

# IMPLEMENTATION OF THE HELSINKI ACCORDS

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## HEARING

BEFORE THE

## COMMISSION ON SECURITY AND COOPERATION IN EUROPE

ONE HUNDRED THIRD CONGRESS

FIRST SESSION

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WAR CRIMES AND THE HUMANITARIAN CRISIS IN THE FORMER  
YUGOSLAVIA

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JANUARY 25, 1993

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## WAR CRIMES AND THE HUMANITARIAN CRISIS IN THE FORMER YUGOSLAVIA

MONDAY, JANUARY 25, 1993

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

The Commission met, pursuant to notice, in room 2128 of the Rayburn House Office Building, at 2 p.m., Hon. Steny H. Hoyer, Chairman, and Hon. Dennis DeConcini, Co-Chairman, presiding.

Present: Senator DeConcini, Representatives Hoyer, Smith, Wolf, Fish, Frank, and McCloskey,

Staff present: Samuel G. Wise, Staff Director; Jane S. Fisher, Deputy Staff Director; Mary Sue Hafner, Deputy Staff Director and General Counsel; David M. Evans, Senior Advisor; Erika B. Schlager and Ronald McNamara, Staff Assistants.

Co-Chairman DECONCINI. As Co-Chairman of the Helsinki Commission and one who has followed developments in the former Yugoslavia quite closely, I want to thank Chairman Hoyer for convening and devoting the time that he has to the human dimension, particularly in Bosnia-Herzegovina. Thank you, Mr. Chairman.

These were scheduled before I became the Chairman, if I have been formally elected. As you know, the chairmanship switches from Congress to Congress and nobody has led this Commission with greater skill and devotion than Chairman Hoyer.

I am grateful to the expert witnesses who will be addressing various aspects of the human tragedy in the former Yugoslavia based on their personal observation and experiences.

I traveled to Macedonia and Croatia recently and met with refugees from Bosnia-Herzegovina, including recently released detainees from concentration camps. Their stories document systematic and premeditated war crimes perpetrated against innocent civilians, including children. Listen to the personal accounts of men and women who have been victimized during the course of the war there and you quickly recognize the haunting pattern of genocide.

We heard and continue to hear the reports of willful killings, rapes, forced impregnations, ethnic cleansing, torture, and other heinous crimes—war crimes and crimes against all humanity.

The bold cries “never again” made in the past have today muted a policy of appeasement which has become grotesque in its hypocrisy. Nobel laureate Elie Wiesel, himself a camp survivor, has said, and I want to quote, “Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented.” He continued, saying, “Wherever men or women are persecuted be-

cause of their race, religion, or political views, that place must—at the moment—become the center of the universe.”

Our failure to act upon our words and commitments equals the type of neutrality which, Mr. Wiesel reminds us, helps the oppressor, it helps the tormentor. We cannot claim ignorance today. We cannot take refuge behind pleas of ignorance this time.

The world community has looked for every excuse not to act decisively. It has engaged in an endless series of talks which we all pray will bring peace but which we know in our hearts are only helping the aggressor unless and until we back up our negotiating rhetoric, back it up with force instead of more meaningless words.

On Thursday, Chairman Hoyer and I introduced resolutions calling for decisive action by the United States to address the urgent humanitarian and security concerns in Bosnia-Herzegovina. We, for our part, will work to ensure that these concerns are not ignored, not the least of which is to ensure that those who are guilty of war crimes and crimes against humanity are held accountable by an international criminal tribunal.

Thank you, Mr. Chairman, and I yield now to you for any statement you care to make.

Chairman HOYER. Thank you very much, Senator DeConcini. I certainly agree with the remarks that you have just made.

As you have said and as many in this room know, members of the Helsinki Commission have been closely following events in Yugoslavia for a long time. We have had numerous congressional and staff delegations to the region over the past several years. We have issued extensive reports on developments there and we periodically communicate our concerns and views to the administration.

Most recently our Chairman, Senator DeConcini, along with Representative Frank McCloskey, who joins us here on the dais, visited Croatia and Macedonia in November, and Commission staff observed the Serbian elections in December. In addition, Representative Chris Smith, a member of the Commission, now the ranking Republican member of the Commission and someone who has been a leader in human rights issues as a member of this Commission for many, many years, and Frank Wolf, also a member of this Commission, have visited these republics as well.

I especially want to take this opportunity to commend our Chair, Senator DeConcini, who has been a leading voice in the Congress on the issues surrounding the ongoing human rights violations in the former Yugoslavia. He has been relentless in pursuing possible avenues of action and in committing his time and energy to visiting the region.

The conflict in Bosnia-Herzegovina is a particularly brutal one because it is largely being waged against noncombatants. Each day we see vivid images of civilians dodging sniper fire in order to cut down trees to heat their homes. We witness the murders of elderly people searching for water to drink and bread to eat. And we hear testimony regarding the mass rape of women and children—rape of children—a practice intended to physically and mentally scar and humiliate a society.

All of these acts are part of the systemic policy of “ethnic cleansing,” a policy based on prejudice and designed to commit genocide

against a people. If we fail to come to terms with these issues in Bosnia-Herzegovina today and in the short days ahead, we will have to deal with them tomorrow in Kosovo or other regions within the CSCE community.

Indeed, events over the past weekend—renewed fighting in Croatia and an escalation of Serb attacks on Bosnia—graphically illustrate the potential for the crisis to degenerate and escalate even further.

To address the massive atrocities in this region, the growing threat of regional instability, and long term implications of American and European inaction, I, along with the ranking House Minority Member, Chris Smith, have introduced a resolution, of which the Senator has just previously spoken, which he and others have introduced on the Senate side, which addresses the ongoing brutality in Bosnia. It is a call to action based in large part upon elements of resolutions already adopted by the United Nations, resolutions which, regrettably, have been neither fully implemented nor enforced. To that degree they have been empty rhetoric, fuel on the fire.

Among other things, this resolution urges our government to take a leading role in seeking the immediate lifting of the international arms embargo as it applies to Bosnia-Herzegovina, in keeping with that country's right to self defense as provided for under Article 51 of the Charter of the United Nations; to seek the enforcement of the existing U.N. no-fly zone through the use of a multinational coalition; to ensure that irregular forces in Bosnia-Herzegovina either withdraw or be subject to the authority of the government of Bosnia-Herzegovina, or, in the alternative, be disbanded and disarmed, with their weapons placed under effective international monitoring and control.

In addition, this resolution calls upon the United States to seek an increase in the number of refugees from Bosnia-Herzegovina permitted to enter the United States and to urge our European allies to do the same, and to work to ensure that those responsible for war crimes in this conflict are held accountable by an international criminal tribunal.

I believe that we cannot remain on the sidelines while brutality of such unspeakable proportion ravages a people in our own backyard. We speak of forming the political and institutional framework for a new world power, Mr. Chairman. Yet the events in Bosnia-Herzegovina suggest that the worst of the old order has been replaced by demagogues and megalomaniacs liberated by the end of the cold war. If we permit these people to prevail, the new era will be shaped by the voices of violence and vengeance, and not by the principles of accountability and democracy.

This hearing constitutes a part of our ongoing effort to receive up to the minute information about an extremely dynamic situation and to assist our effort to try to formulate appropriate responses to those events by the U.S. Government and its allies, and the United Nations.

We are grateful to have with us today an impressive panel of experts who will help with this process. We would also commend very strongly the nongovernmental community in particular, who have

worked tirelessly and often at great personal risk to ensure that these critical issues receive the attention they deserve.

