL**

Ms. **Lindborg**. Thank you, Senator D'Amato, for this opportunity to speak today about the humanitarian needs and responses currently underway in Kosovo. Mercy Corps has been providing assistance to the needy since 1993. We've implemented emergency relief and rehabilitation projects, including the distribution of foods, medicines, seeds, clothing, upgrading health facilities, rehabilitating agricultural projects and displaced person centers.

We, as others, work primarily through the Mother Teresa Society, which is the oldest and largest indigenous NGO in Kosovo. We've been able to provide this assistance through the generosity of the United States through the U.S. A.I.D. Office of Foreign Disaster Assistance, and importantly, also through the leadership support of the congressional caucus.

This caucus has made an annual recommendation to allocate \$6 million in aid to Kosovo which has been critically important, and I would like to thank those of you on the Commission and those of the caucus for that ongoing support.

However, since 1993 we have seen the continued deterioration of the economic, social, and political conditions in Kosovo. As many of you know, ethnic Albanians have little access to education, jobs, health care, or pensions. This has created a vast need, a growing frustration, a political stalemate, and no political solutions in sight.

I offer the following statistics to starkly illustrate that downward spiral. In 1990, the number of beneficiaries served by the Mother Teresa Society was 15,000 individuals. In 1997, before the recent wave of violence, that number had jumped to 435,000 individuals. These are the people with nothing. The rest of the population, with an official unemployment rate of more than 70 percent, has next to nothing.

Moreover, of approximately 400,000 ethnic Albanians currently living and working in Germany, with another 12,500 in Switzerland and more than 60,000 in Sweden and other European countries. Germany and Switzerland have both begun repatriation programs to send these refugees back to Kosovo. These refugees are primarily young men who have been working and sending money back to their families. Thus far, only about 4,000 have returned but all of them usually to no job or job prospects and a family they can no longer support. This is a recipe for escalating frustration and a turn to violence, despite the emphasis on peaceful solutions advocated by Kosovar leadership.

And I paint this picture as an important backdrop to the long feared outburst of violence that has occurred over the last two weeks. I won't recount those events but rather provide you an update on the situation today and the humanitarian response underway. We are working with the Mother Teresa Society to locate the internally displaced persons from the triangle area that was under fire by the Serbian authorities. Our current best estimate is 25,257 internally displaced persons. That information is being updated daily and the result of more than 6,000 volunteers trying to gather this information. The number has remained relatively stable since the weekend although this population seems to be shifting around from village to village. Most are staying with host families who already have little food and scant space to offer.

Our field team has talked to numerous families who would like to return home but are still too fearful. Sniper fire is continuing in the surrounding hillsides and villagers fear another round of killings by the Serbian authorities. UNHCR has reported a trickle of refugees returning home but we have no hard numbers yet. A significant return is unlikely in our estimation for another two to three months, although some may return to explore spring planting which is critical for their very fragile food security.

Of the 14 areas sealed off in the triangle area on March 5, we've had little information on those who remain there. NGOs have been barred from bringing supplies to those areas until just the last few days. We have reports of perilously low food and medical supplies in those villages.

International NGOs are well coordinated in our effort to pool our resources and deliver aid to both those villages and the IDPs. Mercy Corps has been designated the coordinator for food, clothing, hygiene supplies, and cold weather materials. WHO is coordinating medical supplies. International Rescue Committee is coordinating water and sanitation efforts. Through the Office of Foreign Disaster Assistance, we have just received \$176,000.00 to feed 7,000 IDPs for about 30 days. There are other commodities coming from Europe. We're coordinating those supplies, but it's far from enough.

The local Kosovar community has rallied as well with the host families bearing the greatest burden. Local vendors and shop owners have donated tremendous amounts of food for distribution to the IDPs. Most local children are bringing toys and clothing to those families who no longer have homes.

NGOs are beginning to have access once again to the outlying areas, but slowly. On Monday Mercy Corps and MSF were both able to make small deliveries of food and medicine to Srbica which is the first delivery possible since the violence. In coordination with three other NGOs, our staff will return today to Srbica in a convey of seven Land Rovers and two trucks to bring in the first significant delivery of food, blankets, and warm clothing, all of which is desperately needed. However, all of these aid efforts remain hampered by numerous police roadblocks and check points. Our vehicles are routinely stopped and searched, and fined. Our staff is harassed and threatened. International Committee for Red Cross has pulled their staff out due to death threats. Security remains an enormous concern, both for the displaced villagers and for our international staffs.

Unfortunately, the emergency in Kosovo will not end with the safe return of IDPs to their villages. Their needs will be as great once they are home and as they attempt to rebuild their lives. Beyond villages destroyed by this recent outburst is an entire region trapped in an intractable political situation and near total economic collapse. We also are looking at the need for contingency planning should there be another wave of violence that sends even more refugees throughout the region and possibly into Macedonia or Albania.

I urge your support for the following: increased emergency aid for the growing population of IDPs and creation of a safe corridor to the affected villages to ensure we can reach those still living there. Increased funding for ongoing emergency assistance programs. Even before this latest crisis, less than half of those in need were receiving some of the basic assistance they require. We estimate that some \$80 million would be needed to entirely meet the needs of this pre-crisis beneficiary list. We're not advocating that the U.S. shoulder this entire burden, but it serves as a sobering contrast to the \$6 million we've provided annually.

Thirdly, to increase development programming. To date, all U.S. assistance has been emergency based. We urgently see the need to emphasize civil society development, agricultural, health, microcredit, and economic development programming to help alleviate the hopelessness that affects many Kosovars now. These activities need to continue and expand to give the Kosovars back their hope for a viable, sustainable life beyond emergency handouts. We've heard repeatedly from people that what they want most is a job, the ability to support their family, and their life back.

Finally, and most importantly, we need political and diplomatic solutions that go hand in hand with humanitarian assistance. We can't continue to provide the Kosovars only the basics for survival without also offering them some hope of a better future. Humanitarian and development assistance can provide the necessary space for a diplomatic solution to take hold, but it's imperative that the two proceed jointly. Kosovo has been too long ignored by the overall international community.

The United States has thus far been the largest and most active donor in Kosovo for the last 6 years, providing a total of \$32 million to date. The United States Information Agency office in Pristina has served as a beacon for many Kosovars who take heart that someone in the international community is paying attention. Our support as a nation, and your support as concerned members of Congress, have been keenly appreciated in Kosovo. Your continued support will make an enormous difference for the future of 2 million Kosovars.

Thank you.

Chairman **D'Amato**. I want to thank you. I want to thank all of our witnesses and panelists.

Let me just ask, first of all make an observation. I think that what we see here is a power crazed individual by the name of Milosevic who has once again put aside any concern for the likes of people. Indeed, has killed, and tortured, and threatened, and created incredible harm to the most vulnerable, to elderly, to children, to women, not to military combatants. Has created an atmosphere of fear that permeates the villages which his thugs and goons have terrorized to

the point that, as a number have testified, Mr. Abrahams and Ms. Lindborg, that people are not going back for fear that this repression will continue.

To suggest that this was a legitimate response to terrorist activities that may have been carried out by the so-called Liberation Group is irresponsible. No way could anyone believe that these villagers were responsible, or harboring, or posed a threat to Serbia or to peace. We've seen him in the past. He's not changed his ways.

But the only problem that I see today that is even more damning and difficult is the almost deafening silence on the part of the United States and on the part of the international community. It is a deafening silence that I am concerned about gives greater support to Milosevic and his thugs, and gives encouragement to him to continue. It is demoralizing and it feeds into, what Doctor Bugajski has indicated, to the frustrations, and to what Isa Zymberi has spoken about, to the frustrations of the population of Kosovo. Thereby feeding this militaristic actions against the Serbs and Serbian people.

No good can come of this. I have to come back and ask Doctor Bugajski, if you were going to prescribe a methodology, and you did testify to a number of points, would you give us rights for attempting to deal and avoid the quagmire of violence that is going to expand and that will involve I think terrible, terrible consequences, well beyond anything that we can imagine and I've seen to date. We've seen some terrible things. But, I am very disheartened at what I perceive to be a lack of meaningful actions and attention by the international community and by the United States to deal with this problem before the actions we have seen to date look like nothing. The killing of 58 people, or 71 people and we can't even get a figure of that, will just pale in comparison.

And what a tragedy. To come in and kill women, and children, and just murder them, just murder them. Here is the international community in this country doing very little, almost nothing. I mean, platitudes, platitudes.

What would you do, Doctor? What do you think we can do, given the complexities of the situation?

Dr. Bugajski. Right. Well, let me just say that to avoid the kind of scenario unfolding which, as you point out, could be much worse than Bosnia, because we have a potentially bigger population that could be susceptible to the sort of violence that we saw in Bosnia, with a potential of a spill over to Macedonia, Albania, and other neighboring countries, we have to deal with the key political issues. What is going to be the status of Kosovo? Is it going to be an independent state? Is it going to be part of some kind of new Yugoslav federation? Or is it going to remain some kind of autonomous zone within Serbia? Those decisions, I think, have to be reached at the highest political levels under American leadership.

This is why I think American mediation is absolutely essential. I believe it is only the United States that has the credibility on both sides, whatever the anti-American rhetoric coming from Belgrade. We have the credibility because we can back it up with force. Because we have the muscle to make sure the agreement is implemented, as we saw in Dayton.

And I think what we have to do is bring Milosevic and Rugova together. It's no use sending officials, lower level officials, from the so-called Serb Government which is really only repeats what Milosevic wants them to repeat to Pristina. I think there has to be high level negotiations between Milosevic and Rugova, maybe even outside the country under international mediation. A little bit like what we saw in Dayton, with maybe a slightly adjusted formula. They have to hammer out an agreement.

I think without that, the confidence of the population in the international community is going to shrink. They're going to say if you can't resolve this peacefully, we're going to fight for it. What is the better option?

Secondly, I think Milosevic will test us. He has tested us, I think, through his recent actions to see how we react. If we don't react properly, if we don't back up what we're saying with what we do, then I fear that massacres can be repeated in other parts of the territory and may indeed lead to massive bloodshed throughout Kosovo in the near future.

So, that would be in summary what I would suggest.

Chairman **D'Amato**. Thank you, Doctor.

Congressman Hoyer.

Mr. **Hoyer**. Thank you, Mr. Chairman.

Doctor Bugajski, I agree with that. I, and other members of this Commission, as you know, were some of the strongest advocates of early U.S. military intervention in Bosnia. I, along with Senator Dole and others, was the sponsor of the unilateral lifting of the arms embargo, absent international intervention. I believe that had some effect on the ultimate ending of hostilities. You may recall that it was in August when the international community moved forward. After that it was the House and the Senate passing the unilateral lifting of the arms embargo. Senator D'Amato, of course, was very much involved in that as well.

Let me ask the Bishop some questions. Let me first make an observation to the Bishop.

I thought his statement that the conflict in Kosovo is not between the Serbian and Albanian people but between an undemocratic regime on one side and a secessionist extremism on the other side. Clearly, the people have been able to live together, as they were able to live together in Bosnia. The population of Sarajevo was a truly international, culturally diverse, ethnically diverse people living together.

Has the Orthodox Church in Belgrade spoken out as forthrightly and as strongly as you have spoken out, Bishop, today with respect to Milosevic's inflaming the ethnic passions of the people in Belgrade and in Serbia against a resolution of this issue?

Bishop **Artemije**. First of all, all we are doing is with the direct blessing and support of His Holiness Patriarch Pavle and other bishops, colleagues who took parts in the national church assemblies where they crystallized our positions. It means that the whole Orthodox Church in Serbia is supporting what we are saying here today. But I would ask for a little patience to be allowed to say a few words about the position of the Serbian Orthodox Church in the last 50 years is Kosovo. I'll try to be very brief.

The present Patriarch of the Serbian Orthodox Church was the bishop of Raska and Prizren, that is the Kosovo area for 34 years, from 1957 to 1990. He was patiently following the suffering of the Serbian Orthodox Church and its people from the Albanian separatists. He regularly informed the Holy Sinod of Bishops and our church. There is ample documentation on that matter.

Serbian Orthodox Church sent from time to time its appeals to the Serbian officials and the governmental institutions at that time and asked that the government protects the Serbian people in Kosovo and Metohija from violence of the ethnic Albanians of that region. But nothing changed.

In the whole series of these appeals, it is of special importance the letter written by the Holy Sinod of Bishops on the May 19, 1969, and it was written to President Tito. In that letter, among other things, it is said, this violence in Kosovo sometimes it calms down. But it appears on the other side in much more serious form. In the last one year, it manifested in very difficult forms. It is not only the destruction of crops in our fields, the cutting of wood would damage the Monastery Devich and others, a destruction of their tombstones like in Kosovo, Drenica, and other places. But also the physical attacks, even on nuns.

Mr. Hoyer. Excuse me. Bishop, I understand your position that there have been in fact wrongs committed against the ethnic Serbian minority in Kosovo. I have heard those accounts and appreciate your position on that.

You have indicated that the Orthodox Church in facts does support your statement, which, of course, was my question. Let me ask you something if I might, sir. You indicate that you strongly believe in a democratic, multiethnic, multi-cultural Serbia. What is the position of the Church as it relates to a democratic vote in Kosovo to determine their status.

Bishop Artemije. According to the opinion of any Serbs and the Serbian Orthodox Church, Kosovo is a constituent part of Serbia. If there should be a voting about Kosovo, there should be a voting on the whole territory of Serbia because Kosovo didn't exist as a separate administrative unit.

Mr. Hoyer. Bishop, I understand that answer. I presume, therefore, that the ethnic Albanian minority of Kosovo, as it relates to all of Serbia, would lose such an election. Do you believe that the status of Kosovo was legally changed in 1989 by Mr. Milosevic?

Bishop Artemije. Actually, the status of Kosovo was changed in 1981. The Albanians were granted autonomy, wide autonomy, in the 1974 constitution with many elements of statehood. During that autonomy, they made great pressures which caused displacement of many Serbian people from Kosovo. They showed great impatience. So, in 1981, they made an insurrection asking for the status of republic. In that way, they actually abolished their autonomy.

And in 1990s, the regime of Mr. Milosevic, whom I don't have any intention to justify, he only reduced and limited the rights of that autonomy in order to protect the existence of Serbs in Kosovo. Concerning the human rights, they are not denied to the Albanians in Kosovo. They don't want to use them in the Serbian state. In that way, they're making a pressure on the international community to realize their final aim that is the secession of Kosovo from Serbia.

Mr. Hoyer. Bishop --

Bishop Artemije. I think if Serbia and the whole region are democratized, the idea which we are supporting firmly, I think that we may live together in Serbia and Kosovo as we lived before. That is that Serbia is a multiethnic and multicultural state.

Mr. Hoyer. And Bishop, last question on this issue. To what extent would that accord to the people of Kosovo, both in Serbian and Albanian ethnic extraction, the right to self determination?

Interpreter. Would you please repeat to understand the question better, please?

Mr. Hoyer. I understand what the Bishop said about living together. I think that would be the objective of everybody, that that could be done as it is in Bosnia. My question to you is, however, to what extent would a resolution of this matter require the ability of those who live in Kosovo to democratically determine their own policies?

Bishop Artemije. We want that in that dialogue about Kosovo beside the Serbian state and the Kosovo Albanians also take part, the representatives of the Kosovo Serbs who are living there, who are not mentioned either by the Belgrade regime. Unfortunately also not by the international community. We speak a lot about the violation of human rights of Albanian population. We agree that there is a lot of evidence in that sense. But also we Serbs are also deprived of many human rights, not only in Kosovo and Metohija, but also all Serbia, unfortunately.

That's why we are talking about the necessity of a democratic solution.

Mr. Hoyer. Thank you, Bishop.

I would like to ask one last question, if I can, Senator, I know that I have taken a lot of time, of all of the witnesses. You have all spoken, I think, very effectively from somewhat different perspectives but nevertheless with a similar conclusion, that, (a) we have a crisis on our hand. (b) That we need to act quickly both for humanitarian concerns and political and security concerns. My question to all of you is, (a) do you believe there is any sentiment in Europe among the European nations to act? And, (b), if so, in concert with the United States, how do you think that ought to be carried out?

Mr. Abrahams. May I begin?

I think European policy on this issue is very troubled from a number of perspectives. First of all, as you know, the United States does not have full diplomatic relations with the Federal Republic of Yugoslavia while most European countries have reestablished these norms, these relations. There has been a willingness to readmit Yugoslavia, the Federal Republic, into European structures more readily than the approach the United States has taken. The outer wall, for example, remains in place.

And, a key point is the various economic interests of the European countries. I draw your attention to an excellent article in today's--this week's Economist which highlights the economic interests that Greece has in the region. In addition, Italy, as I mentioned in my testimony, has been hesitant to implement sanctions. They're currently involved in a large privatization program with the Serbian telecom.

So, clearly, I think the United States can play a role by trying to demonstrate the importance that, I mean, in the long term, our economic--these economic interests are at stake if the region continues to burn.

Mr. Hoyer. Mr. Abrahams, I've just been informed, unfortunately, you heard the beeper and there's a vote. I suppose, tragically, the vote is about Northern Ireland so I need to be there. There are so many areas of the world that have trouble living with one another.

Before I leave could you briefly comment on that question?

Mr. Zymberi. Yes, since you mentioned Northern Ireland, let me say that if democracy solved problems, then U.K. The Republic of Ireland would have solved the problem of Northern Ireland long ago. But, the problem still lingers on.

As a direct answer to your questions, I think if left to the European countries, the problem will only be made more and more complicated and it will be, again, the U.S. that will eventually have to intervene directly. It will be again more complicated for the United States to do a proper job. I understand that the United States needs to work with their allies, but it's better to do that now than later.

Now, if I'm allowed, I'd like to just clarify a couple of things. First of all, terrorism is here mentioned quite a lot and Albanians are being called terrorists. I would like to say here that the definition of a terrorist, according to the Serbs, is every Albanian. I want to say that the only source--

Mr. Hoyer. I apologize. I've got five minutes to make a vote over on the House floor so I have to leave immediately. But if you will give your answers, I assure you I will read each one. I'm interested in your observations and I have great concerns about whether the Europeans are prepared to, or capable of, leading and agreeing with one another without U.S. leadership. I think that is a lesson we have learned, particularly Bosnia.

Thank you and I apologize for having to leave.

Mr. Zymberi. May I continue?

Yes, I wanted to say that the only source of terror and terrorism in that region is Belgrade.

Also, the term secessionism is often mentioned. We feel that since the common sovereign power has collapsed, that is, since the time when the country disintegrated, we have simply been refusing to join the newly created country rather than trying to secede. We do not have anybody to secede from right now. We simply feel we are occupied.

Regarding to the condition of the Churches in the last 50 years, I must say that a lot of the descriptions that were given here have to do with the communist regime. All religious monuments were in trouble at that time. But, to accuse the Albanians simply is unfair because it is known historically, not just now, that it was the Albanians themselves who took care and looked after the Serbian religious monuments, especially during 500 years of the Ottoman Rule, and that's why they are intact today there.

Regarding also the displacement of the people, that is, that the Serbs have been driven away from Kosovo by the Albanians, again that has nothing to do with the truth. Albanians of Kosovo managed to get some status within former Yugoslavia only 30 years after the libera-

tion, that is in 1974. They enjoyed autonomy only for about 7, 8 years. Since 1981, that was only formally autonomy which was used by Milosevic later but never in actuality.

I do not understand the statement here that Albanians of Kosovo refuse to enjoy their human rights. This comes to the same as if saying that we voluntarily present ourselves to be beaten and humiliated in every aspect in front of the police then.

I think if we start echoing things of the past, especially things that have happened in the 1980s, and doing that without having anything to do with the actual truth, that creates further risks of going away from the problem right now. I'm aware that, especially the Serbian propaganda has been extremely effective, especially in launching the so-called patristic lies and serving them to the people. That has caused a lot of damage. But that should never be taken as a basis for some viable solution to the problem.

Chairman **D'Amato**. You know what, Your Eminence, I don't want to get into a historical debate as to who did what, when, going back to 500 years. I mean, I am interested in attempting to get a clear picture, and let people know clearly, what is taking place now, what has taken place in the past several weeks and months, and which is horrendous. Which is horrendous. I don't care if we're talking about taking of one innocent life on either side, and this goes far beyond that. It is not tolerable and particularly when it is organized by a government.

And the attack on those villages, and I do not attempt to place you as defending that. You, indeed, were quite specific in saying you are not here to defend Milosevic's tactics. Well, I'm here to gather more information which we have, I think. Nancy Lindborg described in terms 400,000 plus impoverish people who cannot even get help because the Serbian authorities are threatening the very people, who constitute and certainly are attacked, the delivery of food and medicine, and they can't do their job.

And we're sitting around here trying to equate the act of the so-called liberation which I don't defend and nor does Mr. Milosevic from what I understand, with the organized systematic invasion, and keeping basic humanitarian efforts which have been operated in the methodology of Mother Teresa who present no threat to Milosevic. They are being stopped from their job. They can't even get through medicines because they're being terrorized.

Now, listen, I don't want to get into this who did what to whom during World War II, and who--that's old. We have a situation here now which is going to take real lives and real people, and pluck them into a horrible confrontation and conflict if the United States and our allies fail to act appropriately. I must tell you as one, I am saddened and deeply disappointed that our country, the United States, has not been more forthcoming and has not let Milosevic know that he will pay a price if he continues this. His tact, his aggression, has to be stopped. If it doesn't, we'll be there and there will be hundreds of thousands of lives that will have been destroyed. We'll say, oh, we should do something now. It's going to be a lot more difficult when those hundreds of thousands of people, babies, innocent people, on both sides, on both sides, Serbs and Albanians on both sides wind up being victimized. Because why? Because we have some governments who are more interested in their own political opportunism because

we've got the Italian Government that wants to build a telephone system over there, or buy it out. Because the Russians have got a \$1.5 billion arms deal. Because they're more interested in making profits than in dealing with a difficult, and it is a difficult, situation politically, to bring the parties together and to say--to have Milosevic and have Rugova meet in an air where they're going to determine what the status and how you deal with Kosovo in an enlightened way, protecting the interests of the ethnic minorities as well as the majority population. Let its people live as human beings.

You cannot have a situation and deprive people of an opportunity to work and think that they're going to be happy. This is not a time when people are serfs. I don't mean to be lecturing you but--and I don't address it to you. I address it to the status that exists. This is incredible. No one is there. You're just there out of sufferance. You're here. You're living in our land but you have no rights? What do you think people are going to say? They want a right to live as human beings. This is unconscionable. Where you've got a bunch of liberation people so therefore you burn our crops and therefore we're going to send in the army to destroy you, and you shoot a bunch of women and children. We know what's going on. They don't want those villages and those areas to be populated. They're moving out the Albanian population. No one's going to go in there now. By the way, don't even have to have armies there. If I go there and shoot you, you don't have to be a rocket scientist to say, well, two weeks from now shall I go back and live in the house. You can say, well, the house is there for you to live in. Why don't you go there when at midnight they're going to come back again, or two days later, or two months later, and kill me and kill my women and my children. This is incredible.

And we're sitting talking about what took place 500 years ago. I mean, really, there's enough horror that goes back 500 years ago and you can't determine and change history, and I'm not going to try to make a judgment on that. But I am here to say what is taking place now is absolutely unconscionable. Notwithstanding that the so-called liberation groups may have undertaken acts that cannot be justified because I don't think you can justify. The fact of the matter is, that that's does not compare nor justify moving in on civilian populations, terrorizing them, driving them from the land, and that's what they want.

Those don't constitute any threat to Serbian authority. The situation is because we have failed to say Milosevic, if you do this--President Bush did it and President Clinton, after he got elected. He said if you go into Kosovo, we're going to bomb you.

Now, we have failed to state that we will take unilateral action and we will hit you and we will strike to get you to stop. It just seems to me, and it's my observation that Milosevic is not a man of tolerance. He's a man that understands only threat. Only force. It's unfortunate but we have people like that in this world and he's one of them. He's a bully, dictator who by any standards should be tried by the international courts as a war criminal. He and Saddam make a great pair. A great pair.

Notwithstanding that, the fact of the matter is we should encourage by every means possible, this government and our allies, that there be a conference and an opportunity. That Milosevic and Rugova do come together for the purpose of attempting to establish some

methodology of governance for Kosovo so that we can keep the innocent from being slaughtered and to keep this situation from exploding.

And once it explodes, and maybe that's what some people want. I think we have a lot of sick people. I think there may be some people who are looking for this. They think this is a way to cover up the shortcomings of what's taking place in Serbia today. It is a tragic situation but the business of saying who did what to whom 500 years ago, I'm not going to count it instead.

If there's anybody who wants to make some constructive suggestions before we leave, I'm willing to take them before we adjourn.

Ms. Lindborg, you want to say--Bishop?

Bishop **Artemije**. I must say that concerning the present necessity for the people who are in difficulty, I am assuring you it is the thing to be done now.

We must find a way to help the people who are suffering now on both sides. We have been begging for years on that, that the worst is prevented. We're not speaking about a history from 500 years ago. We speak about that what happened yesterday because we must know that the problem of Kosovo didn't start two weeks ago when there was this action.

Because on the other hand, if the international community takes only one side, they are not going to be discouraged but provoked. Furthermore, the sanctions which are put upon the Serbian people and which are possible to be imposed again, they're not actually targeted at the target. They're actually making a bad influence on the people. The one side, we cannot trample upon the lives of another and I think that if there is a way to make them have a dialogue and the economic development of the whole area is started, and the general democratization, we can live together. That is my opinion.

Chairman **D'Amato**. There seems to be rather broad consensus here that, without getting the principals to sit down, there's little likelihood of anything taking place. The principals will only sit down, and that is Milosevic and Mr. Rugova, if you have very strong unilateral action from the United States urging this as well as hoping to get as many of our allies in Europe to urge this course of action.

Some of them, I watch the way they deal in other situations. They're more interested in their own economic gain, unfortunately, or their historic ties in terms of attempting to avert a major crisis. But notwithstanding that, this should be an effort that we, the United States, undertakes with all due dispatch.

And I must tell you, I detect a total lack of passion, or action, or commitment, that really this crisis needs. I'm sorry to predict to you that if this continues, our attitude, that is out of the United States, of treating this almost with indifference, that there will come a time in the not too distant future when the carnage will be absolutely incalculable. It will be horrendous with a significant loss of life and disruption of people that will follow, is something that all of us will have to have on our conscience.

We are getting down to the eleventh and a half hour. You cannot have the kinds of situations we have seen in the last several weeks be replicated too often without there being terrible consequences. That means the extremes on both sides will begin to gather more and more

force, and more and more power. Those who court them and do championing a political settlement, their voices are not going to be heard. That's the tragedy.

[Whereupon, at 11:55 a.m., the Commission was adjourned.]

APPENDICES

PREPARED STATEMENT OF CHAIRMAN ALFONSE D'AMATO

Today's hearing of the Commission on Security and Cooperation in Europe is called to examine the current, critical situation in Kosovo. In recent days, continuing Serbian repression of the Kosovar Albanian majority population has triggered an escalating spiral of violence that demands U.S. leadership now to stop another outbreak of ethnic cleansing and achieve a peaceful resolution to the crisis.

This is one of those times when all people of conscience must speak out; and we must take action to stop the slaughter of innocent men, women, and children.

Our distinguished panel of witnesses includes Mr. Isa Zymberi, who is the Director of the London Office of the Kosovo Information Center. Mr. Zymberi is a principal international spokesman for the leadership of the non-recognized "Republic of Kosova." The Honorable Joe DioGuardi, a former Congressman from New York who is a prominent activist on Albanian issues, is a witness. We also have with us Mr. Fred Abrahams, of Human Rights Watch/Helsinki, who is a leading expert on human rights violations in Kosovo. Joining him at the witness table are Dr. Janusz Bugajski, the Director of East European Studies at the Center for Strategic and International Studies, and a leading expert on Balkan affairs, and Ms. Nancy Lindburg, who is the Director of the Washington Office of Mercy Corps International, a leading provider of humanitarian assistance in Kosovo. Finally, we have the Serbian Orthodox Bishop in Kosovo, His Grace Artemije.

I welcome these witnesses and look forward to learning their views on the situation in Kosovo and what we should do to achieve a peaceful resolution of the crisis there.

Before turning to our witnesses, I want to take a few minutes to discuss the situation in Kosovo.

Two steps are needed to reach a peaceful solution to the crisis. The first is U.S. leadership to make President Milosevic believe that the world will not stand by while his goons conduct another genocidal episode of ethnic cleansing. He must know beyond a shadow of a doubt that we won't stand for it.

The second step is talks between Milosevic and the Kosovar Albanian leadership, without preconditions. Milosevic's recent offer to talk with "responsible" Albanian leaders was a sham, and was rejected by President Rugova. The crisis must be settled fairly, democratically, and without coercion between the parties. Any settlement reached must respect and protect the human rights of all persons residing in Kosovo.

The recent violence has claimed the lives of more than seventy Kosovar Albanians at the hands of Serbian police and paramilitary forces. In addition to young men of fighting age, the dead included the elderly, women, and children.

Published reports state that the body of Adem Jashari, the alleged Kosovo Liberation Army leader who was the alleged target of the massive Serbian assault, looked like he was killed with a knife.

We witnessed the Bosnian genocide. We resolved that the world would never again stand by while innocent people were slaughtered. While the recent outbreak of violent oppression has now come to a

halt, Serbian police and paramilitary units still occupy the center of Kosovo. There is no sign that these horrible violations of human rights have actually ended.

The United States, and this Commission, have key roles to play in the effort to restore peace to Kosovo. Clearly, the situation is not now stable, and after these Serbian assaults, a return to the situation as it was before is not possible. The U.S. must press the Contact Group, which will meet here in Washington on March 25th, to agree on a joint, strong stand against Serbian ethnic cleansing. Anything less won't deter Milosevic.

So far, the international response to the crisis has been swift but far from united and decisive. The Contact Group, comprised of the U.S., Russia, the United Kingdom, France, the Federal Republic of Germany, and Italy, met in London on March 9th. The U.S. called for six strong measures against Serbia and Montenegro, but only two were adopted.

These sanctions are: 1) a refusal to supply equipment to the Federal Republic of Yugoslavia which might be used for internal repression, or for terrorism; and, 2) on the part of the U.S., the U.K., France, Germany, and Italy, a halt to all government credit to Serbia and Montenegro, and a denial of visas for senior Federal Republic of Yugoslavia and Serbian representatives responsible for repressive action by FRY security forces in Kosovo.

Stronger measures were not agreed to. Among the proposed sanctions were an international freeze on all Serbian and Montenegrin financial assets.

The International Criminal Tribunal was invited to begin gathering information on what had happened in Kosovo, and former Spanish Prime Minister Felipe Gonzalez was asked to go to the region to mediate the crisis. The Contact Group also supported the return of the OSCE long-term missions to Kosovo and other parts of the Federal Republic of Yugoslavia, something this Commission strongly supports.

Lastly, the Contact Group said, "We demand that President Milosevic commence a political dialogue with moderate, peaceful [Kosovar Albanian] leadership to find a solution."

The international community can and must do better.

Here, today, we will listen to our witnesses tell us what is going on in Kosovo. Mr. Zymberi will tell us what it feels like to Kosovar Albanians to live under Serbian rule. Mr. Abrahams will tell us about the human rights violations. Ms. Lindburg will tell us about the problems of getting humanitarian assistance to the people of Kosovo. And Dr. Bugajski will advise us about the prospects for achieving a peaceful resolution to the problem. The Bishop will provide a Serbian perspective on the situation.

At this point, I will turn to my distinguished colleague and Co-Chairman, Congressman Chris Smith from New Jersey for any comments he may want to make.

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

In recent weeks, Kosovo has increasingly been in the media, given the Serbian action against several villages and the death of as many as 80 men, women and children. The bloody violence is very disturbing and there is legitimate concern that full-scale fighting could spill over into neighboring countries, which could lead to a potentially dangerous confrontation in Europe.

Kosovo is not new for the Helsinki Commission. In the late 1980s and early 1990s, the treatment of the people of Kosovo was among the leading human rights violations in the former Yugoslavia documented by the Commission. With hearings and congressional and staff delegations to Kosovo, the Commission has continually pressed for action to address the problems there. Amid the conflict in Bosnia and in this post-Dayton era, the Helsinki Commission has kept a trained eye on the ongoing repression in Kosovo. Absent more meaningful efforts by Belgrade to respect human rights, we should not be surprised by this latest confrontation.

It is a sad reality, Mr. Chairman, that Slobodan Milosevic has been in power for a decade, relying primarily on extreme nationalism, conflict and the heavy hand of the police to perpetuate his rule. We saw in late 1996 and early 1997 that even Serbs whom Milosevic claims to defend are denied their rights and freedoms when they oppose his government. There are ethnic tensions in the Balkans, and no one group can claim complete innocence in the troubles which emerge there. But, there is no doubt that there would be more prosperity and more freedom in the Balkans for everybody if it were not for the policies of Milosevic and his power-hungry minions.

I look forward to hearing from our witnesses today who will comment on the recent violence in Kosovo and make suggestions on how best to achieve peace and improve respect for human rights. Hopefully, these suggestions will include ideas for the international community's response. The Commission has long been an advocate of having an international presence in Kosovo such as the OSCE, as well as maintaining a hard line on Belgrade regarding sanctions. We have also advocated the investigation of the recent violence in Kosovo for the potential prosecution of those responsible for crimes against humanity.

In conclusion, Mr. Chairman, let me express my appreciation that His Grace, Bishop Artemije is with us today. I met with him when he was in Washington a few weeks ago. There are alternatives to the Milosevic regime, Mr. Chairman, and the Serbian people should in no way be equated with that regime.

PREPARED STATEMENT OF HON. STENY B. HOYER

I would like to thank Chairman D'Amato and co-chairman Smith for convening this important hearing. Despite the complexities of the Balkans, which are frequently used as excuses for violence and aggression, for me the situation can be viewed simply in the context of Helsinki principles. Regardless of the wrongs of history, real or perceived, and regardless of whether one can make a case for Kosovo's independence or its current attachment to Serbia, change must be sought through peaceful means and human rights must be respected. Human rights and fundamental freedoms, as stated in the Helsinki final act not to mention our own declaration of Independence, are inalienable, deriving from the inherent dignity of the human person.

Respect for human rights cannot be conditioned, nor can violations of human rights be considered the internal affairs of the State in question. This is why I have spoken out strongly on Kosovo, as I did on Bosnia and many other issues as a member of the Helsinki Commission.

Personally, I feel Serbs have legitimate concerns regarding Kosovo. Propaganda may have exaggerated their feelings regarding the region, but their feelings are real nonetheless. Moreover, I have never been an advocate of the unilateral changing of borders. However, the Kosovar Albanians do have the right to express their views and to make their case, and there is neither the freedom nor the democratic structure in Serbia which allows them to do so. Certainly, the unilateral removal of Kosovo's autonomy by Slobodan Milosevic in 1989 should be considered no more legitimate or democratic. And while there may be a Kosovo Liberation Army which has engaged in violence itself in acts of terrorism which I have condemned, their existence and efforts to apprehend them do not--and cannot--justify the slaughter of innocent people, including women and children, and the dumping of their bodies in a mass grave so as to hide the brutality which accompanied their deaths.

Dialogue is a centerpiece of the Helsinki process along with the principles, and it seems absurd for one side to condition dialogue--especially when it is so urgently needed--on concessions by the other side, such as Serbian authorities are doing to the Kosovar Albanians. If anything, it is Serbia which should take unilateral action to restore autonomy and respect human rights, not to make demands on the Population it has repressed for so long.

Co-Chairman Smith and I have spoken out on Kosovo recently. We have called first and foremost for the deployment of OSCE monitors who could hopefully deter human rights abuses and facilitate local Dialogue. We have also called for the investigation and possible prosecution of the recent actions by Serbian security forces in Kosovo as crimes against humanity, which I am glad to see the international Tribunal in the Hague is willing to undertake. Finally, we have called for increasing the quantity and the quality of the peacekeeping presence in neighboring Macedonia by the United Nations, the OSCE and NATO.

At a hearing on Serbian violations of the rights of non-Serbs, including the Kosovar Albanian, one witness, a prominent Hungarian from Vojvodina, Tebor Varady, responded to my question regarding what the international community needs to do to stop Milosevic. His response was simple: show resolve. Milosevic will test the interna-

tional community, and he will take what he can get. As we did in Bosnia in 1995, We must do now for Kosovo, show him the resolve of the international community that he cannot get away with more bloodshed. I look forward to hearing the views of the witnesses regarding the situation in Kosovo and what we can do about it.

**PREPARED STATEMENT OF ISA ZYMBERI,
DIRECTOR, KOSOVO INFORMATION CENTRE, LONDON**

The ongoing Drenica massacre, which was openly prepared during the last two months by the Serb police, army and paramilitary forces and which started on 28th February, leaving, in less than three weeks, around one hundred Albanians dead, most of them children, women and elderly, marks a new moment both for the Serbian regime as well as for the Albanians of Kosova. The Serbian regime now seems to be confidently ready for a new adventure, whereas the Albanians of Kosovo feel that a whole decade of peaceful, non-violent resistance is going down the drains.

While a whole area in central Kosovo continues to be kept under a tight siege, and in many villages everything that moves is shot at by snipers, while people are being starved to death or dying of the cold weather in the forests around, a Serbian delegation has been for the last few days posing for cameras in a cynical offer for dialogue. This simply leads one to believe that the Serbian regime is about to continue playing the same old tricks. While pretending to be waiting for dialogue, they keep pouring in additional troops and arms all over Kosova.

With regards to dialogue, it is the leadership of Kosovo that has insisted for years in a mediated dialogue without preconditions from either side. The mediation is needed because the Serbian side is not one that can be trusted, and the mediator must be one that can provide guarantees for the outcome of the dialogue.

It is a well known fact that peaceful movements fail when they fail to bring results. This is now happening in Kosova. The leadership of Kosovo has tried for years to warn western officials that if their peaceful demands continue to be ignored, other more radical groups would come to the scene with more radical means.

In view of the fact that the Serbian regime has for over a decade unleashed a corrupt police force in Kosovo licensed to kill, wound, beat and torture to death, beat severely, arrest arbitrarily and rob the Albanians of money and other possessions, it was normal to expect that even the remarkable patience of the Albanians, especially of the young ones, would one day run out. So, as a result of more than a whole decade of brutal repression we now have alternative forces in Kosovo prepared to achieve liberation through other means.

The problems in the former Yugoslavia began in Kosova, and it seems that it is in Kosovo that the finale, with all characteristics of a new Balkan tragedy, will be played out.

Let me briefly make two parallels that lead to the conclusion that unless adequate measures are taken urgently to stop Milosevic, a new conflict with unpredictable consequences is inevitable. In 1981, Albanians of Kosovo came up with their legitimate demand for the status of a fully-fledged republic for Kosova. They felt insecure with a dual status which in fact made Kosovo an equal entity of the federations but left it short of the name. This feeling was later justified because in response to the this demand, Serbia, in co-operation with other former Yugoslav republics, started the process of the elimination of autonomy of Kosova.

When in the late eighties Milosevic, having boosted the Serbian nationalist to delirious proportions, in clear constitutional breach, revoked the autonomy of Kosova, other republics went along with this in the hope that Serbia would be satisfied with Kosovo and would leave them alone, whereas the West chose to stick to conventional diplomacy and treat the issue of Kosovo as an internal matter of the former Yugoslavia despite the fact that we had to do with an aggression of one people against another people.

This led to the disintegration of the country.

Ten years later, in 1991, when the former Yugoslavia disintegrated, the only logical option for the people of Kosovo was to insist in exercising the right to self-determination. Unlike others in former Yugoslavia, the Albanians, led by their prudent leadership, chose to achieve their aspirations peacefully, step by step, in a civilized manner, and through democratic means.

When the war broke out in the former Yugoslavia, the EC then (now EU) was given the job to intervene diplomatically in an effort to try to sort things out. The EC foreign ministers, having concluded that Yugoslavia had virtually demised, reached a political decision giving the right to independence only to six out of eight Yugoslav federal units, thus ignoring Kosova. The dirty job of placing this decision into same legal framework was then given to the Badintaire Commission. The same principles applied for the other republics could have, and can still be applied in the case of Kosova.

This decision was subsequently adopted by other states including the USA, and it is exactly this conventional attitude that is again creating all the necessary preconditions not only for a new bloody disintegration of FRY (Serbia & Montenegro) but, very likely, for an all out Balkan war. Following the first wave of the massacre in Drenica, the Contact Group met on 9th March in London in order to come up, disunited, with measures that Serbia can easily afford to ignore and is in fact ignoring.

The resemblance of the situation in Kosovo with the beginning of the conflict in Bosnia is striking and the international community should prove that it has learnt the lesson.

The US involvement and determination stopped the conflict in Bosnia but only after around 200.000 people died unnecessarily, and only after the whole issue had been made more complicated by half measures and empty threats coming especially from many European countries some of which have never managed to get rid of old sentiments towards Serbia.

It is for the U.S., as the only superpower, to decide whether it is ready to take the lead now and save many lives from both sides, or later after a whole population has been massacred, and at a higher price in every aspect.

The measures proposed by the Contact Group and other anticipated measures such as prolonging the mandate and increasing the number of the UN troops in the FYROM and placing at the same time under control the border between Albanian and Kosova, are seen by many Albanians as the beginning of a process of total isolation of the people of Kosovo where only the Serbian troops will full and free access. Again, the international community will continue to stick to conventional diplomacy as Milosevic goes on to outmaneuver everybody by using the very means provided for him by the international com-

munity. This time it was the premature recognition of FRY by first of all the EU countries that has prepared the scene for a new conflict in the region.

The Belgrade regime needs exactly the same treatment as the Baghdad regime, and Slobodan is no different from Saddam. Coincidentally, here we have also a good alphabetical order. In many ways, Milosevic is directly responsible for far more deaths and more devastation than Saddam himself.

It is an illusion to expect that the Albanians of Kosovo will ever experience Serbia as their own state or accept to be citizens of Serbia, as it is an illusion to think that any Serbian regime will ever be prepared to treat the Albanians as equal citizens of the state. The Drenica massacre illustrates this best. If Serbia (and the Serbs in general) had been prepared to live in equality with other peoples, the former Yugoslavia not only would have not been disintegrated, but would have probably been among the first to join the EU and NATO.

Those who have prematurely recognised the present FRY should be aware that this Yugoslavia has far less chances of standing the test of time than the previous two Yugoslavias. It is also wrong to place all the hopes in the democratization of Serbia. Democracy will not necessarily solve the problem of Kosova. Kosovo needs a political solution of her status now in order to make the establishment of democracy possible first of all in Serbia.

Kosovo now needs a clean solution, one that would subsequently make it possible for an integration process to take place. This can only happen if Kosovo becomes an equal entity with other entities in the region. An independent Kosovo poses no threat to any of the states around and least of all to the Serbian real interests. I appreciate the importance of the Serbian religious monuments and their emotional ties with Kosova, but I must say that no monument in the region can be more important than over two million people living there.

PREPARED STATEMENT BY BISHOP ARTEMIJE

KOSOVO AND METOHİJA: PROPOSALS FOR THE DEMOCRATIC SOLUTION

The current situation in Kosovo and Metohija, in absence of the political initiative of the actual regime in Serbia, is characterized by terrorist actions of the extremist Albanian separatists, police repression and the continual exodus of the Serbian and Montenegro population. Deeply concerned with the present situation, the Serbian Orthodox Church and the Serbian Resistance Movement-Democratic Movement present here their proposal in search for the peaceful and sustainable resolution of the Kosovo and Metohija question which is based on the following principles:

1. Violence must be renounced and the use of any force in the resolution of the Kosovo and Metohija question must be avoided; All forms of violence and terrorist attacks on people, police and religious monuments must be condemned; Police must refrain from any unnecessary repression and the other side from any kind of terrorism.

2. The full guarantees of the human rights:

- the full equality of all citizens before the law
- the rejection of any kind of discrimination on ethnic, religious or political basis.

3. Democratization of the Republic of Serbia and the Federal Republic of Yugoslavia should be continued at an accelerated pace with full respect of all international norms.

4. Search for solutions should be continued by using democratic means and through a dialogue based on equality, tolerance and mutual respect.

5. Search for solutions should lead to a permanent, peaceful and democratic joint living of all the peoples of Kosovo and Metohija with full respect for the multiethnic character of the region. Solutions which may lead to the creation of ethnically homogeneous units and to the emigration of any people from Kosovo and Metohija must not be accepted.

6. Full respect of the territorial integrity and sovereignty of the Republic of Serbia and the Federal Republic of Yugoslavia as well as the inviolability of their borders shall be the bases of the future resolution.

7. Regulation of the status of the illegal immigrants who immigrated to Kosovo and Metohija from Albania in the period from 1941, and their descendants.

8. Organizing of the census in order to determine the real demographic situation of Kosovo and Metohija.

9. Equality of all religions and faiths shall be guaranteed and all forms of religious intolerance and exclusivity must not be avoided.

10. Demographic issues of Kosovo and Metohija will be addressed in agreement with the international experience (with respect of the family rights).

11. Full respect of the constitutional right of all citizens of Kosovo and Metohija to the peaceful gathering and demonstrations in which the police and demonstrators should refrain from any form of violence.

12. Full freedom of mass media and other forms of information must be respected.

13. Educational problems of the Albanian students must be resolved according to the international norms and agreements.

14. International initiatives and mediation should be accepted provided they do not infringe upon the national sovereignty and/or territorial integrity of the Republic of Serbia or the Federal Republic of Yugoslavia and do not imply imposed solutions.

15. Support should be extended to the projects of regional integration and promotion of good relations with the neighboring states. State relations with all the neighboring states should be improved by development of bilateral and regional political and economic cooperation, such as SECI. The accepted solutions should not be opposed to the processes of the regional cooperation and stability but inspired with the ideas of political, economic, scientific, cultural and informative cooperation.

16. A position of Ombudsman (protector of human rights) for national and human rights of the citizens of the Republic of Serbia and the Federal Republic of Yugoslavia should be established.

17. All other initiatives for the resolution of the Kosovo and Metohija question, made earlier by the state institutions, nongovernmental organizations, individuals and international organizations, should be taken into account.

18. Resolutions based on these principles should not be inconsistent with the valid international law and relevant international documents nor should be at the expense of any of the currently opposed parties in Kosovo and Metohija.

Mr. Momcilo Trajkovic,

Serbian Resistance Movement-Democratic Movement

Bishop Artemije

Bishop of Raska and Prizren

WRITTEN STATEMENT OF THE KOSOVO SERBS DELEGATION

Mr. Chairman,
Honorable Members of the Senate and Congress, Ladies and Gentlemen,

It is an honor and a privilege to appear before you today 7 years after His Holiness Patriarch Pavle of Serbia gave testimony in this honorable house. First and foremost, we want to assure you that we are not here today as emissaries or apologists for President Slobodan Milosevic and his autocratic regime. We are here as representatives of Kosovo Serbs who are frightened and who are under a serious threat of being completely "ethnically cleansed" from their homeland.

We are also here to condemn the blatantly aggressive policy of the Albanian terrorists lead by the so called Kosovo Liberation Army as well as the excessive police repression. Both policies have already caused the unnecessary deaths of dozens of innocent people in Kosovo and Metohija on both sides. The ethnic Albanian terrorist groups carried out many terrorist attacks over the past 2 years, aimed at provoking of international intervention. The internal goal still remains the same as before: terrorizing the Kosovo Serbs so that Kosovo can become and ethnically pure Albanian province. Mr. Milosevic in turn unleashed a police offensive which resulted in the deaths of not only terrorists but also of innocent civilians like in the recent action in Drenica. This cycle of violence must be put to an end immediately. Nothing will be achieved by war except destruction and carnage. Regrettably, we feel that neither President Milosevic nor the ethnic Albanian leadership grasp this simple fact. Both sides have learned absolutely nothing from the Bosnian civil war which threaten to engulf the entire Balkans with a disastrous armed conflict.

The Serbian Orthodox Church and the Serbian people of Kosovo and Metohija stand for a peaceful democratic solution to the current crisis through dialogue. We also have detailed proposal for the long-term democratic settlement which, to date, has been ignored both by the Milosevic regime and the ethnic Albanian leadership. We present these proposals to this Commission.

The Serbian Orthodox Church and the Serbian people of Kosovo and Metohija condemn all actions, by any party, which have led during last few years to an escalation of violence in Kosovo and Metohija. We condemn all terrorist attacks perpetrated by ethnic Albanian extremists against Serbian civilians, Serbian officials, ethnic Albanians loyal to the Serbian state and the religious monuments of Serbian Orthodox Church. We also condemn police repression and all excessive and indiscriminate use of police force especially against the Albanian civilians. Further, we condemn the refusal of the Milosevic regime to institute open and sincere dialogue with the ethnic Albanian community to achieve a peaceful settlement. Likewise, we condemn the refusal of the ethnic Albanian leadership to embrace the path of peaceful dialogue with the Serbian authorities and the Serbian people of Kosovo and Metohija as well as their unwillingness to condemn armed attacks by the Albanian terrorist groups. We support the general condemnation of these terrorist acts by the US Administration and entire international community. Those attacks were calculated to lead to an escalation of violence and in fact have done

so. We have detailed documentation of these attacks perpetrated in these last 2 years by the so-called Kosovo Liberation Army (KLA) especially in Drenica region. We present this documentation to this Commission.

We appeal to this Commission to understand that the conflict in Kosovo is not between the Serbian and Albanian people but between an undemocratic regime on one side, and a secessionist extremism on the other. We appeal to the United States to reject simplistic calls for military intervention in order to hand state power over to the ethnic Albanian leadership. Such an action, in light of the history of Kosovo and Metohija before 1989, would lead to the ethnic cleansing of the Christian Serb people from the ancient heart of our homeland.

We, on the contrary, strongly believe in democratic, multiethnic and multicultural Serbia. We believe that on this basis a cohabitation of all ethnic communities can be achieved. We support the idea of civic society in which all its citizens will have equal rights. We insist on full respect of the human and minority rights according to the highest international standards. We firmly oppose to any change of international borders because such precedent would cause instability in the neighboring countries and the whole region. Our vision of the future of inter-ethnic relations lies in the full democratization of political systems, rather than in further territorial political and economic fragmentation. We strongly believe that every political issue cannot be used to raise new territorial claims. Therefore our regional approach is an initial framework for a future political dialogue in order to achieve a long-term stability and cooperation in the Balkans.

We call upon this Commission and the United States to endorse the proposals of the Serbian Orthodox Church and the Serbian people of Kosovo and Metohija for a genuine dialogue, without preconditions. Only in that way a peaceful democratic settlement of the Kosovo crisis for all people of Serbia regardless of nationality or religion can be achieved.

We express our deep sympathy for all innocent victims in Kosovo and Metohija and we pray to God to grant us wisdom and courage to preserve peace and mutual understanding because no one can build his own happiness on misfortune of his neighbor.

The members of the Kosovo Serbs delegation:

His Grace, Bishop of Raska-Prizren Dr. Artemije Radosavljevic
 Hieromonk Sava Janjic, secretary to the Bishop
 Momcilo Trajkovic, President, Serbian Resistance Movement-
 Democratic Movement
 Dusan Ristic, vice-president, Serbian Resistance Movement-
 Democratic Movement
 Dr. Dusan Batakovic, Historian, Group of Experts for Kosovo
 Aleksandar Vidojevic, adviser to Bishop Artemije

CHRONOLOGY OF KLA'S TERRORISM AND AGGRESSION, APRIL 1996-FEBRUARY 1998

In an act of aggression against Serbia and its citizens, the Albanian terrorist organization calling itself the Kosovo Liberation Army has carried out dozens of attacks against Serb civilians and police officers in Kosovo and Metohija in the past 2 years.

Many of the KLA's terrorist acts were also carried out against moderate Albanians loyal to Serbia, who were labeled "collaborators" by the KLA because they accepted and worked toward preserving the multiethnic structure of Kosovo. The KLA's goal is to "ethnically cleanse" Kosovo and Metohija of all Serbs so that an ethnically pure Kosovo could be swallowed by Albania to form a "Greater Albania."

1996

April 22: Blagoje Okulic, a Serb refugee from Croatia, was sitting with a friend in a cafe when a masked member of the KLA opened fire on the customers with an automatic weapon. Okulic died in hospital. He was the first victim of the KLA.

June 16: In an attack against a police patrol near Podujevo, police officer Goran Mitrovic was heavily wounded.

June 17: Around 11:55 p.m. a police patrol in the village of Siplje near Kosovska Mitrovica was attacked, resulting in the killing of Predrag Djordjevic (28) from Krusevac, and the wounding of Zoran Vukocic (30) from Nis.

The same day a bomb was hurled at the police station in Luzani, and the police officers on duty in the station were fired on by automatic weapons. No one was injured.

July 11: One hour after midnight in the center of Podujevo terrorists carried out an armed attack against police officers, resulting in a heavy wounding of police officer Sredoje Radojevic.

Aug. 2: Armed attack on three police stations (in Pristina, Podujevo, and the village of Krpimej) around 10 p.m.

Aug. 28: Three bombs were hurled in the village of Celopek (border of the towns Pec-Klina-Decani), around 3 a.m. No one was injured.

In the village of Donje Ljupce police inspector Ejup Bajgora (44), an ethnic Albanian who worked at the Pristina Precinct, was shot and killed.

The shots ended up in the bedrooms of some of their apartments. Miraculously, there were no victims.

Around 8 a.m., in the vicinity of the village Gradac near Glogovac in Drenica, forest worker Sejdi Muja, an ethnic Albanian, was shot and killed. He and another Albanian had been stopped by a masked and armed three-member group of KLA terrorists, and after checking his ID card, established that Muja was on their list of "traitors." They dragged him out of the car and shot him, leaving his body by the road. He was a "traitor" just because he worked in the Serbia Forest Service.

Jan. 13: The KLA issued a statement stating that its headquarters was in Pristina. It also claimed responsibility for a series of terrorist actions carried out in the Former Yugoslav Republic of Macedonia:

an attack on the Municipal Court in Gostovar and the police stations in Prilep and Kumanovo. It announced that it would expand its actions into Montenegro.

Jan. 14: The headquarters of the Socialist Party of Serbia for Djakovica were stoned overnight, Jan. 13-14. All windows were broken. These were greetings for the "Serbian New Year" which is marked on Jan. 14.

Jan. 19: In Srbica all graves at the Serbian Orthodox Cemetery were desecrated and vandalized. The monuments at the graves were completely destroyed.

Jan. 22: After a KLA patrol had been stopping, harassing, and threatening citizens with death in the Srbica municipality the previous night, there was a confrontation between that patrol and a patrol of police officers. While chasing the KLA terrorists, who barricaded themselves in the house of Saban Jasari in the village of Donji Prekaz near Srbica, police officers killed the terrorist Hasan Mandzol and lightly wounded two Jasari brothers.

A three-member KLA group kidnapped the taxi driver Metus Skodru, an ethnic Albanian, and then took his cab, an Audi 90. They told him he could buy his cab back if he showed up at a designated place at a designated time, under the threat that he would be liquidated if he called the police.

Jan. 23: On the night of Jan. 22-23, on the road Srbica-Klina near the village of Josanica, Desimir Vasic, a deputy in the Municipal Assembly of Zvecan, was shot and killed.

On the same road, the same night, near the village Lausa, Blagoje Nikolic from the village of Drsnik near Klina was severely beaten until he became unconscious.

During the same night, KLA terrorists stopped, harassed, and threatened with death a group of Serbian women heading to Monastery Devic.

Aug. 31: In the night hours two bombs were hurled into the courtyard of the Yugoslav Army's barracks in Vucitrn.

In the village of Rudnik (Srbica municipality) an armed attack was carried out on the police station.

In Podujevo, police officers at the juncture of the road Pristina-Podujevo-Kursumlija were fired on. No one was hit.

The police station in Gillogovc was fired on with automatic weapons.

Oct. 25: Two police officers were killed by automatic weapons near the village of Surkis in the Podujevo municipality--Milos Nikolic, a police inspector of the Pristina Precinct, and Dragan Rakic from the village of Velika Reka, who was a police officer in the reserves and a manager of a company in Podujevo.

Nov. 16: In the village of Rznice, in Decan municipality, around 10:30 p.m. a terrorist attack was carried out on the police station. No one was killed.

Dec. 26: Faik Belopolja, an ethnic Albanian from Podujevo who was a forest worker in the Serbia Forest Service, was shot and killed.

Jan. 9: In the center of Podujevo at 5:30 p.m. Malic Saholi (52), an ethnic Albanian who was the manager of the supermarket "Vocar" and a deputy in the municipal council of Podujevo as a member of the Socialist Party of Serbia, was shot and killed.

Jan. 11: In the Vucitrn village of Mijalic, around 7 p.m. more than 26 bullets were fired at the house of Ljubisa Mitrovic. No one was killed.

Jan. 13: Shooting Fazil Hasani, an ethnic Albanian forest worker from the village of Brabonic (Srbica municipality) in the neck, KLA terrorists killed him and issued a statement denouncing Mr. Hasani as a "traitor."

Jan. 16: Using remote-controlled explosives, the KLA attempted to assassinate the Dean of Pristina University, Mr. Papovic, at 8 a.m. as he was driving to the University. Both he and his driver Nikola Lalic were heavily wounded. The explosives were set off when their car was some 50 meters from Dean Papovic's apartment in Pristina.

Jan. 17: in the village of Reketnica (Srbica municipality), at 1 a.m., ethnic Albanian Zen Durmisi (52) was shot and killed and his son Nazmi Durmisi was heavily wounded. The Durmisi family was labeled "pro-Yugoslav" by the terrorist KLA.

Feb. 1: KLA terrorists from a moving vehicle fired on police officers. The officers fired back and killed all three terrorists.

March 5: At 10:47 a.m., in front of the Pristina University School of Languages, a bomb in a container exploded. Four people were wounded, two ethnic Albanians--Adrijana Dremka and Lindita Maksuti--and two ethnic Serbs, Borivoje Popovic and Ivan Maksimovic.

A second explosives device weighing 4.2 kilograms, which had been placed at the base of the Vuk Karadzic monument in front of the School of Languages, was found and deactivated by members of the Anti-Ballistics Unit of the Pristina Precinct.

March 21: Around 8 p.m., in the center of Podujevo, KLA terrorists fired five shots at police officer Branislav Milovanovic, wounding him heavily. In a statement, the KLA claimed responsibility denouncing officer Milovanovic as a "Serbian policeman, well known blood-sucker and anti-Albanian."

March 25: Near the village Sicevo, Klin municipality, a group of attackers killed ethnic Albanians Jusuf Haljiljaj and Fehmi Haziraj (who were well known as loyal citizens of Serbia) and wounded ethnic Albanian Mehmet Gasi.

April 10: In the village of Banjica near Glogovac, using automatic firearms, KLA terrorists killed ethnic Albanian Ramiz Ljeka, who worked at the Glogovac Municipal Council.

May 6: Around 10:30 p.m. in the village of Lozica near Klina, ethnic Albanian Hetem Dobruna (30), a farmer from the village, was shot and killed.

May 16: In Srbica near Kosovska Mitrovica police officers Miomir Kicovic and Radisav Blanic were shot and heavily wounded.

June 19: On the Pristina-Podujevo-Nis road near the village of Donje Ljupce in the Podujevo municipality, terrorists fired 12 bullets from automatic weapons at a police patrol. No one was injured.

July 3: In the village of Trstenik, Glogovac municipality, in the early morning hours the KLA shot and killed ethnic Albanian Ali Calapek, a farmer who was a member of the Socialist Party of Serbia and a member of the local Election Commission in the 1996 elections.

July 21: The Assistant District Attorney in Pec, Mirosljub Petrovic, was shot and killed.

Aug. 3: A police vehicle was fired on at 7 p.m., in the village of Bradis which is 10 kilometers from Podujevo.

Aug. 4: At 9:30 a.m., on the road from the village of Rudnik to Srbica, KLA terrorists from Drenica fired on a police vehicle using automatic weapons. Police officers Milomir Dodic and Zoran Boskovic were heavily wounded, and a civilian who was in the car was lightly wounded.

Aug. 23: Forest worker Sadi Morina, an ethnic Albanian, was killed in Srbica. Mr. Morina had already been receiving threats from KLA terrorists for a long time because he remained to work "in the service of Serbia."

Aug. 24: In the village of Zub near Djakovica an ethnic Albanian, Kcira Ndue (32), was shot and killed, while his brother Bekim Ndue was wounded.

The police station in the village of Rznice near Decani was sprayed with gunfire.

Sept. 2: At 10:55 p.m. Ljimon Krasnici, an ethnic Albanian denounced by the KLA terrorists as a "traitor," was killed in his home.

Sept. 12: A dozen attacks were carried out on police stations in the municipalities of Pec, Glogovac, Decani, and Djakovica around 11 p.m. No one was injured.

Sept. 13: Around 10 p.m. a hand grenade was hurled at the police station in Luzano, near Podujevo.

Sept. 14: A hand grenade was hurled at the police station in Kijevo, near Klina.

Sept. 23: Around 11 a.m. in the vicinity of the village of Kijevo, the KLA opened fire on a motorized police patrol. Milan Stanojevic, the commander of the Djakovica Precinct, was in the vehicle. No one was injured.

Oct. 13: The police station in Calopek near Pec was attacked.

Oct. 16: Around 1:30 a.m. there was a terrorist attack on the police station in the village of Klincina, which lies on the road Pec-Pristina. Adrijan Krasnici (25) from Vranovci near Pec died in the ensuing gun battle.

Oct. 17: Around 1 a.m. the residential community Babaloc, located between Decani and Djakovica, where 120 Serbian refugee families who fled from Albania several years ago are situated, was attacked.

Oct. 20: The OVK claimed responsibility for attacks on police stations in Babaloc, Calopek, and Klincina, as well as police patrols in Gerlica near Urosevac and Balinac near Klina, about which the public had not been informed earlier.

Nov. 18: Around 7 p.m. in the village of Komoran near Glogovac, Camil Gasi, an ethnic Albanian deputy in the Parliament of the Federal Republic of Yugoslavia and the chairman of the Municipal Board of the Socialist Party of Serbia for Glogovac, was wounded heavily. His driver was wounded as well.

Nov. 25: KLA terrorists held the police station in Srbica surrounded for 15 hours.

Around 7 p.m. in Decani, and after midnight in the village of Rznice, two terrorist attacks were carried out in which police officer Dragic Davidovic (32) from Berane was killed, and Ljubisa Ilic from Srbica, also a policeman, was heavily wounded. Bojan Trboljevac from Leposavic, Srdjan Pavlovic (26) from Zubin Potok, and Nedeljko Aksentijevic (30) from Kragujevac all subsequently died from mortal wounds.

Dec. 4: The KLA claimed responsibility for an attack on Pristina Airport, claiming that it shot down a "Cessna 310" on Nov. 26 killing all five people onboard.

Dec. 15: Around 1 a.m. on the road Srbica-Klina three masked KLA terrorists stopped a convoy of three cars with 16 Serbian civilian passengers. According to the civilians, testimonies, the terrorists--who were armed with machineguns and hand grenades--threatened them with death.

Dec. 19: Around 6 p.m. on the road Klina-Srbica, near the village of Josanica, eight masked and heavily armed KLA terrorists stopped the car of the civilian Milan Sapic from Lazarevac threatening, insulting, and searching his family and him.

Dec. 25: Two terrorist attacks were carried out shortly after 3 p.m. against police officers in the Podujevo municipality: In the village of Zakut a police vehicle was fired on, and in the center of Podujevo explosives devices were hurled at the residential building where police officers live. There were no victims.

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Jan. 4: The KLA claimed responsibility for a series of terrorist activities in the Former Yugoslav Republic of Macedonia: planting a bomb in front of the police station in Prilep, which caused no injuries but demolished five cars; attacking the police station in Kumanovo; and attacking the Municipal Court in Gostivar on Dec. 16, 1997.

Jan. 9: Shortly after 8 p.m., Djordje Belic (57) was shot and killed with an automatic weapon at the doorstep of his house in the village of Stepanica near Kijevo. Belic was the head of one of the three remaining Serbian households in that village.

Jan. 12: In the town of Stimlje near Urcsevac, shortly after midnight on the night of Jan. 11-12, there was an armed attack on the building in which seven families of police officers reside. Klina municipality was attacked with automatic weapons.

Jan. 25: on the night of Jan. 24-25, in the town of Malisevo, in the very center KLA terrorists heavily wounded two police officers.

During the same night, KLA terrorists attacked the house of the Djuricic family in the village of Grabanica, near Klina in Drenica.

Terrorists hurled a bomb at the house of a police officer in Urosevac.

Jan. 26: In the vicinity of the village of Turicevac, which is located between Klina and Srbica, KLA terrorists opened fire using automatic weapons on a helicopter belonging to Serbia's Ministry of Internal Affairs.

Jan. 27: Again in the vicinity of Turicevac, an armed terrorist group stopped Veroslav Vukojcic from Leposavic and his neighbors Radmila and Zvezdana Vukajlovic. They beat them severely. The victims paid the terrorists to let them go--Vukojcic paid 500 German marks, and Vukajlovic paid 850 marks.

Jan. 28: A police patrol which was on its way to Decani to confiscate illegal weapons from the family Tahirsuljaja fell into a trap and was greeted with heavy gunfire from several houses. Nevertheless, the officers managed to arrest seven members of the Tahirsuljaja clan.

That evening, KLA terrorists fired at the house of Dragoljub Spasic in the village of Sibovac near Obilic.

Feb. 10: A group of KLA terrorists appeared at a fundraising event for the KLA in New York City. They received funding from over ISO Albanians attending the event. On that occasion, the KLA terrorists proclaimed that they had killed 50 Serbian police officers and "corrupt" Albanians in 1997.

Feb. 12: In Gornji Obrinji, in front of the village convenience store, Mustafa Kurtaj, an ethnic Albanian who worked at the post office in Gillogovc, was shot and killed. He was shot in broad daylight, in front of twenty onlookers, as a warning to others. Prior to this, he had been repeatedly warned by KLA terrorists that they would kill him unless he quit his job at the state-run post office.

Feb. 15: Nik Abdulahu, an ethnic Albanian employee of the Serbia Electric utility, was shot and killed while at work, at the electricity substation in the village of Staro Cikatovo near Gillogovc.

Feb. 18: In the night between Feb. 17-18, KLA terrorists collected firearms from ethnic Albanians in Drenica, for whom they suspected that they did not support their cause. Those who did not turn over their weapons were given a deadline to do so, "otherwise," they were told, "you will be shot."

Feb. 19: While returning from work, an employee of the state security service of Pristina Nebojsa Cvejic was shot and killed near the village of Luzani.

in Poduievo, KLA terrorists hurled bombs at a refugee center housing Serbian civilians who were "ethnically cleansed" from Croatia.

Feb. 20: on the road Srbica-Klina, near the village of Lausi, KLA terrorists shot and killed Milorad Ristic, a private entrepreneur from Djakovica, and heavily wounded truck driver Zdravko Djuricic from Orahovac.

On the same day, on the same road, near the village of Josanica KLA terrorists opened fire on another truck, which was being driven by an ethnic Serb. However, an ethnic Albanian hitchhiker from the village of Lausi, who was sitting in the passenger seat and whom the driver had picked up in Klina, was killed by the KLA terrorists' gunfire.

That evening, on the road Klina-Djakovica, KLA terrorists set up a roadblock where they beat up police officer Milenko Kandic.

Feb. 22: Ali Raci, an ethnic Albanian working at a Serbian-owned agriculture company, was shot and killed in the village of Dobre Vode at the entrance of the agriculture company. He had refused to give in to the KLA's earlier warnings and blackmail that he quit his job.

Feb. 26: Using hand grenades and automatic weapons, terrorists attacked Serbian refugees from Albania housed in the refugee camp Babaloc (located on the road Decani-Djakovica) for the third time.

Feb. 27: KLA terrorists attacked the houses in Srbica where Serbian refugees from Croatia are temporarily housed.

At monastery Devic, KLA terrorists harassed the head nun for 30 minutes. They ordered her to tell the police that they will all be killed.

A KLA warehouse containing 12 kilograms of explosives with clocks, several trunks of shells, and over 20 rocket launchers was discovered in Prizren. Several terrorists were arrested.

Feb. 26: The house of the Culafic family in the village of Donji Ratis (Decani municipality) was bombed.

Separately, in a confrontation between police officers and KLA terrorists in Drenica (Glogovac municipality), four police officers were killed: Miroslav Vujkovic, Goran Radojcic, Milan Jovanovic, and Radojica Ivanovic. Police officers Pavle Damjanovic and Slavisa Matejevic were heavily wounded. The exact number of terrorists who were killed is still unknown.

**WRITTEN STATEMENT OF JANUSZ BUGAJSKI,
DIRECTOR, EAST EUROPEAN STUDIES CENTER FOR STRATEGIC
AND INTERNATIONAL STUDIES**

The Kosovo crisis has entered a dangerous phase that could further destabilize the south Balkan region. This is a consequence of three developments:

First: The Serbian-Yugoslav Government has shown little sign that it is seeking a genuine compromise with the Albanian leadership in Pristina. On the contrary, the recent massacre of civilians demonstrates that Milosevic may be seeking to terrorize the Albanian leadership into submission rather than enticing them into a dialogue. At the same time, Serbia itself is experiencing political radicalization and social pauperization. Increasing numbers of ordinary Serbs are becoming economically destitute and may prove susceptible to xenophobic nationalism. Kosovo may be the next target manufactured by Belgrade to distract public attention from pressing domestic problems.

Second: Growing sectors of the Albanian population in Kosovo have become disenchanted with the peaceful approach of their political leaders. Some are turning to more radical measures as the human rights situation deteriorates and the political stalemate shows no sign of resolution. The recent atrocities by Serbian paramilitary police will simply drive more angry youths into armed insurgency. The pacifist Albanian leadership is fearful of losing control over the masses, particularly as the Serb authorities may deliberately provoke widescale violence as a pretext to forcefully pacify the territory or to expel large numbers of Albanian civilians. Such a scenario would pose a direct threat to the stability of neighboring Macedonia and could embroil several other nearby countries in a spiral of conflict.

Third: The international community has been increasingly perceived in Kosovo as unwilling to promote a peaceful resolution to the crisis. Indeed, the omission of Kosovo from the Dayton agenda and the hesitation of Western governments in urgently negotiating a change of status for Kosovo has disillusioned many people who were banking on international intervention. Even some Kosovar leaders fear that the Albanians have been abandoned by the West in the forlorn hope of democratizing Serbia. Unfortunately, it has taken the recent bloodshed to focus international attention on the unstable and untenable situation in Kosovo and this has clearly internationalized the issue regardless of Belgrade's protestations.

International Responses: The recent measures applied by the Contact Group to defuse the conflict in Kosovo will not be sufficient to solve the root of the problem: the absence of a political settlement. International leaders continue to grapple with the symptoms rather than the cause of the conflict which revolves around the status of Kosovo and the relationship of the Kosovar population with the Yugoslav and Serb authorities. Without a durable political settlement between Serbian and Albanian leaders, mediated by the international community under American leadership, any tentative sanctions applied by the Contact Group will simply focus on conflict prevention and containment. In reality, the permanent prevention of conflict and bloodshed is contingent upon a long-term political solution to the Kosovo crisis.

Recommendations: In brief, a durable Dayton-type solution must be found for Kosovo, otherwise the measures applied will simply be temporary palliatives.

A "Kosovo Dayton" must involve several key components: including the appointment of a high level American envoy to focus exclusively on this crisis, the urgent convening of high level talks between Milosevic and Rugova under American mediation, and with no preconditions, and the withdrawal of Serb paramilitary police units from Kosovo as a critical confidence building measure. Both incentives and penalties must be applied to make sure that a compromise is reached between Belgrade and Pristina. Essentially, both sides would have to draw back from their diametrically opposed positions on Kosovo's future. One credible solution is Kosovo's transformation into a third federal unit of Yugoslavia--but time may also soon expire for this option if no serious negotiations are undertaken.

Any viable diplomacy in dealing with rogue governments that disregard international laws and human rights conventions must also contain a strong military component. We saw this clearly in the case of Bosnia-Herzegovina where NATO bombing and the threat of a total decimation of the Bosnian Serb military persuaded Milosevic to reach a political settlement. Because of Milosevic's use of force against Albanian civilians, Kosovo now occupies the same category as Bosnia. The United States with its NATO allies must maintain a military option in dealing with Belgrade. If the slaughter of unarmed civilians were to be repeated, support for a more effective military response will grow among the Allied powers.

If Milosevic is unwilling to negotiate seriously on Kosovo's changed status but continues to rule through repression and civilian massacres (and threatens the stability of the wider region), while at the same time the Albanian leadership shows good faith and a willingness to compromise on a new federation, then a logical next step to breaking the deadlock would be to deal with Kosovo as an "international subject." This could involve declaring Kosovo as a region with a "special status" or a distinct "entity" as in Bosnia. This would necessitate the demilitarization of the region under NATO auspices and the placement of international peacekeepers and human rights monitors. Such a scenario would seriously undermine Belgrade's sovereignty over Kosovo and would place Milosevic in a greatly inferior bargaining position over the future status of the region.

A successful negotiated settlement between Belgrade and Pristina on the future status of Kosovo, under American auspices, may in turn become an important catalyst for promoting the democratization of Serbia. The re-federalization of Yugoslavia, a new status for Kosovo, and increasing pressures for Montenegrin reform and self-determination could propel Serbia itself toward democratic constitutionalism and the rule of law. If they do not and Yugoslavia remains a kleptocratic autocracy, or descends into some kind of neo-fascism, then the status of both Kosovo and Montenegro would need to undergo further internationalization and revision.

WRITTEN SUBMISSION OF FRED ABRAHAMS

HUMAN RIGHTS WATCH/HELSINKI

Members of Congress, ladies and gentlemen, I am very sorry to be testifying here today. For close to 10 years human rights groups, journalists, Balkan analysts, and some policy-makers have been calling Kosovo a "tinder box." Now it seems that the fuse is lit.

The human rights situation in Kosovo is extremely bad. Beginning on February 28, the Serbian police, paramilitaries and possibly the army began an all-out attack on a triangle of villages in the Drenica region of central Kosovo, the alleged stronghold of a militant group called the Kosovo Liberation Army. All evidence indicates that the security forces used violence that was both brutal and indiscriminate. An estimated eighty people were killed, many of them clearly civilians.

According to survivors, witnesses and journalists, security forces attacked villages without warning, firing at women, children and other non-combatants. Helicopters and military vehicles sprayed village rooftops with gunfire before police forces entered the village on foot firing indiscriminately into private homes. A pregnant woman, Rukia Nebilii, was shot in the face, and four brothers from one family were killed by bullets from behind. Ten members of the Ahmeti family were allegedly killed by security forces while in detention.

Laws may allow governments to take action against militant groups, but never to indiscriminately attack civilian populations or abuse anyone in detention. Whether we are dealing with international standards of police behavior or humanitarian law, the government is clearly forbidden to respond in such a violent and indiscriminate manner.

Some of what actually happened in the villages of Likosane, Cirez and Prekaz, among others, may never be known because security forces have not allowed journalists or humanitarian organizations proper access to the region. The bodies of fifty-one victims were hastily buried in a mass grave before an international forensics team could perform an autopsy. Physicians for Human Rights is ready to send a group of experts, but they have not yet received a visa from the Yugoslav Embassy in Washington.

An estimated one hundred people are currently in detention. But the authorities have not said who these people are, or stated the reasons for their arrest. Based on the brutal record of the Serbian police, there is reason to fear that they are being submitted to torture.

The Drenica region is still under siege. Local journalists estimate that 20,000 people remain in the area but humanitarian organizations have very limited access. Food and medicine are a serious concern. As many as 5,000 people from the region have fled to other areas of Kosovo or neighboring Montenegro. Faced with this human rights and humanitarian crisis, and the risk of the conflict's spread, what should the international community do?

First, any response clearly needs U.S. leadership. Western governments are divided and, like in Bosnia, only a U.S.-led initiative can effectively address this crisis. Thus far, the U.S. response has been verbally forceful, and we hope that the apparent determination will

not only continue, but be backed up by action. Last week the State Department offered \$1 million to the International War Crimes Tribunal in the Hague for investigations of alleged war crimes in Kosovo. This is a good first step, but more financial support is needed, and the U.S. should encourage other countries to contribute in kind. In addition, the U.S. intelligence community should be asked to share information on oil atrocities in Kosovo with the Tribunal to help it establish accountability and the chain of command. The U.S. should encourage Security Council members to impose a comprehensive arms embargo on the Federal Republic of Yugoslavia. If this proves impossible, then a regional embargo by neighboring states will help deny the Serbian authorities the weapons they are using against civilians.

Economic sanctions should target the financial apparatus, such as Beobanka, that oils the Serbian political machine. Any sanctions that are imposed should not be lifted until the Serbian authorities meet a set of clearly defined benchmarks, such as the withdrawal of special police forces from Kosovo, the readmission of OSCE monitors, and the restoration of civil and political rights in Kosovo, which is the root cause of this crisis. The U.S. should forcefully encourage our allies to pursue a unified sanctions policy, especially Italy and Russia, who have expressed reluctance.

But sanctions should not keep the U.S. and other governmental and nongovernmental donors from assisting the small but important civil society in Kosovo. Outside moral and financial support is critical to promote the ethnic Albanian independent media, human rights groups, and women organizations, as well as Serbian groups throughout Serbia who are fighting for a more democratic Yugoslavia. Albanian groups in Kosovo should be rewarded for the peaceful approach they have taken thus far.

One immediate step is to strengthen the preventive deployment force currently in Macedonia, perhaps with NATO troops, as is being discussed. But a civilian component to this presence is also critical to monitor internal developments in that country. Although nowhere near the level of abuse in Kosovo, ethnic Albanians in Macedonia do not enjoy equal rights, and this heightens the risk of the conflict spreading.

In all of its policy objectives, the U.S. should keep focused on the man behind the problem: Slobodon Milosevic. The question of Kosovo, Macedonia and the Balkan region as a whole are linked to his unyielding grip on power, which is to the detriment of Albanians and Serbs alike. Most importantly, we must learn from past mistakes. In 1991 the West watched as Bosnia burned. Since Dayton, the U.S. has simply hoped that the Kosovo problem would melt away under the literary heat of passive non-violence. Now is a moment to take preemptive steps before the downward cycle of violence gains too much momentum.

**OPEN LETTER TO JUDGE LOUISE ARBOUR,
CHIEF PROSECUTOR, INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

March 7, 1998

Dear Judge Arbour,

Human Rights Watch is writing to express its grave concern about recent Serbian military actions in the region of Kosovo. Evidence strongly suggests that war crimes are being committed, including arbitrary and indiscriminate attacks against civilians and the summary execution of detainees. We call on you to launch an immediate investigation of these apparent atrocities and to announce your office's intention to prosecute those responsible before the International Criminal Tribunal for the former Yugoslavia. Prompt action by your office can help deter further atrocities and save lives.

On February 28, 1998, Serbian police, paramilitaries, and possibly army units began a massive assault on a triangle of villages in Kosovo's Drenica region, believed to be a base for the Kosovo Liberation Army (KLA). Tanks and attack helicopters have been used in what the Yugoslav Government describes as "a sweep for terrorists." Human Rights Watch has received highly credible reports that Serbian forces have indiscriminately attacked civilians and other non-combatants, especially in the villages of Cirez, Likosane, Prekaz, and Lausha. The press has also reported that helicopters and armored vehicles sprayed village rooftops with gunfire before security forces entered the village on foot and fired indiscriminately into private homes. In some cases, the Serbian security forces reportedly came under fire from unidentified individuals, possibly from the private homes, and it appears now that a battle between the KLA and Serbian forces has begun. Foreign journalists have seen the bodies of six victims, including a pregnant woman, Rukia Nebihi, who had been shot in the face, and four brothers from the Sejdiu family, two of whom had been shot in the back. Thus far, twenty-four ethnic Albanians are confirmed killed, although the precise number is unknown since humanitarian aid organizations and journalists have been denied access to the region.