Mr. Chairman, I have suggested to our staff, and will further discuss with you, that we have an ongoing series of public hearings to include somebody who can give us an historical perspective—in my opinion, there are significant analogies to be made between the 1930's and the world's present posture as it relates to Yugoslavia in the 1990's—as well some military advice. Mr. Chairman, we know that the answer to every problem is not placing U.S. military might on the ground. There has been great concern expressed. But if the problems that confront us and the difficulties that confront us lead us to be silent in the face of tragedy, in the face of genocide, then, Mr. Chairman, we will be condemned to relive the tragedies of the past.

And I again congratulate you for your leadership in this effort and want to assure everybody that, as Co-Chairman of this Commission, I will be urging us over the next 60 days to have numerous hearings, to make sure that we focus on this issue, and that we, with the Clinton Administration, our NATO allies and the international community as referenced by United Nations action, respond in the true sense of a new world order that expects international civility, responsibility and accountability.

Thank you, Mr. Chairman.

Co-Chairman DECONCINI. Representative Hoyer, thank you. I think that is an excellent idea and it won't take a lot of urging on my part and I agree with you that I think we need to focus on this as much as we can, as urgently as we can, and as often as we can.

I now yield to the ranking member on the House side, Chris Smith, from New Jersey. We are very glad to have you.

Mr. SMITH. Thank you very much, Mr. Chairman. I want to thank both chairmen for their leadership. I have been on the Helsinki Commission now for 11 of my 13 years and this is one of the most bipartisan, truly concerned committees or commissions, in the Congress, dedicated to human rights and democratization. Both you gentlemen have done an outstanding job and I want to thank you for your leadership.

Mr. Chairman, despite a myriad of diplomatic efforts and entreaties by the United Nations, the EC and U.S., the war in Bosnia shows few signs of abatement. Reports of known deaths attributable to the war range between 100,000 and 200,000 people.

A few weeks ago, in a Foreign Affairs meeting of members and staff, President Izetbegovic told us that his estimate was that 200,000 people had perished as a result of the war. The wounded, starving and emotionally scarred put the casualty count into the millions. The savage intensity of the war has forced three million Bosnians from their homes and the number of refugees is staggering. Last week the U.S. Department of State estimated that 70,000 people are being held in detention camps.

As reliable reports of massive atrocities, including rape, torture and ethnic cleansing, have become known, the moral imperative to take effective action intensifies. We have, as you have spoken so eloquently, Mr. Chairman, a moral obligation to do more.

Last week Chairman Hoyer, Mr. McCloskey and I, joined by Mr. DeConcini on the Senate side, introduced a resolution pressing for

U.S. action to uphold Bosnia's right to self-defense by lifting the arms embargo which has penalized that nation, while Serbia has had the ability to wage this aggression with very little to stand in its way. The resolution calls for enforcing the no-fly zone, which has been violated repeatedly. As when Mr. Wolf and I were visiting in Croatia over a year ago, MIG's flew overhead with little or nothing to impede them dropping 500 pound bombs.

The resolution also calls for ensuring the delivery of humanitarian assistance, by force if necessary, and aggressively pressing for unimpeded access to all camps, prisons and detention centers by the ICRC and others.

Finally, the resolution states that the United States should work to ensure that those responsible for war crimes and crimes against humanity be held accountable and that Europe and the United States should allow for more refugees to enter.

I want to welcome our panel and thank them in advance for the work that they have been doing as well as for the information that they will bring to us and by extension to the American people via this hearing. Thank you.

I yield back, Mr. Chairman.

Co-Chairman DECONCINI. Thank you, Representative Smith.

I know Representative Hamilton Fish is here, the ranking member on the Judiciary Committee who has been a leader in human rights for many years, and we welcome him, if he would care to join us here.

I now will yield to Frank McCloskey of Indiana, who is a distinguished member of the Armed Services Committee and the Foreign Relations Committee, has traveled to this area on his own on several occasions, and has also traveled with the Commission. We welcome you here, Representative, and thank you for your input and your tenaciousness in this particular area.

Mr. McCLOSKEY. Thank you very much, Senator DeConcini. And I particularly would like to thank and commend you and Congressman Hoyer for your continuing leadership and courage on this very vital issue.

I want to take as little time as possible away from witnesses but given the gravity of this issue, and particularly with the Hoyer-DeConcini resolutions being introduced, I want to make the following points.

First of all, very simply speaking, Western policy has failed. It has failed outright. It has failed because diplomatic tools, the U.N./EC negotiations, U.N. sanctions, and U.N. peacekeeping, are not adequate to deal with genocidal Serb aggression.

The American people cannot afford such a policy failure. Genocidal Serb aggression defies the will and conscience of the world. It also threatens our national security, which remains tied to the well-being of Europe and the credibility of the U.N., NATO and the CSCE.

Genocidal Serb aggression cannot be stopped by diplomacy. It is fueled by a virulent nationalism that has much in common with Nazism, that has about as much in common with legitimate Serb interests as Nazism did to German interests, and that responds to diplomacy much as Nazism did.



More than a year ago, close to Christmas time, I personally viewed the civilians who had been brutally murdered during Serb ethnic cleansing in Croatia. One of these victims was a 72 year old, a U.S. citizen, an elderly woman, a U.S. citizen from Erie, Pennsylvania. This very important aspect, I might say, along with the other ongoing brutalities, has been somewhat lost in the pace of events.

The same people who murdered these 58 civilians, Seselj's White Eagles, went on to commit most of the ethnic cleansing in Bosnia. We did not stop them in Croatia and now the same White Eagles stand ready to begin the same ethnic cleansing in Macedonia.

The failure of negotiations has given Serb nationalists 18 months more yet to murder and rape.

I commend the Clinton Administration for making Bosnia its highest foreign policy priority. The President can count on my support and the support of this group assembled here today for forceful U.S. policies in the Balkans. I might say I would personally hope that with all the knowledge and information that is on the table, that is well known and accepted now, that this review would be very, very brief, to say the least.

The second point I would like to make is that the present state of events has been embedded among Western governments by what I would call the big lie.

Few if any Western governments have been willing to own up to the failure of Western diplomacy in the Balkans, or indeed to level with Western publics on the full horror and implications of what Serb forces are doing. We have seen that in some of the headlines, this New York Times this Sunday, as to the Serbian atrocities, primarily Serbian atrocities in the concentration camps over there.

Instead, Western governments have tried to hide their defeatism, their lack of political will, and indeed their appeasement of Serb aggression behind a facade of political and humanitarian engagement. I call this the big lie. I want to highlight some of its components today.

Lie number one is to pretend that a just and lasting peace can be achieved by negotiation with the perpetrators of genocide. That is, to sit down with genocidal criminals. This lie has assumed grotesque and absurd proportions at the U.N./EC mediated talks in Geneva.

When Neville Chamberlain tried appeasement in Munich in 1938, he could at least argue that concessions to Hitler could save peace for our time. War and the holocaust were yet to come.

Cyrus Vance and Lord Owen are hopefully unwittingly but very definitely practicing appeasement. This is so despite the lessons of Munich and despite the lessons of 18 months of genocidal Serb aggression in Croatia and Bosnia, and clear signs that it is on the way in Macedonia and Kosovo.

It is high time for Western governments to undo this lie number one. The truth is that Geneva offers only the illusion of a peace process.

This illusion plays into the hands of the Serb aggressors, betrays their victims, lulls Western publics into a false sense of hope and security, and fuels further Serb aggression.

This illusion—and we have seen the ramifications of this, and they were predictable, over the weekend—this illusion has failed to undo the de facto partition of Croatia or introduce a just and lasting peace there. It cannot undo the de facto partition of Bosnia or create a just and lasting peace there. It can only encourage Serb fascists to continue their genocide in Bosnia and move on to more of the same in Macedonia and Kosovo.

Lie number two is to pretend that the humanitarian relief effort—and I think Mr. Hoyer has been very eloquent in this regard—to pretend that the humanitarian relief effort in Bosnia is working, that Western governments are honoring their pledge to get humanitarian aid to the Bosnians no matter what it takes, as former President Bush put it. But we all know the headline or the magazine item in recent days in the Time Magazine section about some 52 Bosnians, primarily youth, freezing on one cold winter night about a week ago, freezing to death I might add.