According to the Prishtina-based Council for the Defense of Human Rights and Freedoms, ten members of the Ahmeti family and two of their guests, Behram Fazliu and Shaban Mujia, were killed by Serbian security forces after having been detained, although this has not been independently confirmed. According to the Serbian Government, the police confiscated a large amount of weapons and arrested a number of people, although their whereabouts and the charges against them are currently unknown. Four Serbian policemen were also killed during the action.

Human Rights Watch recognizes that the authorities may have to use force when confronted with an armed attack, but attacks against civilians and the summary execution of anyone in detention is a war crime, a severe violation of international humanitarian law. Given the level of armed conflict that has now broken out in Kosovo, common Article 3 of the Geneva Conventions, which governs internal armed conflicts, clearly applies. It requires that civilians and other protected persons be treated humanely, with specific prohibitions of murder, torture, and cruel, humiliating or degrading treatment.

The violations of humanitarian law apparently being committed in Kosovo fall under the purview of the International Criminal Tribunal for the former Yugoslavia. Article I of the Tribunal's statute states that the Tribunal has the power to prosecute individuals who have committed violations of international humanitarian law on the "territory of the former Yugoslavia since 1991." Article 8 further specifies that the Tribunal's temporal jurisdiction "shall extend to a period beginning on 1 January 1991." There is no end point to this temporal jurisdiction. By opening an immediate investigation into the apparent war crimes being committed in Kosovo, and signaling that the Tribunal's jurisdiction extends to these atrocities, your office can help to curtail them. *Sincerely, Kenneth Roth Executive Director, Human Rights Watch*

HUMAN RIGHTS WATCH CONDEMNS VIOLENCE BY SECURITY FORCES IN KOSOVO; CALLS ON INTERNATIONAL COMMUNITY TO INVESTIGATE

(New York--March 3, 1998) Human Rights Watch is deeply concerned by credible allegations from local human rights organizations and the international media that the Serbian security forces committed gross abuses against the civilian population in military actions that took place from February 28 to March 1 in Kosovo. As many as twelve people may have been summarily executed. We urge the U.S. Government, European Union and OSCE to coordinate and intensify diplomatic pressure on the Yugoslav authorities to avert an escalation of violence, and to undertake an immediate investigation to determine the nature of the violations.

The violence took place over the weekend February 28-March 1 in the Drenica region of Kosovo. According to media reports, two Serbian policemen were killed in an ambush by ethnic Albanians on Friday, February 27, in Likosane village near Gillogovc. The next day, Serbian security forces with armored vehicles and attack helicopters swept through the region, sealing off between seven and ten ethnic Albanian villages. The security forces conducted house to house raids, ostensibly looking for members of the Kosovo Liberation Army, a shadowy ethnic Albanian military organization that has taken credit for a series of violent attacks against Serbian authorities in Kosovo over the past year.

Local human rights groups, Albanian and international media reported that the security forces used indiscriminate force against civilians, especially in the villages of Cirez and Likosane. Witnesses told reporters that helicopters and APCs sprayed village rooftops with gunfire before security forces entered the village on foot, firing indiscriminately into private homes, although reports also indicate that the police were coming under fire from unidentified individuals, possibly from the private homes. Sixteen ethnic Albanians were killed, according to the Serbian authorities, although Albanian media outlets say the number may be as high as thirty. Foreign journalists have seen the bodies of six victims, including a pregnant woman, Rukia Nebihi, who had been shot in the face, and four brothers from the Sejdiu family, two of whom had been shot in the back.

According to the Prishtina-based Council for the Defense of Human Rights and Freedoms, ten members of the Ahmeti family and two of their guests, Beluam Fazliu and Shaban Muja, were killed by Serbian security forces after having been detained, although this has not been independently confirmed. According to the Serbian Government, the police confiscated a large amount of weapons and arrested a number of people, although their whereabouts and the charges against them are currently unknown. Four Serbian policemen were also killed during the action.

Human Rights Watch recognizes that the authorities may have to use force when confronted with an armed attack, but this force may only be applied to the extent necessary to perform their duties. Even if the hostilities in Kosovo rise to the level of an internal armed conflict, international humanitarian law clearly protects civilians and other individuals who are not taking part in the hostilities, including those who have been taken into detention. Human Rights Watch has

not conducted an on-site investigation, but credible reports suggest that the Serb security forces may have either indiscriminately attacked civilian groups or even targeted individuals not involved in the fighting. Human Rights Watch is especially concerned that the ten members of the Ahmeti family and their two guests may have been killed by extrajudicial execution.

On March 2, a large crowd of ethnic Albanians [estimates range from 30,000-100,000 people] gathered at 10:00 a.m. in the center of Kosovo's capital, Prishtina, for a 1-hour peaceful demonstration against the violence in Drenica. At 10:55 a.m., the police intervened with tear gas and water cannons, and began to beat the protesters. Local media report that at least two hundred people have sought medical attention for injuries sustained at the hands of the police, although the total number is still undetermined. A number of demonstrators were run over by police APCs, and at least four people were injured when a civilian car rammed into the crowds.

Human Rights Watch has confirmed that the police beat a number of ethnic Albanian journalists, including Veton Surroi, editor-in-chief of the daily Koha Ditore, Ibrahim Osmani, journalist of AFP and the Voice of America, Avni Spahiu, editor-in-chief of the daily Bujku, Agron Bajrwni, a journalist at Koha Ditore, and Sherif Kunjufca, a journalist with Albanian Television. Police forces broke into the offices of Koha Ditore and beat people who had taken refuge inside. Police officers forced photographer Fatos Berisha to jump from a second story window. Police also broke into the offices of the daily Bujku.

Human Rights Watch unequivocally condemns the use of force in Prishtina on March 2 against those who had gathered peacefully to express discontent with the government's abusive and violent policies in Kosovo. Human Rights Watch is also deeply concerned by credible allegations that the security forces in Drenica may have targeted innocent civilians and performed extrajudicial executions.

Human Rights Watch calls on the Yugoslav Government to allow international observers into the Drenica region to determine the nature of the violations of international human rights and humanitarian law. The government should also make public the names of all individuals who have been taken into custody and provide information about the charges made against them. Based on the Serbian police's use of torture against detainees in the past, there is reason to fear that those in detention may be subjected to physical abuse.

Human Rights Watch urges the international community to undertake an immediate investigation into the Drenica events. In addition, Kosovo should be a primary focus of the newly-appointed Special Representative of the OSCE to the Federal Republic of Yugoslavia, Felipe Gonzalez.

**WRITTEN TESTIMONY SUBMITTED BY NANCY LINDBORG,
MERCY CORPS INTERNATIONAL**

Thank you Senator D'Amato for this opportunity to speak today about the humanitarian needs and responses currently underway in Kosova.

INTRODUCTION

Mercy Corps International is an international relief and development agency which has been providing assistance to the needy in Kosovo since 1993 through our offices in Pristina and Skopje. We have implemented emergency relief and rehabilitation projects totaling almost \$20 million, including the distribution of food, medicines, seeds and clothing, upgrading health facilities and training health workers, rehabilitating agricultural projects and repairing displaced persons centers. Working with a base of approximately 27,000 families (175,000 individuals), Mercy Corps' efforts focus on the neediest segments of society including women and children, pensioners, handicapped and the elderly.

We distribute emergency assistance and provide training through the Mother Theresa Society, the oldest and largest indigenous NGO in Kosovo with 44 branches throughout the region.

We have been able to provide this assistance through the generosity of the United States through the USAID Office of Foreign Disaster Assistance, and due to the leadership and support of Congressman Engel, Congressman Smith and Senator D'Amato who have annually made a Congressional recommendation to allocate \$6 million in aid to Kosova. This recommendation has been critically important, and I thank you for that vital support.

Since 1993 we have seen the economic, social and political conditions in Kosovo dramatically deteriorate, as many of you know. Ethnic Albanians have little access to education, jobs, health care or pensions, creating vast need, growing frustration and a political stalemate with no solutions in sight.

I offer the following statistics that starkly illustrate that downward spiral: In 1990, the number of beneficiaries served by Mother Theresa Society (MTS) was 15,100 individuals. In 1997, before this recent wave of violence, that number had jumped to 435,500 individuals. These are people with nothing. The rest of the population, with an official unemployment rate of more than 70 percent, has next to nothing.

Moreover, some 125,000 asylum-seeking Albanians from Kosovo currently live and work in Germany, with another 12,500 in Switzerland and more than 60,000 living in Sweden and other European countries. Germany and Switzerland have both begun repatriation programs to send these refugees back to Kosova. These refugees are primarily young men who have been working and sending money back to their families. Thus far only about 4000 have returned, but usually to no job or job prospects and a family they can no longer support. It is a recipe for escalating frustration and a turn to violence.

CURRENT SITUATION

I paint this picture as an important backdrop to the long-feared outburst of violence that has occurred over the last two weeks. I won't recount those events, but rather provide an update on the situation today and humanitarian assistance underway.

We have worked with the MTS to locate internally displaced persons (IDPs) from the triangle area that was under fire by Serbian authorities. The current best estimate is 25,257 IDPs; that information is being updated daily. This number has remained relatively stable since the weekend, although this population seems to be shifting around from village to village. Most are staying with host families who already have little food and scant sleeping space to offer.

Our field team has talked to numerous families who would like to return home, but are still too fearful. Sniper fire continues in the surrounding hillsides, and the villagers fear another round of killings by the Serbian authorities. UNHCR has reported a "trickle" of refugees returning to their homes, but there are no hard numbers as of yet. A significant return is unlikely for another two or three months, although some of the men might return to explore the possibility of proceeding with their spring planting.

There are 14 villages in the triangle area of Skenderaj, Klina, Gilogovc which was sealed off originally by authorities on March 5th. NGOs have been barred from bringing supplies to these areas until this week, and we have been receiving reports of perilously low food supplies among those villages left behind. We are still collecting information how many remain in that area--we learned yesterday that 2400 remain in one of the six villages outside Srebica.

ASSISTANCE EFFORTS

International NGOs are well-coordinated in an effort to pool resources and deliver aid to the newly displaced villagers. Mercy Corps has been designated the coordinator for food, clothing, hygiene supplies and cold weather materials, with WHO coordinating medical supplies and International Rescue Committee coordinating water and sanitation efforts.

Through the Office of Foreign Disaster Assistance, Mercy Corps has received \$176,000 in emergency funding to provide 7,000 IDPs with bulk food for 30 days. We are also tracking what other commodities are available through international NGOs and where they are being delivered.

The local Kosovar community has rallied as well, with host families bearing the greatest burden. Local vendors and shop owners have donated tremendous amounts of food for distribution to IDPs, and local children are bringing toys and clothing to their schools to donate to IDP families. These supplies will run low soon, especially from among host families, many of whom were barely surviving prior to the crisis.

NGOs are beginning to have access once again to outlying areas, but slowly. On Monday, Mercy Corps and MSF were both able to make small deliveries of food and medicine to Srebica, which was the first delivery possible since the violence. In coordination with three other

NGOs, Mercy Corps staff will return today to Srbica in a convoy of seven Land Rovers and two trucks to bring in good, blankets, soap and warm clothing.

Aid efforts remain hampered by the numerous police roadblocks and checkpoints. Our vehicles are routinely stopped and searched. Our staff is harassed and threatened. ICRC has pulled out due to death threats to their staff. Security remains an enormous concern, both for villagers who would like to return and for international NGO staffs.

FUTURE NEEDS

Unfortunately, the emergency in Kosovo will not end with the safe return of the IDPs to their villages. Their needs will be as great once home, as they attempt to rebuild their lives. Beyond the villages destroyed by the recent outburst of violence is an entire region trapped in an intractable political situation and a near-total economic collapse.

I urge your support for the following:

1) Increased emergency funding for the swelling population of IDPs, who need food, warm clothing, medical supplies and hygiene materials, as well as the creation of a safe corridor to the affected villages to ensure we can reach those still living there. Needs assessments are being conducted on an ongoing basis to ascertain the full extent of what is required beyond available supplies.

2) Increased funding for ongoing assistance programs. Even before this latest crisis, less than half of the needy were receiving some of the basic assistance they require. We estimate some \$80 million would be needed to entirely meet the needs of the pre-crisis beneficiary list. We are not advocating the US shoulder this entire burden, but it serves as a sobering contrast to the \$6 million we have provided annually.

3) increased development programming. To date, all US assistance has been emergency-based. We urgently see the need to emphasize civil society development, agricultural, health, micro-credit and economic development programming to help alleviate the hopelessness that affects many Kosovars now. These activities need to continue and expand to give the Kosovars back their dignity and some hope for a viable, sustainable life beyond emergency hand-outs. Our staff repeatedly hears from people that what they want most is a job, the ability to support their family, their life back. Their spirit is willing if given a chance.

4) Finally and most importantly, we need political and diplomatic solutions that go hand-in-hand with the humanitarian assistance. We can't continue to provide the Kosovars only the basics for survival, without also offering them some hope of a better future. Humanitarian and development assistance can provide the necessary space for diplomatic solutions to take hold, but it is imperative that the two proceed jointly. Kosovo has been too long ignored by the international community.

The United States has been the largest and most active donor in Kosovo for the last 6 years, providing a total of \$32 million to date. The United States Information Agency office in Pristina has served as a beacon for many Kosovars who take heart that the someone in the international community is paying attention. Our support as a nation, and your support as concerned members of Congress, have

been keenly appreciated in Kosova. Your continued support will make an enormous difference for the future of two million Kosovars. I hope we can all do more.

Thank you for the opportunity to share views of Mercy Corps with the Commission this morning.

MERCY CORPS INTERNATIONAL—KOSOVA

Mercy Corps is coordinating information and providing logistics support for all international and national non-governmental organizations in the Kosovo region. Detailed needs assessments for Kosovo are underway--short-term humanitarian responses and medium-term contingency plans are being prepared. Also, Mercy Corps has:

- Received \$176,729 in emergency funds from the Office of Foreign Disaster Assistance (OFDA) to help internally displaced persons (IDPs) in Kosova. These funds will provide 6,000,097,000 people with emergency food for about 30 days. Mercy Corps will provide: 131 tons of flour; 11.5 tons of sugar; 7,100 liters of vegetable oil, 20 tons of powdered milk, 11 tons of rice, 8 tons of salt and 7.3 tons of pasta. Blankets, sleeping pads, hygiene packs and clothing are still needed.
- Sent a 40-foot container of urgently needed medicines and medical supplies for use in local health clinics, including those of the Mother Theresa society of Kosova, our local NGO partner. The estimated value of the shipment is \$ 100,000 and includes surgical supplies, syringes, needles, cardiovascular medicines and supplies, and wound care supplies such as plasters and bandages. It will help thousands of people in need who are sick or have suffered injuries.

MERCY CORPS' HISTORY IN KOSOVA

Mercy Corps began working in Kosovo in 1993. The agency has implemented emergency relief and rehabilitation projects totaling almost \$20 million, including the distribution of food, medicines, seeds and clothing, upgrading health facilities and training health workers, rehabilitating agricultural projects and repairing displaced persons centers. Working with a base of approximately 27,000 families (175,000 individuals), Mercy Corps' efforts focus on the neediest segments of society including women and children, pensioners, handicapped and the elderly.

HOW YOU CAN HELP

Your financial assistance is critical to meet emergency needs of people who have been disastrously affected by these latest events. Every day a growing number of individuals and families are fleeing their homes to safer parts of Kosovo or into neighboring countries. Relief supplies are needed in these areas to assist the already impoverished local populations, who are giving their own meager resources to support their hard-hit neighbors.

WRITTEN STATEMENT ON KOSOVA BY SENATOR BOB DOLE

Mr. Chairman, I am sorry that I cannot be with you today as you take testimony on the tragic crisis in Kosova.

Only 2 years after the end of the war in Bosnia, the people of the former Yugoslavia--and we here in the West--are witnessing events that we had hoped never to see again: A brutal, racist, and ultra nationalist regime is committing war crimes against non-Serb civilians--not because of anything that they have done, but because of who and what they are. Women and children are being killed. Houses are being razed to the ground. Families are fleeing from their villages. Bodies are being bulldozed into mass graves.

When these things happened in Bosnia, the toll was massive. Hundreds of thousands of civilians were killed. Two million survivors were displaced from their homes. Even now, the International Commission on Missing Persons lists approximately 20,000 people as Missing as a result of the conflict--more than 7,000 alone from the Bosnian town of Srebrenica.

It took decisive and resolute Western action to stop the carnage in Bosnia. The Dayton peace settlement that brought the war to an end demonstrated both the necessity and effectiveness of U.S. leadership in such crises. Sadly, it took the United States and its allies 4 years to respond.

This time, we must learn the terrible lesson of Bosnia and act now. This time, we have no excuses not to act. We know all about the slaughter that has taken place, and we know that more is likely to follow. We know that the Serbian regime is determined to achieve its racist, supremacist goals of driving the ethnic Albanians out of Kosova.

We also know that there is a genuine risk that the violence will not only escalate, but also, spread beyond Kosova. While the region is already suffering under the rule of a 40,000-man police and military force, the Serbian regime could unleash much worse terror through full-scale attacks. For 9 years, the Kosovar Albanians have suffered from low-intensity terror. Now it is becoming a low-intensity conflict. Soon, it could become a full-blown war. Ethnic Albanians, Macedonians, and ethnic Albanian Macedonians could be drawn into the conflict. So, too, could Greece and Turkey, two of our NATO allies.

We also know that the current crisis has been brewing for far too long--Like me, Mr. Chairmen, many of you on the Helsinki Commission know this first-hand. When I traveled with six of my Senate colleagues, including Chairman D'Amato, to Kosovo in the region's two million ethnic Albanians--90 percent of the province's population--had already been under Belgrade-imposed martial law for one year. Even then, the shape of things to come was clear: Kosovar Albanians were fired from their jobs as professors, teachers, doctors, lawyers, businessmen, policemen, and other professionals and replaced with Serbs. The Kosovo Assembly was shut down. Schools and universities were closed. Civilians were routinely terrorized by Serbian police. Soon, the formerly autonomous province had been completely subjugated to the regime of Serbian President Slobodan Milosevic. Today, Kosovo is ruled as a police-state. Harassment, arbitrary detention, and even the murder of ethnic Albanians are commonplace.

An entire generation of Kosovar Albanian children has grown up under, by far., the most primitive and repressive conditions in Europe today--conditions that, with Bosnia, no one expected to see on the continent ever again after World War II. These conditions, as well as the grave risks of a larger conflict, necessitate an urgent Western response. United States and the major European powers must therefore act now to end the violence that is at the center of the current crisis. The violence, however, is only a symptom of the real disease, which is the Serbian regime's brutal, systematic, and long-term deprivation of the Kosovar Albanian population's most basic human rights and civil liberties.

Only a strong demonstration of genuine Western resolve can address this endemic problem--and thereby produce a just and sustainable solution. One such demonstration was the Bush Administration's "Christmas warning" to Milosevic that Serb-instigated violence in Kosovo would elicit a strong U.S. response, possibly including military force.

President Clinton repeated the warning at the beginning of his Administration. Now, however, the West appears to be retreating from that resolve. Since the recent crisis began, the Christmas warning has not been repeated. No doubt, this is something that Milosevic has noticed. Indeed, for nearly a decade, he has expertly exploited Western weakness and disunity in order to carry out his ethnic supremacist policies on its own territory and beyond.

Threats of economic sanctions and many other half-measures and quick-fixes have already been tried to no avail. New ones will, at best, defer rather than yield a genuine resolution of the crisis. In any case, half-measures helped to sustain the suffering in Bosnia for 4 bloody years, and threats did not accomplish what actions would have.

Mr. Chairman, as you know, from the time of my fateful trip to Kosovo in 1990 until I left the Senate in 1996, I worked vigorously against such half-measures. I sought to obtain a more vigorous U.S. policy response not only to the Serbian regime's mistreatment of the Kosovar Albanians, but also to its prosecution of the war in Bosnia. The Helsinki Commission played a major role, in bringing these issues to the attention of the U.S. Congress--and the world. I applaud you, the other members of the Commission, and its staff for the principled positions that you have taken on this issue over the past several years.

Today, we must again take a principled position and act to halt the violence and restore the full rights of Kosova's Albanian population. I say this to you now not only as a concerned American, former presidential candidate, and Senate Majority leader, but also as the chairman of the International Commission on Missing Persons in the Former Yugoslavia.

The Commission is seeking to resolve the cases of approximately 20,000 men, women, and children officially registered as missing from the war in the former Yugoslavia. Most of these are Bosnian Muslim victims of the Serbian regime's assault on the Republic of Bosnia-Herzegovina.

I shudder to think of the impact of another hundred or another thousand--let alone another 20,000--going missing as a result of yet another vicious assault against civilians in the former Yugoslavia. I shudder to think of more deaths, more injuries, more catastrophic

losses. I shudder to think of another generation, of another part of Europe's youth, lost to the needless and senseless brutality of the Serbian regime.

Mr. Chairman, this time, we must act deliberately and decisively. Neither the United States, its allies in Europe, nor the people of the former Yugoslavia can afford the physical losses or moral tell of another Bosnia.

**LETTER FROM HON. JOSEPH J. DIOGUARDI, PRESIDENT,
ALBANIAN AMERICAN CIVIC LEAGUE**

Senator Alphonse D'Amato
U.S. Senate
Washington, DC 20510
March 18, 1998

Dear Senator,

Many thanks for your invitation to appear before the hearing of the Commission on Security and Cooperation in Europe about the crisis in Kosova.

I have spoken to Mike Hathaway, and we agreed that I should submit the following attached copy of my testimony for the official record of the hearing. Unfortunately, due to the late notice, I was unable to change my schedule to fly to Washington to be present at the hearing today.

I appreciate all that you are doing to help the Albanians of Kosova, and I look forward to working with you to resolve this important issue.

Sincerely, Joseph J. DioGuardi

**WRITTEN SUBMISSION OF HON. JOSEPH J. DIOGUARDI
PRESIDENT, ALBANIAN AMERICAN CIVIC LEAGUE**

Mr. Chairman, on behalf of the Albanian American community, let me thank you for holding this important hearing on Kosova.

Genocide, Mr. Chairman, that's what we are talking about here today. We saw it happen in Bosnia. Now it is happening in Kosova. The United States cannot remain silent this time. We cannot stand idly by while yet another ethnic group is brutally tortured, massacred, and persecuted by the Serbian Government's continuing state-sponsored terrorism against the Albanian people of Kosova.

It is time for NATO and the U.N. to deal with this problem. In addition to tightening economic sanctions, the United States should immediately work to freeze all of Serbia's overseas assets.

The United Nations must make it clear that the same measures used in Bosnia to apprehend and try war criminals for crimes against innocent civilians will be implemented in Kosova. The UN should immediately establish an international investigation committee to identify war criminals and to ascertain the real facts of the recent Serbian attack on Kosova.

As Secretary of State Madeleine Albright said on Sunday, March 8, 1998, "The Serbs should recognize the legitimate political rights of the ethnic Albanians." To this end, the United States should force the Serbs to begin a real dialogue. The United States should also work with our allies to impose a no-fly zone in Kosova, and, as long as we have a military presence in Bosnia and Macedonia, we should use that presence to prevent additional atrocities from occurring. If we act now and demonstrate resolve (as we did 2 years too late in Bosnia), we can prevent our troops in Bosnia from going to Kosovo in the future.

I am particularly disturbed about the March 5, 1998, merciless attack on ethnic Albanians in the Drenica region of Kosovo by a Serb police force armed with helicopters, artillery, and tanks. They set fire to homes and buildings, killed more than 100 ethnic Albanians, tortured and wounded hundreds more, and left thousands homeless. Mr. Chairman, the atrocities committed earlier this month in Kosovo are part of a systematic campaign by the Serbian Government to brutalize, dehumanize, and "ethnically cleanse" the Albanian population of Kosova.

The U.S. State Department's 1997 Country Report on Human Rights in Serbia demonstrates that human rights abuses and violations of civil liberties in Kosovo are both shocking and pervasive: political and extra-judicial killings; cruel, inhuman, and degrading treatment and punishment; arbitrary arrest, detention, and exile; denial of the right to a fair public trial; and arbitrary interference with privacy, family, home, and correspondence.

The recent massacre of innocent civilians in Drenica, Prishtina, and other parts of Kosovo are a chilling reminder that the Serbian Government remains committed to "ethnic cleansing" as the best way to deal with non-Serbian minorities in the former Yugoslavia.

The two million ethnic Albanians of Kosovo comprise more than ninety percent of the total population of Kosova. And yet they have no human, economic, or political rights whatsoever. Slobodan Milosevic has illegally and brutally occupied Kosovo for almost 10 years. Ko-

sovo is where he started the carnage that led to the rape and pillage of Bosnia and now will lead to an even greater Balkan war if we do not act now.

It is time for our State Department to understand that loose talk that brands the victims as terrorists for defending themselves only serves to give a "green light" to the real terrorists--Slobodan Milosevic and his henchmen--to massacre innocent people.

It is time for the United States to get tough on draconian dictators like Slobodan Milosevic and demand compliance with international conventions, before more ethnic Albanians are needlessly slaughtered and a new Balkan war is triggered, involving neighboring Macedonia, Albania, Bulgaria, Greece, and Turkey.

It is time, Mr. Chairman, for Congress to stand up and voice its outrage. It is time for the United States to back up our words with concrete actions, such as declaring a no-fly zone and ringing the border of Serbia with NATO troops. These actions would reaffirm the line that both Presidents Bush and Clinton "drew in the sand" in Kosova, a line that is still our foreign policy, according to the testimony given by Ambassador Robert Gelbard in a hearing before the House Committee on International Relations on March 12.

Let's learn from our experience in Bosnia. Now is the time to act, Mr. Chairman.

SERBIAN "ETHNIC CLEANSING" OF ALBANIANS IN KOSOVA
A HISTORY OF SERBIAN "ETHNIC CLEANSING" OF THE
ALBANIANS IN KOSOVA

Kosovo ties in the south of former Yugoslavia, bordered by Serbia proper to the northeast, Montenegro to the north, Macedonia to the south, and Albania to the southwest. More than 90 percent of its 2 million people are Albanian, and most of the rest are Serbs. Albanians also live in large numbers in all of the aforementioned areas bordering Kosovo 1 million in Macedonia; 100,000 in Montenegro; 50,000 in Serbia proper (Presheve, Medvegje, and Bujanove); and 3.5 million in the State of Albania--a divided nation of about 7 million people living side by side.

THE KOSOVO PROBLEM SINCE WORLD WAR II

The 1946 Yugoslav constitution recognized the separate identity of Kosova. At the same time, it divided Albanian-inhabited lands among Serbia, Albania, Macedonia, and Montenegro. In 1963, under the influence of Serbian secret police boss Alexander Rankovic, Kosovo was incorporated as a commune in Serbia. After Rankovic's fall in 1974, Kosovo was reinstated as an autonomous province and given federal representation equal to that of the six Yugoslav republics of Serbia, Croatia, Bosnia-Herzegovina, Macedonia, Slovenia, and Montenegro.

Following Tito's death, persecution by Serbian Government troops ensued, which led to massive student uprisings in Kosovo in 1981. The Serbian police and troops killed at least twenty-two Albanians and beat, wounded, and arrested thousands more. From 1981 to 1988, official statistics confirm the arrest and jailing of more than 7,000 people and the incredible figure of 586,000 Albanians (more than 25 percent of the population) who passed through the hands of the police for one reason or another.

Serbian determination to strip Kosovo of its independence continued. In 1989, the Serbian authorities forcibly abolished the autonomy of Kosovo and sent Yugoslav tanks to patrol the streets. Six days of rioting ensued, during which more than 100 Albanians were killed and more than 900 were arrested.

In April 1990, facing more demonstrations, Serbia passed a special law extending prior emergency measures. The people of Kosovo through their Assembly responded on July 2 with a declaration of independence. Three days later, Serbia suspended the Kosovo Assembly, falsely purporting that the Serbian minority in Kosovo was being oppressed by the Albanian majority. Serbia then seized some seventy-five enterprises, including hospitals and energy plants. On September 7, following a general strike, the Assembly met secretly, proclaimed Kosovo a Republic within the Yugoslav federation, and adopted a constitution. By September 17, its 111 Albanian members had been arrested or had fled into hiding or exile.

On September 28, 1990, Serbia adopted a new constitution that completely eliminated Kosova's autonomy. As of mid-1991, the people of Kosovo held a referendum in which 87 percent of the population participated, resulting in a 99 percent vote in favor of an independent state. On October 19, 1991, based on this referendum, Kosovo was declared a sovereign, independent state and a transitional govern-

ment was formed. On May 24, 1992, the first multiparty elections for parliament and president of the Republic of Kosovo took place. On June 23, 1992, however, the Serbian police used armed vehicles to prevent the seating of the newly-elected government in Kosova.

In the years that followed, life for the Albanian people of Kosovo deteriorated dramatically. In spite of their policy of peaceful resistance, the barbaric treatment at the hands of the Serbian police, paramilitary, and military forces persisted unchecked on a daily basis.

KOSOVA UNDER SERBIAN OCCUPATION

Serbian police have expelled nearly all Albanian physicians, dismissed 7,00 students, prohibited the use of Albanian as a language of instruction, closed the University of Prishtina, replaced Albanian judges with Serbian Jurists, and engaged in random beatings, kidnappings, torture, house searches, and killing. The Serbian Government has shut down Albanian radio and television operations and used its own media to promote anti-Albanian racism in the region.

Economic strangulation has been a key element of Serbia's takeover of Kosova. "Compulsory administration" has been imposed on most of Kosova's more than one hundred economic centers, resulting in the collapse of Kosova's economy. More than 75,000 Albanian families are unemployed. It is estimated that close to half a million Albanians are suffering from food shortages and there is a very real danger of widespread starvation. Many analysts believe that the Serbian Government is trying to bring the Albanian population to its knees through hunger.

With no real recognition and intervention by the international community to prevent the daily brutality inflicted on innocent civilians, Albanians had no choice but to resort to the self-defense of their families, neighbors, property, and communities. The ill-equipped Kosovo Liberation Army emerged from this struggle to survive and it has declared itself as a defense force with no terrorist aims. The most recent events in Kosova, from February 28 to March 8, 1998 in the Drenica region, including the villages of Prekaz, Voynich, Llausha, and Likosan clearly demonstrate what has been feared all along; namely that the atrocities the world witnessed in Bosnia will be repeated in Kosovo and will result in a completely lopsided conflict in which the unarmed civilian population of Kosovo is massacred. A full-scale civil war is certain to involve the larger Albanian population of Macedonia, Montenegro, southern Serbia, and Albania, and this would make the nightmare of a second genocidal war in Europe in this century a reality.

CONCLUSION

The Albanian American Civic League believes that the West must play an immediate role in stopping the Serbian assault on Albanian villages, which has as its aim the "ethnic cleansing" of the Albanians of Kosova. Because of the importance of the Balkans to our national security, President Clinton had already dispatched some three hundred American troops to neighboring Macedonia as observers, and we have committed a substantial contingent of American soldiers in Bosnia. With the recent, tragic Serbian assault on Kosova, it is now time to take strong measures to prevent further bloodshed.

President Bush on his way out of office and President Clinton on assuming office clearly put Slobodan Milosevic on notice that "a line had been drawn in the sand on Kosova." President Clinton should now make good on this foreign policy declaration by implementing a swift and powerful counterstroke against any further aggression against the Albanians in Kosova.

LONDON CONTACT GROUP MEETING

9 MARCH 1998

STATEMENT ON KOSOVO

1. We the Foreign Ministers of Contact Group countries, together with representatives of the European Commission and the Office of the High Representative, met in London on 9 March to discuss the increasingly tense situation in Kosovo, Federal Republic of Yugoslavia (FRY), and the unacceptable use of force over recent days. The Balkans region has seen too much bloodshed in recent years for the international community to stand aside.

2. We recalled that when we met in New York on 24 September 1997, we voiced deep concern over developments in Kosovo and called on the authorities in Belgrade and the leadership of the Kosovar Albanian community to join in a peaceful dialogue. We are dismayed that in the period since September, rather than taking steps to reduce tensions or to enter without preconditions into dialogue toward a political solution, the Belgrade authorities have applied repressive measures in Kosovo. We note with particular concern the recent violence in Kosovo resulting in at least 80 fatalities and condemn the use of excessive force by Serbian police against civilians, and against peaceful demonstrators in Pristina on 2 March.

3. Our condemnation of the actions of the Serbian police should not in any way be mistaken for an endorsement of terrorism. Our position on this is clear. We wholly condemn terrorist actions by the Kosovo Liberation Army or any other group or individual. Those in the Kosovar Albanian community who speak for the different political constituencies should make it clear that they, too, abhor terrorism. We insist likewise that those outside the FRY who are supplying finance, arms or training for terrorist activity in Kosovo should immediately cease doing so.

4. We condemn the large-scale police actions of the last 10 days that further inflamed an already volatile situation. The violent repression at non-violent expression of political views is completely indefensible. We call upon the authorities in Belgrade to invite independent forensic experts to investigate the very serious allegations of extrajudicial killings. If these accusations are borne out, we expect the FRY authorities to prosecute and punish those responsible.

5. Our commitment to human rights values means that we cannot ignore such disproportionate methods of control. Government authorities have a special responsibility to protect the human and civil rights of all citizens and to ensure that public security forces act judiciously and with restraint.

6. In the light of the deplorable violence in Kosovo, we feel compelled to take steps to demonstrate to the authorities in Belgrade that they cannot defy international standards without facing severe consequences. The Contact Group has decided to take a broad range of action to address the current situation on an urgent basis. The Contact Group welcomes the continuation of consultations in the

United Nations Security Council, in view of the implications of the situation in Kosovo for regional security. Against that background the Contact Group:

- requests a mission to Kosovo by the United Nations High Commissioner for Human Rights
- urges the office of the Prosecutor of the ICTY to begin gathering information related to the violence in Kosovo that may fall within its jurisdiction. The FRY authorities have an obligation to cooperate with the ICTY. Contact Group countries will make available to the ICTY substantiated relevant information in their possession
- supports the proposal for a new mission by Felipe Gonzalez as the Personal Representative of the OSCE Chairman-in-Office for the FRY that would include a new and specific mandate for addressing the problems in Kosovo
- supports the return of the OSCE long-term missions to Kosovo, the Sandzak and Vojvodina
- recommends that the Special Session of the OSCE Permanent Council meeting on 11 March arrange for Embassies in Belgrade of OSCE participating states to intensify their visits to Kosovo so as to provide for a continuous presence
- will continue vigorously to support Sant Egidio's efforts to secure implementation of the Education Agreement, and identify resources to assist a fair and acceptable arrangement
- proposes the establishment of an international consortium including non-Government Organizations that would promote civil-society building in Kosovo and the distribution of humanitarian assistance.
- recognizing that neighboring countries of the FRY have legitimate security concerns stemming from violence and unrest in Kosovo, will arrange an urgent meeting of the Contact Group with representatives of governments in the region to discuss the grave consequences of an inter-ethnic conflict and its possible spillover to other parts of the region. We expect them to do all in their power to prevent support for terrorism.

The meeting will in particular address:

- the possible dispatch of a short-term OSCE monitoring group to enhance the ability of the Albania mission's Shkodra field office to monitor the FRY (Kosovo) border
- the possible strengthening of the present OSCE mission in Skopje
- recommends that consideration be given to adapting the current UNPREDEP mandate, and would support the maintenance of an international military presence on the ground in the former Yugoslav Republic of Macedonia when the current mandate of UNPREDEP expires
- will monitor the situation in Kosovo by frequent joint visits to Pristina by Contact Group and other representatives

7. At the same time, it is not enough for the killing to stop; too much damage has already been done to human life and to the FRY'S credibility. Because of the gravity of the situation, we endorse the following measures to be pursued immediately:

- a) UN Security Council consideration of a comprehensive arms embargo against the FRY, including Kosovo;
- b) Refusal to supply equipment to the FRY which might be used for internal repression, or for terrorism;
- c) Denial of visas for senior FRY and Serbian representatives responsible for repressive action by FRY security forces in Kosovo;
- d) A moratorium on government-financed export credit support for trade and investment, including government financing for privatizations, in Serbia.

The Contact Group notes that the Russian Federation cannot support measures c) and d) above for immediate imposition. But if there is no progress towards the steps called for by the Contact Group, the Russian Federation will then be willing to discuss all the above measures.

We call upon President Milosevic to take rapid and effective steps to stop the violence and engage in a commitment to find a political solution to the issue of Kosovo through dialogue. Specifically, he should within 10 days:

- Withdraw the special police units and cease action by the security forces affecting the civilian population.
- Allow access to Kosovo for the ICRC and other humanitarian organizations as well as by representatives of the Contact Group and other Embassies.
- Commit himself publicly to begin a process of dialogue, along the lines in paragraph 10, with the leadership of the Kosovar Albanian community.
- cooperate in a constructive manner with the Contact Group in the implementation of the actions specified in paragraph 6 above which require action by the FRY Government.

If President Milosevic takes these steps, we will immediately reconsider the measures we have now adopted. If he fails to take these steps, and repression continues in Kosovo, the Contact Group will move to further international measures, and specifically to pursue a freeze on the funds held abroad by the FRY and Serbian Governments.

The Contact Group has decided to meet again on 25 March to assess the response of the government of the FRY.

8. Belgrade's own actions have seriously set back the process of normalization of the FRY's relations with the international community. Unless the FRY takes steps to resolve the serious political and human rights issues in Kosovo, there is no prospect of any improvement in its international standing. On the other hand, concrete progress to resolve the serious political and human rights issues in Kosovo will improve the international position of the FRY and prospects for normalization of its international relationships and full rehabilitation in international institutions.

9. No one should misunderstand our position on the core issue involved. We support neither independence nor the maintenance of the status quo. As we have set out clearly, the principles for a solution of the Kosovo problem should be based on the territorial integrity of the Federal Republic of Yugoslavia, and be in accordance with OSCE standards, Helsinki principles, and the UN Charter. Such a solution also must take into account the rights of the Kosovo Albanians and all those who live in Kosovo. We support an enhanced status for Kosovo within the FRY which a substantially greater degree of autonomy would bring and recognize that this must include meaningful, self-administration.

10. The way to defeat terrorism in Kosovo is for Belgrade to offer the Kosovar Albanian community a genuine political process. The authorities in Belgrade and the leadership of the Kosovar Albanian community must assume their responsibility to enter without preconditions into a meaningful dialogue on political status issues. The Contact Group stands ready to facilitate such a dialogue.

THE PROPOSAL FOR THE DEMOCRATIC RESOLUTION OF THE KOSOVO AND METOHIJA QUESTION

The proposal of the Expert group which consists of the representatives of several Serbian parties of democratic orientation which took part in the work of the inter Serbian dialog.

The members of the Expert Group are:

Mr Dusan Batakovic, PhD; Prof. Miodrag Jovicic, PhD, the member of the Serbian Academy of Sciences; Mr. Zoran Lutovac, MA; Mr. Caslav Ocic, PhD; Prof. Kosta Cavoski, PhD and Prof. Dragoljub Popovic, PhD.

Taking into consideration the worrisome situation in KOSOVO and Metohija an unalienable part of the Serbian state, without which the future security of Serbia and the equality of all its citizens without regard to their religious or ethnic affiliation, cannot be imagined, and certain of the unacceptability of the continuation of the status quo we present the following:

THE PROPOSAL FOR THE DEMOCRATIC RESOLUTION OF THE KOSOVO AND METOHIJA QUESTION

Kosovo and Metohija region has been a historic, cultural and political part of Serbia for nearly a millennium During the Middle ages Kosovo and Metohija represented the "Serbian Jerusalem", the center of the Serbian state and culture, with some 1300 churches and monasteries. This territory as well as the whole of Serbia, found itself under the Ottoman rule from the mid XV century until 1912. During the First Balkan War, these territories were liberated and returned to the two Serbian states: Kosovo to Serbia, and Metohija to Montenegro, in accordance with international treaties concluded between 1912-1913.

During Ottoman administration, Kosovo and Metohija, just as the rest of Serbia, was divided into larger or smaller administrative units, "sandzaks" or "vilayets." Due to wars, conflicts and forced migrations during the Ottoman rule, the ethnic structure of Kosovo and Metohija was forcibly changed. By the end of the XVII century these mostly Serbian provinces were forcibly taken over and inhabited by

ethnic Albanians who, as opposed to the Serbs, were Muslims and had a privileged position in the theocratically-constituted Ottoman empire. The number of Serbs slowly decreased, while the number of ethnic Albanians in the Kosovo vilayet (Old Serbia) reached almost half of the total population.

In the Kingdom of the Serbs, Croats and Slovenes, until 1929, the areas of Kosovo and Metohija were divided into smaller administrative units (oblasti).

In the Kingdom of Yugoslavia, after 1929, this area was administratively divided between three larger units (banovinas-counties): the Vardarska, Moravska and Zetska county.

During the Second World War, after the Nazi attack on Yugoslavia and the subsequent occupation of the country the largest part of Kosovo and Metohija was annexed to "Greater Albania," which was placed under the Italian protectorate. The northern part of Kosovo was left within German-occupied Serbia, while a smaller eastern section was attached to the Bulgarian occupation zone.

Kosovo and Metohija was established as a separate territorial unit within Serbia in 1945 by a decision of the communist authorities. Its borders were arbitrarily drawn without a democratic consensus of the population of Serbia and Montenegro. Those Serbs who had fled the area during World War II were not allowed by the communist authorities to return to Kosovo and Metohija. At the same time, ethnic Albanians who had been deliberately brought to the area from Albania during the occupation were allowed to permanently settle on the usurped land.

During the communist rule, Kosovo and Metohija first had the status of an autonomous area (1946), while it was later granted the status of autonomous province (1963). The increasing of authority of the autonomous province by constitutional amendments (1968-1971) allowed the Albanian minority to, as in the Ottoman period, establish a regime based on political and ethnic domination. These policies were first introduced by the anti-Serbian and anti-Yugoslav demonstrations in 1968: protesters called for the establishment of the Republic of Kosovo as the first part in the process of secession from Serbia and Yugoslavia. The name Metohija was erased from the name of the province as a concession of the Yugoslav communist establishment to Albanian demands (the term "metoh" signifies the property of the Orthodox Church).

The leadership of the Kosovo Albanians attempted to promote further emigration of the Serbian population of the area by using discriminatory policies. The ideological framework for this process, influenced by Enver Hoxha ethno-communism was based on the theory that Albanians were the descendants of the Ilirians, all Serbs that had moved to the area after the VI century were therefore seen, according to the official theory, as "aliens on Albanian soil." Besides "the inventing tradition" and the systematic violation of the civil and human rights of Kosovo and Metohija's Serbs, ethnic Albanians also used communist ideology as an excuse to continue the ethnic cleansing of Serbian population in the province.

The 1974 constitution disassembled the Yugoslav state, turning it into a union of communist establishments based on ethnic principles. This constitution also broke up the Serbian state with two provinces. In this ideological process the ethnic Albanian communist establish-

ment received Kosovo and Metohija as its fief. The attempt to turn Kosovo and Metohija in a seventh republic, as a step towards secession from Serbia and then Yugoslavia was halted in 1981, although the emigration of Serbs was not abated. The autonomous status of Kosovo and Metohija was returned to the standard European framework of autonomous units in 1989.

Ethnic Albanians using demonstrations and a boycott of the Serbian state are attempting to keep the crisis alive. The number of their population, aggressiveness, high level of national homogeneity and well as the continuation of the inter ethnic tensions, are the elements of a strategy which goal is the secession from Serbia and Yugoslavia and not the respect of human rights. The series of repressive policy carried out by the Serbian Government, as an answer to the position of ethnic Albanians has caused only further deterioration of the situation.

Convinced that the present situation in Kosovo and Metohija does not benefit anyone, neither the local Serbs, the ethnic Albanians, the other ethnic communities, the Serbian state nor the international community, we critically reexamine in this proposal: some ideas for the resolution of this question, with the aim of rejecting them as unfounded and unimplementable to finally present our own ideas in the form of this proposal.

1. It is not acceptable for the Federal Republic of Yugoslavia, i.e. for its members: Serbia and Montenegro, that Kosovo and Metohija become a third federal unit of the federation since this change would usher in the danger of Kosovo and Metohija's secession from Serbia and Yugoslavia. This danger is plainly evident in both the programs of ethnic Albanian political forces, as well as the international precedent committed by the international community which recognized the former Yugoslav republics of the SFRY as sovereign states after they had unilaterally seceded from the former federation. As in the case of the former SFRY constitutional article (article 5, paragraph 3; the Constitution of SFRY), which banned the unilateral secession of Yugoslav republics, future constitutional safeguards would not be able to stop any future secession of a third federal unit.

Two events that shook the former SFRY prove that the strong secessionist tendencies of the leadership and a larger part of the ethnic Albanian population in Kosovo and Metohija are not the result of the present policies of repression and violations of the basic human rights by the present regime. In two separate occasions forceful ethnic Albanian aspirations toward secession were manifested, both in the guise of demonstrations, in November, 1968 and March and April, 1981. In both cases the proclaimed goal of these protests was the forming of the Republic of Kosovo.

The 1968 demonstrations resulted in the changing of Kosovo and Metohija's name to Kosovo only, and the albanization of the province: the albanization of the topography, the educational system, the media, commerce and culture, in short, the albanization of life in the province, which only intensified the process of ethnic cleansing and assimilation. In 1981, secessionist demonstrations rocked the province even though the 1974 Constitution gave to the province the status of a state within a state (Kosovo was, along with Serbia's other province, given right to decide on vital questions that concerned the rest of Serbia; the opposite was not granted). However, this entity

was not a kind democratic unit based on the rule of law, but was in fact a fief of the Albanian communist establishment, which was systematically furthering a process of ethnic cleansing and assimilation, primarily aimed at, on one side the Serbs, and on the other the Turks, Goranis and Romani and other non-Albanian inhabitants of the Muslim faith.

The disintegration of the SFR of Yugoslavia, which took place later, explains the backdrop of the 1968 and 1981 demonstrations and the aims of its strategists: the creation of a republic that would represent this first step towards secession.

Just as it is unacceptable for Kosovo and Metohija to become a third federal unit in the Yugoslav federation it is, with the same reasons in mind, even more inappropriate to support the federalization of Serbia itself, in which Kosovo and Metohija would be granted the status of a federal unit within Serbia. This process of federalization of Serbia would be an anti-historical act: instead of the strengthening of a unified Serbian state, based on democracy and equal rights for all the citizens, this would lead to its disintegration. World-wide common experience that says that federal arrangements should be avoided whenever possible, has just been confirmed by the insurmountable organizational and functional problems encountered during the last 50 years of the Yugoslav federation. Having taken this into consideration, we underline that we do not envision the resolution of the Kosovo-Metohija question in the transformation of Kosovo and Metohija into a federal unit of any kind.

2. A second unacceptable idea is that Kosovo and Metohija retain the status of autonomous province, especially if it is given back the rights of the 1974 Constitution. The establishment of the autonomous province in 1946 (then called an autonomous area or "oblast") represented, along with the aim of weakening Serbia as a federal unit, a concession of the Yugoslav communist regime to its "fraternal" communist regime of Enver Hoxha in Albania. Turning a minority question into a territorial question proved to be a fatal mistake. The consequences of this error are still being felt today. The 1974 constitution gave the autonomous province of Kosovo the status of a "constituent element of the federation," and stripped Serbia of many attributes it possessed as a federal unit equal among other Yugoslav republics. The 1989/90 constitutional reforms left Kosovo's autonomous province status intact, but it reduced its rights and authority.

We advocate that, since the idea that Serbia should be asymmetrically organized has proved a complete failure, the autonomous province of Kosovo and Metohija should be abolished. The numeric superiority of the ethnic Albanian population cannot be an excuse for the further existence of the province. Taking into consideration the old Latin saying, which is the foundation of the whole legal system "Ex iniuria ius non oritur" (from the unlawful, one cannot derive or make those things lawful), it is clear that the majority ethnic Albanian population of Kosovo and Metohija cannot claim the right to ethnic autonomy, and especially not the right to any kind of statehood, since their majority, throughout the earlier and modern history, has been, for the most part, gained forcefully, i.e. by using the unlawful methods.

The position of the ethnic Albanian minority will be regulated by laws and the constitution that will guarantee, without any form of autonomy, their complete equality with all the other citizens of Serbia.

3. Finally, we reject the idea that Serbia should be organized as a centralized state, which is essentially the way the Republic of Serbia is ordered now. The concept of decentralization of constitutional arrangement has been steadily gaining ground worldwide; this idea addresses both the demands of democratic governance and the needs of a rational territorial organization of the state. Serbia cannot go against such broad trends, especially after the negative experiences of the communist totalitarianism, and the present rigid centralism.

II

We will start presenting the proposal for the democratic resolution of the Kosovo and Metohija problem by emphasizing the importance of guaranteeing human rights, which will be followed by a description of our vision of the territorial division of the country, with Kosovo and Metohija reorganized as two separate regions. Finally, we will conclude with a summary of other suggestions for the resolution of the Kosovo and Metohija problem.

1 . GUARANTEEING HUMAN RIGHTS

The respect for human rights in Serbia, and especially in Kosovo and Metohija, is highly unsatisfactory, since the present regime is violating the rights of both Serbs and ethnic Albanians; as well as the rights of other inhabitants of the province. To rectify this situation, Serbia must be reordered as a democratic, social and rule-of-law state that respects and protects human rights.

A modern and democratically ordered, Serbia belongs to Europe, and shares its ideals that call for the respect for the territorial integrity of all states, which are free, share the modern values, and allow the free flow of people and ideas.

Serbia wishes to belong to a Europe in which states and peoples will never again fight over borders, because these frontiers should become channels of communication and exchange, and not the markers of division. Serbia wishes to belong to a Europe in which nations develop freely in democratically ordered and pluralistic states and therefore do not have to seek refuge in their mother countries, precisely because all states equally value and respect universal human rights.

Human rights in Serbia organized on modern principles will be recognized and protected as envisioned in foundations of the United Nations, the Organization for the Security and Cooperation in Europe, as well as all global and European documents and instruments for the protection of human and minority rights.

2. THE REGIONALIZATION OF SERBIA

It has become evident that Serbia, within the framework of a complete reconstruction of the legal and state system, should be transformed into a modern regional state, in which Kosovo and Metohija would be two distinct regions.

The regional state, which represents a form of state organization that lies between the unitary and federal system, adopts the positive aspects of both frameworks while it mitigates the negative sides. It provides the necessary level of state unity, while it gives regions, territorial units of relatively equal size, the authority to be governed within a legal framework specified in the constitution and set by the regional jurisdiction.

Regions in Serbia must be organized along geographic, commercial, and transportation lines, as well as according to historic and traditional criteria. The regions would have between 500,000 and 1,000,000 inhabitants and would therefore represent the optimal form of territorial organization for complete economic and social development as well as a good foundation for the harmonious life and development of all the ethnic groups that inhabit the region. Kosovo and Metohija had never been traditionally one territorial unit, until the establishment of a communist dictatorship in Serbia. In addition, the population size of both areas fits into the suggested framework.

All the regions in Serbia must have equal status and authority. They would be authorized to set policy in the areas of regional commerce, transportation, spatial planning, tourism, health, social services and other issues, by the constitution. In effect, the authority of the regions would be greater than that of the present autonomous provinces. The regions would have their own bodies, including a regional assembly that would be authorized to pass regulations within the framework of the constitution and the law. There would be two types of official bodies in the regions: the regional branches of the central government, and regional bodies. Their work would be monitored by the central authorities. The court system within the regions would be integrated within a unified court system of the country.

The regions would be stripped of any aspects of statehood, which is a characteristic of federal units, but would be represented in one of the two houses of Serbian Parliament, the House of Regions.

The regional organization of the Serbian state would allow all minorities or ethnic communities that live in Serbia and fully enjoy all personal and collective rights, in accordance with international standards, such as the right to use their own language in local administration and the courts, the right to profess their religious faith in their mother tongue, as well as to partake in cultural and other activities. These rights are conditional upon the fact that the minority communities maintain loyal behavior towards the state to which they belong.

It is clear that in Kosovo and Metohija, which developed under specific historical consequences and suffered the adverse effects of the rule of both the communist and the present regime, the Serbs have become the minority group, and should therefore be afforded special protection within the organization of the two regions. This would be accomplished by creating a dual house regional assembly in the two regions. The members of one house of the assembly would be elected from electoral units of the same size (which would therefore give the ethnic Albanian community a majority position). The second body of the regional assembly would be composed on a parity basis, with one half of its members from the ethnic Albanian community, and the other half representing the Serbian and other ethnic groups that live in Kosovo and Metohija (Muslims, Turks, Romani and others). Both

houses of the regional assembly would have equal say in decisionmaking, so that the regional assembly could not pass regulations that were harmful to any ethnic group or the country as a whole.

The above described distinct organization of the regional assemblies of Kosovo and Metohija is necessary because ethnic Albanians do not presently offer any assurance that they are loyal citizens of Serbia, nor that they are ready to abandon their secessionist intentions. Once a change in their attitudes becomes evident, it is quite natural that the organization of these two regions would be brought into accordance with the organization of the other regions.

The establishment of a regional state must be followed by reorganization of the system of local self-government. This system should be modified in a manner that would break up all the large communes (opstinas) into smaller ones. This would increase the number of "opstinas," in accordance with the needs of economic development and the rational functioning of the system of local self-government.

III

a) Population census:

It would be necessary to conduct a census of the population of the Kosovo and Metohija region. Citizens must be allowed to declare their national and ethnic background freely and without pressure. The results of the census would give the real demographic picture of the area.

b) The return of exiled Serbs

To alleviate the serious consequences of the prolonged ethnic cleansing, which began as far back as 1941 and was continued under the communist dictatorship. All those who were expelled under pressure or whose return to the area was banned, should be offered guarantees for a safe return. In addition, conditions should be made to allow the return of private property which these individuals had been forced to leave due to ethnic discriminations.

c) Stopping the assimilation of non-Albanian inhabitants

Since Kosovo and Metohija has witnessed a longtime systematic forced assimilation of Muslims, Turks, Romani and others into Albanians, although in truth the only issue they share is their Islamic faith, such trends must be halted. All those who have declared themselves under duress as Albanians should be allowed to freely declare their membership in their true ethnic community.

d) Economic and social development

Rapid economic development must be stimulated in the regions of Kosovo and Metohija, with the goal of increased employment, higher living standards and establishing conditions necessary for successful work and living in the regions. This includes, besides the return of expelled Serbs, the full economic and social integration of ethnic Albanians. A special economic program must be instituted for these regions, which would include measures to stimulate investment and

employment, as well as customs and tax incentives. Denationalization is another necessary measure for the democratization and free market oriented reform of Serbia. The process of denationalization in Kosovo and Metohija would not only include the return of property to individuals, but also to the Serbian Orthodox Church and other religious communities.

E) STABILITY OF THE REGION

The settlement of the Kosovo and Metohija problem is a crucial goal for the Serbian state since the stability of the wider Balkan area depends on its resolution.

The attempts of part of the leadership of the ethnic Albanians to instigate Kosovo and Metohija's secession against the will of Serbia endangers the security and stability of not only Serbia and Yugoslavia, but that of neighboring states. Such goals are in direct conflict with the Helsinki agreements and obligations, as well as the foundations of the OSCE's vision of security in the XXI century. The projected cooperative (common and all-encompassing) security is based on democracy, the respect for human rights, the rule of law, a free market economy and on social justice. A solution for the Kosovo and Metohija problem should be based on these concepts.

Two conditions must be met for the successful implementation of our proposal:

1. The true and democratically legitimate representatives of both the Serbs and ethnic Albanians must reach a basic consensus on achieving a peaceful, negotiated resolution for the Kosovo and Metohija problem.

2. A Constitutional Assembly, freely elected by all the citizens of the country should ratify a new constitution that would, along with all other deep structural changes of the constitutional system, establish a new form of state organization⁰⁹the regional state, in which the regions of Kosovo and Metohija would find their rightful place.

HEARING ON KOSOVO--THE HUMANITARIAN PERSPECTIVE

THURSDAY, JUNE 25, 1998

*COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC.*

The Commission met, in room 2172, the Rayburn House Office Building, Washington, DC., at 3:15 p.m., Hon. Alfonse D'Amato and Hon. Christopher H. Smith, Co-Chairs, presiding.

OPENING STATEMENT OF CHAIRMAN ALFONSE D'AMATO

Chairman **D'Amato**. Today's hearing of the Commission on Security and Cooperation in Europe is called to examine the current situation in Kosovo, with an emphasis on the human tragedy unfolding there, and efforts to provide relief to the victims.

In recent days, continuing Serbian attacks on the Kosovar Albanian majority population have caused a continuing outflow of refugees, people who are homeless, destitute, and dependent upon outside assistance for their survival.

Our first panel today includes Marguerite Rivera Houze, Deputy Assistant Secretary of State, Bureau of Population, Refugees and Migration, U.S. Department of State; and Roy Williams, Director, Office of Foreign Disaster Assistance, U.S. Agency for International Development.

I'm going to call this first panel now. I understand the House is in the middle of a series of votes, so Congressman Smith and our other members will be joining us soon. So, why don't we ask our first panel to come up so we don't have to wait unnecessarily.

TESTIMONY OF MS. MARGUERITE RIVERA HOUZE, DEPUTY ASSISTANT SECRETARY OF STATE

Ms. **Houze**. Thank you Mr. Chairman. It is a pleasure to be here today, to have the opportunity to discuss the humanitarian situation in Albania and Kosovo. Two weeks ago, I traveled to Tirana and northern Albania to see first-hand the situation of the some 14,000 Kosovar Albanian refugees who have fled the violence in Kosovo.

Addressing the needs of the refugees in one of the most isolated corners of Europe presents an enormous challenge to the international community; a challenge which requires quick and decisive action.

As you know, the increased violence in Kosovo has displaced more than 90,000 people from their homes, and created a situation with complex and long-term political and humanitarian consequences.

Politically, the growing numbers of refugees and displaced persons inflame the ethnic tensions with Serbia-Montenegro, and threatens to destabilize multi-ethnic Macedonia. From a humanitarian perspective, the displaced population places an enormous burden on Kosovo and Albania, the two poorest areas of Europe.

As I mentioned, the situation in northern Albania is dire. Refugees who had traversed the mountainous terrain between Kosovo and Bajram Curri, Albania, arrive from their journeys after 50 to 60 hours, and are frightened, exhausted, and hungry. Fortunately, we have seen few signs of torture, rape, or mine injuries.

Local Albanian families, most who are poorer than the refugees they host, have been extremely generous and hospitable. The families I visited hosted large families in cramped conditions. I was told that some houses are hosting as many as 40 refugees, mainly elderly persons, and women with young children. Few families have running water. Many live at a bare subsistence level. With an extremely high local unemployment rate, their generosity is not sustainable.

The Government of Albania and local officials should be commended for their commitment to support the needs of the refugees, and for their active involvement in coordinating relief activities. International relief organizations should also be recognized for their expedient and comprehensive response to the needs in northern Albania. UNHCR immediately established an office in the north, and established regular meetings of international organizations, NGOs and government officials.

UNHCR, the Albanian Red Cross, World Health Organization, International Committee of the Red Cross, and the local government have provided food, health services, and emergency care to the refugees. The OSCE has increased its own monitoring activities in the region. Three Americans left this week to join the expanded staff, and we expect two more to join them early next week.

Despite this quick reaction, we believe that the international community and local populations are quickly reaching maximum capacity. The infrastructure simply cannot support another 10,000 or 20,000, or even 5,000 more refugees. This extremely poor corner of Europe is now challenged to support more people.

The Ambassador's disaster declaration allowed the U.S. Government to dedicate \$25,000 to an emergency response to the crisis in northern Albania. In addition, we are prepared to respond to the growing needs through a financial contribution to ICRC's and the UN's consolidated emergency appeal.

The UN's appeal includes UNHCR, WHO, World Food Program, and several other UN agencies. These appeals directly address many of the needs I observed during my visit.

For example, the UN appeal targets not only the needs of refugees, but also those of the local population in northern Albania. During my travels, it was clear to me that the locals' needs equaled, if not exceeded, those of the refugees.

The disparity between the assistance to the two groups is a potential source of friction. Assistance to locals will alleviate both humanitarian need and potential conflict. We will encourage UNHCR and other humanitarian organizations to ensure that local assistance programs support local markets, and build local capacity to increase self-sufficiency.

We recognize that shelter will become a major issue if there are more refugees, and if the population remains in Albania through the winter. I expect both. We will support UNHCR's plan to repair collective accommodations. In addition, we must also recognize that future flows may require movement into central Albania, nearer to Tirana.

Security is also a major concern. Northern Albania has typically been a lawless area, beyond the reach of the Albanian police. In addition to addressing the local population's needs, we are exploring possibilities of increasing local police capacity to protect future refugee centers, and the delivery of humanitarian commodities.

Due to the poor infrastructure and rough terrain in northern Albania, logistics and transportation are also major concerns. We have been working closely with NATO's Civil Emergency Planning Committee to urge NATO member governments to provide logistical support, such as helicopter lifts, trucks, communication systems, to international organizations. The Norwegians and Belgians have already responded to these appeals.

We are moving ahead quickly on support to the international organizations in the region. It is imperative that we be pro-active in our support, to build capacity during this ``calm`` between refugee flows. While we hope that there will be no further flows, experience has taught to prepare for the worst. Let us not forget, however, that the majority of displaced persons are not refugees in Albania, but rather, internally displaced with Serbia-Montenegro. I traveled to Kosovo last month, and observed firsthand the growing tensions in Kosovo's communities.

At the time of my visit to Kosovo, roads had already been closed to nonmilitary traffic, and checkpoints had been set up along the route we traveled. We estimate that 65,000 to 80,000 who have been expelled from their home remain in Kosovo, while an additional 10,000 have fled to Montenegro. The displaced person population in Montenegro continues to rise, especially with the tightening of the Albania-Kosovo border.

The most recent wave of violence has produced thousands of displaced persons who have fled to the mountains in western Kosovo. Caught between Serb attacks on villages and the rugged mountains of Albania, many displaced persons have virtually no access to basic necessities.

Serb forces have tightened border crossings, leaving many refugees fearful to head for the Albanian border. In this sense, these IDP's are in a much more dire situation than the refugees are. Although they are closer to their homes, they are also closer to ongoing violence, and continue to suffer from Serb aggression in other ways.

For example, international organizations have often been blocked from delivering humanitarian aid to western Kosovo's most affected villages. Some IDP's have been cutoff from international assistance for months.

We have encouraged international organizations to seek access to those affected areas, and will monitor very closely the Serbs' fulfillment of President Milosevic's recent promise to provide unfettered access for humanitarian organizations. Several weeks ago, when commodities were stolen from three American-funded NGO convoys, we reacted strongly to this blatant disregard for international standards.

Our efforts paid off. The three sets of commodities were returned and delivered last week. Our embassy and OFDA's team on the ground played a very active role in this.

Roy Williams can comment on OFDA's role more specifically. I can personally attest to the fact that OFDA's quick and targeted response to the initial crisis in February, and to the recent displacement, has made an immense difference.

OFDA has provided more than \$1 million to NGOs which, in cooperation with the local Mother Theresa Society, have been active in reaching many displaced persons unable to support themselves. These American NGOs have also provided the Department with invaluable information about the developments on the ground.

While NGOs have been the primary actors in Kosovo, the international community, led by UNHCR and ICRC, has served as an important source of coordination and support. Our financial contribution to the UN and ICRC emergency appeals will cover their operations in Kosovo, Montenegro, and Macedonia, as well.

As you know, the United States has made a strong effort to support Montenegrin President Djukanovic, a forward-looking reformist. The Montenegrin Government has made it clear that it requires assistance to address the concerns of the displaced population.

We recognize that the conditions in Montenegro, for refugees as well as the local population, are becoming increasingly more difficult. UNHCR and the Federation of the Red Cross have increased their presence in Montenegro, and will continue to expand their operations under the UN appeal, which I mentioned.

We are very committed to showing our support for the refugees in Montenegro, and the reformist government, which has been extremely cooperative on humanitarian issues. It is worth noting that the Montenegrins have been cooperative in hosting not only Kosovar Albanian displaced persons, but also some 26,000 Serb refugees who fled the war in Bosnia and Croatia.

Kosovo also hosts 14,000 Croatian Serb refugees, most of whom live in extremely difficult conditions in collective centers. Having fled dangerous circumstances in the Krajina in 1995, most of these refugees have lived in poverty for 3 years, only to find themselves in the midst of another ethnic battle.

Some collective centers have already been targeted for Albanian rebel attacks. The FRY Government has blocked many of our attempts to get these refugees out of Kosovo, saying that they are providing sufficient protection, and alleging that refugees prefer to stay in Kosovo.

This alleged protection has amounted to police occupation in some centers, and no protection for others. These refugees are virtual sitting ducks, caught between a hostile Albanian population, and a Serb Government that is truly not protecting their interest.

I say this to stress that it is not only Kosovar Albanian civilians who are threatened by this civil conflict, but also civilians of all ethnicities.

And then there is Macedonia, the quiet piece of this equation. There are no reported refugee flows to Macedonia, but we expect this will change if fighting shifts to eastern Kosovo. The UN has worked closely with the Macedonian Government to plan for possible flows. We share the government's concern about the potentially destabilizing effect of a refugee flow on the already volatile ethnic Albanian minority community in Macedonia.

We must continue our support of the moderate elements of the Macedonian Government, and the Albanian minority, to ensure that the products of the ethnic conflict in Kosovo do not exacerbate tensions in Macedonia.

The situation is both complex and dire. I want to stress the importance of U.S. involvement in Kosovo, on all levels: diplomatic, political, and humanitarian. This crisis will not go away without active U.S. involvement.

Our concern is not only for the serious humanitarian situation today. It is also for the potential crisis that looms if there continues to be further displacement. The humanitarian impact of hundreds of thousands of displaced persons and refugees could cripple this area. The political impact of so many displaced persons would be irreversible.

Thank you, Mr. Chairman.

Chairman **D'Amato**. Secretary Houze, thank you so very much. You're making the record, obviously, that this is a bleak, bleak picture. One--that you point out, in many circumstances, is going to grow desperately worse. This is just a harbinger of an incredible tragedy that is unfolding before us.

I want to tell you that I have been perplexed. Many of my colleagues have gone back to the days of the Bush Administration, when Senator Dole and I visited that area, in 1990. Milosevic wanted to keep us from seeing what was transpiring in Kosovo. Mr. Rugova at that point in time was not the president. It was pretty deplorable then. It has become much worse since.

I honestly believe that if we continue business as usual, we're going to send a terrible signal to a killer, to a thug, to a man who will go down in history as one of the terrible genocidal leaders. His forces use genocide, ethnic cleansing, and rape as a means by which to terrorize civilian populations--the people.

That is why I have introduced and will be attempting to gain support of my colleagues for a resolution that urges the United States to do all that it can to seek the indictment of Slobodan Milosevic as a war criminal. This is long overdue.

I mean, we hear that you can't do this, you will create wider conflicts. Reasonable people can disagree on that issue. I understand it. I think we all understand not wanting to see a wider confrontation.

But it is repugnant to me that this lowlife thug, this genocidal maniac, has put innocent people through that course. People on all sides, you have pointed out, will be suffering. Terrible, terrible suffering. Displacement of people has already happened, as a result of someone who just wants to maintain power.

I believe that by our continuing to attempt to work with him, we only embolden him. We only give him credit in the eyes of others who might see us deal with him. We should do what is right morally.

Morally we must lay the truth, because we have the factual information, before the world right now. We must seek his public indictment--not a sealed indictment--and have it published.

Only then will we be able to make a change. I'm not so sure that it will bring an end to all of the problems, but I certainly think it will be a major step. Certainly morally, we should meet the basic test of identifying a person who has obviously caused so many crimes and hurt or killed so many people.

We have moral authority, that is, to attempt to move others. I am very much concerned. I intend to raise this matter on the floor.

You're trying to do a job. I think that public support goes with you. It is counterproductive in many, many aspects when the United States works with Milosevic. You have my appreciation.

Ms. **Houze**. Thank you.

Chairman **D'Amato**. Mr. Williams?

TESTIMONY OF MR. ROY WILLIAMS, DIRECTOR, OFFICE OF FOREIGN DISASTER ASSISTANCE, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

Mr. **Williams**. Thank you, Mr. Chairman. I do appreciate the opportunity to present such information as we have on the situation in Kosovo, and its history. I see very clearly from your remarks that you're fully aware of some of the difficulties surrounding this region that go back quite a way.

In point of fact, the assistance of USAID began in 1993, on a much smaller level than is established now. But between that period and until now, we have provided more than \$34 million in assistance. The nature of the assistance has varied quite a bit, depending upon some of the issues that I would like to talk about now.

These issues involve access, our definition of the needs of the people, who is vulnerable and who is not, and also our ability to obtain implementing partners, maybe even NGOs, who can move around to the extent that it's possible.

In that connection, I have divided my testimony into several areas, to complement the information already provided by Marguerite Houze.

As you know, the Office of Foreign Disaster Assistance focuses upon the provision of humanitarian assistance. In the case of Kosovo, we are faced with major issues, including limited access to the conflict areas, and a determination of the actual numbers of people that we are able to serve.

Access has been extremely affected by the fighting, and this is increasingly the case, unfortunately. There are NGOs working out of Pristina which have been able to move around within a limited area.

We have supported those NGOs as actively as possible. Since March of this year, we have provided more than \$1 million in assistance directly to them. We are considering other proposals which they have put forth, all of which are contingent upon security.

The other difficulty is, of course, the number of the affected population. It is very difficult to do the usual kind of registration, and then to check on the registration in such an environment. We have had to rely very heavily upon, again, the NGOs with whom we work, in order to reach the affected society.

There is another population in addition to the Albanians, the Krajina Serbs. Their lot, of course, has been an extremely difficult one.

They are living in collective centers, as opposed to most of the population. The Krajina Serbs have been in a much more vulnerable position by virtue of the fact that they are living in collective centers.

They have become the target of a lot of the hostility, simply by being very easily identifiable. We have served that population, as well.

The substance of our assistance has been of the immediate kind. Typical examples of our assistance are food, hygiene parcels, sleeping bags, blankets, stove, and firewood.

I would like to say one thing. It's most fortunate that the events that we are now seeing did not occur during the winter. The winters in that part of the world, as you know, are quite severe. If these events had occurred during the winter, we would be facing major problems of logistics, in addition to the ones we already face, including access.

We have always consistently tried to talk to the extremely vulnerable. By that, I mean women and children, single heads of household, the aged, and so forth. In that connection, of course, we have made no distinctions between ethnicity, because we don't need to perpetuate what is already in the process, as you point out.

In Albania, because of the disaster declaration, we have provided \$25,000 for assistance directly. This is being administered, as I understand it, at this point, on the border areas where the refugees have come.

Here again, we're seeing a phenomenon which is typical in the Balkans, of people accommodating others in their households. But of course, those households then need extra support in order to survive. Ms. Houze indicated that a concern is just how far these households can be pushed if there were to be a larger outflow. That's something that no one can be quite certain of.

USAID's Bureau for Europe and the New Independent States will be programming \$3.1 million for community building and civil society projects in Kosovo.

The Office of Transition Initiatives, OTI, has awarded five grants to Serbian and Kosovar Albanian civil society for media organizations to promote peace through expanded dialogs. This, of course, is a forward-looking prospect at this juncture. It's the sort of thing that, within the Bureau of Humanitarian Resource, we attempt to do to the extent possible, and as fairly as possible.

I think Ms. Houze has already defined and outlined pretty clearly the nature of the contributions that the Department of State's Bureau for Population, Refugees and Migration is supporting. One thing that I don't know if Ms. Houze mentioned was support for the International Committee of the Red Cross. The ICRC, as you are well aware, is an organization with a reputation of excellent quality throughout the world, in terms of dealing with situations where there is conflict and the sort of ambiguity that they face on a daily basis in Kosovo.

Contingency planning is critical. We have a warehouse of stockpiles, sufficient material to support some 50,000 people, in the event that there is a sharp increase in what we are seeing inside Kosovo. We can move this material within 48 hours anyplace within the region.

Again, however, this would depend upon access. There is always that contingency.

We also have an arrangement with the Department of Defense whereby some 500,000 humanitarian daily rations of food are immediately available. Here again, we have the same constraints-access. Other than that, we can move this material within 48 hours, as well.

Finally, I think we have established contact with all of the U.S. Embassies and USAID Missions in the region, and with the NGOs and UN agencies working in the region. That was done in the event, going back to the question of contingency planning, that more refugees leave Kosovo and flow into these neighboring countries.

We learned early on during the Bosnian war that this sort of contact is essential, if we are going to maintain an operation that is not dependent upon the resources of any one agency. We have really learned to be a humanitarian community. I trust the lessons learned will carry forward, should there be the sort of situation that we would all like to see avoided.

Chairman D'Amato. Mr. Director--let me ask you, how much money does it cost to support the refugee population in Albania?

Mr. Williams. The refugee population as it now stands, sir? I believe those numbers are about 10,000 to 12,000. That's a very difficult question, because what we are relying on, in part, is their accommodation in local households.

Assuming that the local household is able to maintain itself, the simplest answer would be the number that we could arrive at to support those additional people. Let's say that would be the additional 10,000 to 12,000 refugee population.

I think a reasonable number, and this is obviously pure speculation, would be the rate of something like \$15 a week. I'll leave it to someone else to do the arithmetic.

Chairman D'Amato. I don't know if you care to comment with respect to the results if the resolution calling for Milosevic to be tried as a war criminal were adopted. What impact would that have? Again, I'm not going to press you for an answer.

Mr. Williams. I think that's one question, sir, that I don't feel confident to answer.

Chairman D'Amato. Madame Secretary, do you want to take a pass on that, also?

Ms. Houze. I think, Mr. Chairman, that I would also take a pass on answering that question. But I do think that it's important that you know that I would be more than happy to convey the sentiment behind it that you've expressed. I think you very eloquently stated the purpose and the reasoning behind your resolution. I will certainly carry that back. As you know, Ambassador Gelbard and Ambassador Holbrooke are in the region right now.

Chairman D'Amato. After all, the years of just begging, pleading, friendly cajoling, and years of being cordial, there's a sense of frustration at seeing this continue. As a practical matter we need to say, this is a criminal, this is a killer. This is the Pol Pot of that area of the world.

When we just sit quietly, we almost accommodate him. It's only when we threaten some kind of military action that sometimes does he respond and pull back. We are, unfortunately, a society and a nation that respond to crisis.

That's why I wanted to commend you personally for the great job that you do. We see aid workers carrying out their duties under incredibly difficult circumstances. For us just to talk and talk, we have not solved the problem.

Once again, Milosevic has struck out at the civilian population. The fact is that we don't want to create a new whole conflagration. I understand that. Some of our allies shamed themselves by the manner in which they provided no support for sanctions as well. They should be ashamed for lacking the moral courage that it requires to take stands and make economic sanctions strong and meaningful. We don't even have our allies working with us. So, it appears very weak.

If you go over all of these facts, the record goes back to and includes the days of the Bush Administration, where we made great pronouncements, and we failed to follow through. I don't think that encouraged anyone. Congressman Smith has worked with me, so that we could let the Administration know that both houses of Congress are not going to sit by tolerating doing business as usual with Milosevic, and pretend that this is a person that we should be dealing with.

We should have maintained the original and full argument that the Serbs are being publicly held to account. We need gather evidence on complicity, especially that of Milosevic, and have all the criminals brought before the tribunal. I'm getting tired of all of the good intentions and the noble speeches that we make. I think more will not help.

My colleague and co-chairman of the Committee, Congressman Smith I'm going to ask you to ask any questions you might have at this time.

OPENING STATEMENT OF CO-CHAIRMAN CHRISTOPHER H. SMITH

Mr. Smith. Thank you very much, Mr. Chairman. First of all, I want to commend you for holding this hearing on Kosovo. I think it's very important that this Commission continues to raise the issue very strongly, and methodically.

I agree with what you've just said about Slobodan Milosevic. I find it absolutely appalling that there is no effort that I know of being made to gather information about his complicity in war crimes, whether it be against the war against Croatia or Bosnia.

I'll never forget some conversations I had, while we were in Belgrade. Regarding Mladic, Karadzic, and all of those people, I was told point blank, as a matter of fact, by the administration that nothing was being gathered about Milosevic. All of us know that he was the architect of the wars against Croatia, of course against Bosnia, and he continues to be the culprit.

I know I'll never forget after having just visited Vukovar while they were under siege, meeting Milosevic. In our discussion, he lied brazenly about their being involved, saying that those involved were errant militia. It was incredible that Milosevic would put on a straight face and look me in the eye while he made the statements.

We know that by the time we sought to turn off the killing machine, all of a sudden our partner in Dayton was able to bring an end to the killing. This fact suggests that he had the capability. He needs to know that we know what his involvement has entailed, and I appreciate your leadership on that front. Mr. Chairman.

Let me say, very briefly, that all of us have described the fighting in Kosovo as a low intensity conflict, but as it continues, I believe the potential for more widespread violence and massive displacement of population becomes increasingly likely.

In short, Kosovo is bleeding, but it will dangerously hemorrhage if appropriate actions are not taken by the international community to eliminate the use of force as the means to achieve political power by both parties, but particularly by Slobodan Milosevic, who is already responsible for so much death, and destruction, and suffering throughout the Balkans.

Conflict in the former Yugoslavia has been extensively analyzed, and one hears many explanations for the potential for continued violence; if not, it's inevitable. Historically, the collapse of the one-party Communist state, the unification of an artificially divided Europe, and many other explanations come to mind. Very often, especially in the case of Bosnia, but now also in Kosovo, analysis will focus on why the victims brought such tragedy upon themselves.

Those who seek to rationalize the conflict in historical or political terms must, I believe, look into the eyes of the refugees and the displaced persons resulting from the conflict as our witnesses today can tell you.

Looking at our news today--men, women, and children--we can see for ourselves that the hundreds of Kosovar refugees pouring into Albania and elsewhere, have lost what little that they had. These are people seeking refuge in the poorest part of the poorest country in Europe. Looking at these pictures, or meeting a group of refugees face-to-face, the wonted explanation for this conflict will just simply melt away.

In reality, this conflict is simply senseless. Particularly in today's Europe, these children, filled totally with fear, who are crossing the Alps to escape fighting in the Kosovo-Albanian border should instead be filled with the hopes of unprecedented freedom and prosperity.

Mr. Chairman, I do have one question I'd like to ask before we go to the next panel: Secretary Houze or Director Williams, have efforts been made with Belgrade regarding access to the conflict areas?

We know that Catholic Relief Services and Mercy Corp International are ready to go. Is there effort being made to get access to the refugees?

Ms. **Houze**. Let me just answer briefly by saying yes. In fact, we have specifically asked UNHCR and others to push for access in areas where we want to test this policy of unfettered access to the region.

I understand that it's been sporadic, that there are some convoys that get through. There are others that are blocked. We had a report recently that the head of office in Pristina for UNHCR tried to get through, and was turned back. There was denial that in fact he was turned back. We were told that he got up to the checkpoint, and decided to go back on his own.

So, yes. We are definitely trying to push the organizations to test the commitment to unfettered access. So far, the scorecard is somewhat sketchy.

Mr. **Smith**. Are there places we can settle any of those receiving refugee, emergency status?

Ms. **Houze**. Resettle those to third countries?

Mr. **Smith**. The United States and other countries.