I have the highest admiration for the relief workers who are trying so hard and at such risk to get humanitarian assistance into Bosnia. But the truth is the relief effort has fallen far short of Bosnia's needs.

Sarajevo is freezing and starving. Bosnians in the unconquered areas of Bosnia that we do not hear much about are freezing and starving.

The United Nations has predicted that up to 400,000 Bosnians could die this winter, not just from Serb shelling and killing but from the equally purposeful Serb policy of subjecting Muslims and Croats to freezing and starvation. I believe that prediction remains valid.

The trickle of relief that gets into Sarajevo, and the episodic convoys that get to outlying areas such as Gorazde and Zepa, offer only the illusion of relief.

Lie number three is to pretend that Bosnia is just another—and we have all heard this, in effect, let them all just kill themselves, they sort of deserve it, that Bosnia is just another so-called ethnic feud for which all sides are to blame.

Obviously there is blame on all sides but I think the entire world knows that the massively overwhelming greater part of this blame comes down on Serb forces, I might say, in Serbia and Bosnia, and also I might say in Croatia. There is little the outside world can do when Serbs, Muslims and Croats are intent on killing each other, so the line goes. This should be rejected for what it is. It is a flying slap in the face of facts.

In late December, in the Christian Science Monitor, I challenged President Bush to acknowledge that the actions of Serb forces in Bosnia constitute genocide, which the U.N.'s genocide convention requires be prevented and punished. The closest the Bush Administration got was a recent statement by a second echelon State Department official that the aggression "borders on genocide."

I say it is long time past to stop equivocating. Let us acknowledge that we are witnessing a new holocaust. History will judge us for this. And for God's sake, let us take the lead in putting a stop to it. Let's start punishing those responsible.

In conclusion, I want to especially commend and thank our two Co-Chairs today for, again, the DeConcini-Hoyer resolution. It is so

important that the sense of the Congress resolution introduced on the floor of the Senate and the House by these two noble gentlemen be thoroughly considered and overwhelmingly passed soon.

As Chris and others have mentioned, I think we are both honored to be cosponsors of this resolution in the House. It is bipartisan and it is a very strong and definite stand, one I might say that I think will be of special utility for the new Clinton Administration and the American people.

I fervently hope that it will move forward with the same urgency with which the new administration is reviewing U.S. policy in the Balkans.

Mr. Chairman, Mr. Chairmen, thank you very much.

Co-Chairman DECONCINI. Thank you, Representative.

Representative Fish, we are glad to have you. Do you have any statement you care to make?

Mr. FISH. No, thank you.

Co-Chairman DECONCINI. Thank you. We will proceed with our witnesses.

Our first witness is James R. Kunder, Director of the Office of Foreign Disaster Assistance within the U.S. Agency for International Development. His office recently released a report critically assessing the humanitarian relief effort currently under way in the former Yugoslavia and recommended specific action to redress the problems identified.

Mr. Kunder.

**TESTIMONY OF JAMES R. KUNDER, DIRECTOR OF THE OFFICE OF FOREIGN DISASTER ASSISTANCE, U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT**

Mr. KUNDER. Thank you, Mr. Chairman. Mr. Chairman, I appreciate the opportunity to appear before the Commission today to comment on the state of humanitarian relief operations in the former Yugoslavia.

With the Chairman's permission, I would like to summarize my testimony in a brief oral statement.

I do not have a happy report for the Commission today, Mr. Chairman. Based on observations during my October trip to the former Yugoslavia and the daily reports of my staff on the ground there, the international community is meeting only a small portion of critical human needs, especially in Bosnia-Herzegovina. We are facing Europe's worst humanitarian crisis since World War II. Innocent victims of that crisis are dying unnecessarily.

The problem, Mr. Chairman, is not resources. Various U.S. Government agencies have contributed more than \$162 million in relief supplies and services since this crisis began. The Europeans have given more. The world's best relief agencies are on the ground. Scores of individual relief workers have displayed heroism and dedication trying to get supplies to those in need.

Rather, what we have is a crisis of access. People are dying in the hills of Bosnia right now for a dramatically simple reason: men with guns are denying access to the victims.

Since my last trip to former Yugoslavia, I spent six weeks in Somalia, where I had the opportunity to further contemplate issues of

humanitarian access and humanitarian intervention. Regrettably, whether in Yugoslavia, Somalia, Sudan, Liberia, Angola, the denial of access by superior firepower has become the leading killer in disasters.

Current relief efforts on the ground focus obviously on keeping people alive through this severe winter. Distribution of food, plastic sheeting for shelter, stoves and similar cold weather equipment are the leading priorities. These efforts are severely hampered by the literal and figurative roadblocks thrown up by besieging forces.

For example, current efforts by the U.S. Relief Agency International Rescue Committee to move a needed 1,000 tons of coal weekly into Sarajevo are delayed by the demand that the coal be pulverized, ostensibly to prevent hiding weapons in the coal.

Since the crisis of access limits detailed assessment by relief experts, I cannot predict reliably how many people will die unnecessarily in the former Yugoslavia this winter. Estimates range from the tens of thousands to the hundreds of thousands.

I can say that average weight loss and declining birth weights observed by Office of Foreign Disaster Assistance staff in isolated locations in eastern Bosnia suggest a continuing and worsening degradation of health and nutrition conditions there.

Deaths from starvation, hypothermia and related diseases will increase significantly before spring, unless there is a dramatic improvement in the relief operation.

Reports from two of my staff have received wide attention recently. Tom Brennan's December report, to which the Chairman made reference, based on four months on the ground, was highly critical of relief operations in former Yugoslavia. Mr. Brennan, a highly regarded relief expert, has accurately described many of the problems relief workers face.

Also, Bill Stuebner's comments, based on his travel with a covert relief convey to Muslim-controlled pockets in eastern Bosnia-Herzegovina, traveling on icy, mined trails overnight to avoid detection by combatants, dramatized conditions in isolated regions of the country.

I regret that these two individuals were not able to join me today. Both have rejoined our disaster assistance team in former Yugoslavia to spur relief efforts there.

A central finding for Mr. Stuebner's assessment mission was a further confirmation of what we had expected previously: that Bosnians themselves are providing a very great proportion of the relief supplies reaching isolated populations, with UNHCR and other outside supplies providing in many cases only supplementary deliveries.

During the coming days and weeks we will concentrate on three aspects of the relief effort.

First, we will continue to support indigenous relief organizations with their attempts to serve their own people.

Second, we will continue to push supplies in whenever possible and devise new methods of delivering those supplies under the current conditions of limited access.

And third, we will continue planning for the delivery of expanded services if political reconciliation or new initiatives by world leaders end the crisis of access.

In the meantime, regrettably, suffering continues in the former Yugoslavia.

Mr. Chairman, that concludes my oral statement.

Co-Chairman DECONCINI. Thank you very much.

I think we will go ahead with the other witnesses here before we proceed with the questions.

We will now go to Catherine O'Neill, Chairwoman of the Women's Commission for Refugee Women and Children. The Commission has been actively involved in investigating and seeking treatment for the systematic rape and forced impregnation of Bosnian women and girls, and has been an outspoken advocate of their cause.

Ms. O'Neill, thank you for joining us.

**TESTIMONY OF CATHERINE O'NEILL, CHAIRWOMAN OF THE  
WOMEN'S COMMISSION FOR REFUGEE WOMEN AND CHILDREN**

Ms. O'NEILL. Thank you, Senator DeConcini and members of the panel, for holding this hearing.

The U.S., the U.N. and the world community have made a grave mistake in the way they have responded to the tragedy suffered by the people of Bosnia.