Ms. **Houze**. After the trip that I made to Kosovo, and particularly after visiting some of the collective centers, these were Krajina Serbs who for the most part have been housed in fairly isolated villages. I guess they don't want to stay where they are, but the government won't allow them to move elsewhere.

We have been working with UNHCR to expedite resettlement applications for those who have expressed an interest to resettle. We have also communicated with other resettlement countries, about the potential for them receiving some of these numbers.

It's very difficult to get people up to processing in Belgrade. We have approved thirty who have come out of the area of conflict. We're pushing UNHCR to prioritize in those regions where there is conflict, so that we can get those individuals out of harm's way first, because they are sitting ducks. As I said in my testimony, they really have very little, or anybody to turn to. The conditions are deplorable.

Mr. Smith. Is there any likelihood we're going to have a repeat of the debacle in Rwanda, where so many people were sent back, assuming they were going back to a relatively secure environment, only to find themselves in far less than that?

One of the things in our subcommittee, the Subcommittee on International Operations, which I chair, for which we have jurisdiction over, is refugees. I was very much disappointed by the fact that the potential refugees were not apprised in Rwanda, or in Zaire, in the Congo, concerning the potential of third party resettlement.

Are people routinely being apprised of this potential as a possible outcome for their lives?

Ms. Houze. For the people who have fled into Albania, yes, UNHCR is there. My sense is that these are not individuals who want to seek resettlement. They want to go back to their homes. They know that they can't at this point.

I know there's been a lot of speculation about people using this as an opportunity to leave Kosovo altogether, to transit through Albania. But at least for the people that I spoke with when I was there, their desire was remaining with their very own children.

There really isn't a desire to leave. They want to stay close to home. They don't know where their husbands, or fathers, or sons are, and are not ready to make that kind of a----

Mr. Smith. Is that--refugees? Or is that just a presumption?

Ms. Houze. Those, this is my perception after having spoken with people. But resettlement is an option, if those individuals would seek it.

Chairman D'Amato. Is the option to apply for refugee status not something that is laid out for them?

Ms. Houze. It isn't something that is routinely discussed with them as they're coming across the border, no. What's happening now is basically emergency relief, and allowing them to stay in the homes, and now in tent cities that have been set up to accommodate them.

If your question is, is it one of the options that is provided to them, I don't know the answer to that. I don't know if they are routine--if UNHCR is routinely telling them that resettlement is an option.

Chairman D'Amato. I think that is a dialog that the agencies should have routinely with displaced persons--.

Ms. Houze.--Absolutely.

Chairman D'Amato. In my opinion that is something that should be just right there on the table. Especially at the start.

I want to thank the two witnesses for talking to us. You can count on support from all of us for your endeavors. Thank you.

If I could call our next panel. Holly Burkhalter, from the Washington office, Physicians for Human Rights. Joseph DioGuardi, a former colleague and Congressman, president of the Albania-American Civic League. Larry Thompson, senior associate, Refugees International.

We'll start with Ms. Burkhalter.

**TESTIMONY OF MS. HOLLY BURKHALTER,
PHYSICIANS FOR HUMAN RIGHTS**

Ms. Burkhalter. Thank you, Chairman D'Amato, very much, for inviting me to testify on behalf of Physicians for Human Rights. I am an old friend of Mr. Smith's, and have appeared before him many times. But this is the first time I've had the honor to testify with you as the Chairman. I'm greatly pleased to do so.

I'm here on behalf of my two colleagues who were in Albania last week and returned on Monday. I'm very sorry they could not be here. Dr. Leaning had obligations in the operating room in Boston. My colleague had other obligations as well.

So, you will have to make do with me. Though I am nothing of an expert on the region, I am immodest enough to appear before you to present the findings.

I will quickly go through a summary of our report. We interviewed-

Chairman D'Amato. We are joined by Chairman Gilman. Chairman Gilman you may have this time to make an opening statement if you wish.

OPENING STATEMENT OF THE HON. BENJAMIN A GILMAN

Mr. Gilman. Well, I want to thank our outstanding Chairmen for arranging this hearing. It is an important hearing. We are very much uncertain about what has been happening in Kosovo. I want to thank Co-Chairman Smith particularly for helping us keep abreast of what's going on. Senator D'Amato has been a long time advocate of trying for peace in that area.

Among the Members of Congress, many of us have followed the recent events in Kosovo very carefully. Particularly since last February, the violence has escalated dramatically. I'm extremely concerned that the situation could rapidly escalate beyond either the control of the Serbian leaders, or the leaders of the Kosovars.

I recognize that the Kosovars are suffering from Serbia's repressive role, and that autonomy should be restored to the province. Also, I understand the strong demands of their yearning for independence.

While independence may not be viable at this time, and it could lead to a war between the Serbs and the Albanians. But it is something you should give serious consideration to.

However, you are confronted with a new dynamic coming around in Kosovo, that is different from the situation earlier this year. UCK rebels increased their strength dramatically, Mr. Chairman, and now control significant portions of Kosovo's territory.

Buoyed by their success, the UCK fighters believe that they have no need to negotiate. They believe they will win independence.

I believe that you have to continue to use argument to address both sides in serious negotiations without preconditions. Milosevic must be pressured to accept an international mediator, such as former Spanish prime minister Gonzales. The Serbs cannot expect the Albanians to negotiate while under the barrel of Serb guns.

Serbian police should withdraw to their barracks. The Serb army should withdraw from Kosovo. All military operations should cease while negotiations are under way. Any NATO military operation in-

tended to create conditions for negotiations should get under way, and should be decisively executed to ensure those conditions set forth by the NATO effort are met.

I think we need to test the alignments by engaging in military operations such as air strikes, and quick, before any of Milosevic's objectives are reached. At the same time, we should not entertain any notions on that part of the UCK that utilize NATO intervention to press--to attack the Serb positions in Kosovo.

All sides must refrain from violence while negotiations are being held. Our witnesses today will provide us the details of the events of the fighting in Kosovo, on innocent civilians, most of all on women and children, whose homes have been destroyed, and who have had to flee their villages.

As with the children in Bosnia, it is the elderly and the young who suffer most. We hope to hear some concrete suggestions on how we can best prevent this horror from occurring again in Kosovo.

I particularly want to welcome our former Congressman, Joe DioGuardi, who is here, and who has been an excellent advocate, a strong-willed advocate on behalf of Kosovo.

Thank you, Mr. Chairman.

Chairman **D'Amato**. Thank you, Chairman Gilman. Now?

Ms. **Burkhalter**. Thank you, Mr. Chairman. At the outset, I'd like to apologize for my certain mispronunciation of towns and other words. Also, there is nothing to be made of what pronunciation I should have picked. I understand that many of these areas have different names, depending on whether ethnic Serbian people or Albanian people are speaking.

I really intend to make no statement in that regard by choosing one or the other, and getting it wrong in any event. But I did want to set that straight at the outset.

During my colleague's presence on the Albanian border last week, they interviewed refugees using a medical survey instrument that we drew up for the occasion. Thirty-eight heads of household, representing about 300 people. They came from about twenty different towns and villages. They came from the Decane and Djakovica areas that were recently cleansed.

But even though the refugees came from many, many different villages, and they had no attempt to collect their stories, their testimonies were strikingly similar. They all described tactics of very sudden Serbian army bombardment of their villages.

Some villages had been under siege, and cutoff from supplies and normal transport, for many months. But the refugees we talked to had left very suddenly, when the army, without any warning whatsoever came in and began shelling the place. These people raced out, with nothing more than the shoes on their feet, and sometimes not that.

I think that the most significant finding from the interlocutors that we interviewed, and I am presenting this today for the first time, was that of our 38 interviewees, they had personal knowledge of close friends or family members who had been killed. They knew of 60 such killings.

My colleagues, who are rigorous, and conservative-minded on such matters were very careful to exclude anything that could resemble hearsay. If people didn't have absolute knowledge, name, circumstances, of a close friend or relative who had been killed, we rejected the testimony.

Now, I will make no projections based on 60 known killings from interviews with 38 people. But I can assure you that the number that has been used the first day of this crisis, since the first day of this assault, of 300 dead civilians, is almost certainly wrong.

We now know that there must be upwards of 60,000 970,000 refugees displaced. I'm certain they all have stories. I would just like to say that I found the figure of 60 known killings in the number interviewed, a little more than half of that number interviewed, to be quite stunning, and very distressing.

Our interlocutors also informed us of three known cases of rape of women. I suspect that it is underreported. It is something that is very difficult for people in this community to talk about, that is impossible for the women to talk about. Only reluctantly discussed by the men, who are relating it the men who are interviewing them.

The women will either cry or simply not discuss it, because of the very high cultural stigma placed on rape victims. They did say, however, very plainly, that when Dr. Leaning, who is a woman, asked about rape and sexual abuse, they said, "No, we kept our girls inside. We wouldn't let them go out."

She would say, "Well, why did you keep your girls and women inside? What did you fear?" And then, very reluctantly, through translation, they would explain why they kept the girls and women inside.

But we did, even under such reluctance, learn of three cases of rape, which are reported in the document.

We also, just to give you a sense of the nature of the violations that we learned of, the killings were sometimes sniper fire, grenade attacks. But in the cases we learned of, there wasn't any doubt that the victim were indeed civilians. For example, a young mother was killed by snipers as she left her home. One interlocutor's two aunts were gunned to death in their home, as Serb police and military forces entered their village.

The cases are really quite clearly targeting the civilians for death because of their ethnicity, or an effort to terrorize the whole community into flight, which of course had the desired result.

Let me say just a word about the nature of the Serb attacks, because it is chillingly similar to what was fairly common throughout the Bosnian experience. There would be a sudden initiation of bombardment, usually in the predawn hours. Sniper fire was trained on Albanian villages, out of doors, and visible during the daylight hours.

Presence of heavily armed Serb police forces in the roads around towns. These are the people most often implicated in the atrocities and the killings. Escalating bombardment and sniper attack over a period of days. Then, once the community had fled their homes, there would be pillaging and theft of everything that was left. Then, the animals were killed, and the town burned down.

I was very interested in the question of land mines, not only because it has been important at this time, but I also had the honor to be the co-chairman of the U.S. Campaign to Ban Land Mines.

So, I was interested in whether our team would come back with information on landmines, but they didn't bring back much. There were a few non-firsthand reports of land mines. Of use, they had heard that the army proceeded to plant land mines after people left to prevent them from returning, but we didn't include it in our report because it wasn't firm enough.

I do note that the independent ALTA news service from Kosovo reported 30 victims of land mine deaths, but there were no details provided. It was something I actually expect to turn up as a humanitarian problem, not now, but later. When people return, it is one of those human rights violations that is in gestation, as it were.

I am strongly in favor of a NATO presence to be in the area to destroy stockpiles of land mines, which may not be used by any parties.

I'm going to skip over the details about--refugees in the area, because I have colleagues who will want to attend to that, as the previous panel did, as well, and make their recommendations.

Quixotically, PHR has called for the introduction of a peacemaking force, preferably under NATO auspices. I'm not amused by the dual key approach I don't suppose anyone else is, either, considering how badly it functioned elsewhere in the region.

It should be a NATO force, and it should go in with Chapter VII authority. I think they should immediately stop military action, and force the withdrawal of police and army, special forces, and paramilitary from the region. I also think they should disband the KLA units.

My reason for making this recommendation, as opposed to calling for air strikes of Serbian military in Pristina, for example, is not because I think that's a bad idea, but rather because I think that it's important that the issue be to commence negotiations after hostilities have ceased.

I don't think human rights should wait until negotiations are over. I think the hostilities must cease now and protection for civilians should be implemented immediately, before we sit down, and talk about how big the table should be.

I think that the KLA should be part of that. I also have some fears about possible KLA violations of Serbian civilians. I think that calling for disbanding and a return to barracks, or return to homes, in the case of the KLA, by all, is required.

We also think there should be a human rights monitoring mission in place immediately, so that there would be some way to get information out, for it is very hard to do that under these circumstances.

I might also add that the ICTY should be given the permission to go in full force, with a forensic team, collecting data, et cetera. We by the way, at PHR even have been asked about fielding a forensic team. We have been trying to get into Kosovo since the first days of killings. We can't get in.

Chairman **D'Amato**. You were asked to be part of a forensic team?

Ms. **Burkhalter**. Yes.

Chairman **D'Amato**. Who have you asked?

Ms. **Burkhalter**. Pardon?

Chairman **D'Amato**. Who have you asked?

Ms. **Burkhalter**. Well, the U.S. State Department has been trying to help us get in, but no one is letting my organization anywhere near the place. You may know that Physicians for Human Rights did the exhumations of the Srebrenica dead. We exhumed and did autopsies on about 600 men and boys, on behalf of the Tribunal.

Chairman **D'Amato**. You have not then been able to gather evidence to submit to the War Crimes Tribunal?

Ms. **Burkhalter**. Certainly not. We would have to go in with the cooperation of the authorities. To do an exhumation, you have to have the permission of the authorities. There just isn't any possibility. Otherwise, it should be immediate. Now, I don't care if it's PHR.

Chairman **D'Amato**. I understand.

Ms. **Burkhalter**. You know, it could be any proper exhumation team. But the most which was their response was to invite----

Chairman **D'Amato**. What if anything has the State Department done to assist you?

Ms. **Burkhalter**. Oh, I think that they certainly have raised it. It came up in the contact group as well. Milosevic's counter was to say that he would permit an international forensic team, with one each, forensic, anthropologist, or physician from one of about fifteen countries, including China.

It was an asinine response, wholly dismissive of the request. We still maintain the request, and would go in. Indeed, the need to go in grows every day. It was very important to go in at the beginning, before the mass graves were destroyed.

I am not sure what we would find from those early killings. But we would still like to go in. Actually, I think the Criminal Tribunal should be making a bit more of a hullabaloo about it, and should be there. The ICTY should expand their presence in Pristina, and should make it plain that they are collecting data with an eye toward prosecuting those responsible.

Chairman **D'Amato**. Let me ask you, the War Crimes Tribunal has collected evidence for a period of time now, as it relates to the hostilities, not just in Kosovo, but in other regions.

It is obvious that they have collected a great deal of data with respect to who is responsible, and how some of these killings took place. Do you think they are holding information at this time about Mr. Milosevic's involvement, in an effort to ascertain what direct or indirect involvement he has had?

Ms. **Burkhalter**. I don't know if the Tribunal has the goods on Milosevic--with regard to atrocities in Kosovo. I would disagree with you. I'm not sure if the Tribunal has collected as much as they should have.

Chairman **D'Amato**. Oh, I don't think they have.

Ms. **Burkhalter**. And one reason for----

Chairman **D'Amato** [continuing]. Disagree with me at all--in other areas.

Ms. **Burkhalter**. And one of my reasons for wishing that the Tribunal would upgrade their presence in the area is precisely because the collection of data would serve as a deterrent. Particularly, if it's very closely linked with the preparation of indictments. Some of the same units are involved.

Chairman **D'Amato**. What do you think of my request that we request the United States seek an indictment, or at least gather evidence to seek the possible indictment against Milosevic by the War Crimes Tribunal?

Ms. **Burkhalter**. If I were a Senator, I would vote for it many times. Chairman **D'Amato**. What?

Ms. **Burkhalter**. If I were a Senator, I would vote for it as many times as I could. I think it's an excellent suggestion. I think it would be very useful, indeed. I think we should include it in our own recommendations at PHR.

Just one final word, because as an organization that represents the medical profession, and doctors who are concerned about human rights, I did want to say that there is a desperate need to get probably the most important monitor of all into the country. The International Committee of the Red Cross must have access to all places of detention everywhere.

I know of at least one doctor, one of the most prominent of those missing, Dr. Shala, who was apparently taken in for questioning on April 10th, because he was treating wounded internally displaced people. I don't know what's become of him.

I have a little report from the excellent human rights center in Belgrade on Dr. Shala's case that I'd like to include for the record. Any effort to press the authorities about his whereabouts would be greatly appreciated.

Thank you.

Chairman **D'Amato**. We're willing to take that. I want to thank you for your tremendous dedication and the work Physicians for Human Rights has done all these years. Mr. Thompson?

TESTIMONY OF MR. LARRY THOMPSON, REFUGEES INTERNATIONAL

Mr. **Thompson**. Thank you. I want to thank the Chairman and Co-Chairman for inviting us to speak here today. The president of Refugees International was with me in Albania----

Chairman **D'Amato**. Why don't you pull the microphone over?

Mr. **Thompson** [continuing]. From June 10th to June 17th. He is now in Europe, and plans to return to Albania in a couple days. So, I apologize for the fact that he isn't here.

Our purpose in visiting Albania was to assess the humanitarian needs of refugees who have fled Kosovo into Albania. We spoke to many refugees, as well as Albanian Government officials, and representatives of international relief development organizations.

The refugees told us of attacks on their villages in Kosovo by Yugoslav (Serbian) police and military personnel. A pattern some of them described to us was as follows. Serbian police and military units would arrive unannounced at a village in tanks and trucks.

Using loudspeakers, they would order all the inhabitants to abandon their homes, and vacate the village. After a few minutes of allowing people to flee, they would break into homes, and evict people forcefully, or alternatively, withdraw a safe distance, and call in an artillery barrage on the village.

After emptying the village, and terrorizing the inhabitants, in some cases reportedly beating, raping, mutilating, or killing people, the Serbs would then leave the area. But in the days which followed, the village would be subjected to sporadic artillery fire, and air attacks by fixed wing aircraft and helicopter gun ships.

In some cases, these follow-up attacks took place almost daily over a period of weeks. Some families fled immediately into Albania following the first attack on their villages. Others took refuge in neighboring villages, or hid themselves in the hills.

One family told us they had returned to their homes and fields on days when it appeared safe to do so, although they always slept in the forest, because the artillery attacks on their village occurred usually at night.

This family told us they had undergone attacks for about 6 weeks before they finally lost hope that they could return to live in the village, and decided to cross the mountains into Albania.

The testimony of the refugees we talked to was reminiscent of the stories we have heard of Serb atrocities in Bosnia earlier this decade. I would conclude that the apparent objective of the Serbs was to make villages uninhabitable, and to force their inhabitants to flee for their lives. Many have fled.

More than 12,000 refugees are in Albania. Another 8,000 are said to be in Montenegro. Several tens of thousands are believed to be displaced within Kosovo. I would also conclude that if Serbian military actions against noncombatants are not stopped immediately, the number of refugees could dramatically increase.

Some 50,000 to 100,000 live or have taken refuge in the Djakovica area of Kosovo. The city of Djakovica has apparently not been attacked. But we have heard accounts of surrounding villages, which have had their food and utilities cutoff and are being intermittently shelled. Djakovica may be the next objective of the Serbs.

Refugees International is a humanitarian organization, but our most important recommendation is that the international community heed the lessons of Bosnia. We must confront Yugoslavia with a credible threat of force if the killing and persecution of civilians in Kosovo is to be halted.

As a useful step, we must also move ahead quickly to implement the promises Yugoslav president Milosevic made to Russian president Yeltsin earlier this week.

President Milosevic reportedly promised free access in Kosovo to relief organizations and international human rights monitors and observers, arrangements for refugees and displaced persons to return to their homes, and a resumption of talks with representatives of Kosovo's Albanian population.

We should test the sincerity of these promises now.

Let me talk a little bit about the conditions of the refugees in Albania. Most of the refugees are entering Albania in the Tropoje district. The urban center of Tropoje is a small town called Bajram Curri. It's a very mountainous and isolated district. It is said to be the poorest district in Albania, which is the poorest country in Europe. Unemployment in the area, we were told, is 80 percent. The refugees from Kosovo are arriving on foot through a steep mountain pass. Most of them carry everything they own in a plastic bag. We did see a donkey or two hauling people's possessions.

Most of them appear to be arriving in really good condition, although exhausted, and obviously having suffered a great deal of psychological trauma.

The international community has responded quickly to the influx of refugees, and food and other relief supplies appear to be adequate, although the pipeline for relief supplies is precarious, and would be severely tested if the refugee flow were to increase.

One of the unique characteristics of the refugee problem in northern Albania is that the local people, poor though they are, have welcomed the refugees into their homes. At present, there are no refugee camps in Tropoje, although one is under construction. The refugees are being housed in private homes by local people who volunteered to host them. This show of generosity and hospitality is remarkable.

While the poorest people of Europe have shown themselves also to be the most generous, there is a growing danger of increasing frustration and tension with the refugees. The international community should recognize the local host population for its generosity, and begin a dialog with it on how to help the impacted communities as well as the refugees.

What is needed in northern Albania at present is not simply sending more food or other relief aid to refugees. In fact an increase in food aid could perhaps make the situation worse by disrupting local markets.

A major objective of international assistance should be to help the refugees in ways which will maintain and enhance their good relations with the community, and provide some positive benefits to the community of Tropoje. The principle should be to help the community help the refugees.

The refugees' problem in northern Albania is not a traditional crisis, and a new vision and strategy of shaping international assistance should be found. This is not an easy challenge. International relief agencies are focused on situations in which the refugees are in camps, and the challenges are logistical, rather than socioeconomic.

But with a good strategy, and effective coordination between the Albanian Government and UN and donor governments, the international response in northern Albania should become an example of a successful response to a refugee problem.

Let me read you a few specific recommendations Refugees International has for dealing with the refugees now in Albania. First of all, the international community should support and facilitate the creation by the Albanian Government of a coordinating mechanism for assistance to refugees.

Secondly, UN agencies should quickly survey refugees and local community needs in Tropoje. The survey should approach community needs from the bottom up, rather than dictating solutions from above. This is part of the strategy of making the good relations between the refugees and the local community even stronger.

A survey will help UN agencies and other donors move forward to help the local community help the refugees, but consultation and cooperation with community representatives should continue.

Among the projects under consideration whose feasibility should be explored are rehabilitation and winterization of buildings to house refugees, water supply improvements, a summer school for refugee

children who failed to complete school in Kosovo when they fled, road repairs to improve logistics and transportation, and health assistance to the woefully inadequate hospital in Tropoje district.

The fourth recommendation is that NATO should initiate a passenger helicopter shuttle service from Tirana, the capital of Albania, to the north, for key Albanian and international officials working on the refugee problem.

The trip is now hazardous and cumbersome. It takes about 10 hours by car, ferry, and car again. The capacity of the ferry is quite limited. Consequently, very few senior people actually get to the north to see the situation.

We would suggest the helicopter shuttle service be used on the return visit for Medivac cases. We saw one seriously wounded man in Tropoje who had been waiting days to get out to a decent hospital in Albania. However, we do not think helicopters should be used to airlift relief supplies.

The local system is working. To bypass local transport operators and other businessmen who derive some benefit from the relief effort would be, I think, risky, and jeopardize community relations.

Our fifth and last recommendation is that NATO should provide two to four all-terrain vehicles. I think they're six-wheel military vehicles, to international organizations and Albanian coordinators for use in the mountain border regions.

The roads up there are extraordinarily treacherous. The day I went up to the border, five cars were up there. Three of us made it back in a rainstorm. Two others were stuck up there for hours and hours.

On rainy days, the border areas are practically impassable. There are refugees trying to cross. They need help. Better vehicles for international agencies would be a real plus.

That concludes my testimony. Thank you very much for inviting me today.

Chairman D'Amato. Before I turn to my former colleague, Mr. DioGuardi, let me ask you. What takes place in 5 months? Your description of what the traveling conditions and refugee conditions are now shows that even without a marked increase in the numbers of refugees, the worst is yet to come, unless there is a total cessation of military actions. I mean we are going to have a real tragedy with people exposed to a terrible climate, with little if any shelter.

Mr. Thompson. Yes. We understand that the snows begin in the passes between Kosovo and Albania in late September, can begin that early. So, people will have trouble crossing those mountains. They're already quite difficult. The area is somewhat similar to the Rocky Mountains, very rugged. After late September, people have difficulty crossing.

Yes. One of the projects under consideration by the UN is winterization of buildings to help house the refugees. Certainly, contingency planning and work should go forward toward winterization of buildings throughout the area.

Fortunately for the refugees this area is somewhat depopulated. Because it is so poor, a great many people have left. There are, in fact, quite a number of semi-abandoned buildings that could, if resources and time permits, be fixed up to house refugees in winter. But somebody has to get started on it now. Winter is not that far away.

Chairman **D'Amato**. Congressman, good to see you.

**TESTIMONY OF HON. JOSEPH DIOGUARDI,
PRESIDENT, THE ALBANIA-AMERICAN CIVIC LEAGUE**

Mr. Dioguardi. Good to see you too, Senator. I want to thank you and my Congressional colleagues for this hearing, and for so many other hearings that you've held on the crisis on Kosovo.

Senator, you have a great record on Kosovo. I remember the day you stood in front of 2,700 Albanians at the New York Sheraton. That was April 26, 1990. They were yelling, "Free Kosovo! Free Kosovo!" At that time, they were looking for full republic status, equal status, within the confederal Government of Yugoslavia.

What we hear today is nothing new. I just prepared a video, "The Agony of Kosovo," (part one, 1989 to 1994), including the hearings in the House and Senate that we had back then. You wouldn't believe it was 10 years ago! The words that you and Congressman Gilman said then are equally appropriate today. For some reason, successive administrations, Republican and Democrat, have compromised the Albanian people--a great nation of 7 million people in the Balkans today, living side-by-side in their ancient homeland, where they've been for thousands of years. They are the original inhabitants, the only indigenous people of the Balkans.

Now, in the middle of those 7 million Albanians who live side-by-side, gerrymandered by bad politics just after World War I, and forgotten in the Dayton Accords, the Albanian people continue to be compromised. You have today 2 million Albanians in Kosovo who have been reduced, in the heart of Europe, to a Warsaw ghetto. Apartheid is alive and well in Europe. It may have ceased in South Africa, but it's alive and well in Kosovo, where a more than 90 percent Albanian population is brutally controlled by a less than 10 percent population of Serbs.

I want to thank you on behalf of 400,000 Albanian Americans for this hearing, and all the hearings that you, Senator, and Congressman Gilman and Congressman Smith have held since 1989.

You have created a record, a paper trail for 10 years that is so compelling that, to not act now in the face of renewed and enhanced ethnic cleansing would be inhuman.

I listened to your opening statement, Mr. Chairman, and it is amazing how we think alike. Our own League has engaged an attorney to prepare the indictment of Milosevic in the War Crimes Tribunal in the Hague.

Just today I met a group of Albanians who are going to the refugee camps in northern Albania. Our attorney prepared what he calls "incident" reports for them--the kinds of legal forms that have to be filled out, family by family, person by person, giving specific data, so that under international law, we can indict this war criminal, Slobodan Milosevic.

Now, Mr. Chairman, you have power in your hands. You're one of the most powerful Senators here, because when you believe in something, you act. You have powerful leverage. Our failed foreign policy for Kosovo is coming your way: the ability to turn this Administration on its ears by stopping Ambassador Holbrooke's nomination as our delegate to the United Nations.

Two weeks ago, I attended a dinner in New York, hosted by the National Committee for American Foreign Policy, because Mr. Holbrooke was the speaker. He was talking about Kosovo, our foreign policy there. You know how failed that foreign policy has become.

I didn't announce my presence. I sat at a table of Albanians from the Board of the Albanian American Civic League (your friends in New York) waiting for his comments. Fortunately there was a microphone there, and they allowed for questions. I was the second one to get up and ask him a question.

He made a flippant comment that when the Albanians of Kosovo fled the fighting by going over the border to Albania and saw how poor it was there, they realized how much better they had it in Kosovo. Now, Albanians had been brutalized in Kosovo for 10 years and I just couldn't contain myself.

I got up, and I said, "Mr. Holbrooke, my name is Joe DioGuardi. I'm a former U.S. Congressman." I went through the litany of horrors that our State Department country reports had published for 10 years. Then, I said, "Mr. Holbrooke, why have you embraced a war criminal? Why did you let Slobodan Milosevic "bribe" you and this Administration into offering a false peace in the Dayton Accords by keeping the Albanian people away from the table?"

Here is the individual who walked into Kosovo in March 1989, created this conflagration, started the war in Slovenia, Bosnia, Croatia. Now he tells Mr. Holbrooke, "I'll be your partner, your peacemaker. But do me a favor. I have my own elections in Serbia and, as an ultranationalist, I need Kosovo, because it is blood spilled by the Albanians there that gets me elected." And we want to know why we have these horrors in Kosovo today.

What we see today is just a symptom of the real problem. I just received a declaration put out by a group in France some years ago. (And, by the way, I'm not going to read my testimony, because I want to comment upon some of the very good things you said.)

But here it is. The European Parliament in 1990 condemned the illegal suppression of Kosovo. In 1991, moreover, it passed a resolution--this is the European Parliament--recognizing the right to self-determination of the eight constituent units of the former Yugoslavia.

It didn't say six republics. It said eight. It included Kosovo and Vjvodina. Why? Because under the Yugoslav constitution, eight judicial units each had an equal vote. Kosovo gave a president to the country every 8 years. Kosovo was an equal to Serbia.

In 1989 Serbia illegally marched in and took over Kosovo. Today the Albanians are not allowed even the thought of self-determination. So, one of the first things I'd like to put on the record, Mr. Chairman, before we get to your resolution to indict Mr. Milosevic, is the case for independence for Kosovo under international law. It's a prime facie case. Yet, no one has made it.

Would you please accept these documents prepared for our attorney for the record? It is important because until we deal with Albania's self-determination, in this case, independence, and with these horrific human rights abuses--and I believe you can never deal with human rights abuses in Kosovo without the Albanian self-determination--there will be no peace in the Balkans.

Chairman **D'Amato**. We will be pleased to accept this for the record in its entirety. I will ask that copies be given to Members, as well.

Mr. Dioguardi. Now, getting back to Mr. Holbrooke, Mr. Chairman. You know that he will come up for confirmation in the Senate shortly and he has a lot to account for. Today we see Mr. Holbrooke in *The Times*, meeting with members of the self-defense force of the Kosovo Liberation Army (the KLA).

His quote is, "We finally went to Decan, and it's awful." He said he hasn't seen anything like this since Bosnia. He even mentioned Vietnam.

Why did it take the State Department 3 months to go to Kosovo to see the devastation in Drenica, Decan, and now in Gjakova? I just received word from families there. I spoke to them on the way to the airport in my car. I said, "Tell me, what did you hear yesterday in Gjakova?" One says, "Joe, our family has a home with two bedrooms. There are 72 people in that home right now."

The refugee problem is not just in Albania. The big refugee problem is right now in Kosovo, in places like Gjakova. But what's worse, and you just heard this from Dr. Thompson, is that the Serbian army is now surrounding Gjakova. They recently leveled all the villages around Gjakova, which is 15 miles from the Albanian border. The population there has swelled from 30,000 to more than 50,000. Now, there are thousands of people on the street begging. If you take in a strange family, the Serbs will beat up on your family for trying to help another family. That's going on right now, as we speak. It's incredible.

As I was getting off the plane in D.C. today, I saw a copy of *Vanity Fair* magazine with a reference to Kosovo on the cover. I read it on the way here. "Kosovo's Valley of Death" is the article's title, and the tag line read: "The ground was littered with teeth and hair, and a human jawbone hung from a nearby bush."

If you read this article, Mr. Chairman, and you take out the word Kosovo, you would think you're dealing with Nazi Germany. You would think when they described the conditions, the human remnants, that they were talking about Auschwitz.

This is going on today! Fifty years after our Jewish brothers and sisters said, "Never again," we have another Hitler, and as you said, another Pol Pot--his name is Slobodan Milosevic.

We have embraced him as part of the peace process. He was in Moscow recently, and to show you what a psychotic liar this man is, he had the nerve at a press conference with Yeltsin, to say that not one civilian was killed in Kosovo. Those are his exact words. "Not one civilian."

Now, Senator, I'd like to show you these pictures I received from Kosovo. You'll see old women with their heads bashed in, and young children with their faces removed. Men with their heads bashed in before they were finally shot and disposed of, with many bruises showing on their bodies from torture before execution.

Then, at the end, you'll see something that we have known for 10 years--the four C's and the cross that is the symbol for greater Serbia. So, when the Serbian special police units do their dirty business, they sit around, and eat and smoke. Then, before they leave, they put the

symbol for greater Serbia on the mirrors in the bedrooms. This has been going on for 10 years. But now it's rampant and overt. You have to see these to believe it and I'm going to leave these photos with you.

Chairman D'Amato. Why don't you leave them on the table?

Mr. Dioguardi. OK. I thought you might want to take a look at them. They are literally disgusting, and I think that you and your staff should see them.

So where is all this headed? Why have we not connected our professed adherence to human rights to our foreign policy? It is supposed to be the main pillar upon which our human rights are based.

Why has our Administration walked away from this important pillar of U.S. foreign policy? Why have we walked away from the Christmas warning which President Bush said going out and President Clinton said coming in, which Ambassador Gelbard--right in this room on March 12--confirmed was still our foreign policy.

Why have we allowed Slobodan Milosevic to bring troops into Kosovo, when Bush and Clinton said that if you move one troop into Kosovo we would act? And by the way, these troops are not regular army troops, Mr. Chairman. These are criminals that they let out of jails in Belgrade. They put army uniforms on them, and put them under command of the worst terrorist of all, who is nicknamed "Arkan."

That's why this devastation is happening. This is not a regular army. They go there literally to make money, because they know when they go into Albanian homes, they can come out with gold and currency, that the diaspora sends them. That's what has kept Kosovo alive for 10 years and Serbia has used Kosovo as a cash cow because that's the only hard currency operation it is left with.

So, Mr. Chairman, I hope that in the confirmation hearings you look very carefully at what Mr. Holbrooke has done in Bosnia and Kosovo. The Dayton peace accords will not succeed, and cannot succeed, without the Albanians at the table.

Chairman D'Amato. I'm going to make a suggestion if I might. I know that you, as a result of your work in the past, and your belief in the cause, and the commitment that you have to justice, are terribly frustrated as the injustices that you're seeing over a period of time continue.

As a matter of fact, I have a vote, and it will begin momentarily over on the Senate side.

Mr. Dioguardi. Well, then, let me conclude.

Chairman D'Amato. Well, no. Let me make a suggestion. Let me ask that you, if time permits, put forth your thoughts here, but I am sure that you have a number of appropriate questions that you would like to put to Ambassador Holbrooke in regard to these matters.

I would ask you, if you have not formally prepared them, to prepare them for us, so that I will be in a position, as some of my colleagues have said, to raise those issues of concern. I want to suggest that to you.

Mr. Dioguardi. That's an excellent idea, Mr. Chairman, and I appreciate your willingness to pursue this very much.

Chairman D'Amato. And just be advised that if and when I leave, you'll know it is not because I am not disinterested in Kosovo but because I have to get back to the Senate.

Mr. Dioguardi. I understand. Your interest in this issue has been shown by your deeds, Senator. You're someone whom the Albanian people and all freedom-loving Americans are impressed.

You, Congressman Gilman and Congressman Smith, are shining examples as well. I saw Congressman Lantos here just a little while ago. He went to Kosovo with me in 1990. I'm sure he's going to be very interested in pursuing your resolution to indict Milosevic, Mr. Chairman.

Let me also put in the record a three-page addendum, which is a short history of Kosovo since World War II, so that you can see that it does have the basis for self-determination and independence.

I think that I can conclude by saying that anything short of real resolve, which now has to include force or the credible threat thereof, will not deter Slobodan Milosevic. We must now, somehow, take the lead with NATO since the Contact Group is not working. We must somehow intervene before it is too late and this war spreads. I'm not suggesting that we send American troops to Kosovo. But we must do everything to get every Serbian paramilitary troop and regular army troop out of Kosovo. There is no way that there will be any dialog until the bloodshed and slaughter are halted.

So, I would say, Mr. Chairman, that your Commission has to somehow get a very strong message to President Clinton, that we need to remember the principles upon which this country was founded.

Chairman D'Amato. Do you support the resolution calling for Milosevic's indictment? For us to work with the War Crimes Tribunal to seek an indictment against him?

Mr. Dioguardi. Absolutely. I think if you combine that with your work in the Holbrooke confirmation hearing, you will finally see some action and resolve from the Clinton administration.

Chairman D'Amato. I want to leave it at this point. I do have to go soon--that call is about started. I also, I want to commend the Physician's Committee. I want to commend you, Mr. Thompson, and your work with Refugees International. If you have any thoughts or suggestions that you would want to leave with us, either on the record at this time, or submit to us additionally, I would be very pleased to have all the parties suggestions, or other alternatives.

We would be very pleased. We're there. We care. As I have stated I am deeply appreciative of people like yourselves--Yes?

Mr. Thompson. I have just one additional comment, Senator. The United Nations a few days ago issued an appeal for contributions to help in Kosovo, and Albania, and also in Macedonia, I believe, some \$18 million. This would seem to be a worthy appeal for the United States to contribute toward.

Chairman D'Amato. I'm going to take that very seriously, and see what I can do, with the foreign operations budget--appropriations--within the next several weeks. I'll take that suggestion to the chairman of that committee.

Mr. Dioguardi. I'd like to submit my written testimony for the record, too, Senator.

Chairman D'Amato. Thank you. I'm going to ask Congressman Smith, Chairman Smith, if he would----

Mr. Smith. Congressman DioGuardi, thank you very much for your testimony. I want to thank all three of our very distinguished panelists----

Mr. Gilman. I'll be brief. To all of the witnesses, how would you explain the need for our involvement in Kosovo, including military action under NATO? As a former Member of Congress, **Mr. Dioguardi**, how would you explain to your constituents why we should risk American lives in Kosovo?

Mr. Dioguardi. Well, we have had a terrible experience in Bosnia. We allowed Bosnia to get out of hand, because we didn't show resolve 2 years before we finally showed resolve. In the process, lost more than 200,000 people.

So, my answer to that, Congressman, is that we have a vital interest here. This is not just a civil war. This has the potential of spilling over into some very fragile states, such as Macedonia and Albania, and if it spills into them, no doubt it would involve Greece, and then Turkey. Then what we have is not only a Balkan war, but it could become a European war. Then how many troops will we have to commit to contain it?

I would say that if we did something now--and I'm not saying that we have to commit U.S. troops, although we've done that already on the border of Macedonia and Kosovo and it seems to me that they're there for a reason--we will save ourselves a lot of anguish, and a lot of problems later with American troops.

Now, what should we do now? Well, let's look at what happened in Bosnia. For 3 years we heard that we couldn't do anything. Then, all of a sudden, we got sick by what we saw in the marketplace in Sarajevo--innocent civilians bombed, pieces of their bodies, blood on the street--then finally, someone said, there has to be a solution. They found a solution. The solution was to attack Serbian military emplacements. We started showing resolve. What did Slobodan Milosevic do? He ran for the hills.

Why aren't we showing that kind of resolve now? Senator Biden, in a Senate Committee hearing that was held on May 6--just about a month ago--said that at that time he was even recommending that we bomb Serbian military installations near Belgrade, among other things.

Why don't we do that now? We've got the technology. Why would we trust someone who has been characterized as a war criminal--and, by the way, Dr. Karadzic, whom we have indicted, is now pointing to Mr. Milosevic in a book as the real architect of Srebrenica, and all of those atrocities in Bosnia.

Now, we may have trouble proving that. But we know that Mr. Milosevic has total control over Kosovo. We should have no trouble under international law saying, you are the one responsible for the leveling of these villages.

We have to do something. They are literally cutting a swath now 10 miles long between the Albanian border and Kosovo. It will become another Srebrenica if they succeed. Maybe then we'd begin to act. We'd lose tens of thousands of people.

What are we waiting for? The greatest superpower in the world, with our influence on NATO? We can't think of some technology to use against Mr. Milosevic without sending U.S. troops, to show him that we mean business?

Every troop should be removed from Kosovo. An aircraft carrier should be moved off the coast of Montenegro. We should do everything we said we wanted to do before, including a no-fly zone using helicopters.

So my answer is, if we don't do something, Mr. Chairman, you will be put in a very terrible position of having to decide how many thousands of troops you're going to send to stop this next Balkan war which is just on the horizon.

Mr. Gilman. Thank you. Would you like to comment on that, Ms. Burkhalter?

Ms. Burkhalter. We've called for the introduction of NATO troops. But the political reality appears to be that 85 to 90 American Senators to five decided it wasn't a good idea to keep Americans in Bosnia indefinitely.