As we begin a new U.S. administration, it is appropriate to re-think this policy which has brought unspeakable suffering to so many innocent people and which has shown that without an adjustment, the United Nations cannot be effective in its humanitarian mission.

This fall, I led a delegation of American women to Croatia and Bosnia to talk with refugee women and humanitarian officials on the scene. We issued a report entitled "Balkan Trail of Tears-On the Edge of Catastrophe." While there, we found the following.

Women are the targets of this war. The goal of the Serbian forces, or as the refugees call them, the chetniks, who attack the villages is to move out the women and the children. There is no form of suffering they will not impose in order to accomplish their goal.

We talked to very elderly women who described how their homes were deliberately burned down in front of them and their life savings taken from them. We talked to a young woman who had been forced out of her home and who one week later had given birth on the road to twin babies. One baby died. One clung to life. The woman sobbed as she told us she had nothing left inside, no strength to give to her three year old daughter.

We heard about rape. We talked to women who stood close to their teenage daughters and talked of rape, about Serbian forces coming to their village, taking the young girls to a local school and gang raping them. Then when the girls were released, Serbian forces told them that if their families were still in the town, they would return the next week and do the same.

We heard about neighbors turning on the young daughters of families and raping them, perhaps to show Serbian forces who had arrived in their town that their loyalty to the Serbs could be counted on. Several times, in telling us about rape, women emphasized the horror of a neighbor acting in this barbaric fashion.

In Croatia virtually all the refugees are women and their children. No side allows any able-bodied man to run from the horror. All are expected to fight.

The refugee women, if they are "lucky," lived one family to a mattress in unheated, unsanitary conditions inside makeshift shelters. They had lost everything, their homes, their savings. They had, as they told us, only the clothes on their back. Their husbands, fathers, sons and brothers were either dead, fighting, hiding, in detention camps, or who knows where. The women everywhere we went cried as they told us of their personal horror.

The refugee women are traumatized by the direct violence they have experienced in this brutal war. But the women who sobbed to us in Croatia were, in a sense, the blessed. They had escaped the horror of Bosnia. And now no one else is being allowed out. Croatia had closed its borders to new refugees, stating that it could absorb no more. Families in Bosnia who had lost everything, no matter how old, how young, how innocent, had to stay inside Bosnia.

While there, it was clear to us that the U.N. relief effort, with the support it had available, was completely inadequate for the enormity of the task it had been presented. A few examples.

One UNICEF official told us to please recommend that more trucks be made available. There were not enough trucks to send into Bosnia any of UNICEF's feeding packages for vulnerable children. We, the Women's Commission, wondered why the NATO military trucks could not be painted white, labeled with a big U.N. sign, and used to save the lives of those babies.

Convoy drivers were being recruited from the ranks of Europe's unemployed truck drivers. One relief official said to me, as I watched the latest group of convoy drivers arrive at a U.N. office—they had arrived from Britain—"Thank God there is a recession in Britain and truck drivers are desperate for work."

A U.N. relief operation, we thought, implementing a United Nations Security Council resolution should not have to be dependent on the happenstance of unemployed truck drivers, regardless of how brave and competent those convoy drivers have been.

A Red Cross official sat down with a map to show us how the relief convoys the U.N. used were on tortuous, slow maintain paths used to bring in the supplies. These Red Cross officials pointed out that these roads were sure to be closed with the bad winter weather.

We were also shown railroad routes that run right through Bosnia, through all the major towns, as well as main highways, which were not being used for the delivery of relief because they were not secure.

We wondered why the U.N. did not militarily secure reliable relief routes, since not doing so made delivery of relief more expensive, less reliable and certainly impossible as the winter weather arrived.

We met with a U.N. official who had traveled from a Bosnian town under siege by the Serbs, Banya Luka. She had come through six U.N. checkpoints to talk to us and talk about what life was like in a town undergoing ethnic cleansing.

She wondered why she, as the U.N. official, lives with her staff of three, along in a house with no power and no electricity and no

phone, how she can be expected to monitor for the world community what is going on, when the U.N. protective forces which had been so long scheduled to be deployed to her town had not been deployed because it was not safe enough for them to be deployed there yet.

In her town, as with many, the ethnic cleansing will have been virtually completed by the time the U.N. forces on the scene arrive to stabilize the situation.

Finally, inadequate provision of life saving supplies. We were told by the World Health Organization that in Bosnia the biggest killer this winter could be the winter and that those most susceptible, the children and the elderly, could die in numbers of up to 400,000 if shelter, food and fuel were not provided.

As we now read stories of towns which have been without supplies for months, we know that a successful effort to accomplish this life preserving goal did not take place. A safe haven has not been secured. Families who have fled once often have no shelter in which to find relief and no town with the resources to take them in and provide them with even the most basic of life saving support.

What now? We have excused ourselves as a nation from this horror because we have said that Europe should take the lead, or because negotiations were in progress. We said we would become bogged down and we could not be sure whether doing something would prove successful. The U.S., the U.N. and the world community have relied too long on please and have been deterred too often because the solution was not guaranteed and easy.

Now with a new administration and the threat of death for so many so much more imminent, a new urgency in international policy should be expressed and new actions taken.

I applaud this Commission for its urgent attention to this issue. If I could just suggest a few thoughts, some of which concur with your recommendations.

Enforcement of the U.N. no-fly zone should be immediately done. In the future, when the United States supports a U.N. humanitarian resolution, the enforcement of that resolution should be included inherent with its adoption.

Two, securing of humanitarian relief convoy routes. The weight of the U.N. Security Council, when it votes to deliver aid, should not be countermanded by thugs or fighters on any side who close off a road or demand ransom in order to allow U.N. convoys safe passage. Those who dare interfere with humanitarian relief should be on notice that they risk their own safety.

Citizens of those nations around the world who support the U.N. should know that the U.N. relief is being delivered in the most direct, efficient manner, and that it is not being siphoned off to be sold or to support any army. The trucks, as well as the communications and logistic supports of NATO, should be loaned under U.N. flag for the relief effort.

Women and girls. The U.N. and the international community, following the EC report and all of the other reports of rape as a weapon of war, should, in an organized fashion, document the evidence and bring to trial those who under cover of war raped and barbarically attacked women and young girls.

Article 27 of the 4th Geneva Convention, Article 14 of the 3rd Geneva Convention, and Article 76 of Protocol 1 of the Geneva Convention all indicate that rape is a war crime. All outlaw rape. Women should be especially protected against any attack on their honor.

We have passed the point where the world should be outraged about the inhuman treatment of male prisoners of war, yet consider rape and torture of civilian women to be a normal component of war about which nothing can be done.

The Clinton administration and the U.S. Congress should provide international leadership in calling individual violators to justice. Settlement of the conflict should not result in an abandonment of the pursuit of these war criminals.

Every additional measure that needs to be taken should be taken in order to ensure clarification at the outset of future conflicts that rape is a war crime and the political will is there to prosecute it as such.

We need to establish safe havens within Bosnia as a fourth measure. The world community has closed its doors to refugees from Bosnia. Yet hundreds of thousands remain homeless within the country.

Recognizing all the implications it has for solidifying ethnic cleansing, but also recognizing that tens of thousands of innocent children might die in its absence, the U.N. should establish safe havens within Bosnia. It should notify fighters on all sides that in these territories the U.N. peacekeeping forces will fight to ensure that noncombatants are allowed to live without terror as their constant companion.

We should think in the United States about opening our doors for refugee status, particularly for traumatized women and children who have suffered the most in this conflict. We should open our doors and refugee women who have been most traumatized should, with their children, be given an opportunity for safe haven in the U.S. until the conflict subsides.