That vote happened yesterday. I favor the use of force. I favor it in Bosnia, and I favor it in Kosovo. But I think that the American people aren't so much a problem as rather their representatives in the U.S. Congress, with the exception of some notables like yourselves.

Chairman D'Amato. Mr. Thompson?

Mr. Thompson. Yes. As I said in my statement, I think we should heed the lessons of Bosnia. We didn't get an agreement in Bosnia until after Srebrenica, when NATO demonstrated some muscle after several years of equivocating and getting nowhere.

I was in Tirana a few days ago, the capital of Albania, when NATO jets flew over making a lot of noise, but I'm not sure it impressed Mr. Milosevic very much.

I think a no-fly zone would be a good idea, although it should be noted that the helicopters and the planes of the Serbs are not doing the most damage, it's artillery and soldiers on the ground. But I think a no-fly zone would be a good idea. I think also that in order to resolve this situation, we are probably going to have to demonstrate a credible threat of force to Mr. Milosevic.

He has got to respect us. That could perhaps be accomplished with the threat of air strikes. I don't know. I'm not a military expert. But I don't see any solution otherwise.

Mr. Gilman. There are some reports that the Kosovar--Albanian leadership--support--with passive resistance, and now we are seeing aggression. Are there--do you think there are major differences between the Kosovar--Albanian leadership, and what affect does that have on the situation?

Mr. Dioguardi. Well, I think what you're seeing is the total frustration of the Albanian people, who for 10 years showed the world their patience. Their leadership acted like Martin Luther King. Ghandi.

They did not get rewarded for that. They literally tried to use peaceful means to resolve their quest for self-determination, while suffering one of the most brutal, quiet, ethnic cleansing campaign of any group in recent history in Europe--since 1989, when Slobodan Milosevic walked in with his overwhelming military police power.

Now, it should be no surprise that when troops walk into your homes, and your villages, and kill your family, take your money, level your home, then level the entire village, that the people will say to themselves, what are we waiting for?

We have tried peaceful resistance. It didn't work. We have to now defend ourselves, because we don't see the international community giving us any recognition for our tragedy. We just write about these horrors in our U.S. State Department country reports each year.

These country reports are a litany of horrors, with disappeared people, massacres, detainings, rapes. It's incredible, but we have recorded it for 10 years.

But right now, the Albanian people are exercising common sense. They're saying, we need to be defended. Since no one is defending us, we need to do it ourselves.

That's how the Kosovo Liberation Army came about. I was happy to see that finally Ambassador Holbrooke met with leaders of the KLA. It took him 3 months to do it. But now I think he recognizes the reality that the people of Kosovo support the KLA, and support self-defense.

So, I don't see this as a surprise. I hope that the Albanian Government in Kosovo and the KLA come together. In fact, in a declaration, the Albanian-American Civic League, in February 1998, suggested to Dr. Rugova and Dr. Burochi, the president and prime minister of Kosovo, that they should embrace the KLA under the constitution of Kosovo that they promulgated in 1990, as part of their ministry of defense. They haven't yet done it, but I think they are considering it. I think this is starting to come together. If not, you're going to see one of the worst genocides in Europe, in modern history '

Mr. Gilman. [Unclear.]

Mr. Dioguardi. We don't hear too much of the internal politics of Kosovo. We certainly don't read it in our papers.

It was Dr. Rugova's party that brought democracy to Yugoslavia. It was the first group, 700,000 Albanians, to throw their Communist party cards into the bonfire after the Berlin wall came down.

There was a communist government in Yugoslavia. In fact, it's still there. Mr. Milosevic is a Stalinist. He wants total centralized control over everything. He's a Stalinist-Communist, and an ultra-nationalist, and, at the same time, he is a war criminal. I can't imagine ever saying that about the same person. We've made him our partner in peace in Dayton after he created the problem.

Mr. Gilman. Mr. Thompson would you care to comment on this?

Mr. Thompson. I didn't meet with any officials of the KLA while I was there, so I don't have any insight on that.

Mr. Gilman. One last question. Do you have any information regarding the Kosovo Liberation Army, its organization, its abilities? Do you know the extent to which it is receiving any assistance from abroad, including our own nation? And should be assisting them?

Mr. Dioguardi. Well, I've heard that the diaspora is supporting this self-defense force and not only with money. They're leaving their jobs in Germany and Switzerland and going back to Kosovo. There are at least 200,000 Albanians in Germany and 200,000 in Switzerland who have been chased out of Kosovo. They decided, the families decided to send at least some of their young men out to earn money to send back. That's how Kosovo has survived.

But now they're returning. They're swelling the ranks of the KLA. Money is being raised all over the world, because they need it. I don't know of any other country that is supporting the KLA. But I would hope that we see it as part of our foreign policy to help the Albanian people defend themselves.

Didn't we allow the Bosnian regime access to arms, either directly or indirectly, so they could defend themselves? Because we said, we don't want to send our troop there. But they should at least have the weapons to defend themselves against massacres and mass murderers?

Why aren't we doing the same thing in Kosovo? If we don't, we may end up having to substitute American troops for Kosovars, who are very willing to die right now, for their families and for their sacred honor. And, yes, they have a word called, "besa." It's a word that's thousands of years old. It's Albanians for sacred honor--their highest value. They're willing to give up their lives for this sacred honor. That's why they're returning to Kosovo.

Now, they are completely out-classed. We know that. We know that Mr. Milosevic has one of the largest armies in Europe. Why does he have it? We gave it to him. For more than 50 years, Yugoslavia played the broker between us and the Warsaw Pact.

We don't need that broker anymore, but he kept all the weaponry. So, we know that depriving him of weaponry is useless. Economic sanctions are useless. But we should think of some way, as we did in Bosnia, to allow the people who want to defend themselves the ability to defend themselves.

They have that right under international law, as pointed out in the memorandum that I just submitted for the record, that supports a prima facie case for independence for Kosovo under international law. There is no way they can get any rights under the current regime.

Mr. **Gilman.** Thank you. Mr. Thompson? Do you care to comment?

Mr. **Smith.** Thank you, Chairman Gilman. First of all, I just want to note to the panel how remarkable I think it is that very respected leaders of two major humanitarian organizations--and correct me if I am wrong Mr. Thompson--you do believe that there should be force used?

Mr. **Thompson.** Well, I would hope that a credible threat of force--

Mr. **Smith.** Credible use.

Mr. **Thompson** [continuing]. That a threat of NATO air strikes would persuade Mr. Milosevic to withdraw his troops, or make another, similar accommodation to stop the violence against civilians.

Mr. **Smith.** And you have testified that that is required now, in order to make the case. I would agree. I'll never forget when Elie Wiesel said to the President of the United States at the Holocaust Museum, "Do something, Mr. President."

The next couple days President Clinton sounded like General George Patton, speaking very strongly and decisively, only to be distracted for whatever reason.

Frankly, I believe that when the Croats put the Serbs to flight, and the Bosnian Serbs appeared to be a relatively spent force, and the international community, including the United States, came in, that somehow the military equations were brought into balance between the Bosnian Serbs and the Bosnians.

So, all of a sudden there is another imbalance. There is no real counter-balance to Serbia except the KLA right now. It is my hope that the countries of the world, especially the United States, would be very decisive right now, toward this nightmare situation where people are dying.

Let me ask you a couple questions, Mr. Thompson. It seems to me that even on the refugee issue, we haven't learned to be pro-active enough. You made five very serious and, I think modest recommendations. You've heard the views of the Administration today.

Is it your view that we, the international community, uncluding the U.S., have cared sufficiently so that loss of life and sickness is evaded?

Mr. Thompson. I think there is always a problem in moving relief and other things quickly enough. I think in this case, the international community has done a pretty good job in getting food and other things up there. As I said, I think the problem is community relations, in a very sensitive political environment.

So, such things as winterization, public works projects, rehabilitation of buildings, repair of roads, and other things that will help maintain good community relations with the refugees are necessary right now.

This unfortunately falls into a gap that most international organizations are not very good at filling. You have on the one side, relief organizations who are very good at delivering food and medical care. You have on the other side development organizations, which are very good at long term development.

In between, you tend to have a gap in which nobody can quite operate, where relief perhaps is not the most necessary thing. But at the same time, they're not ready for development.

So, coordination and cooperation among agencies to quickly take some steps to ensure that the refugees and the local community are taken care of is, I think, necessary. This is easier said than done.

Mr. Smith. You heard the previous testimony----

Mr. Thompson. Yes.

Mr. Smith. Do you believe that resettlement in third countries is something that needs to be promoted as an option at this point?

Mr. Thompson. Resettlement is not my area of expertise.

Chairman D'Amato. Could you, on behalf of Refugees International, provide us with an answer to that?

Mr. Thompson. I could.

Mr. Smith. Ms. Burkhalter, did you want to comment?

Ms. Burkhalter. No.

Mr. Dioguardi. When you say resettlement, do you mean to take the Albanians away from their land?

Mr. Smith.--No, I am referring to the people and their situation, if they fear going back, and request to go to a third country, like the United States. Is that option being proffered to them?

Mr. Dioguardi. I don't think that's an option that they will accept, because that would very likely put them in the hands of Mr. Milosevic. Don't forget what's happening here. He's trying to ethnically cleanse the Balkans of all non-Slavic people. That's what the whole Bosnian thing was about. The Albanians are the largest non-Slavic group there.

So obviously, you would be giving him what he wants. The rest of those remaining would be in the great danger. In fact, someone just told me that the reason Milosevic is clearing a swathe of land and putting in land mines, is that he may be getting to a position where he's going to agree to some kind of autonomy. But he wants to be sure that he has total control over the Albanian population. So, that would be kind of a military zone.

We've let him get away with everything he wants. I can't imagine that our military people and the Administration don't see this. Now, maybe they don't want to see it.

But if they don't want to see it, that means that we're allowing ourselves to get into a lot of trouble--because the Albanian people, not just in Kosovo, but the Albanian people in southeastern Montenegro and southern Serbia, just outside of Kosovo, and western Macedonia, and Albania itself, as one contiguous nation will never be at peace.

All this was in the State of Albania in 1912. Don't listen to the Serbian propaganda machine that Albanians came into Kosovo. They've been there for thousands of years. The Serbs came there in the 6th century A.D. When they talk about their monasteries, those were Catholic monasteries before they took them over.

We're not trying to make this an historical argument, or a religious one. But somehow, Mr. Milosevic gets away with this propaganda. The Albanians are where they want to be, in their ancient homeland. To try to resettle them out of there is not the answer. The answer is to get every troop out of Kosovo, and bring peace there. Allow the Albanians, under international law, self-determination.

Mr. Smith. Ms. Burkhalter, do you have any information about the armed forces being used against the ethnic Albanians? We've heard that the Bosnian Serbs displaced are a part of that fighting force. Do you have any information on that?

Ms. Burkhalter. No. I'm sorry. I don't. I'm sure my colleagues could help, but for the record, the only thing I had heard was something also mentioned by the Congressman, which is that ``Arkan's`` forces, who had been so essential to the genocide in Bosnia, have been certainly implicated in these units.

But I'd be glad to provide more----

Mr. Smith. Are you familiar, Mr. DioGuardi, with Arkan's forces? Are they part of the force structure going against the ethnic Albanians?

Mr. DioGuardi. I'm not really competent to talk about that.

Mr. Smith. Let me just ask, what would be your recommendations to the International Relations Committee and the House, right now, as to what we should be doing on this issue?

A hearing would certainly help highlight the issue. We're starting to ascertain what our Subcommittee on International Operations and the Helsinki Commission should be doing about this, and whether or not the refugee situation can be adequately handled.

What else should we do right now? The Administration obviously has to walk plain on this, but what's your recommendation on this?

Ms. Burkhalter. I think you need to turn around yesterday's vote. I mean, because the Administration wants cover for a position that says, we're not going to send and use our troops anyplace. Wants to send a message to the Europeans, that's the message. They have a lot of political cover for it.

The U.S. Congress is pretty important--some serious money for the United Nations appeal, as Larry mentioned. I think pressing for--trying to get--I mean, you can't really have human rights monitors without a protective force.

We don't want a bunch of sitting ducks over there, and potential hostages that would--European and American hostages that would actually deter a bombing campaign, as it did in Bosnia.

Mr. Smith. You mean human shields.

Ms. Burkhalter. Exactly. That's the last thing we want. We don't want troops that sit around either. So, my own view is that a military force that goes in there, with the full intention of using that force, if it is required to do so, is the answer. I think the best thing Congress should do is to say so.

Mr. Thompson. I essentially agree. Let me just mention two or three things in addition that might be done. I think the main thing is to call for an immediate end to any violence against civilians by Mr. Milosevic's forces, and ways of verifying that the violence has stopped.

Milosevic has, as I mentioned in my testimony, promised the other day that he would allow free access to relief organizations and human rights monitors, and other people. Certainly, that should be tested immediately.

He promised that he would make arrangements for refugees to return home. That should be tested immediately. He promised to resume talks with the Kosovars, the people of Kosovo, Mr. Rugova, and others. I think that should be tested immediately.

But I think the first thing is, no more hostilities against civilians. I think that's got to be backed up with a NATO threat that we will use force to enforce that prohibition against violence.

Mr. Smith. Thank you----

Mr. Dioguardi. Congressman, I think that this body, and the Senate, needs to show the Administration how serious they are about this issue. I believe that a bipartisan coalition should be put together on Kosovo.

I know that there are many members, including many who are not here now, like Congressmen Lantos and Rohrabacher, who would see themselves as part of a coalition, to then use every leverage.

Let's create a Congressional strike force against the Administration on this issue. Because we know there is a genocide in Kosovo. This is against everything we believe in.

So, let's create under your leadership, and Al D'Amato's, and a congressional coalition that will be composed of Senators and House Members, Democrats and Republicans, liberals and conservatives. I'll help you pull it together.

Let them know that we are not going to countenance this kind of egregious error of omissions on the part of our Administration. I think they would then see the light, and see the resolve--if they don't want to show military resolve, let us show Congressional resolve.

You have great leverage. I was here for 4 years. Great leverage on the Administration, through the many Bills that go through here. Much of it has to do with money and the budget process.

Let's get to Senator Helms who is being pressured to release a check for \$1 billion to the UN I know he's very concerned about this issue. I met with him myself. Let's see that we can make him one of the leaders of this force, and maybe hold that billion dollars back until we see some better action.

In the meantime, let me give you a simple suggestion that I think will work. The assets that we have frozen should be put in a trust fund to repair the damage that Milosevic is doing. Let him know that if he goes into Gjakova. This would be a conflagration of the highest order and would be inhuman with the amount of people now there.

Let's tell him right now from this body that if you do anything else, the hundreds of millions of dollars of Serbian assets now in our possession will be used as a trust fund to rebuild homes and to restore the property of those families.

We can't restore their lives. But the least we can do is to create that fund. Take this simple idea, and make it public, Mr. Chairman. Tell Mr. Milosevic that's where his money is going, to try to undo some of the damage, the material damage that he has created.

I can't think of anything else right now. But I will think of other things. In conclusion, I gave you several addendums for the record, but I want to give you my written testimony as well. Again, thank you so much for this important hearing, Mr. Chairman.

Mr. Smith. On the record, Congressman, I'd like to thank the witnesses for your very enlightening and helpful testimony. Ms. Burkhalter and Mr. Thompson, you've been helpful, as you have consistently been for several years on other issues. Congressman DioGuardi, you've been a great force for good. I want to thank you so much for your leadership. We need your insights to act responsibly, and do what is right for the suffering people in that part of the world.

So, I do want to thank you. The hearing is adjourned.

[Whereupon, at 5:11 p.m., the Commission was adjourned.]

APPENDICES

OPENING STATEMENT OF CHAIRMAN ALFONSE D'AMATO

Today's hearing of the Commission on Security and Cooperation in Europe is called to examine the current situation in Kosovo, with an emphasis on the human tragedy unfolding there and efforts to provide relief to the victims. In recent days, continuing Serbian attacks on the Kosovar Albanian majority population have caused a continuing outflow of refugees, people who are homeless, destitute, and dependent upon outside assistance for their survival.

Our first panel today includes Marguerite Rivera Houze, Deputy Assistant Secretary of State, Bureau of Population, Refugees and Migration, U.S. Department of State and Roy Williams, Director, Office of Foreign Disaster Assistance, U.S. Agency for International Development. Secretary Houze will present her own perception of what is happening in Kosovo based on her recent visit to those parts of Albania where refugees are arriving, as well as the State Department's views of what humanitarian response is necessary. I understand, Secretary Houze, that your comments are limited to those humanitarian areas where you have responsibility, and that you may not be authorized to represent the Administration on the broad Kosovo policy questions, such as military options or additional international sanctions. I urge my colleagues to respect those limits. Director Williams will tell us about U.S. efforts to aid the refugees.

Our second panel includes Joseph DioGuardi, former Member of Congress and President, Albanian-American Civic League, who has long been active on Kosovo and other regional issues; Larry Thompson, Senior Associate with Refugees International (RI); and Holly Burkhalter, representing Physicians for Human Rights.

Ms. Burkhalter will present the findings of her colleagues who have also just returned from Albania after extensively interviewing Kosovar refugees. She will also address the need to obtain access to the sites in Kosovo where atrocities have taken place in order to investigate the possibility that crimes against humanity occurred which can be prosecuted by the International Criminal Tribunal for the Former Yugoslavia in The Hague.

Mr. Thompson recently returned from Albania, where he and RI President Lionel Rosenblatt conducted extensive interviews with Kosovar refugees. His organization, Refugees International, provides early warning assessments in crises of mass exodus and advocates for the refugee.

I welcome these witnesses and look forward to learning their views on the situation in Kosovo and what we should do to provide relief to those already victimized by the fighting.

Before turning to our witnesses, I want to take a few minutes to discuss the situation in Kosovo. At our last Kosovo hearing, on March 18th, I said that two steps are needed to reach a peaceful solution to the crisis. The first is U.S. leadership to make President Milosevic believe that the world will not stand by while his goons conduct another genocidal episode of ethnic cleansing. He must know beyond a shadow of a doubt that we won't stand for it. It is clear from his actions so far that he believes that division and delay will keep the world from uniting against him.

The second step is talks between Milosevic and the Kosovar Albanian leadership, without preconditions. Milosevic's talks with President Rugova were never serious, because while he was talking, his forces were preparing for more assaults. After those assaults started, President Rugova refused to continue talking. It is clearly vital that some respected third party be at the bargaining table, and that talks resume as soon as possible after Milosevic's forces stop their attacks.

The crisis must be settled fairly, democratically, and without coercion between the parties. Any settlement must respect and protect the human rights of all persons in Kosovo.

Yesterday, I introduced in the Senate a resolution calling for the United States to declare that it has probable cause to believe that Milosevic has committed war crimes, crimes against humanity, and genocide, and to work for his public indictment by the International Criminal Tribunal for the Former Yugoslavia in The Hague, the Netherlands. The International Criminal Tribunal was invited by the Contact Group's first meeting to begin gathering information on what is happening in Kosovo. It needs and deserves our whole-hearted support, and Milosevic should be its principal target.

It is time for Milosevic's impunity as the conceiver and director of the Balkan conflicts to end. He must be held to account, not just for Kosovo, but for Bosnia, too. The United States and the world community must stop treating him as the "indispensable man," without whom peace in the Balkans is not possible. In fact, repeated dealings with the man have shown that peace in the Balkans is not possible with Milosevic still in power.

Once Milosevic is indicted, he will go the way of the Bosnian Serb leaders, out of power, in hiding, living in fear of betrayal and apprehension. Once Milosevic is gone, there will be room for growth of democracy in Serbia itself. Once Milosevic is in custody in The Hague, there will be room for peace in the Balkans.

At this point, I will turn to my distinguished colleague and Co-Chairman, Congressman Chris Smith from New Jersey for any comments he may want to make.

OPENING STATEMENT OF HON. CHRISTOPHER H. SMITH, CO-CHAIRMAN

Today's hearing of the Helsinki Commission addresses the current situation in Kosovo. At this hearing, the second on Kosovo which the Commission has held this year, the Commission will focus specifically on the humanitarian crisis which is growing as the conflict continues. All accounts describe the fighting in Kosovo as a low-intensity conflict, but, as it continues, I believe the potential for more widespread violence and a massive displacement of the population becomes increasingly likely. In short, Kosovo is bleeding, but it will dangerously hemorrhage if appropriate actions are not taken by the international community to eliminate the use of force as a means to achieve political ends by all parties but particularly by Slobodan Milosevic who is already responsible for so much death, destruction and suffering throughout the former Yugoslavia.

Conflict in the former Yugoslavia has been extensively analyzed, and one hears many explanations for the potential for continued violence if not its inevitability. Historical animosities, the collapse of the one-party Communist state, the unification of an artificially divided Europe and many other explanations come to mind. Very often, especially in the case of Bosnia but also now of Kosovo, analysis will focus on why the victims brought such tragedy upon themselves.

Those who seek to rationalize conflict in historical or political terms must, I believe, look into the eyes of the refugees and the displaced persons resulting from conflict, as our witnesses today have done. Looking at our news today, we see for ourselves the hundreds of Kosovar refugees pouring into Albania and elsewhere--men, women and children. These people have lost the little they had; these are people seeking refuge in the poorest part of the poorest country in Europe. Looking at these pictures, or meeting a group of refugees face-to-face, the wonted explanations for this conflict melt away. In reality, this conflict is simply senseless. Particularly in today's Europe, these children, filled with fear, who are crossing the mountains to escape fighting along the Kosovo-Albanian border should instead be filled with the hopes of unprecedented freedom and prosperity.

I hope, as we focus on the humanitarian perspective today, we will know better the needs of the tens of thousands of Kosovars who are displaced and or living as refugees abroad. The victims do not deserve this treatment. From the perspective of the Helsinki Commission which seeks to uphold the principles of the Helsinki Final Act as central to international relations, the people of Kosovo have the right to enjoy the same fundamental freedoms that we, as individuals, not only enjoy but often take for granted.

We in the executive or legislative branch, are policy makers, and we may have divergent views about the proper U.S. response to this conflict in Kosovo today. But, I hope not one of us will accept a policy of inaction.

OPENING STATEMENT OF HON. STENY H. HOYER

Mr. Chairman, I visited Kosovo as the Co-Chairman of the Helsinki Commission a little more than eight years ago, in April 1990, during my first visit to what was Yugoslavia. At that time, there were already significant problems--the closing down of Albanian-language media, the denial of Albanian students' access to the university education their parents enjoyed, many Kosovar Albanians being held in detention or imprisoned. What I remember most about that visit was the meeting I had with the head of the Kosovo League of Communists at the time, the highest official in charge of implementing Belgrade's policies in the province. I stressed the need for a dialogue to prevent violence in Kosovo, but he could not name for me one leading Kosovar Albanian political activist--not one--with whom he would even meet let alone work.

That congressional delegation concluded that there were certainly problems ahead for Yugoslavia, and that the international community needed to encourage dialogue, primarily by denying those resisting change the option of using force to accomplish their ends, namely the maintenance and enhancement of their personal power. This was particularly the case in regard to Slobodan Milosevic, who was already entrenched as the head of Serbia. Since that time, however, we have experienced tens of thousands raped or tortured, we have experienced hundreds of thousands killed, we have experienced millions displaced from their homes, many struggling as refugees. And now we are coming back to Kosovo, where there are reports of detention camps, where 250 to 300 people have reportedly been killed or are missing, where tens of thousands are fleeing their homes. These numbers suggest that the conflict there is of low-intensity so far the events of the early 1990s indicate that it will not remain that way for long. The problems we face in Kosovo today pale in comparison to those we may face tomorrow, just as the problems I learned about eight years ago pale in comparison to the situation today.

During the Bosnian phase of the Yugoslav conflict, the Helsinki Commission held several hearings on the humanitarian aspects of the crisis, some of which included as witnesses people from the offices and organizations which are before us again today. What struck me at that time as the most obvious, yet overlooked, truth was that the most humanitarian action the international community could take was to intervene to stop the conflict so that it would not produce more victims. Representatives of the UNHCR like Jose Mendiluce, private relief providers like Fred Cuny, refugee advocates like Lionel Rosenblatt, all pointed out that their work, heroic as it was, is not the answer, that their efforts address the results of the conflict but not the causes. Our hearing today will, like those I believe, inform us of what can be done to relieve the suffering of the Kosovars who are displaced persons or refugees, but it should also convince us that the most humanitarian thing we can do for these people and for those yet to be victimized is to demonstrate the resolve that Kosovo's future will not be determined through the further use of indiscriminate force against innocent civilians.

The most important factor which eventually led the international community, led by the United States, to stop the conflict in Bosnia was simply shame, shame over the TV images of people fleeing across mountain passes, of being gunned down on the streets by snipers, of

being obliterated in town squares by incoming artillery shells, of mass graves and of concentration camps. Obviously, one of the reasons Serbian and Yugoslav authorities limit access to areas of fighting in Kosovo is that they recognize it is public revulsion over the atrocities they commit that will compel foreign leaders to stop them.

I believe that we cannot wait for shame to motivate the international community to act regarding Kosovo; we must have learned more from the Bosnian experience to allow that to happen. We must be prepared to intervene decisively--even if that means militarily--and the sooner the better. Diplomacy and dialogue will become the preferred option when they become the only option. I welcome what I think is a recognition by the Administration of this fact, and I particularly welcome the strong initiatives of the United Kingdom. The resolve of the international community to act, however, remains to be seen, and I hope it will be very clearly seen in Belgrade before we have a humanitarian crisis equal to and perhaps even exceeding what we have seen just before.

WRITTEN TESTIMONY OF MARGUERITE RIVERA HOUZE

Mr. Chairman,

It is a pleasure to be here today and to have the opportunity to discuss the humanitarian situation in Albania and Kosovo. Two weeks ago I traveled to Tirana and northern Albania to see first-hand the situation of the some 14,000 Kosovar Albanian refugees who have fled the violence in Kosovo. Addressing the needs of the refugees in one of the most isolated comers of Europe presents in enormous challenge to the international community; a challenge which requires quick and decisive action.

As you know, the increased-violence in Kosovo has displaced over 90,000 people from their homes and created a situation with complex and long-term political and humanitarian consequences. Politically, the growing numbers of refugees and displaced persons enflame the ethnic tensions within Serbia-Montenegro and threatens to destabilize multi-ethnic Macedonia. From a humanitarian perspective, the displaced population places an enormous burden on Kosovo and Albania, the two poorest areas of Europe.

As I mentioned, the situation in northern Albania is dire. Refugees who had traversed the mountainous terrain between Kosovo and Bajram Curri, Albania arrive from their journeys after 50 to 60 hours and are frightened, exhausted and hungry. Fortunately we have seen no signs of torture, rape or mine injuries.

Local Albanian families--most who are poorer than the refugees they host--have been extremely generous and hospitable. The families I visited hosted large families in cramped conditions; I was told that some houses are hosting as many as 40 refugees, mainly elderly persons and women with young children. Few families have running water. Many live at a bare subsistence level. And with an extremely high local unemployment rate, their generosity is not sustainable.

The Government of Albania -and local officials should be commended for their commitment to support the needs of the refugees and for their active involvement in coordinating relief activities. International relief organizations should also be recognized for their expedient and comprehensive response to the needs in northern Albania. UNHCR immediately established an office in the north and established regular meetings of international organizations, NGOs and government officials. UNHCR, the Albanian Red Cross, World Health Organization, International Committee of the Red Cross and the local government have provided food, health services and emergency care to the refugees. The OSCE has increased its own monitoring activities in the region. Three Americans left this week to join the expanded staff, and we expect 2 more to join them early next week.

Despite this quick reaction, we believe that the international community and local populations are quickly reaching maximum capacity. The infrastructure simply cannot support another 10 or 20,000, or even 5,000 more refugees. This extremely poor corner of Europe is now challenged to support more people.

The Ambassador's disaster declaration allowed the USG to dedicate \$25,000 to an emergency response to the crisis in northern Albania. In addition, we are prepared to respond to the growing needs through a financial contribution to ICRC's and the UN's consolidated

emergency appeal. The UN's appeal includes UNHCR, NATO, WFP and several other UN agencies. These appeals directly address many of the needs, I observed during my visit.

For example, the UN appeal targets not only the needs of refugees, but also those of the local population in Northern Albania. During my travels, it was clear to me that the locals' needs equaled, if not exceeded, those of the refugees. The disparity between the assistance to the two groups is a potential source of friction; assistance to locals will alleviate both humanitarian need and potential conflict. We will encourage UNHCR and other humanitarian organizations to ensure that local assistance programs support local markets and build local capacity to increase self-sufficiency.

We recognize that shelter will become a major issue if there are more refugees and if the population remains in Albania through the winter. I expect both. We will support UNHCR's plan to repair collective accommodations. In addition, we must also recognize that future flows may require movement into central Albania, nearer to Tirana.

Security is also a major concern. Northern Albania has typically been a lawless area, beyond the reach of the Albanian police. In addition to addressing the local population's needs, we are exploring possibilities of increasing local police capacity to protect future refugee centers and the delivery of humanitarian commodities.

Due to the poor infrastructure and rough terrain in northern Albania, logistics and transportation are also major concerns. We have been working closely with NATO's Civil Emergency Planning Committee to urge NATO member governments to provide logistical support-helicopter lifts, trucks, communication systems-to international organizations. The Norwegians and Belgians have already responded to these appeals.

We are moving ahead quickly on support to the international organizations in the region. It is imperative that we be proactive on our support, to build capacity during this "calm" between refugee flows. While we hope that there will be no further flows, experience has taught us to prepare for the worst.

Let us not forget, however, that the majority of displaced persons are not refugees in Albania, but rather internally displaced within Serbia-Montenegro. I traveled to Kosovo last month and observed first hand the growing tensions in Kosovo's communities. At the time of my visit to Kosovo, roads had already been closed to non-military traffic and checkpoints had been set up along the route we traveled. We estimate that 65,000-980,000 persons who have been expelled from their home remain in Kosovo, while an additional 10,000 have fled to Montenegro. The IDP population in Montenegro continues to rise, especially with the tightening of the Albania-Kosovo border.

The most recent wave of violence has produced thousands of displaced persons who have fled to the mountains in western Kosovo. Caught between Serb attacks on villages (Decani, Djakovica and Pec in western Kosovo) and the rugged mountains of Albania, many displaced persons have virtually no access to basic necessities. Serb forces have tightened the border crossings leaving many refugees fearful to head for the Albanian border. In this sense, these IDPs are in a much more dire situation than the refugees are. Although they are closer to their homes, they are also closer to ongoing violence and continue to suffer from Serb aggression in other ways. For example, international

organizations have often been blocked from delivering humanitarian aid to western Kosovo's most affected villages. Some IDPs have been cut off from international assistance for months.

We have encouraged international organizations to seek access to these affected areas and we will monitor very closely the Serbs' fulfillment of President Milosevic's recent promise to provide unfettered access for humanitarian organizations. Several weeks ago, when commodities were stolen from three American-funded NGO convoys, we reacted strongly to this blatant disregard for international standards. Our efforts paid off, the three sets of commodities were returned and delivered last week. Our embassy and OFDA's team on the ground played a very active role in this.

Roy Williams, Director of AID's Office of Foreign Disaster Assistance) can comment on OFDA's role more specifically. I can personally attest to the fact that OFDA's quick and targeted response to the initial crisis in February and to the recent displacement has made an immense difference. OFDA has provided over \$1 million to NGOs, which, in cooperation with the local Mother Theresa Society, have been active in reaching many IDPs unable to support themselves. These American NGOs have also provided the Department with invaluable information about the developments on the ground.

While NGOs have been the primary actors in Kosovo, the international community, led by UNHCR and ICRC, has served as an important source of coordination and support. Our financial contribution to the UN and ICRC emergency appeals will cover their operations in Kosovo, Montenegro and Macedonia as well.

As you know, the USG have made a strong effort to support Montenegrin President Djukanovic, a forward-looking reformist. The Montenegrin government has made it clear that it requires assistance to address the concerns of the displaced population. We recognize that the conditions in Montenegro--for refugees as well as the local population--are becoming increasingly more difficult. UNHCR and the International Federation of the Red Cross (IFRC) have increased their presence in Montenegro and will continue to expand their operations under the UN appeal, which I mentioned. We are very committed to showing our support for the refugees in Montenegro and the reformist government, which has been extremely cooperative on humanitarian issues. It is worth noting that the Montenegrins have been cooperative not only in hosting Kosovar Albanian IDPs, but also some 26,000 Serb refugees who fled the war in Bosnia and Croatia.

Kosovo also hosts 14,000 Croatian Serb refugees, most who live in extremely difficult conditions in collective centers. Having fled dangerous circumstances in the Krajina in 1995, most of these refugees have lived in poverty for 3 years, only to find themselves in the midst of another ethnic battle. Some collective centers have already been targeted for Albanian rebel attacks. The FRY Government has blocked many of our attempts to get these refugees out of Kosovo, saying that they are providing sufficient protection and alleging that refugees prefer staying in Kosovo. This alleged protection has amounted to police occupation in some centers and no protection for others. These refugees are virtual sitting ducks, caught between a hostile Albanian population and a Serb Government, which is truly not protecting their

interest. I say this to stress that it is not only Kosovar Albanian civilians who are threatened by this civil conflict, but also civilians of all ethnicities.

And then there is Macedonia-, the quiet piece of this equation. There are no reported refugee flows to Macedonia, but we expect this will change if fighting shifts to eastern Kosovo. The UN has worked closely with the Macedonian Government to plan for possible flows. We share the government's concern about the potentially destabilizing effect of a refugee flow on the already volatile ethnic Albanian minority community in Macedonia. We must continue our support of the moderate elements of the Macedonia Government and the Albanian minority, to ensure that the products of the ethnic conflict in Kosovo do not exacerbate tensions in Macedonia.

The situation is both complex and dire. I want to stress the importance of US involvement in Kosovo--on all levels, diplomatic, political, and humanitarian. This crisis will not go away without active U.S. involvement. Our concern's not only for the serious humanitarian situation today, it is also for the potential crisis that looms if there continues to be further displacement. The humanitarian impact of hundreds of thousands of displaced persons and refugees could cripple this area. The political impact of so many displaced persons would be irreversible.

**WRITTEN TESTIMONY OF H. ROY WILLIAMS,
DIRECTOR, OFFICE OF FOREIGN DISASTER ASSISTANCE,
BUREAU OF HUMANITARIAN RESPONSE, U.S. AGENCY FOR
INTERNATIONAL DEVELOPMENT**

Mr. Chairman, I appreciate the opportunity to discuss with you today the U.S. Government's humanitarian assistance program for Kosovo, administered by the U.S. Agency for International Development (USAID). USAID has been actively engaged in the region since 1993, providing humanitarian assistance to the vulnerable women, children and elderly in Kosovo. Since 1993, USAID, through its Office of Foreign Disaster Assistance (OFDA), has provided over \$34 million in assistance for ethnic Albanians and Serb refugees living in collective centers in Kosovo.

The recent conflict in Kosovo is of the utmost seriousness. Large numbers of people have been forced to flee from their homes, leaving their fields and animals untended, and to live with other families who are themselves living under very stressful conditions. This has put mothers, children, and the elderly at a greater nutritional and health risk as homes are crowded, and food is scarce and expensive.

I have divided my testimony into several areas in an attempt to complement the information already provided by Marguerite Houze. We are focusing on the provision of humanitarian assistance, in which we face two major issues: (1) limited access to the conflict areas and (2) accurate numbers of the at-risk population.

Access to areas of conflict: Access to many parts of western Kosovo (such as Srbica, Decani, and Pec), which have been affected by the fighting, has been spotty for the international relief community. The situation has recently improved somewhat following high-level negotiations by the U.S. Government with Belgrade to allow unimpeded access for humanitarian assistance, but the security situation continues to be risky for the non-governmental organizations (NGOs) providing relief supplies for internally displaced persons.

Numbers Affected: Given the problems in accessing the affected areas, it is extremely difficult to estimate the numbers of internally displaced persons (IDPs), as people move from village to village, or have already fled to Albania, thus becoming refugees. Currently, the planning figure being used by the Office of Foreign Disaster Assistance is 60,000 registered displaced persons within Kosovo. In addition to the displaced persons, the majority of whom are from the ethnic Albanian community, there are approximately 8,000 Krajina Serb refugees, who fled Croatia in 1995, most of whom are now living in collective centers throughout Kosovo.

U.S. GOVERNMENT HUMANITARIAN ASSISTANCE TO KOSOVO

Of the total U.S. Government humanitarian assistance of \$13.5 million for this fiscal year, the assistance through the U.S. Office of Foreign Disaster Assistance includes the following: Since March 1998, at the start of the fighting in the Drenica region, USAID/OFDA has provided \$1 million in emergency humanitarian assistance for IDPs. The United States, through USAID/OFDA, is currently providing the bulk of humanitarian assistance for the displaced persons in Kosovo. (The European Commission has just cleared a package of emergency aid worth about \$1.6 million, primarily for

refugees in Albania.) These funds provide food and hygiene parcels, sleeping pads, blankets, stoves and firewood to 20,000 IDPs for one month. These relief supplies were distributed through nongovernmental organizations funded by OFDA. These organizations are Mercy Corps International, Doctors of the World, Catholic Relief Services, and Children's Aid D i r e c t . In addition to \$1 million emergency assistance for IDPs, USAID/OFDA has provided over \$5.7 million in FY 1998 grants for assistance to the extremely vulnerable women, children and elderly in Kosovo, including ethnic Albanians and Krajina Serb refugees living in collective c e n t e r s . USAID/OFDA is now considering a second request from NGOs to provide relief commodities for an additional two months for 60,000 registered displaced persons. USAID/OFDA also provided \$25,000 to Albania, through the US Embassy in Tirana, in response to the outflow of Kosovar refugees from the western part of Kosovo into the northern region of Albania. These funds will be used to respond to gaps in emergency assistance currently being provided by the international community in the region. USAID/OFDA currently has staff on the ground to closely monitor the humanitarian situation.

A USAID's Bureau for Europe and the New Independent States of the former Soviet Union will be programming \$3.1 million for community building and civil society projects in Kosovo. USAID's Office of Transition Initiatives has awarded five grants, totaling \$62,000 to Serbian and Kosovar Albanian civil society and media organizations to promote peace through expanded dialogue. Eight more grants, valued at \$400,000 are pending. The Department of State's Bureau of Population, Refugees, and Migration (PM and USAID's Office of Food for Peace (FFP) are finalizing their contributions in response to the United Nations consolidated appeal for Kosovo. PRM is also considering support for the International Committee of the Red Cross (ICRC) flash appeal.

U.S. GOVERNMENT CONTINGENCY PLANNING

In our contingency planning, USAID/OFDA has a regional stockpile of blankets, hygiene kits, water containers, tents and plastic sheeting to support 50,000 people. We also have an arrangement with the Department of Defense whereby some 500,000 humanitarian daily rations (HDRs) could be easily and quickly accessed.

USAID/OFDA has also established close contact with the U.S. Embassies and USAID Missions in Macedonia and Albania, and with NGOs and U.N. agencies working in the region, in the event more refugees leave Kosovo and flow into these neighboring countries. In this case, USAID/OFDA would help cope with the outflow of refugees by working primarily with NGOs and by targeting assistance to support the U.N. High Commissioner for Refugee's efforts.

Our office is very concerned about the humanitarian situation in the region, and we are prepared to do whatever is necessary to alleviate the suffering of those people affected by this tragedy. Thank you.

**WRITTEN TESTIMONY OF HOLLY BURKHALTER,
PHYSICIANS FOR HUMAN RIGHTS**

Thank you, Mr. Chairman, for inviting Physicians for Human Rights to testify at this important hearing on human rights in Kosovo. I regret that my two colleagues, Dr. Jennifer Leaning and Richard Sollom, were unable to be here to present themselves the findings from their mission to Albania last week, where they interviewed ethnic Albanian refugees newly arrived from Kosovo. I am proud to have this opportunity to discuss their report, however, which PHR formally released this morning to the press.

As you can see in the attached report, PHR received very important testimony about human rights violations by the Serb army, police, and paramilitary organizations. All of the refugees in the areas PHR visited in Albania were ethnic Albanians. Accordingly, we do not have information about the issue of KLA killings of civilians, which was reported yesterday in the New York Times. I would like to make it plain, however, that PHR is extremely concerned at such reports. Our recommendations about investigation and prosecution of human rights abusers apply to the KLA, as well as Serb authorities. Moreover, I should clarify to the Commission that my organization takes no position whatsoever on political questions of independence or autonomy for Kosovo. We restrict our views and today's testimony to a discussion of what has happened with regard to human rights in Kosovo, and what the international community should do about it.

Before turning to the substance of PHR's recent findings, I would like to note that many have noted the chilling similarities between the early months of the war in Bosnia and the current situation in Kosovo. Many of the same military units are reportedly engaged, for example, and the same tactic of bombarding villages to force out the population then burning everything behind them, so characteristic of Bosnia, are much in evidence in Kosovo. But in one important particular, at least, the situations differ quite markedly. And that is the paucity of information about human rights in Kosovo as compared to the wealth of information at a comparable point in Bosnia. PHR hopes to shed light upon this situation, based on the first-hand experiences of men, women, and children who were "cleansed" from their homes in Kosovo. But as Bosnia clearly illustrates, information alone is not enough to end gross abuses of human rights. It is our deepest hope that the international community will do in Kosovo what it did not do in Bosnia: act forcefully, in a timely way, to save lives, stop ethnic cleansing, enforce a cessation of hostilities, and bring all parties to the negotiating table.

Thank you again for this opportunity to appear before you. Our report follows.

**MEDICAL GROUP RECOUNTS INDIVIDUAL TESTIMONIES OF
HUMAN RIGHTS ABUSES IN KOSOVO**

A preliminary report released today by Physicians for Human Rights (PHR) documents serious human rights violations, including detentions, arbitrary arrests, violent beatings and rape, throughout Ko-

sovo during the past six months. The Boston-based medical group calls for urgent intervention by the International Community (IC) to prevent further escalation of these atrocities.

PHR reports that intensive, systematic destruction and ethnic cleansing of villages in the Decane and Dakovica districts of Kosovo by Serb police and military has resulted in the widespread killing of civilians. This information was gleaned during the week of 15 to 22 June, 1998 when PHR representatives conducted interviews with refugee families in the northern Albanian towns of Bajram Curri, Tropoje, Dojan, and Margegaj.

"People are fleeing Kosovo in the face of deliberate and concerted armed attack on civilians and their homes, an assault entirely in contravention of international law," said Dr. Jennifer Leaning, Senior Research Fellow at the Harvard Center for Population and Development Studies and coordinator of the PHR investigation to northern Albania. "Given the failure of the West to intervene in the past, we urgently call upon the IC to take bold and effective steps to respond immediately to this crisis, before it escalates into dimensions no international organization or government can contain."

The PHR team conducted in-depth interviews with a random sample of 38 heads of households of refugee families, comprising approximately 330 people. The respondents limited their accounts to incidents of which they had first-hand knowledge. Refugees told the PHR team that they witnessed a total of 60 killings of relatives, friends, and neighbors during Serbian armed forces attacks on their villages in the last several weeks and months. Eyewitness accounts of such killings include:

- The selection of a man from a group of mourners at a funeral by Serb special forces who was then killed in front of the funeral cortege.
- The fatal shooting of a young mother by snipers as she left her home.
- The description of how one refugee's two aunts were burned to death in their home when Serb police and military forces advanced on their village.
- The killing of three men by a grenade explosion and the pinning down by sniper fire of their two companions for three hours until they escaped under darkness.
- The killing of three uncles of one informant by sniper fire as they tried to flee an artillery barrage.

PHR also received several reports that ethnic Albanian women were raped during their detention by Serb police. They heard separate accounts of women who were reported missing following military attacks on their villages. In one instance, an ethnic Albanian female reported that Serb police raped her 32-year-old cousin.

Ethnic Albanian men, as young as 17 and as old as 62, reported being detained and brutally beaten by Serb police forces. Using the pretext that they allegedly possessed firearms, the police have systematically rounded up ethnic Albanians and detained them in local police stations. Through interviews, PHR learned that the abuse most often inflicted against detainees involved severe kicking and beatings with the butt of a rifle to the abdomen, flanks, and lower back, causing serious injury. Teams of two to three policemen typically beat

the detainee until he is so physically weak that he can barely walk. The PHR team also received one report of violent torture inflicted on an Albanian detainee that resulted in death during custody.

The PHR team, comprised of PHR Board Member Dr. Jennifer Leaning and PHR Senior Program Associate Richard Sollom, also interviewed local Albanian officials, health care personnel, humanitarian nongovernmental and intergovernmental organizations, and representatives from the Federal Republic of Yugoslavia and Kosovo. The majority of all respondents provided PHR detailed information of human rights violations where they themselves were the victim or where they knew either a family member or friend to have been stopped or detained by Serb police forces over the past six months. Over half report specific knowledge of two or more incidents.

PHR also fears that the city of Dakovica, whose population of approximately 80,000 is now swollen to 150,000 by internally displaced ethnic Albanians in Kosovo, is under threat of a direct attack by Serb police and military forces. Such an attack will cause thousands of additionally displaced ethnic Albanians to descend into the towns of Kukes and Krume, in Northern Albania. Based on these findings PHR strongly appeals to the IC to intervene to stop further atrocities and prevent a wider conflict that may be precipitated by the fall of Dakovica.

PHR is also deeply concerned about reports of Kosovo Liberation Army (KLA) targeted killings of Serb civilians. The refugees interviewed by the team were ethnic Albanians who fled Yugoslav initiated violence.

NATURE OF SERB ATTACKS ON VILLAGES OF ETHNIC ALBANIANS IN KOSOVO

The PHR team gathered consistent and credible testimony regarding the pattern of Serb police and military attacks on the villages of ethnic Albanians in southwestern Kosovo. This pattern has the following features:

1. Sudden initiation of bombardment predominantly in the pre-dawn hours. Refugees told the PHR team that the attacks began in the early morning, with the sudden explosion of ground-to-ground missiles or rocket-launched grenades slamming into the periphery or the center of their villages.

2. Sniper fire on Albanian villagers out of doors and visible during daylight hours. Sniper fire from police forces made it unsafe to linger or work in exposed areas. Intermittent nighttime bombardment forced those who had returned to their homes back into the mountains or again to nearby villages. For some refugees, this low-grade conflict persisted for weeks, during which they stayed in the mountains during the day and hurried back to their homes at night to replenish supplies.

3. Presence of heavily armed Serb special police forces along the roads leading into the villages and within the villages during daylight hours. During the next phase in the attack, police and special police forces moved into the villages. Wearing distinctive dark blue uniforms and carrying serrated machetes and "Skorpion" automatic weapons of Czech manufacture, these special police forces are said by the refugees to have committed a number of killings and atrocities.

4. Escalating bombardment and sniper attack over a period of days to weeks. Gradually, over a period of days to weeks, the night barrage increased in intensity and daytime sniper fire and paramilitary attacks made it impossible to stay in the villages. In the face of this onslaught, most families left their homes for good, moving to another village or crossing the mountains into Albania. In some instances, the men sent their families over the mountains with other villagers and remained behind barricades in the village in an attempt to fight off the snipers and target the source of the ground bombardment. Interviews with several refugee wives and mothers in Albania indicated that few had received news of their men for over a month.

5. Pillaging: According to men who had retreated from their villages but remained in the mountains nearby observing Serb police and military maneuvers, the last phase of the attacks occurred after the villages were emptied of inhabitants. Armed forces proceeded into the villages, often on foot but occasionally in tanks or armored personnel carriers, looting, killing cattle and other animals, and burning whatever structures remained.

CIRCUMSTANCES OF REFUGEE FLIGHT

Estimates of the number of refugees in the northern border area with Kosovo around Bajram Curri and Tropoje range from 9,000 to 15,000, with most Albanian local authorities and humanitarian NGOs placing the number of refugees in the Bajram Curri district itself as 9,000, or approximately 1,600 families. Upon fleeing their villages, the refugees reported that in the journey across the Albanian mountains, the refugees traveled primarily at night to avoid sniper fire and surveillance by police helicopters. Eighty-nine percent moved in groups that included, on average, 8.5 other family members; a substantial fraction (34%) traveled with a large share of their home village population, in groups of over 100 people.

All informants stated that the initial attacks were sudden and unexpected, so the great majority of refugees left without supplies of food or water, wearing only plastic shoes or sneakers that they thrust on as they dashed from their homes.

The refugees were reluctant to leave their farms, and did so only after it became clear that the Yugoslav military attacks were completely destroying their villages. Over 63% spent days to weeks in adjacent villages and mountain slopes near the border, observing from a distance the bombardment of their homes, before crossing into northern Albania.

Within the sample of 38 families, PHR received reports of two deaths: an old woman who died of heart failure and exhaustion and a young girl who died immediately after a grenade exploded within 10 feet of her (whether from barotrauma or shock is not clear). Both were buried along the mountain path. One man broke his right femur in a fall and had to be carried out on a stretcher for the remainder of the flight. Many people sustained knee and shin injuries from falls on the rough and steep terrain. Foot injuries (blisters, fractures, maceration) were especially common among the men who were carrying children and elderly family members en route.

A In the climb over the border mountains, young men carried children on their backs for much of the way, while transporting the most elderly or disabled on makeshift stretchers during the 15- to 48-hour trek.

CONDITIONS FOR REFUGEES IN ALBANIA

According to local doctors at Bajram Curri and Tropoje clinics, upon arrival in these towns, the refugees showed signs of physical exhaustion, marked mental stress and anxiety, but surprisingly little in the way of serious acute trauma or cardiopulmonary distress. Those with chronic conditions, such as diabetes mellitus or hypertension, constituted the majority of those requiring sustained medical attention.

When interviewed by the PHR team, the refugee heads of households showed clear signs of mental distress, ranging from tears and frank crying to long silences and agitation. Fatigue and sadness were their principal current complaints, and in a trend with strong statistical significance they reported marked decline in their assessment of their current mental and physical health as compared to a year ago.

Refugees in the PHR sample overwhelmingly reported overcrowding and fear of wearing out their welcome as their main immediate concerns. Local officials in Bajram Curri, where most of the refugee population is now sheltered, state that host families in this poor area cannot be expected to house a continued overflow of people indefinitely in their very small apartments and homes.

PHR'S CONCERNS FOR THE FUTURE

Northern Albania is not prepared to receive a further influx of refugees from Kosovo. Tropoje and Bajram Curri are fully saturated in terms of shelter stock; no new construction is underway to improve standing decayed structures; and no camps have been set up. Food aid is stockpiled in Tirana and Durrës, sufficient to feed an additional 35,000 refugees and 15,000 host country nationals for one month.

The Albanian town considered most likely to be the destination of future refugees from Kosovo is Kukes, about 20 km from the border. The town lies directly across the mountains from Dakovica. According to border monitors for the European Community Monitoring Mission, the Organization for Security and Cooperation in Europe and the United Nations High Commissioner for Refugees, the city of Dakovica lies abnormally quiet and still, with only a few figures seen on the streets during the day. As expressed earlier, there is fear that sometime in the near future the Serb forces will mount a direct attack on this city. Most believe that an exit route will be permitted, and through that route the population of Dakovica, with its thousands of additional internally displaced ethnic Albanians, will descend into the town of Kukes and surrounding villages.

The fall of Dakovica is expected to have many consequences. Kukes would be forced to absorb an estimated 50 to 100,000 refugees. The influx of new refugees would obligate the IC to increase its current level of humanitarian aid to northern Albania. Large refugee camps would need to be built and expanded stocks of food aid rushed in. In a scenario the humanitarian community is now desperate to avoid, the expanding presence of goods in this poor area would feed a growing black market, which could be exploited in a food for guns trade.

The large encampments of refugees could contribute to augmented KLA organizing and recruiting activities, exposing these areas to Yugoslav charges that they are launching sites for cross-border activity into Yugoslav territory. Escalation in Yugoslav-Albanian border tensions could explode suddenly, sparked by a Yugoslav bombardment of one of the camps or the town of Kukes itself. The bombardment of Albanian territory would undoubtedly bring Albania into direct confrontation with the Federal Republic of Yugoslavia and create conditions for an expanded Balkan war.

RECOMMENDATIONS

On the basis of its findings from its investigation to northern Albania, PHR urges the following recommendations upon the IC:

Cessation of Hostilities: An international peacemaking force, organized under the auspices of NATO, must be introduced without delay into the Kosovo region requiring all Serb forces (police, army, security, special police) to withdraw from Kosovo at once and requiring KLA units to cease their military activities. Stockpiles of antipersonnel landmines should be identified and destroyed. Heavy weapons and tanks should be removed from civilian areas and confined to military bases under international observation. Major transportation routes to villages that have been under siege should be opened, and humanitarian assistance provided immediately.

Negotiations: Negotiations relating to the ultimate political status of Kosovo must begin, but only after a peacemaking force has ensured the cessation of hostile action and violence within Kosovo.

Human Rights Monitoring: An official international human rights monitoring presence, either under U.N. or European Union auspices, should be established immediately, to work in conjunction with local human rights groups and to monitor abuses by both sides. Impartial forensic investigations under the auspices of the International Criminal Tribunal for Former Yugoslavia (ICTY) must be undertaken in sites where allegations of mass killings are most definite, as in the case of Decane. The ICTY should be able to establish an investigative-office to collect evidence to be used in preparation of indictments of those responsible for recent atrocities in Kosovo, including alleged targeted killings of civilians by the KLA. The International Committee of the Red Cross must be provided immediate access to all places of detention.

Medical Neutrality: All parties must be required to respect medical neutrality. Medical personnel must be granted safe passage to all parts of Kosovo and permitted to provide health care without interference. Safe transport of medical supplies throughout the region should be assured by international troops. Those army and police officials responsible for shelling, looting, or burning clearly marked medical or health facilities should be investigated with an eye towards prosecution by the ICTY.

International Assistance: A Kosovo police force must be recruited and trained by the IC according to accepted and standard civilian-political protocols. The UNHCR should facilitate the safe return of refugees. The European Union, the U.N. and bilateral donors must rapidly assist in efforts to rebuild civil, political, and social institutions in Kosovo, rehabilitate and reconstruct homes, villages, and farms, reintegrate returning refugees, demine all affected areas, and

provide extensive assistance to Albanian villages and families whose own economic situation is precarious due to their support of the influx of refugees in recent weeks.

Physicians for Human Rights (PHR) is an organization of health professionals, scientists, and concerned citizens that uses the knowledge and skills of the medical and forensic sciences to investigate and prevent violations of international human rights and humanitarian law. Since its founding in 1986, PHR has conducted dozens of investigations in countries throughout the world into torture, political killings, prison conditions and the health consequences of armed conflict. As a founding member of the International Campaign to Ban Landmines, PHR shared in the 1997 Nobel Peace Prize.

Charles Clements, NM is President; Carola Eisenberg, NM, is Vice President; Leonard S. Rubenstein, J.D., is Executive Director; Susannah Sirkin is Deputy Director; Holly Burkhalter is Advocacy Director; Richard Sollom is Senior Program Associate; Barbara Ayotte is Director of Communications; Steve Brown is Development Coordinator, Gina Cummings is Campaign and Education Coordinator and Caitriona Palmer is Media Relations Coordinator. Robert H. Kirschner, MD is Director of the International Forensic Program; and Vincent Iacopino, NM, Ph.D., is Senior Medical Consultant.

**TESTIMONY OF LARRY THOMPSON,
SENIOR ASSOCIATE, REFUGEES INTERNATIONAL**

My name is Larry Thompson and I am a Senior Associate of Refugees International. The President of Refugees International, Lionel Rosenblatt, and I visited Albania June 100917. Mr. Rosenblatt is now in Europe and will be returning to Albania shortly. We are working closely with the Open Society Foundation (OSF) of Albania. OSF facilitated our visit and provided us wise counsel and assistance to help us arrive at the conclusions in this testimony.

I want to thank the Committee, Chairman, Senator Alfonse D'Amato, and Co-Chairman Representative Christopher Smith for inviting me to testify today. I recall the excellent work this Commission did during the war in Bosnia. This hearing today could have the purpose of informing the government and the people of the United States about the human costs of the attacks against civilians in Kosovo by the military and police forces of the Government of Yugoslavia.

The purpose of our visit to Albania was to assess the humanitarian needs of refugees who have fled Kosovo to Albania. We visited the remote border region of Tropoje in northern Albania where most of these refugees are now present. We spoke to many refugees as well as to Albanian Government officials and representatives of international relief and development organizations.

Refugees told us of attacks against their villages in Kosovo by Yugoslav (Serbian) police and military personnel. A pattern some of them described to us was as follows. Serbian police or military units would arrive unannounced at a village in tanks and trucks. Using loud speakers they would order all the inhabitants to abandon their homes and vacate the village. After a few minutes of allowing people to flee, they would break into homes and evict people forcefully or, alternatively, withdraw a safe distance and call in an artillery barrage on the village.

After emptying the villages and terrorizing the inhabitants--in some cases reportedly beatings raping, mutilating, or killing people--the Serbs would then leave the area. But, in the days which followed, the village would be subjected to sporadic artillery fire and air-attacks by fixed wing aircraft and helicopter gun ships. In some cases, these follow-up attacks took place almost daily over a period of weeks.

Some families fled immediately to Albania following the first attack on their villages. Others took refuge in neighboring villages or hid themselves in the hills. One family told us they had returned to their homes and fields on days when it appeared safe to do so--although they always slept in the forests because the artillery attacks on their village occurred at night. This family told us they had undergone attacks for about six weeks before they finally lost hope that they could return to live in their village--and decided to cross the mountains into Albania.

The testimony of refugees was dauntingly reminiscent of the stories the world heard of Serb actions in Bosnia earlier this decade.

I would conclude that the apparent objective of the Serbs was to make villages uninhabitable and to force their inhabitants to flee for their lives. Many have fled. More than 12,000 refugees are in Albania. Another 8,000 are said to be in Montenegro, and several tens of thousands are believed to be displaced within Kosovo.

I must also conclude that--if the Serbian military actions against non-combatants are not stopped immediately--the number of refugees may dramatically increase.

Some 50,000 to 100,000 people live or have taken refuge in the Djakovica area of Kosovo. The city of Djakovica has apparently not been attacked, but we heard accounts of surrounding villages which have had their food and utilities cut off and are being intermittently shelled. Djakovica may be the next objective of the Serbs.

Refugees International is a humanitarian organization, but our most important recommendation is that the international community heed the lessons of Bosnia. We must confront Yugoslavia with a credible threat of force if the killing and persecution of civilians in Kosovo is to be halted. As a useful step, we must also move ahead quickly to implement the promises Yugoslav President Milosevic made to Russian President Yeltsin earlier this week. President Milosevic promised free access in Kosovo to relief organizations and international human rights monitors and observers, arrangements for refugees and displaced persons to return to their homes, and the resumption of talks with representatives of Kosovo's Albanian population. We should test the sincerity of his promises now.

THE KOSOVAR REFUGEES IN ALBANIA

Most refugees from Kosovo are now entering Albania in Tropoje district. The urban center of Tropoje district is Bajram Curri, a small town which, has a population of only a few thousand. Tropoje is very mountainous and isolated--and was said to be the poorest district of Albania, is the poorest country of Europe. Unemployment, we were told, is 80 percent.

The refugees from Kosovo are arriving on foot through steep mountain passes. Most of them carry everything they now own in a plastic bag; a few have donkeys to transport their belongings. Despite the exhaustion and the psychological trauma they have suffered, most appear to be in good condition. The international community has responded quickly to the influx of refugees, and food and other relief supplies for the refugees appear to be adequate, although the pipeline for relief supplies is precarious and would be severely tested if the refuge flow were to increase dramatically.

One of the unique characteristics of the refugee situation in northern Albania is that the local people--poor though they are--have welcomed the refugees into their homes. At present, there are no refugee camps in Tropoje; the refugees are being housed in private homes by local people who volunteered to host them. This show of generosity and hospitality is the most remarkable we have seen in a quarter century of refugee work. The people of Tropoje deserve our praise and our support.

While the poorest people of Europe have shown themselves also to be the most generous, there is a growing danger of increasing frustration and tension with the refugees. The international community should recognize the local, host population for its generosity and be-

gin a dialogue with it on how to help the impacted communities as well as the refugees. A major political objective of the international community should be to create conditions in Kosovo which will permit the refugees to return home soon, but we must plan for an extended refugee situation and a continued flow of refugees from Kosovo.

What is needed in northern Albania, at present, is not simply sending more food and other relief aid to the refugees. In fact, an increase in food aid could perhaps make the situation worse by disrupting local markets. A major objective of international assistance should be to help the refugees in ways which will maintain and enhance their good relations with the community and provide some positive benefits to the community of Tropoje. The principle should be to help the community help the refugees,

The refugee problem in northern Albania is not a traditional refugee crisis and a new vision and strategy of shaping international assistance for the refugees in Albania should be found. This is not an easy challenge. International relief agencies are Understandably focused on situations in which the refugees are in camps and the challenges are logistical rather than socioeconomic. But with a good strategy and effective coordination between the Albanian Government and UN and donor governments, the international response in northern Albania could become an example of a successful, holistic response to a refugee problem.

A well-devised assistance strategy for refugees need not be more expensive than the relief and other activities commonly carried out by the international community in support of refugees. The basic concept is to do it better by overcoming bureaucratic and other constraints to effective humanitarian action.

Another urgent issue is the need to prepare winterization projects for the refugees. Ideally, of course, improved conditions in Kosovo will permit the refugees to return home this summer and, with aid from the international community, repair their homes. However, that scenario may not occur and the Albanian Government and the international community should prepare for the possibility that the refugees will still be resident in Tropoje when cooler weather begins in late September. Contingency plans for winterization seem appropriate to develop now,.

Refugees International offers the following recommendations to assist the refugees and the local community in northern Albania.

(1) The international community should support and facilitate the creation, by the Albanian Government of a coordinating mechanism for assistance for refugees.

(2) UN agencies should quickly survey refugee and local community needs in Tropoje. The survey should approach community needs from the bottom-up rather than dictating solutions from above.

(3) The survey will help LTN agencies and other donors move forward to help the local community help the refugees, but consultation and cooperation with community representatives should continue. Projects now under consideration whose feasibility should be explored are rehabilitation and winterization of buildings to house refugees, water supply improvements, summer school for refugee children, road repairs to improve logistics and transportation, and assistance to the woefully inadequate hospital in Tropoje district.

(4) NATO should initiate a passenger helicopter shuttle service from Tirana to the north for key Albanian and international officials working on the refugee problem. The trip is now hazardous and cumbersome (car-ferry-car) and takes more than 10 hours. The daunting journey is why many senior officials do not get to the north. The return flight could also be used for Medevac cases. A helicopter shuttle service should not, however, be used to transport relief goods--except for emergency, lifesaving medical supplies. The current system of overland transport of relief supplies is adequate--given the present number of refugees--and disrupting it would cause problems with local suppliers of transport services.

(5) NATO should also provide two to four all-terrain vehicles to international organizations and Albanian coordinators for use in the mountain border regions in Tropoje district. The roads are extremely hazardous and nearly impassable after rains.

**WRITTEN TESTIMONY OF HON. JOSEPH J. DIOGUARDI,
PRESIDENT, ALBANIAN AMERICAN CIVIC LEAGUE**

Mr. Chairman, on behalf of 400,000 Albanian Americans, I want to thank you for holding this important hearing on Kosova. For us and for the seven million Albanians living side by side in their historic lands within and outside of the current State of Albania, U.S. foreign policy in the Balkans has failed.

Until March 23, 1989, Kosova was an autonomous province with political rights equal to the six republics of the former Yugoslavia, enjoying an equal vote and voice with Serbia in the confederal presidency of the country.

On that day, Serbian strongman Slobodan Milosevic, now reviled around the world for his atrocities throughout the Balkans, forcibly occupied Kosova and reduced it to the equivalent of a Warsaw ghetto in the heart of Europe today.

Kosova's freely-elected parliamentarians were imprisoned or driven into exile, its streets patrolled by Serbian military units, its people routinely arrested, tortured, and murdered in a campaign that is now characterized as "ethnic cleansing" of the Albanian population. (See addendum for a short history of Kosova.)

At the start of the occupation, Serbian police and military expelled all Albanian physicians, judges, and college professors; dismissed 7,000 students, and prohibited the use of Albanian as a language of instruction in Kosova's schools; and engaged in random beatings, house searches, and killings. The Serbian Government closed all Albanian radio and television stations, and used its own media in Belgrade and Pristina to promote anti-Albanian sentiment in the region.

Economic strangulation continues to be a key element of Serbia's takeover of Kosova. Even food has been used as a weapon in Serbia's genocidal war against the Albanian people. Without the millions of dollars and marks that have been poured into Kosova by the Albanian diaspora, the entire population would be on the brink of starvation. Even today, tens of thousands of refugees flood the streets of Gjakova and other towns near the Kosova-Albanian and are literally begging in the streets for subsistence, as are the 80,000 refugees now crowding the poorest regions of northern Albania. This a human crisis of the highest order, which did not begin today or last year, but a decade ago with hardly an outcry from the international community. One need only look at the State Department's 1997 country report for Serbia to see a litany of horrors against a population of two million Albanian civilians in Kosova.

Now that Kosova is completely surrounded by Serbian military and paramilitary units using tanks, armored personnel carriers, helicopters, and heavy artillery ... now that Decan and Drenice are completely leveled, along with dozens of neighboring towns and villages ... is the U.S. Government willing to confront the disconnect between its professed adherence to the fundamental principles of human rights and our failure to assume a leadership role in Kosova for the past ten years? This is the question that Albanian Americans and Albanians everywhere are asking.

Today's New York Times reported that Richard Holbrooke, the American envoy for the Balkans who met with members of the Kosova Liberation Army for the first time yesterday, was shocked by the scale of destruction that he saw in towns like Decan. Since the

town was destroyed, most of its 20,000 inhabitants have fled to nearby villages or across the border into Albania. Standing outside the homes that had been gutted by shells and fire, Holbrooke said, "Decan is awful. It looks like western Bosnia when I went there in 1992."

Why has our State Department waited so long to witness the destruction of Kosova firsthand? Why have we not forced Slobodan Milosevic to withdraw all Serbian military and paramilitary police units, in adherence to our own stated foreign policy set forth by President Bush as he was leaving office and embraced by President Clinton as he was entering office, that "a line in the sand" is drawn in Kosova and that the United States will not tolerate any Serbian troops there?

It is obvious that the tough sanctions that the Contact Group continually clings to as a method for dealing with Milosevic are feeble in the extreme, since Belgrade has already survived six years of tough economic sanctions. In the meantime, how many Kosovar Albanians will die while ineffective sanctions are imposed? The Albanian American Civic League, for which I am the volunteer president, contends that sanctions will have no effect and will only bolster nationalistic fervor on Milosevic's behalf. Only resolve will work, and that will have to come from the only superpower left in the world, the United States of America, taking the lead with our NATO allies. As we have seen in the past in Bosnia, only the use of force or the credible threat thereof will persuade Milosevic to end his quest for "Greater Serbia" and stop his ethnic cleansing campaign against the non-Slavic peoples of the Balkans.

In conclusion, the two million ethnic Albanians of Kosova, who comprise more than 90 percent of the population there, have no human, economic, or political rights whatsoever. Under these circumstances, the Kosovar Albanians are entitled to self-determination under international law, and the only thing that will work for Kosova is independence. That is what the people of Kosova are demanding in order to protect themselves from genocide. (For the record, we are submitting a memorandum that analyzes the legal basis under international law for Kosova's independence.)

Kosova is where Milosevic started the carnage that led to the rape and pillage in Bosnia, and his refusal to withdraw from Kosova will lead to a even greater Balkan war if we do not act now. It is time for the United States to stand up for its own principles and time involving neighboring Macedonia, war is triggered, this time involving neighboring Macedonia, Bulgaria, Greece, and Turkey.

It is time for the United States to back up its tough words with concrete actions, such as declaring a no-fly zone in Kosova, withdrawing all Serbian troops from Kosova, moving an aircraft carrier off the coast of Montenegro, enabling international monitors and relief agencies to enter Kosova unimpeded immediately, and bringing Milosevic and his henchman to trial in The Hague as war criminals. These actions would not only reaffirm our resolve to stop the escalation of the conflict in Kosova, but, I believe, would lead to a lasting peace for the Albanian people and all ethnic groups in the Balkans.

Thank you, Mr. Chairman

KOSOVO'S VALLEY OF DEATH

BY SEBASTIAN JUNGER

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It wasn't much of a town, Prekaz, just a dozen or so farmhouses strung along a dirt road that ran between some low brown hills. In the distance were the mountains of Albania, and all around were the dead winter fields of Kosovo. The houses had red tile roofs, thick white-washed walls, and traditional courtyards--a defensive layout that probably hadn't changed much in the past 800 years. The pastures began at the road and stretched up to the crests of the hills before ending in ugly swatches of scrub oak. It was the kind of scrub oak that would whip you in the face if you tried to run through it. It was the kind of scrub oak that you could disappear into.

Before dawn on March 5, hundreds of Serb special police took up positions on the hilltops around Prekaz. There were mortar emplacements, tanks, heavy artillery, 20-mm. cannon, and dozens of armored personnel carriers mounted with heavy machine guns. It was the first premeditated military assault by a European government against its own citizens since Nicolae Ceausescu unleashed his Romanian security police in 1989--and that was basically the last spasm of a dying government. Before that you'd have to go back to the Nazis. Kosovo, a province of Serbia, is only 200 miles from Italy; tourists come to ski in the winter. There hadn't been a war here since 1945. And now one of its towns was about to get scraped off the map.

The attack started with an artillery barrage against one household and quickly escalated to a ground assault against the entire village. Police in greasepaint and black uniforms poured out of armored cars and moved down the sodden brown hills, firing automatic weapons and rocket-propelled grenades. Mortar shells dropped into the houses and lit them on fire. Albanian-separatist guerrillas were said





to be holed up in the town, and the Serbs weren't taking any chances—they weren't going to let the bastards surrender, and they weren't going to let them hide. If necessary, everyone would die.

Women and children took shelter until they realized it was only a matter of time before they were killed, and then they took their chances and ran through the gunfire into the woods. The men weren't so lucky. Some fought back and others just hid; either way, they died. They died as their houses collapsed on them; they died as automatic-weapons fire ripped through the cinder block walls; they died on their doorsteps as they tried to surrender.

"The soldiers shouted for us to come out one by one or they would kill us," the daughter of a man named Šerif Jašari later told human-rights workers. "When my cousin Cazim came out with his hands up, they killed him on the steps. We ran and had just gone through the first cordon when the soldiers caught my cousin Nazmi, who was helping his mother, Bahtije, along. They grabbed him, tore off the woman's dress we had given him to wear, and ordered him to lie down on the ground and then to get up. He had to do this many times. Then they fired into his head and back, and I saw his body jerking from the bullets."

The next person the Serbs shot was the girl's 17-year old brother, Riad, hitting him twice. He fell to the ground, and his sister and mother took him by the arms and started dragging him into the woods. "We went through the second cordon posted in the street outside the house. Armed soldiers in green uniforms with yellow and black markings and the same colors smeared on their faces," Jašari's daughter said. "We hid in the bushes, and up on the hill we met some people we knew, and they drove my brother Riad to a safe place. When Beir's wife, Sala, arrived, she said they had shot Beir in the leg and that he had told her to go with the children. A few days later we heard Beir was dead."

Beir Jašari was a member of a wealthy Albanian family that was said to be involved in an Albanian independence movement in Kosovo. Kosovo is about 90 percent ethnic Albanian but remains part of the Serb-dominated former Republic of Yugoslavia, which stripped it of its autonomy in 1989.

Tensions in the area had been rising steadily since November, when three masked Albanian guerrillas appeared at the funeral of a man killed in a crossfire between Serb police and guerrillas. "The Kosovo Liberation Army is the only force which is fighting for the liberation and national unity of Kosovo!" one of them shouted, and the mourners--20,000 strong--responded, "U-C-K!", the Albanian initials for the Kosovo Liberation Army. The opposition movement in Kosovo was headed by a longtime pacifist named Ibrahim Rugova, but it also had an armed wing ready to take the fight into the hills.

Almost immediately after their appearance at the funeral, the K.L.A. began ambushing police cars and sniping at the checkpoints. Then a car chase and shoot-out in late February resulted in the deaths of four policemen and five K.L.A. members. Another badly wounded K.L.A. fighter reportedly dragged himself to the home of Ahmet Ahmeti in a nearby village called Likošane. Like the Jašaris, the Ahmetis were a wealthy family rumored to have links to the K.L.A.

On February 28, the Serbs struck back. Attack helicopters blasted towns with gun and rocket fire, and policemen in black uniforms dragged people out of their houses and shot them on their doorsteps. Twenty-six were killed. Witnesses said the Ahmeti men over the age of 15 were separated from the women and children, savagely beaten, and then executed in their courtyard with shotgun blasts to their





heads. One had his eyeballs dug out. Journalists who later visited the house reported that the ground was littered with teeth and hair, and that a human jawbone hung from a nearby bush.

There was a brief lull while people buried their dead, and then the police moved in on Prekaz, which lay only a few hundred yards from an old munitions factory that had been converted into a barracks for the Serb special police. On the morning of March 5 the police literally stepped outside their front gate and attacked. Some snipers didn't even bother leaving the compound. Fifty-five people died in Prekaz, including 30 from the Jašari family alone.

One of the few Jašaris who survived was an 11-year-old girl named Besarte, who had hidden under a heavy slab on which her mother used to make bread. She remembers shells crashing into the house for hours and her uncle Adem singing folk songs "so the family wouldn't lose its faith in life." When the bombardment finally stopped, the bodies of her entire family lay twisted around her. Twenty-four hours later--after another night of siege--several policemen stormed into the house to check for survivors. One stopped in front of Besarte, who played dead, but he put his hand to her chest and felt a heartbeat, so he picked her up and took her to the munitions factory. She arrived spattered with blood, screaming that she wanted to stay with her sisters.

I arrived in Kosovo two weeks later, on a frigid March night. I drove in with an old friend named Harald Doornbos, a Dutch journalist who had been based in Sarajevo since 1992. For obvious reasons, the Serbs weren't granting entrance visas to journalists, but Harald knew a dirt-road border crossing into Montenegro where the guards—being Montenegrin—couldn't have cared less what the Serbs wanted.

We got up early the next morning to try to drive into Drenica, the rural stronghold of the K.L.A. We crossed a desolate brown plain and plunged into the hill country, the little towns flicking by in our car windows and the mountains on the Albanian border looming in the distance. Guns were coming in over those mountains; Albania was awash in weapons, and the K.L.A. was completely dependent upon help from across the border. The Serb military reportedly had shoot-

on-sight orders for anyone in the high peaks, and soldiers regularly ambushed Albanians moving weapons into Kosovo over mountain tracks.

There were said to be K.L.A. training camps inside Albania; in response, the Serbs have massed a tremendous number of heavy weapons at the Albanian border--far more than are needed to stop arms smuggling. The fear is that the Serb army will cross into Albania to stamp out the camps and that the situation will escalate into an all-out war between Yugoslavia and Albania. Such a conflagration could drag in Greece and Turkey and--in a worst-case scenario--divide the United Nations. Another scenario has it that war in Kosovo might trigger a similar war in Macedonia--which has its own restive Albanian population--and that Greece and Bulgaria could jump in to grab Macedonian land that they have old claims to. More than 300 American troops are stationed in Macedonia to contain exactly that kind of domino effect, but they are scheduled to be withdrawn this summer.

"I do believe Macedonia could disintegrate," says Morton Abramowitz, a senior fellow at the Council on Foreign Relations in Washington, D.C. "Albania is half-disintegrated already. The only organization that can deal with this is NATO. You get the only organization which attacked Serbs, which is something [Serb president Slobodan Miloševi] will notice, and make it clear that if he uses large-scale force we will not tolerate that. I don't say this is easy; I'm saying, 'How do you stop this?'"

The towns we passed were dead and empty-looking, and house after house stood half built, abandoned by Albanians who could no longer afford to finish them, because they'd lost their jobs in Serb-controlled





businesses. After half an hour, we turned down a dirt road and drove until we dead-ended at a railroad tunnel near a river. We stopped, grabbed our notebooks, and walked through the tunnel and into an empty brown valley surrounded by brush-covered hills.

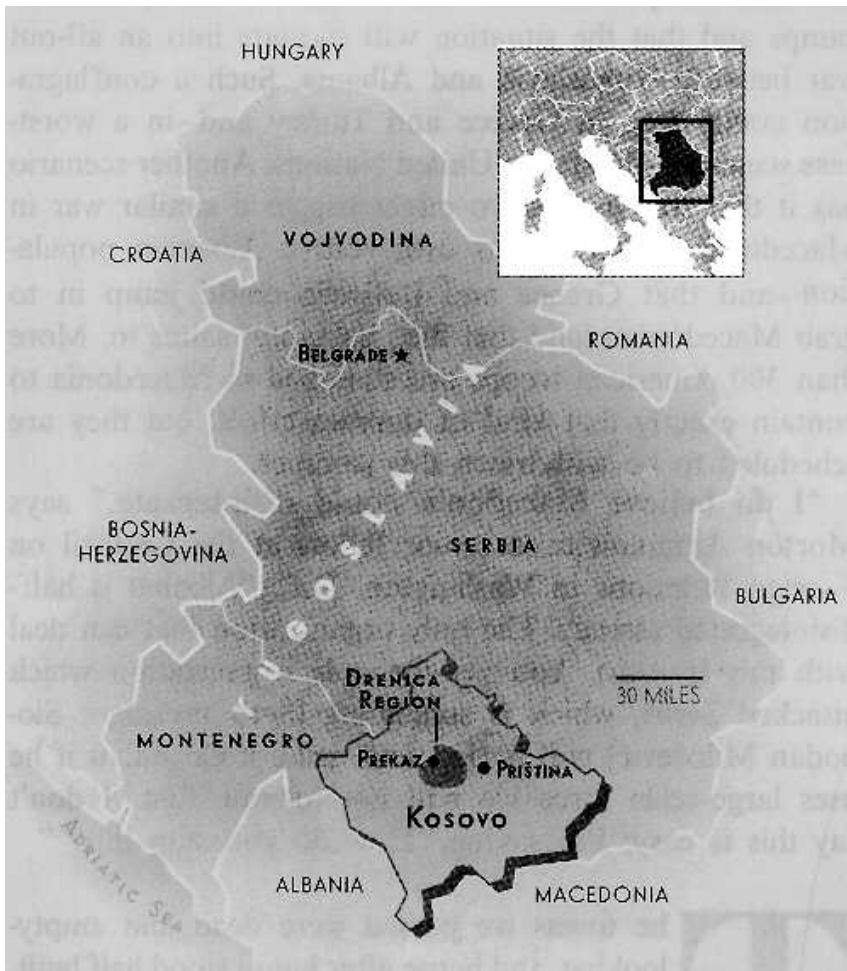
We were worried about K.L.A. snipers--stupidly, both of us were dressed in black, like the Serb secret police--but we were even more worried about Serb snipers. This was the heart of Drenica, an area the police can seal off but not control, an area the K.L.A. can hide in but not defend. It was a no-man's-land where you could get shot at or you could get invited in for tea, depending on who spotted you first.

We walked for an hour and finally came upon a dozen ethnic Albanians repairing the road. Since the Serb police controlled the highways, there seemed to be a lot of repair work being done on the spiderweb of dirt roads that connect the villages in Drenica. The men escorted us into one of their houses and sent someone ahead to ask the K.L.A. commander at the next village if we could continue. We sat on the floor, drinking Turkish coffee and watching an American cop show on satellite television; after an hour, the man came back and said apologetically that the answer was no, we could not continue. The K.L.A. was not prepared to greet us.