Sixth, an improved humanitarian military response at the U.N. Overall, there needs to be an on-loan standby, ready to dispatch U.N. international military force, with U.S. participation. It must be trained to secure humanitarian relief routes and prepared to use force to achieve its objectives. It must be trained as a peace-making force and not just a peacekeeping one.

Sadly, in this new world of disorder we must recognize that in Europe and in other parts of the globe we are likely to see suffering and violence which calls for international response. The U.S. should be a leader in preparing the U.N. to take a more effective role and in participating in that role.

Two final points.

Protection of minority rights. There is a potential for international chaos as many ethnic groups press for their own statehood. Senator DeConcini has been in other parts of the world recently where we also have a problem for minority rights issues causing possibility for civil war, ethnic cleansing and enormous conflict.

The U.S. should establish, with its U.N. partners, a set of criteria for the protection of minority rights which must be guaranteed by countries requesting legal recognition from the U.S. and the U.N.



Finally, the U.N. peace negotiations which are ongoing. In this conflict, as in many others, the U.N. should be applauded for supporting peace negotiations. But by backing away from enforcing existing resolutions delivering aid by all reasonable means, by enforcing a no-fly zone, we essentially have left the peace negotiators with no leverage.

The Serbs, who have been winning, have little reason to bargain seriously because there have been no concerted U.N. actions to enforce the existing resolution. There is no stick with our carrot.

Success is not guaranteed. In this new world of disorder we are in, the U.S. must be prepared to take chances without guarantees of success. We must acknowledge that in some cases it will be worth our effort to make an attempt to achieve our goals, and if necessary to suffer some losses. At least we will have tried. We will not have turned out backs. We will not have closed our eyes.

This horrible experience of the slow death of Bosnia-Herzegovina may have educated us all to a lesson: that the U.N., with support from the U.S., must take more immediate, effective and forceful humanitarian and military action, with some risk, before inaction leads to the death of nations.

Thank you.

Co-Chairman DECONCINI. Ms. O'Neill, thank you very much for that dramatic statement. We appreciate your efforts immensely.

Our next witness will be Eric Stover, Executive Director of Physicians for Human Rights. Physicians for Human Rights is an organization of physicians, scientists and health professionals who use their medical skills and expertise to investigate violations of international human rights and humanitarian law. It is currently involved in forensic investigations of war crimes in former Yugoslavia.

The Helsinki Commission was first privileged to work with this group several years ago in 1988, when they provided forensic experts to conduct an autopsy on a political prisoner who had died under highly suspicious circumstances in Czechoslovakia.

Physicians for Human Rights is uniquely qualified to assist the U.N. War Crimes Commission with its ongoing forensic investigation of war crimes.

I understand that some of the results of these investigations have just been made public on Friday, and we look forward to hearing Mr. Stover's remarks on them.

Before I proceed with you, Mr. Stover, I see that Mr. Wolf has joined us. Representative Wolf, do you have any statement you care to make? Fine.

Mr. Stover.

#### TESTIMONY OF ERIC STOVER, EXECUTIVE DIRECTOR OF PHYSICIANS FOR HUMAN RIGHTS

Mr. STOVER. Thank you, Chairman DeConcini and Chairman Hoyer, for holding these important hearings and for inviting me to testify.

Physicians for Human Rights believes that the United Nations Security Council should enforce the prohibition of grave breaches of the Geneva Conventions by establishing an international tribu-

nal at the highest level to investigate, prosecute, adjudicate and punish those on all sides who have been responsible for war crimes and crimes against humanity on the territory of the former Yugoslavia.

PHR believes those responsible for past abuses should be held accountable, both because we feel a duty to the victims and their families and because we believe that such accountability provides the most secure foundation for future respect for human rights and humanitarian law.

To that end, Physicians for Human Rights is now providing the United Nations with medical and forensic expertise to conduct impartial and independent investigations of violations of human rights and war crimes by all sides in the conflict.

In my oral remarks today I will concentrate primarily on the forensic evidence that we have collected in recent months. But I would like to mention two other areas in which we are involved.

Late last week an all female team of four physicians, which Physicians for Human Rights assembled, returned from former Yugoslavia. They went there with the Human Rights Center to investigate allegations of rape.

Physicians for Human Rights believes that rape should be considered a war crime. Because of the stigma attached to rape worldwide, shame often silences its victims. Rape can destroy a victim's feelings of human dignity, self worth and physical integrity. Women who are raped by soldiers or paramilitaries or militias cannot call for help, press charges or demand justice.

Moreover, when rape is carried out by soldiers or militia under orders, rape becomes a form of institutionalized violence.

We believe if and when a tribunal is established, that rape should be considered a war crime.

Today, a team of six physicians from our organization are arriving in former Yugoslavia and they will be looking into the humanitarian crisis that is taking place there. But one particular area will be of interest, and that is to look at the attacks that have taken place on convoys, because we believe that those attacks themselves can and should amount to war crimes.

Violent death due to war is often followed by slower death caused by epidemic diseases—measles, typhoid, diarrhea, respiratory infections—or famine.

Physicians for Human Rights believes that widespread and repeated military attacks on relief convoys that hinder the delivery of food, medical and other relief aid, to threatened civilian populations and, in turn, leads to the slow death of civilians by starvation, exposure and disease, is just as deplorable as violent death due to torture and extrajudicial executions.

Moreover, PHR believes that those responsible for attacks on relief convoys and relief workers should be held accountable to an international tribunal.

Now I would like to turn to the forensic testimony. And if we could have the lights down, I will be showing some slides.

Let me first begin by saying that last December I traveled to Geneva and signed an agreement with the War Crimes Commission, which is actually known as the Commission of Experts. And in doing so, in signing this agreement, Physicians for Human

Rights has agreed to send in forensic teams, international teams, to begin the investigation of mass graves in former Yugoslavia.

We are engaged in this activity to look at possible war crimes or crimes against humanity that have been undertaken by all sides in the conflict.

The case that I am going to show you today has not been determined as to who is responsible. However, some of the evidence is consistent with reports that this was carried out by Yugoslavian army soldiers and militia, Serb militia.

The case involves the city of Vukovar. On the 19th-20th of November 1992, as Vukovar, which is a city on the Danube, fell, Serb troops and Yugoslavian army forces took over the Vukovar hospital.

Shortly after that, the ICRC appeared in order to evacuate the hospital. What we know from witness testimony—and I can't go into too much detail about what they have told us—but at least we know that many, up to possibly 200 patients, some of them Croatian fighters who had been wounded, who were *hors de combat*, and also some civilians and hospital personnel were taken from the hospital.

They were then taken to a collective farm known as Ovcara, and before that held in a barracks in the city of Vukovar.

In the collective farm they were evidently taken into a hangar where farm equipment is held and they were beaten and tortured. And allegedly, two people from the hospital died under torture.

According to testimony, trucks then transported them out to the end of a ravine which was about two kilometers away from the farm, and they were executed in series of some 20 or 30 men each time, and then buried at the site.

Now this is a photograph of Vukovar. For any of you who have been to Vukovar, it was once a historical city. It is totally destroyed. There are probably up to 2,000 people who are still missing and unaccounted for as a result of the attacks on that city.

This is the road going from the farm up to the alleged site where the execution took place and where the grave is.

I would like to mention that we have done this work under the protection of the U.N. peacekeeping forces, who have been extremely helpful. The site that we are working at here is under the protection of Russian soldiers. There are about 30 of them who have been out there for the last three months since the grave was discovered. This is a U.N. truck coming up the road.

That is the hut in the background where the Russian soldiers are staying. And that is the barbed wire which is protecting the site.

We have arrived. This is December 17 and we are about to begin the investigation.

This is a slide of a couple of Russian soldiers who are staying at the site around the clock.

That is Clyde Snow on the left and Becky Saunders, an archeologist from Florida. Clyde Snow, who many of you know, has been involved in forensic investigations in many countries around the world.

This is the site where the alleged mass grave is.

At this point we had to clear out the sector. We brought in deminers from the Belgian unit to check for booby traps and mines.

Meanwhile guards were posted at various points around the sunflower fields, which were fallow, to protect the forensic team.

What is important here—and this is our first finding—those little red flags that you see to the right here, to the right of the grave—the dark area in the back, is the actual grave itself. Those are clusters of spent Kalashnikov cartridges. And the pattern in which we found them suggests that the executioners—and this is our finding, that an execution did take place at the site. As the cartridges were ejected from a Kalashnikov, they moved about a meter or two meters and they fell in a pattern to the right of the grave. Elsewhere around the grave we found no other cartridges.

Also, in the back of the grave there is scrub brush and small acacia trees. Through those trees we found bullet scorings and we also found an old chassis of a car—this used to be used as a farm dump—with an actual slug embedded in it.

This shows you partly what we do in a mass grave. We level the area in order to find out what the perimeter of the grave is. And in this case, as you will see in the maps in the back of my testimony, there are fracture lines where the grave has fallen in. And we were able to determine the size of the grave.

This is another member of our team, an Argentinean forensic scientist, Morris Tidball. We are staking out a test trench to run across the grave. We have the Russian soldiers to help us do some of the digging. And the test trench was run, and inside it we found the remains of nine bodies.

Also on the surface—also in the grave, I should mention, or in the trench, we found projectiles as well.

At the back of the grave we found a skeleton with gunshot trauma to the skull. And it appears that this person may have been trying to flee and was stopped and executed. We are not sure yet.

Again another skeleton found on the surface. In this sort of investigation, forensic anthropologists are looking at every bone and detail they can in order to reconstruct both the identity and the cause of death. And this entails collecting all the teeth so they can be x-rayed and compared with antemortem dental x-rays and other medical records.

Clothing was discovered and this should help us in our meetings with families to see if people can be identified.

This is a skull that was eroding from the grave. If you see the left cranial vault, just to the left eye socket there, that is an exit wound. It is outwardly beveled. And lower down, you will see by the mandible another exit wound. That is characteristic of a gunshot wound to the head.

Chairman HOYER. From the rear?

Mr. STOVER. From the side perhaps.

So we have been able to determine that the grave is a mass grave and it could contain as many as 200 bodies, given the number of bodies we found in the test trench. However, we are not sure that it contains 200. It may contain less.

We also were able to determine that the remote location of the grave suggests that the executioners sought to bury their victims secretly. There are many graves throughout the former Yugoslavia which may be a result of war crimes and there are other graves

where civilians or fighters were actually taken and buried. We need to distinguish the difference between these in terms of what are atrocities or what are simply the tragedy of war.

Finally, there was no indication that the grave had been disturbed since the time of execution and interment.

On one of the surface skeletons that we found was a small necklace. And this was important—well, let me just mention first of all, a small necklace and in the pocket of one of the skeletons was a small figurine in a little plastic pouch, no more than an inch or two high, with a saint.

And finally, on both skeletons on the surface we were able to uncover necklaces. And you can see it is a Roman Catholic or a Christian cross on the left, a good luck charm in the middle. The medallion on the right says—you can't see it very well but it says "Bog i Hrvati," which is "God and Croats."

Now that means this information we have uncovered so far is consistent—is not inconsistent with the possibility that these are the patients who were taken from the hospital. But before that determination can be made—and I stress this—with scientific certainty, the grave will need to be excavated and a number of bodies will need to be identified using forensic methods and techniques.

We plan to continue this work, looking at other graves that may be possibly atrocities committed by Croatian forces and Bosnian forces.

The reason I am showing you this information today is to demonstrate how physical evidence is collected from a mass grave. This is the kind of evidence, even if witnesses aren't present, that can still be used as court admissible evidence. It is the *corpus dilecti*. We are hopeful that once a tribunal is established we can bring this information forward, and that justice will be done.

Thank you.

Chairman HOYER. Thank you very much, Mr. Stover. The Chairman will be right back. Thank you for the lights.

Let me just ask you a question and then I am going to recognize Mr. Winter, because we are not going to questions now.

The age of the skull, the determination forensically of the length of time that the skull had been in the grave?

Mr. STOVER. I should mention I myself am not a physician or a forensic specialist—I am the executive director of Physicians for Human Rights. However, I have worked for the past 10 years organizing and participating in exhumations of this sort with the forensic experts.

Evidence not necessarily from the skull, but from looking at the grave and the texture of the soil suggests that the grave was dug within the last year or more.

Chairman HOYER. Thank you.

Our next and last witness is Mr. Roger Winter, who is the Director of the U.S. Committee for Refugees. Prior to joining USCR, Mr. Winter was the permanent director of the U.S. Office of Refugee Resettlement, the lead federal agency providing services to refugees resettled in the United States. And he has extensive first-hand, on-site experience with refugee populations.

Mr. Winter, we very much appreciate your taking the time to be with us and look forward to your testimony.

**TESTIMONY OF ROGER WINTER, DIRECTOR OF THE U.S.  
COMMITTEE FOR REFUGEES**

Mr. WINTER. Thank you very much.

The U.S. Committee for Refugees has been, over the last 18 months, on site in five of the six republics of the former Yugoslavia. The focus, however, today is on Bosnia-Herzegovina, which had a population in April 1992 of 4.4 million.

Nearly one half of all Bosnians, some two million people, have lost or been forced from their homes. This includes about half the entire pre-conflict Muslim population.

Of all those numbers, about 1.1 million have sought refuge outside Bosnia. An estimated 810,000 are internally displaced within Bosnia. And Serbian forces have systematically destroyed the homes of Muslims who were forcibly displaced, making their eventual return all the more difficult and the extent of loss all the greater.

Based on our analysis of the humanitarian and human rights situation in the former Yugoslavia, I would like to make six recommendations and discuss at least the first.

The first is this: The U.S. Committee for Refugees urges the U.S. Government to invoke article 8 of the Genocide Convention to call upon the U.N. to authorize appropriate action "for the prevention and suppression of acts of genocide," not simply dealing with the after effects but to prevent and suppress acts of genocide which are currently being committed by Serb militia in Bosnia and Herzegovina.

We believe this is an important step necessary for establishing the moral, legal and political context for forceful action by the international community, as distinct from its current pattern of Chamberlainesque dithering.

Invocation of Article 8 has been delayed too long. It was justified months ago by the facts on the ground, some of which you have just witnessed in these slides. They have been widely known and not yet acted upon.

The statement early last week by the State Department that the action in Bosnia of Serb irregulars and their supporters borders on genocide, in my view, more than borders on dereliction of duty. Normal Americans understand very well that genocide is at work in Bosnia. It is time the U.S. Government officially used the word, officially invoked the convention, and officially began to act accordingly.

The most striking aspect of the humanitarian side of the conflict in Bosnia is that unlike most refugee flows, which are commonly a byproduct of war, the creation of civilian refugees in Bosnia is itself a major goal of the assault. Serb forces intentionally target civilians for all of these crimes. They actively encourage those who survive to flee their home areas.

Some have been fortunate enough to gain access to bordering states and become refugees. But the others who can't do so remain in the limbo of the internally displaced.

We and our colleagues, some here at this table, have documented systematic mass executions, systematic targeting for execution of the elites, a comprehensive propaganda campaign to support politi-

cally these kinds of actions, the conscious targeting of civilians by the Serb military, detention camps, organized impregnation by rape, torture, interdiction of relief for civilians, and prohibition and interdiction of international monitoring.

The U.S. Committee for Refugees calls on the United States to request the U.N. Security Council to authorize multilateral intervention in Bosnia and Herzegovina to prevent and suppress genocide. In our view, such action is not only authorized under the U.N. Genocide Convention, it is required by Article 1 of that convention.