When we stepped outside, we could hear the Serbs shelling some villages a few miles away. The sound rumbled over the hills like a summer rainstorm. As we studied the faces of the farmers around us--rough, unshaven faces of men who had known nothing but hard work their whole lives--it was impossible to tell if they understood what real war would mean. It was impossible to tell if they understood that tragedies like this happen every day, all over the world; that, in all probability, no one was going to intervene on their behalf, and that the Serb authorities--like most governments--would stop at almost nothing to retain power.

In 1389, as the myth goes, Prince Lazar of Serbia was visited by Saint Ilija in the form of a falcon. It was on the eve of a great battle with the Turks, and Lazar had gathered around him, on the plains of Kosovo, much of the Balkan military elite: Bosnian warlords, Albanian noblemen, and Hungarian horsemen with shamanic bones sewn onto their uniforms. Lazar was understandably nervous--the Turks had wiped out an entire Serb army 18 years earlier--and wondered whether it might not be better to retreat and fight again another day. Saint Ilija gave Lazar the choice between a kingdom on earth and a kingdom in heaven; Lazar, wisely choosing the kingdom in heaven, went on to meet his death at the hands of the Turks.

The battle became known as the Battle of Kosovo Polje--the "Black-bird Field" and it occupies a particularly fevered part of the Serb psyche. It was on Kosovo Polje that a Serb leader first chose death over subjugation; it was on Kosovo Polje that the guiding maxim of the Serb people, "Only unity saves the Serbs," was first acted out in all its bloody glory.



Nearly 600 years after the battle, Slobodan Milošević the man responsible for igniting the entire Balkan conflict would stand on the ancient battlefield and whip a crowd of angry Serbs into a nationalist frenzy. "Yugoslavia does not exist without Kosovo!" he yelled, instantly catapulting himself to the top of the political heap. "Yugoslavia would disintegrate without Kosovo!"

There are candidates at least as good as the plains of Kosovo for the mythic homeland. The Serbs migrated southward from Saxony and what is now the Czech republic in the sixth century A.D., and didn't settle permanently in Kosovo for another 600 years.

The high-water mark of the Serb empire came in the 1330s, when a brutal nobleman named Stefan Dušan defeated his own father in battle, had him strangled, and then went on to extend his empire throughout Kosovo and into Greece. He built numerous Orthodox monasteries and churches, and eventually had himself crowned emperor of the Greeks, Bulgarians, Serbs, and Albanians.

The empire didn't survive his own death, though; within decades the Turks defeated the Serbs at Kosovo Polje, and 300 years after that the Turks put down another uprising so ruthlessly that most Serbs fled Kosovo. The void they left behind was filled by the Albanians, who drifted back down out of the mountains with their wild, hill-people ways.

Traditional Albanian society was based on a clan system and was further divided into brotherhoods and bajraks. The bajrak system identified a local leader, called a bajrakar, who could be counted on to provide a certain number of men for military duty. In another era, Adem Jašari and Ahmet Ahmeti might well have been considered bajrakars. That organization has fallen into disuse, but the clans--basically used to determine allegiances during a blood feud--seem to have survived.

Feuds in this part of the world inevitably break out over offenses to a man's honor, which include calling him a liar, insulting his female relatives, violating his hospitality, or stealing his weapons. Tradition dictates that these transgressions be avenged by killing any man in the offender's family, which creates another round of violence. As late as the end of the 19th century, one in five adult male deaths was the result of a blood feud, and in Albania today, it is said, a tradition still exists whereby you must kill one man for every bullet in the body of your dead kin.

Seen in the context of the code of male honor, the Serb police have violated just about every blood-feud rule in existence, including the killing of women--a provocation above all others. It's no wonder they have such a hard time maintaining control of Kosovo.

The Kosovars were granted autonomy at the end of World War II, but then aspiring president Milošević had the autonomy revoked in 1989, and the Dayton Accords of 1995, which ended the recent war in Bosnia and Croatia, failed to address the issue of Kosovo's status. Inevitably, an independence movement was born, funded by a voluntary 3 percent income tax given by the Albanian diaspora and supported by groups in Albania proper.

The first armed clashes in Kosovo were reported during the summer of 1995, and within two years the K.L.A. was strong enough to force a column of Serb armored vehicles to retreat from Drenica. Af-

ter that the Serbs began a slow buildup of police and heavy weapons in Kosovo and on the Albanian border, culminating in the attack on Prekaz.

If anything, the massacres have radicalized the youth of Kosovo. The Serbs have already spent an estimated \$6 billion controlling the province. In some ways, they couldn't have engineered a worse domestic problem if they'd tried; in some ways, they fell right into the K.L.A. trap.

The next morning dawned cold and gray, with a mean little wind blowing trash down the streets; the cafes in town were completely empty. We packed the car and drove out of the city by a different route, hoping to drive into Drenica over some dirt roads that skirted the Serb checkpoints outside Prekaz. We wanted to see the villages that were getting shelled. The Serb government had bowed to international pressure and agreed to resolve the dispute through diplomacy, but meanwhile it was hammering the villages with rocket and artillery fire.

We had no problems at the first checkpoint--just the usual guns in our faces. But at the second one a police officer in an army jumpsuit stormed over and ordered us out of the car. He was young, clean-shaven, and handsome in the way that Serb men often are: black hair, light skin, pale-blue eyes. "You journalists are all spies!" he screamed at Harald. "You always make Serbs look bad! If I had my way I'd tear the skin right off your faces!" He ripped the passports out of Harald's hands and studied them while unloading a steady stream of hate. The guards were all standing around us with their machine guns leveled at our bellies. Finally the head cop came over and handed my passport back to me. "We know where you live," he said darkly. "Write the truth or we'll find you and kill you."

As checkpoints go, it could have been worse--far worse. Albanian translators have been arrested and beaten at checkpoints, and the day before the attack on Prekaz, Harald and three other journalists were punched, dragged into a bunker, and questioned for an hour. When the police saw that Harald lived in Sarajevo, they accused him of being a Muslim--the predominant Albanian religion--and Harald had to prove he wasn't by making the sign of the cross. Then the cops started going through Harald's notebooks, demanding a translation of every word that was written down.

At one point, a cop spotted the name "Frenki Simatovi" in Harald's notebook, then turned to his friend and said, "Look, he even has the name of our boss in here." Harald had no idea who Simatovi was--he'd just written the name down during an interview and filed it away for future reference. And then they demanded to know if any of the reporters had ever been to a town called Prekaz. They kept asking over and over again: "Prekaz? Prekaz? Have any of you motherfuckers ever been to Prekaz?"

Prekaz is such a small town that, before the massacre, people in Priština--a city half an hour away--had never heard of it. Harald just kept pleading ignorance, but when the Serbs finally released him, he called his editors and told them to be on the lookout. "I have no idea where it is--it's not on the maps," he said. "But something's about to happen there. Just check the wires for a town called Prekaz."

The next morning, the first shells started to fall.

Back in 1991, as Yugoslavia began its descent into the hell of civil war, the newly elected Miloševi had a somewhat delicate problem on his hands. He wanted to drive the Croats and Muslims out of large swaths of Yugoslavia, but he didn't dare send the Yugoslav army to do it.

The solution he came up with was simple. First, he surrounded himself with a trio of rabid nationalists--Jovica Staniši, Radovan Stojii and Frano "Frenki" Simatovi--known collectively as the "Vojna Linija," or the "Military Line." The Vojna Linija had little association with the Serb army; it was a shadowy group within the Ministry of Interior Affairs, which was known as the MUP. After the Vojna Linija was established, Miloševi began arming local Serb populations in Croatia and Bosnia, and training paramilitary forces. The weapons--distributed by Stojii and Simatovi--were taken from police and army depots. The paramilitary forces simply came out of the country's jails. According to Marko Nicovi, a former Belgrade police chief who later had a falling-out with Miloševi, convicts were told that their sentences would be suspended if they went to the front lines. Many were only too happy to oblige. The best-known groups were the "White Eagles" of Vojislav Sešelj, a virulent conservative later named to the Belgrade government; the "Red Berets" of Frenki Simatovi; the unnamed forces of "Captain Dragan"; and--worst of all--the "Tigers" of Zeljko Ranatovi. "Arkan," as Ranatovi was known, was wanted by Interpol for bank robberies and murders committed throughout Europe.

In 1992 the Yugoslav army officially withdrew from Bosnia, but Serb paramilitary forces continued to operate there, including Simatovi's Red Berets. That same year, Sešelj and Arkan went to Kosovo to terrorize the locals into peacefulness, opening a recruiting office in Priština's Grand Hotel and putting snipers up on the rooftops. (They also made tremendous amounts of money on the local black market.)

Both men turned up around Srebrenica in 1993, "cleansing" the Muslims from the small towns in eastern Bosnia. The Dayton Accords left the paramilitary foot soldiers without much to do, so they either sank back into Belgrade's underworld or looked for other wars; some reportedly fought--and died--in the jungles of Zaire during the downfall of Mobutu Sese Seko. They didn't have to wait long for another war in their own country, though: by 1997, Kosovo had ignited.

By early this year, both Arkan and Sešelj had been spotted in Priština. When the crackdown began, reporters were spooked to see heavily armed men with black ski masks over their faces driving around in civilian cars. The Serb authorities said they were part of a special antiterrorist police known by its acronym, the SAJ, but the echoes of Bosnia were hard to ignore. There were rumors that SAJ recruitment posters now had some very fine print at the bottom that read, "Paid for by the Captain Dragan Fund."

During the Prekaz massacre, the police were heard to yell that they were going to kill all the women and children "like they used to do in Bosnia." There was supposed to be a total of about 500 SAJ troops, and rumors circulated that the MUP was actively recruiting criminals from Bosnia to fill out the ranks of the SAJ in Kosovo. The rumors gained credence when civilian cars with license plates from Serb-held towns such as Zvornik and Bijeljina began to appear in police-station parking lots.

And then there was the specter of Frenki Simatovi, the trusted Miloševi henchman, returning to head SAJ operations in Kosovo. Harald inadvertently got confirmation of this from the policeman in the bunker, but the Serbs would never officially acknowledge it. The implications were too serious. They were pursuing a course of ethnic cleansing, and this would greatly increase the chances of foreign intervention. An "outer wall" of economic sanctions was already in place against Serbia, but that could easily be strengthened, or NATO could even launch air strikes, as it did around Sarajevo in 1995. It would be Bosnia all over again, and that clearly didn't work: the Serbs lost the war in Bosnia.

Even Frenki Simatovi would have to admit that.

"We do know quite a bit about the Serb police and their tactics," says a State Department spokesman who insisted on anonymity. "It's no secret some of the things that have happened in the Drenica region. I don't think there's any sort of strategic plan here, other than that Kosovo is part of Serbia, and Kosovo is an issue that Miloševi rode to power on, which he is clearly using--in the short term anyway to maintain his power. Nobody [at the State Department] is going to support the K.L.A. as an institution; the problem is Belgrade's refusal to talk seriously about a solution."

Harald and I had been in Kosovo about a week when things started to calm down; we could almost joke with the police at the checkpoints. The Serbs were still shelling the villages in central Drenica, though, and before leaving Kosovo we decided to make one more stab at going there. We went in on a big, sunny day, the shadows of cumulus clouds sweeping across the Drenica hills and the fields mottled and bare in the early-spring sunlight. We were headed for Aarevo, a town rumored to be the center of K.L.A. resistance.

There were two ways to get in: walk six miles along some railroad tracks and hope no one shot at you, or drive down dirt roads across the central plateau and hope no one shot at you. The cops at the checkpoint warned us that there was a lot of gunfire on the road, and suggested that we wear flak jackets. We thanked them and drove on, and as soon as we were out of sight we turned onto a dirt track that we thought led to Aarevo.

The road climbed up onto a plateau, and we started across the highlands of Drenica, like some huge, slow beetle scratching across someone's dinner table. "I don't like this," Harald muttered. I rolled down the window so we could hear gunfire more easily, and soon the landscape of war magically materialized all around us: bunkers and machine-gun nests and tanks on distant ridgetops. They emerged out of nowhere, like images brought out by a darkroom developer. But when I looked away, it took me a moment to find them again. They were there, then they weren't. "This is crazy," Harald said. "The entire fucking Serb army is watching us."

He turned the car around, and we plunged back down the dirt road and went jouncing out onto the hard-top. It was difficult to see how the K.L.A. could fight a guerrilla war in a land like this: no forests to hide in, no mountains to run to, no swamps to stop the tanks. Just open fields and brush-choked hills. It would be suicide to confront the Serbs openly on such ground, so the K.L.A.'s only choice is to carry on a war of harassment that may eventually cost the Serbs so much, in money and lives, that they have to pull out.

For their part, the Serbs have no stomach for a protracted fight in which farm kids from Drenica are popping out of the hedgerows with grenade launchers and AK-47s. A grenade launcher will easily take out a tank; a Molotov cocktail placed in its air intake will destroy one as well. The Serb population largely spared the horrors of Bosnia but demoralized by massive inflation and a crippled economy isn't going to stand for a war in which too many of its young men get roasted alive in their tanks.

For the Serb military, the only solution is terror. Every time a cop is killed, wipe out a family. Every time a police patrol gets shot up, level a village. Slaughter is a lot easier--and cheaper--than war, and it forces the young idealists in the K.L.A. to decide whether they really want this or not. It's nothing for a 24-year-old with no future and no civil rights to sacrifice his life in a guerrilla movement; it happens all the time. But for him to sacrifice his kid brother and two sisters and mother--that's another question entirely.

Harald and I continued north on a small paved road until we topped out on another hill, from which, far away, we finally saw Aarevo. It wasn't much, just a small white village shoved down between some hills. It rippled in the heat coming off the fields. We moved on, and around the next bend we found ourselves at a heavily reinforced check-point, with mortars by the road and bunkers dug into the hillsides. We stopped, and a cop came out cradling a machine gun. "Let me see your papers," he said. He stood there studying them for a while as I sat sleepily in the passenger seat and Harald lit up a cigarette.

The sniper must have been waiting for a car to pass so the cop would have to step out into the road. He must have been lying there in the scrub oak, smoking cigarette after cigarette, completely wired with this new killing game, contemplating how he was going to escape when he finally lost his nerve and stopped shooting. The place was crawling with Serbs; he'd have only a few minutes to get out of there.

The first shot simply caused the cop and me to look at each other in puzzlement. The second one got Harald and me out of our seats. The third forced all of us--me, Harald, the cop--to dive behind the car. It's amazing how fast animosity vanishes among people who are suddenly getting shot at. One cop fumbled with his radio; the others shoved their guns over the tops of the sandbags as they tried to figure out where to return fire. Pap... pap... pap. The guy on the radio shouted for help while Harald and I scrambled across the road and into the bunker. The cop next to us struggled to put on his flak jacket with the resigned look of someone who had to do this at least once a day.

The shooting stopped as suddenly as it had begun, and a cop dismissed us with a wave of the hand. "Get the fuck out of here," he told us. We got back into the car and drove out of the highlands, past a town called Lauša--shot to pieces in the offensive--past the Serb police headquarters in Srbica, and right up to the gate of the munitions factory. The dirt road to Prekaz crosses in front of the gate, and we drove down it slowly, not wanting to give the impression that we were trying to slip past anyone.

The paramilitary soldiers didn't stop us until we were right on the edge of town, coming at us out of a camouflage bunker, with guns drawn and incredulous expressions on their faces, as if they couldn't believe someone was stupid enough to defy them. They looked as if they would have stopped even a regular police car; they looked completely uncontrolled by anyone but themselves. One of them shouted for our papers while two others circled the car, guns trained on us. "We were just shot at by the K.L.A.," Harald said out the window. "Now we understand why you guys are here."

It worked. The soldier studied our papers and then waved us through. As far as I could tell, the only reason the Serb military allowed journalists into Prekaz--a damning place, easily sealed off--was to spread word of what would happen to those who resisted.

Harald drove slowly down the town's wide dirt street, which ended at a pasture. A dead cow lay rotting by the side of the road. Every house had its roof blown off, its windows shot out, or its walls caved in. Rooms spilled their contents to the world, as if disemboweled by some huge claw. Walls were pocked with mortar-shell explosions; tongues of soot licked roofward out of windows. Bullet shells lay in gleaming little piles wherever someone had really put up a fight.

Harald and I walked through a wooden gate, splintered by artillery, and into the courtyard of a house. Two abandoned dogs, one with a wound on its back, growled at us from what used to be the doorstep of their home. Harald gave the dogs some sausage and a tin of sardines, and we stepped around them and into their family's home. Schoolwork sat on tables, and jackets hung on pegs alongside things that had been blown to bits. It was odd what had been touched and what hadn't.

After the attack, this particular house had served as an outpost for the special police, who had gone through it room by room, laying their hands on everything that could be tipped over or broken open. Books, clothes, photo albums, and lamps all lay tangled on the floor. On top of one pile was a Serb porn magazine, discarded by the latest occupants.

We paid our respects to the 55 rectangles of freshly dug-up earth in the pasture above town, and then we drove back out to the world of the living. As we passed, the men at the bunker were posing for a group portrait; the destroyed town in the background, their machine guns wedged upright in the crooks of their arms. The men grinned broadly at us.

One of them wasn't holding a gun in his hands. He was holding a huge double bladed ax.

By mid-April, two weeks after Harald and I had left Kosovo, clashes between the Serb military and K.L.A. groups on the Albanian border were a regular occurrence. One police ambush netted 156 automatic rifles, 10,000 rounds of ammunition, and uniforms with German, American, Croat, and Canadian markings. Another haul included Chinese-made AK-47s that had clearly come from looted weapons caches in Albania. Furious at the army's smuggling, the Serbs hinted at a military strike into Albania proper, but that brought a sharp warning from the United States. Miloševi has finally agreed to carry on regular negotiations with Rugova, the leader of the Albanians in Kosovo, but it may be too late--the rebels have already been radical-

ized beyond the point of compromise. On April 29, after a series of attacks on police bunkers, a statement attributed to the K.L.A. was issued, threatening death to anyone who negotiates with the Serbs for anything less than full independence for Kosovo.

According to Harald, who went back to Kosovo in May, the K.L.A. now controls whole sections of the border area. There are rebel checkpoints on the roads, trenches around key towns, and training camps in remote villages. Outside Rzni, a small town in western Kosovo, he saw K.L.A. fighters armed with bazookas sitting in a bunker, waiting for a Serb attack. Harald talked his way into the center of town and observed children training in a field and rebels driving around in cars without license plates. They told him that they use Rzni and other towns as bases to carry out hit-and-run attacks on Serb police. They've blown up checkpoints with rocket-propelled grenades and even kidnapped a policeman off a bus.

"Idemo do kraja," one K.L.A. fighter told him. "We are going to the end."

MASSACRE IN DUKAGJIN**MASSACRE IN LYBENIQ*****SEVEN MEMBERS OF HAMZAJ FAMILY EXECUTED BY THE
SERB POLICE FORCES***

Prishtina, 2 June (ARTA) 2300CET—On 25 May, ARTA reported that eight people had been executed by the Serbian police in the village of Lybeniq (90km west of Prishtina), in the Dukagjin region. The combined military/police operations are still going on in this region. Due to the total blockade imposed by the Serbian authorities, access to this war zone is almost impossible.

None of the international humanitarian organizations have been allowed to reach this zone, therefore, it is impossible to ascertain the number of mortal victims of this bloody attack on the Albanian civilian population.

The photographs shown below are the proof that the Hamzaj were brutally executed in front of their house which was totally burned and destroyed.





Lybeniq, 25 May 1998 - (c) 1998 KOHA Ditore





Lybeniq, 25 May 1998
(c) 1998 KOHA Ditore





Lybeniq, 26 May 1998
(c) 1998 KOHA Ditore

MEMORANDUM: KOSOVA'S RIGHT TO INDEPENDENCE UNDER INTERNATIONAL LAW

To: Hon. Joseph DioGuardi, President, Albanian American Civic League; Shirley A. Cloyes, Balkan Affairs Adviser, Albanian American Civic League

From: Matthew Mark Horn, JD

Date: 24 June 1998

You have asked me to look at international law to assess the case that the Albanians of Kosova can make for independence from the repressive Serbian regime headed by Slobodan Milosevic. My preliminary analysis of Kosova's right to independence under international law is outlined below. For the purposes of this analysis, secession means independence.

Much has been written about the international legal principle of self-determination¹ and it is well established in international law as *opinio juris*² and as one noted international legal scholar stated, "[a] minority within a state, especially if it occupies discrete territory, may have a fight to secede—roughly analogous to a decolonization fight—if it is persistently and egregiously denied political and social equality as well as the opportunity to retain its cultural identity."³ Furthermore, "severe deprivations of human rights often leave no alternative to territorial separation."⁴ Such is the problem today confronting the people of Kosova, and as stated above, not only does international law recognize a fight to secede under certain circumstances, but numerous international legal scholars hold that under certain circumstances, it is justified.

In reviewing a plethora of articles and books on the subject of self-determination, the authorities hold, generally, that a right to secede is not automatic or guaranteed; that the exercise of self-determination means internal self-determination; that under certain circumstances secession may be warranted, and that a blanket rejection of the right to secede is improper.

In addition, legal authorities hold, generally, that certain criteria must be satisfied before a claim for secession may be granted. The criteria are: (1) identifying the group claiming the fight of self-determination⁵ and (a) what right is it⁶; (2) what is the nature and scope of their claim⁷; (3) what are the reasons behind the groups' claim⁸; and (4) the degree of the deprivation of basic human rights.⁹ The criteria encompass both objective and subjective elements.¹⁰ The objective criteria are: a common racial background, ethnicity, language, religion, history, and cultural heritage.¹¹ Another important objective factor is the defined groups territory.¹² The subjective criteria, to what extent do the individuals within the group perceive themselves collectively as a "people."¹³ Lastly, the degree which the group seeking self-determination can form a viable political group.¹⁴

The above criteria will be analyzed under the particular conditions that are unique to Kosova, and the viability of the Kosovar Albanians' self-determination movement for secession is apparent. Before we analyze the criteria, it is essential that the documents conferring the right of self-determination are examined. These documents show, that if a government is not complying with the letter, spirit and interpretation of the instruments, then such violation may remove the impediments for secession to occur.

1. BASIS FOR SELF-DETERMINATION

The history of self-determination traces its roots to the Peace of Westphalia in 1648.¹⁵ President Wilson proclaimed the concept to the League of Nations in 1919¹⁶, yet the principal did not become part of international instruments until the United Nations in the 1950's.¹⁷ In the 1960's, the Declaration on the Granting of Independence to Colonial Countries and Peoples, stated, "all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."¹⁸ However, self-determination in the Declaration was aimed solely at decolonization, and contained a clause prohibiting the disruption of the national unity and territorial integrity of a state.¹⁹

The following are relevant to the Kosova situation. In the 1970 the General Assembly unanimously adopted the Declaration on Principles of International Law Concerning Friendly Relations. One of the principles in the Declaration is the principle of "equal rights and self-determination" of peoples, stating, "all peoples have the right freely to determine, without external interference, their political status and pursue their economic, social and cultural development, and every state has the duty to respect this right in accordance with the provisions of the Charter."²⁰

The state owes a duty under the Declaration towards a people claiming the right of self-determination:

to refrain from any forcible action which deprives peoples ... of their right to self-determination and freedom and independence. In their actions against, and resistance to, such forcible action in pursuit of the exercise of their right to self-determination, such peoples are entitled to seek and receive support in accordance with the purposes and principles of the Charter.

Stated above, is the duty that states owe to one another, in their peoples (collective) self-determination. You will see that a state seeking protection "must be possessed of a government representing the whole people belonging to the territory without distinction to race, creed or color." The key here is "government representing the whole people," in the absence of compliance with the aforementioned, a government is in violation of and therefore is not entitled to protection from "any action which would dismember or impair ... [its] territorial integrity or political unity."²¹ In the Kosova situation, the Belgrade Government through its application of ten years of martial law, freezing and taking away of the rights of the Kosovar's, solely because of their ethnicity, violates the Declaration, and therefore, as logic follows, the Milosevic regime should not expect its territorial integrity to be protected. To look at it another way, a state that does not have a government that represents all the people, has impliedly waived its right to territorial integrity, and as such has no right to seek international protection from secession. In Milosevic's case, the Kosovar's fight for freedom resulting from the Serbs' protracted barbarity, should be assessed in terms of self-defense. On the other hand, the actions of the Serbs against the Kosovar Albanians, must be looked at under the General Assembly's definition of aggression.

[N]othing in this Definition could in any way prejudice the right to self-determination, freedom and independence, as derived from the Charter, of peoples forcibly deprived of that right and referred to in the Declaration particularly peoples under colonial rule, and racist

regimes nor the right of these, peoples to struggle to that end and receive support in accordance with the principles of the Charter and in conformity with the above mentioned Declaration.²²

While, the Declarations and other instruments were looked at in the context of colonial rule, the principles and rights, that United Nations sought to protect, remain the same, whether a colony or repressive regime. In the case of Kosova, the logical interpretation of the right to receive support must be construed as the international community recognizing the Kosovar Albanians legitimate right of Self-determination, i.e., secession. Furthermore, one only needs to open a newspaper, watch a press conference to hear senior government officials speak about Milosevic's regime of hate, "ethnic cleansing," brutality and repression. Another kind of support is the international community's recognizing that Milosevic's actions violate the peace and security of the region as set forth in the Charter, and acts accordingly.

The UN instruments provides the framework to support a viable claim for self-determination in a post-colonial world, where repressive regimes, such as Milosevic's are tantamount to neo-colonial repression.

II. ELEMENTS SETTING FORTH THE KOSOVAR ALBANIANS PRIMA FACIE CASE FOR SELF-DETERMINATION

In order to legitimate the claim for self-determination (the external self-determination of secession), several criteria must be satisfied.

Who is the identifying group claiming the right of self-determination? In the Kosova situation it is the more than 1.8 million people living in the Kosova region of Serbia out of approximately 2 million people that are seeking to have this right enforced as independence. For the other objective elements, the Kosovar Albanians (the 1.8 million of the population) share the common language of Albanian; the group are descendants from the Illyrians, the first group to inhabit the Balkans, they share the same ethnicity, and are generally describes as "ethnic Albanians"; share a common history in the Balkans, and, in particular, the Kosova region; and share a common cultural identity as ethnic Albanians with an historic bond to the region.

In terms of the subjective holdings of the Kosovar Albanians, their desire to secede is predicated on the principles of self rule, and is exhibited in their collective overwhelming belief in that they are a people and a nation of Kosovar Albanians. These beliefs are held by the entire group, as represented to the world, by the Kosovar Albanian's elected leader Dr. Rugova. The group further manifests its desire to re-gain its self-rule in the form of independence. The group was quite successful at managing its own affairs when it had full political autonomy equal to full republic status within the former Yugoslavia. A fact further bolstering the position of the Kosovars' belief in their own self-government and rule is that they had their own banks, police force, hospitals, schools and government, before Milosevic came to power²³ and stripped them of their fights. In addition to Dr. Rugova, the Kosovar Albanians have a government -in-exile (that term is used generically, based on what the Kosovars refer to its leadership abroad).

What right of self-determination are the Kosovar Albanians seeking? In the case of Kosova, the right that the Kosovar Albanians are seeking is secession, i.e., independence. It is of paramount importance, to separate the sui generis situation of Kosova from the rest of the self-determination movements. Until 1989, when then Serbian President Milosevic, stripped the autonomy from Kosova, in violation of the Constitution; Kosova was an autonomous entity with the political status equal to the other six republics within the Federal Republic. The equal status meant that a Kosovar Albanian headed the Federal Republic as part of the rotating presidency.

To re-hash history and specific events, while important, is not the purpose of this paper, but it is significant to note that since its inception, Kosova and its people have suffered and were subjected to the brutal whim of those in power, while lacking the independent 'legal' status to be afforded international protection.²⁴ From that vantage point, to go into an analysis of looking at the situation in terms of 'internal' self-determination is not helpful, but a necessary step in proving Kosova's right to independence. Internal self-determination, defined as, the fight of a people "to choose its political allegiance, to influence the political order under which it lives, and to preserve its cultural, ethnic and historical identity,"²⁵ in most instances would be sufficient.

For nearly ten years, under the repressive Milosevic regime, the Kosovars had no say in their governance, were abused, stripped of any semblance of basic human rights and dignity. According to Human Rights Watch Helsinki Kosova is a "society run by brute force and intimidation, where the rule of law has completely disintegrated."²⁶ Over the past three years, the situation has deteriorated to the horrific level of violence that began in March 1998 and has resulted in death, destruction, rape, and other reported violations, that when verified by UN and international authorities, will result in indictments by the International Criminal Tribunal for the Former Yugoslavia. Based on the aforementioned, it is impossible for the Kosovar Albanians to envision internal self-determination as a viable or acceptable option. One authority describes the rationale behind internal self-determination as a way of preserving the rights of the peoples, in a way where the international community can intervene in a dispute, before it becomes so serious that a people demands an independent state.²⁷ I contend that the facts and recent history of a besieged Kosova dictate that the window for resolution short of independence, has been slammed shut and bolted down.

What is the nature and scope of their claim? This approach encompasses many of the same issues discussed above, and the reasons the Kosovar Albanians need their independence. The nature and scope of the claim and what are the reasons of the claim are tied together, and will also be addressed in the heading, "the degree of deprivation of basic human rights." The answer to the questions posed are simple, acts of aggression are committed upon the Kosovars on a daily basis over a protracted period of time. Professor Nanda, states, "there must be little hope that any action short of separation would satisfy the sub-group's (Kosovars) desire for effective participation in the value process."²⁸ All the elements are examined, including the "impact upon

the state, the surrounding region, or the international community.²⁹ Professor Suzuki uses a test of reasonableness in order to ascertain what is best for all, taking all issues into consideration.³⁰

At first blush, the natural response is to say, notwithstanding all the horrors that the Kosovar Albanians were subjected to over the years, including March 1998 to the present day, to allow the self-determination to move forward would be to destabilize the fragile peace in the region. Yet, without the Peacekeepers in Bosnia, there is no peace. So it is difficult to ascertain whether the situation under IFOR is confidence building towards sustainable peace, or if once the troops leave the region will fall apart. What we do know is that there is an ethnic Albanian community in Macedonia, Montenegro and else where in the region. To reject a claim to self-determination because a threat or fears of perceived threats causing tremors throughout the international community is not a reason to categorically reject movements for external self-determination.³¹

There were several instances when the international community, aware of the threat Milosevic posed to the people of Kosova, by his actions and deeds overlooked the situation and sought no remedy. One author stated, "Dayton, like the inter war guarantees, has force in only limited geographic areas. Because the purpose of Dayton was limited to ending the wars in Bosnia-Herzegovina and Croatia, the agreement does not mention other troubled lands in the former Yugoslavia, including the ethnic Albanian land of Kosovo. Contrary to their practice of negotiating with all the leaders with power—regardless of whether they are duly elected leaders of recognized states—the Dayton negotiating team did not deal with Ibrahim Rugova, the leader of Kosova Albanians, the fourth largest group in the former Yugoslavia."³² Professor Mertus further states, "Kosovo, like Macedonia, was seen as simply irrelevant to Dayton's limited goal of immediate cessation of hostilities. Yet Kosovo played a central role in the destruction of Yugoslavia and it continues to play a major role in the destabilization of the region."³³ At the Balkan summit in Dayton, Ohio, a State Department spokesman said that it was "too complicated" to explain why Kosova was excluded from the talks."³⁴ To add insult to injury, the Republic of Srpska was created at Dayton as a separate legal entity, by operation of an agreement between the parties. Without playing the Monday morning quarterback, it is evident that had Rugova and the Kosova question been addressed at Dayton, there might just have been a different outcome.

With the aforementioned in mind, one must take another look at all the factors in the region, and as volatile as the situation is, it was the international community that left the Kosovar Albanians out in the cold. To answer the reasonableness question, it is reasonable based on the totality of the issues that the Kosovar Albanians' self-determination movement proceed.

Without getting bogged down in minutia and super specifics of the Kosovar-Serb relationship, it is fair to say that the Kosovar Albanians have a claim or nexus to the region. This is not the basic legal question of a first year law student, as to who owns Balckacre. This is a question as to is there a recognizable geographical area that the Kosovars are tied to. The answer is yes. Kosova was an autonomous entity and had equal rights and an equal vote in the Federal Republic, before being stripped of its autonomy by Milosevic. To address the

political component as to whether Kosova could function as an independent entity, one need look no further than to the Kosova that had an equal role in the Republic, along with its own leaders, schools, hospitals, police force etc. Furthermore, Dr. Rugova is recognized today by heads of state, as the elected leader of the Kosovar Albanians.

The final element is the issue of human rights. The human rights test is defined as "to what extent a group suffers subjugation, domination and exploitation ... and to what extent the individual members are deprived of the opportunity to participate in the value processes of a body politic because of their group identification."³⁵ Unfortunately, it is difficult to find a place to begin. Certainly in the last ten years, the conditions that the Kosovars were and are subjected to are beyond the pale in terms of analysis. "Severe deprivations of human rights often leave no alternative to territorial separation. The world community must respond effectively and efficiently to the consequences of such separation. There is a growing recognition of the close link between human rights and international peace and security."³⁶

In addition to the current abuses in Kosova, the U.S. Department of State, in its 1997 Serbia-Montenegro Country Report stated, "The Government's human rights record continued to be poor. The police committed numerous, serious abuses including extrajudicial killings, torture, brutal beatings and arbitrary arrests. Police repression continued to be directed against ethnic minorities, and Police committed the most widespread and worst abuses against Kosova's 90 percent ethnic Albanian population."³⁷ World leaders from the United Nation's Secretary-General Annan, accused the Serb military and paramilitary police of atrocities in Kosova, and that "they must not be allowed to repeat the campaign of ethnic cleansing and indiscriminate attacks on civilians that characterized the war in Bosnia ... if the world has learned anything from that dire chapter in history, it is that this kind of aggression must be confronted and with determination."³⁸ These are just a few of the statements that senior officials are stating about the situation in Kosova. Thousands of refugees trekked hundreds of miles on foot to flee the rapes, the murders, the beatings, the plundering and burning of homes and the mass destruction of entire villages in Kosova. Not only does this type of behavior rise to the level of crimes against humanity, it violates all the human rights instruments in force. It is fair to state that the Kosovars have met their burden under the "human rights deprivations test.

M. RECOMMENDATIONS

It is clear based on the aforementioned that the Kosovar Albanians met the burden of a prima facie case for independence. The next step is how to accomplish that task.

According to some experts in United Nations practice, the Secretary-General pursuant to Article 99, is authorized to bring matters of secession before the Security Council.³⁹ Furthermore, the General Assembly has the secondary competence (after the Security Council) to make appropriate recommendations.⁴⁰ The United Nations through its various offices could create a group that deals with the specifics of secession, that will avert civil conflict and those rising to the level of a breach of the peace and security. Another possibility is that the international community convenes a committee to redress the wrong,

by leaving Kosova out of Dayton. Lastly, if it is within the competence of the International Court of Justice, an advisory opinion may be sought addressing the issue of Kosova's independence.

What is clear is that based on what the experts hold as the essential criteria in order to satisfy a claim of secession; Kosova met its burden—and the international community should take the appropriate steps. It is not just the issue of rectifying a wrong to Kosova, but the creation of a mechanism that prevents future Kosovos. Unless the question of Kosova's independence is legitimately addressed, a lasting peace in the Balkans is unlikely.

ENDNOTES

¹ See e.g., Ved Nanda, *The New Dynamics of Self-Determination: Revisiting Self-Determination as an international Law Concept: A Major Challenge in the Post-Cold War Era*, 3 *ILSA J Int'l & Comp L* 443 (1997), Note 1.

² See, Frederic L. Kirgis, Jr., *The Degrees of Self-Determination in the United Nations Era*, 88 *AJIL* 304 (1994), citing, Frederic L. Kirgis, Jr., *Custom on a Sliding Scale*, 81 *AJIL* 146 (1987), note 21.

³ *Id.* at 307, citing, Thomas Franck, *Postmodern Tribalism and the Right to Secession*, in *Peoples and Minorities in International Law* 3, 130914 (Catherine Brolmann, Rene Lefebvre & Marjoleine Zieck eds., 1993).

⁴ Nanda, *supra* note 1, at 443.

⁵ Ved Nanda, *Self-Determination Under International Law: Validity of Claims to Secede*, 13 *Case W. Res. J. Int'l L.* 257, 275 (1981).

⁶ *Id.* at 275.

⁷ *Id.* at 275.

⁸ *Id.* at 275.

⁹ *Id.* at 275.

¹⁰ Eric Kolodner, *The Future of the Right of Self-Determination*, 10 *Conn. J. Int'l L.* 153, 161 (1994).

¹¹ *Id.* at 16 1.

¹² *Id.* at 161, citing, Lea Brilmayer, *Succession and Self-Determination: A Territorial Interpretation*, 16 *Yale J. Int'l L.* 177, 17809179 (1991), "[w]ithout a persuasive claim over a geographical territory, a people's assertion of their external right to self-determination is severely undermined, especially if the group is seeking independence.

¹³ *Id.* at 16 1, citing, Michael C. van Walt van Praag, *Population Transfer and the Survival of the Tibetan Identity* 34 (1988).

¹⁴ *Id.* at 161, citing, *supra*, note 13.

¹⁵ See Nanda, *supra*, note 1 for a history of self-determination.

¹⁶ See generally, Micaela Pomerance, *The United States and Self-Determination: Perspectives on the Wilsonian Conception*, 70 *Am. J. Int'l L.* 1 (1976).

¹⁷ *Supra* note 1 at 448

¹⁸ *Id.* at 448.

¹⁹ *Id.* at 448. ²⁰ Nanda, *supra* note 5 at 269.

²¹ Nanda, *supra* note 5 at 271.

²² G.A. Res. 3314, 29 U.N. GAOR, Supp. (No.31) 142 U.N. Doc. A/9631 (1974)

²³ See Frederick B. Baer, 37 *Harv. Int'l L.J.* 243, 25209257 (1996)

²⁴ "In 1991, the country of Yugoslavia began to fracture into separate nations. Operating under the pretext of maintaining Yugoslav integrity, Serbian dominated JV army attacked first Slovenia, and then Croatia. In April 1992, in the hope of securing international protection, Bosnia declared its independence, which was rejected by many Bosnian Serbs." WELCOME TO SARAJEVO, M. Michaelson.

²⁵ Eric Kolodner, The Future of the Right to Self-Determination, IO Conn. J. Int'l L. 15 3, 162.(1994).

²⁶ Frederick B. Baer, 37 Harv. Int'l L.J. 243, 253, quoting, Justin Burke, Ethnic Shock Waves Crash at Albania's Border, CHRISTIAN SCI. MONITOR, Aug. 22, 1995, at 6.

²⁷ Kolodner, *Supra* note 23 at 162.

²⁸ Ved Nanda, Self-Determination Under International Law: Validity of Claims to Secede, 13 Case W. Res. J. Int'l L. 257, 277 (1981).

²⁹ *Id.* at 276.

³⁰ *Id.* at 27609277, citing, Reisman & Suzuki, Recognition of Social Change: A Prologue for Decision Making, Toward a World Order and Human Dignity, 403, 81309820 (1973).

³¹ Kolodner, *supra* note 23 at 159.

³² Julie Mertus, Prospects for National Minorities Under Dayton Accords—Lessons From History: The Inter-Wars Minorities Schemes and the "Yugoslav Nations," 23 Brooklyn J. Int'l L. 793, 827 (1998).

³³ *Id.* at 827.

³⁴ Frederick B. Baer, International Refugees as Political Weapons, 37 Harv. Int'l L.J. 243, 254 (1996).

³⁵ Nanda, *supra* note 5 at 27809279.

³⁶ Nanda, *supra* note 1 at 44309445.

³⁷ Human Rights Country Report, U.S. Department of State, Washington, D.C. (1997) at 2.

³⁸ Reuters, June 8, 1997.

³⁹ Nanda, *supra* note 5 at 279.

⁴⁰ Nanda, *supra* note 5 at 279.