Second, specifically as one means of preventing genocide, we urge that the U.N. Security Council declare safe haven zones for civilians *where they now live*, in Sarajevo and in other locations around eastern and central Bosnia, and announce that further attacks on those civilians in these centers will not be tolerated.

*To date, the international community has had it all backwards.* What we've done is wait for Bosnian civilians to be displaced and then we search for safe havens for them. Then we search for the resources, the opportunities to medicate them, to feed them. What we need to do, for those who remain in their homes at least, is to protect them *where they are*. It is ludicrous to wait for residents of those cities and towns to be uprooted and only then try to meet their needs. They need to be protected now on site.

Third, we call on the United States and other U.N. members to implement U.N. Security Council Resolution 770, which authorizes the use of all measures necessary to deliver humanitarian relief in Bosnia.

The skies over Bosnia and Herzegovina should be cleared of military aircraft, consistent with U.N. Security Council Resolution 781, to permit air drops of humanitarian aid to besieged areas.

Clearly marked U.N. convoys should immediately be provided with significant air and ground military escort to travel on direct, all weather roads to deliver relief aid. Any attacks on such convoys should be met with swift and forceful retaliation.

My organization is a humanitarian organization. I do not feel good about recommending military action that can result in loss of life. But it is my judgment, and I believe the judgment of all of my colleagues in this field, unless some order is restored to the situation, some logic to the mayhem that is over there, you cannot in fact operate any kind of normal humanitarian assistance program.

Fourth, we recommend a comprehensive plan of action to preserve the availability of asylum for those who need it, by increasing financial and other support to Croatia, Macedonia and other states in the immediate vicinity of the conflict, to encourage them to keep their borders open for those seeking asylum outside Bosnia.

A lot of people don't realize it but there is nowhere right now for many Bosnians to run. The borders of Croatia are closed. They have been closed since September of 1992. The borders of Slovenia are closed to Bosnian asylum seekers unless they have a letter that says that they are really going to move on somewhere outside of Slovenia.

It is terribly important that we collectively in this world share the burden with Croatia and Slovenia, so that, for those people who do need to run, there is in fact a place for them to run to.

Fifth, as one component of a comprehensive plan to preserve the availability of asylum in the region, we urge the United States to make 25,000 resettlement admission places available immediately for refugees from Bosnia and Herzegovina.

Refugees with special humanitarian concern for resettlement under expedited procedures should include former civilian detainees, displaced persons who are in mixed marriages, who will find great difficulty returning anywhere within the immediate area, and female heads of households who have lost their homes and whose husbands have been killed. These women are particularly vulnerable to sexual and other forms of abuse.

In making this suggestion for U.S. resettlement, I do not suggest that U.S. resettlement will resolve the refugee problem produced by the conflict in Bosnia. It can, however, if properly utilized by our officials, help keep asylum viable for all refugees in the region. And in fact it is the solution for a select group of refugees.

Lastly, we recommend that the Helsinki Commission quickly, and certainly not later than the upcoming CSCE meeting on migration scheduled in April, act to clarify the legal status of Bosnian refugees by recognizing that victims of ethnic cleansing indeed do fit the international legal definition of "refugee."

Most people do not realize it but for the great bulk of those who have fled the horrors that we have talked and read about so graphically, that in fleeing to other countries in the region they are not received as refugees, not in the neighboring countries and not in the countries beyond the immediately contiguous ones. Basically, in most situations they are provided only temporary asylum.

There is no legal provision that gives them any kind of security. And this in fact inappropriately places on these refugees a continuing state of insecurity and uncertainty and vulnerability. It treats them as if *they* were the problem when in fact the problem is their tormentors.

Mr. Chairman and members of the panel, in reacting to the tragedy that has unfolded in what was Yugoslavia, the world community has shown itself at its absolute worst. The European Community has been morally spineless. And even the United States, while certainly more respectable than the EC has been, will not be bathed in glory by those who analyze the history of this period in the Balkans.

I believe this is an important moment for the Congress to demand that the United States and the U.N. shift from its lackadaisical, half-hearted steps focused on treating the wounds of the victims only after they have been victimized, to a posture that prevents further victimization and forcefully protects vulnerable civilians.

If we don't, the Genocide Convention and all these other pretty pieces of paper to which we have acceded are really nothing but scraps of paper.

Thank you.

Co-Chairman DECONCINI. Mr. Winter, thank you for a very powerful statement and one that I wholeheartedly agree with.

We will now proceed back with questions by the panel. We will start with Mr. Kunder. Mr. Kunder, I will ask you one question and then yield to the Co-Chairman.



The recently submitted report of the Agency for International Development was critical of the international humanitarian relief that you have just mentioned in your statement here. It is particularly critical of the Office of the U.N. High Commissioner for Refugees, charging that it has generally opted for negotiations and appeasement, rather than forceful determination to deliver relief supplies to those most in need.

How did we get to this point of negotiating and how does this differ from other areas that you have been involved in with A.I.D., particularly, say, Somalia?

Mr. KUNDER. The report that I mentioned that the Chairman is making reference to, just to be clear for the record, was a report of one of our consultants, one of my employees, contract employees, who went to Yugoslavia and then made that report to A.I.D. So it was not a formal A.I.D. report.

Co-Chairman DECONCINI. Thank you for the clarification.

Mr. KUNDER. Although as I mentioned earlier, I believe that it accurately reflects conditions on the ground. Mr. Brennan also made a number of recommendations, which are his personal recommendations and not A.I.D. recommendations at this point.

Unfortunately, as I mentioned, whether in Yugoslavia, Somalia, Sudan, some other places around the world, Liberia, Angola, the world has slipped into—slipped away from the notion that those controlling the situation on the ground have the moral responsibility to permit access for relief workers to victims, and unfortunately slipped into a habit of permitting those on the ground, who specifically for political or military reasons want to deny access, to have the upper hand.

What Mr. Brennan reported was that up to a quarter of relief supplies in many cases were being siphoned off by Serb militias, both in Sarajevo and in some portions of the countryside, and that the U.N., rather than demanding access to victims of the fighting, had acquiesced in a process of negotiation.

I think he has accurately described the situation. I think he has accurately described what is happening in other circumstances around the world similar to Yugoslavia. And I think he is describing a policy that is dead wrong.

It was a mistake. It remains a mistake. It remains a mistake there, in Sudan, and in other parts of the world, to accept the premise that those with guns should determine the fate of innocent victims at the other end of the relief supplies.

Co-Chairman DECONCINI. Well, what is the difference between, say, Somalia and the U.N. High Commissioner for Refugees' position there versus what it is in Bosnia-Herzegovina?

Mr. KUNDER. I would say the critical difference is the question of the level of organization of the people in control on the ground. In Somalia, as we all know, we had a situation of absolute chaos. I think that you would be stretching it to say that even the most powerful warlords controlled very many people beyond their immediate bodyguards.

My sense is that here we have effective command and control mechanisms on all sides. To me, the message in that is that the judicious application of force, political or military, can have an effect on the ground.

I think the strongest argument for the direct intervention by troops in Somalia, a step I supported, was that there was simply no other way to bring pressure to bear on the system to ensure that relief supplies would get through.

I don't think you necessarily face that situation in Yugoslavia. I think application of political and military force can have an effect on the ground and can ensure that the relief convoys get through.

Co-Chairman DECONCINI. Thank you.

Representative Hoyer.

Chairman HOYER. Thank you. Again speaking of the same report that was made to you, the report concludes that immediate U.S. political leadership and military intervention is essential to halt the genocide in Bosnia-Herzegovina.

Do you support that? Do you agree with that finding of the report?

Mr. KUNDER. I would like to ask for a bit of empathy from the Chair on this. As a person who was appointed to this position in the previous administration, realizing that we are in the first couple of days of the new administration, I don't want to get too far out in front of the policy-making process.

My strong feeling is that in the absence of some additional political and military force, the relief effort is not going to be successful.

We will be able to do some additional creative things through the indigenous relief agencies on the ground. We will be able to do some additional creative things through UNHCR, through our own efforts and some of the international NGO's.

I don't think the sum total of those efforts, without the addition of some additional force by the international community, is going to be sufficient to prevent thousands of deaths in Bosnia-Herzegovina this winter.

Chairman HOYER. Thank you, and I do understand. I appreciate your position. And one of the problems, of course, is that as we are in the midst of a transition here and there are those who would visit violence on others and try to take and are taking advantage perhaps of that transition, not just in this part of the world but in others.

You contrasted the anarchy and lack of political control that exists in Somalia with that that exists or may exist in the former Yugoslavia.

Can you comment and perhaps expand upon that to this extent: There have been other witnesses who have testified before this Commission over the past few months on these issues which have indicated first that the Yugoslav army is essentially under the command and control of Belgrade, but that there are within the Yugoslav army, as well as outside the Yugoslav army cooperating with it—not warlords I guess in the sense of Somalia, but essentially independent actors who have their own agenda to pursue, who may or may not be subject to Miliesovic or anybody else.

Could you comment on that and expand, please, on your answer to Senator DeConcini, as to what is the general consensus to negotiate a solution or an end to the violence, as opposed to the exerting of force on independent local terrorist groups?

Mr. KUNDER. As Director of the Office of Foreign Disaster Assistance, frankly, that is probably considerably beyond my area of re-

sponsibility. Let me, rather, use an example that I think gives some sense of what I believe we are talking about and what I think those of us in the relief community believe we are talking about.

Recently, after the great deal of press attention and attention on the Hill to the situation in eastern Bosnia, and specifically the besieged town of Zepa which was the subject of several media reports recently, areas that had previously been inaccessible to UNHCR convoys were opened up.

A convoy reached Gorazde. One had not reached there for several months previously. One reached Zepa, despite some backing and forthing on the road, after not having reached that town since the opening of the hostilities.

Anecdotal evidence like that indicates to me that when world pressure is put on this situation, that one way or another the word trickles down to the armed men at the roadblocks and progress is made.

Chairman HOYER. Following up on that—and then I will yield to Mr. Smith or Mr. Fish.

At the London conference on Yugoslavia, all parties committed themselves to cooperate fully in the delivery of humanitarian relief by road through Bosnia-Herzegovina. There has been a lot of testimony on that.

Would you comment on the degree to which the parties have lived up to the commitment, realizing full well that they have not? I am interested in your assessment, to the extent you can make it, of who has been more cooperative than others and therefore who we need to work on.

Mr. KUNDER. Well, there is not much question, sir, that since most of the areas where the greatest human suffering is are areas besieged by Bosnian Serb forces, it has been primarily the Bosnian Serb forces who have turned back the relief effort.

I would like to comment in that regard, I think we are still spending, unfortunately, too much time arguing in some cases whether the supplies are going to get through to combatants. This is frequently the kind of dispute you get on the ground, that, yes, we realize these are food supplies or medical supplies, but if they get through they are going to go to the front line troops.

Now this is not an unusual allegation in relief situations. While our guidelines prevent us from giving medical or food supplies directly to soldiers, I think it is no great secret that in combat situations, whether it is southern Sudan or Bosnia, that food given in some cases to wives of combatants, spouses of combatants, may make its way to combatants.

But some of the debate, too much of the debate, too much of the time expended has been on these kinds of issues. And a critical additional intervention that we should be discussing now, that I would like to recommend to the Commission, is a much sharper focus on the need to get expert assessment on the ground.

In any kind of catastrophe like this, the very first step, before you start pushing and talking about pushing in supplies, is getting a clearer picture of what the level of need is. And while I think there is no question that we have horrendous need throughout Bosnia, what we don't have is the access to get people on the ground to check the nutritional condition of the children and to

define some specific interventions that even the most suspicious roadblock is going to understand is purely humanitarian.

We should have, for example, in cities like Gorazde and Zepa, supplemental feeding centers for the children, where they are receiving high protein supplemental food.

There are some of these kinds of interventions and some of these kinds of assessment undertakings that I think we have not even taken the first basic step that you need to take in a relief intervention of this kind.

So I am sorry I answered your question in such a long-winded fashion but I think that we can get around some of these useless disputes that are taking up too much time by getting at this assessment issue.

Chairman HOYER. I think that is a very good, useful addition. Thank you very much. I have some other questions but I will come back to them in the second round, Mr. Chairman.

Co-Chairman DECONCINI. Representative Smith.

Mr. SMITH. Thank you very much, Mr. Chairman. I want to thank our panel for their very moving and expert testimony provided today.

Ms. O'Neill, you mentioned earlier that it is your assessment that there are about 400,000 women and children at risk in Bosnia.

Could you and Mr. Kunder comment on this? You spoke of the planning that is underway, as one of your three points, if and when—and hopefully it is a matter of when—the corridors are opened up so that humanitarian aid can get through.

Do you happen to agree with that assessment, that that is the approximate number, Mr. Kunder?

Mr. KUNDER. We are using the figure of 1.4 million people at risk. So that strikes me as a reasonable number, yes, sir.

Mr. SMITH. OK. Ms. O'Neill, you mentioned that there were not enough trucks for the children's packets and other important life saving commodities to be delivered. Are airlifts an option that is under consideration? And Mr. Kunder, you might want to comment on that, as well.

We know for a fact that during the crisis period airlifting did save many of the Kurds' lives when there was a massive migration in Iraq, although that needed to be supplemented, of course, by convoys.

But, on the short term, might not this be part of the answer?

Ms. O'NEILL. In the short term, Congressman, that is a very, very good suggestion.

I want to make the point, in answer to Senator DeConcini's comment about the United Nations High Commission for Refugees, I believe this is the first time in which they have been asked to be a lead agency inside a country.

Normally they work with refugees once they have crossed borders into an adjoining country. They do not have basic logistical equipment at all or necessary military or technical or communications equipment. Clearly the United Nations protective forces were not operating with any sense of urgency about their mission in getting that humanitarian relief through.

My suggestion is that when the U.N., with the Security Council support is asked to get humanitarian relief through, this is a very

good use for existing military equipment. It seems like re-inventing the wheel to require U.N. agencies to go out and buy it or lease it when it is there and could be put on loan to accomplish a goal of the U.N. member countries.

Mr. SMITH. Ms. O'Neill, based on the information that you have concerning rapes—and that is not only a crime against humanity and against individual women, but also a war crime—how many would you estimate have occurred? Is there any kind of number?

Ms. O'NEILL. As you know, the European Commission has made an estimate of 20,000. There are Croatian feminist leaders who estimate 35,000.

There is no way, in my judgment—and the European Community report says the same—that in a country at war, without any possibility of communicating, that you can make any kind of an accurate number, except that there is no question that it has gone on in an extensive way. And there is no way any of the groups can claim that they know the exact number. That does not diminish the importance of it.

Mr. SMITH. Do you think that there is any sense among the Serbs, particularly the leadership that apparently have given the orders for this activity as part of the ethnic cleansing process, that they will be held accountable? Do they think the West is indeed serious about convening war crimes tribunals, and assessing and documenting the kinds of atrocities that have occurred? The work of Mr. Stover's organization should at least give them a tangible sense that something is going to be done when all of the shooting stops.

Ms. O'NEILL. I don't believe that people believe they will be held individually accountable for these atrocities. And I believe that that is where the United States Congress and this administration is on the line, to pursue this and make this point, and establish this precedent, that those who committed violations on a personal level and who in the leadership capacity supported rape and barbaric treatment of women and young girls will be prosecuted. If they are not held accountable in this conflict and after this conflict, we will have given green lights for this action to continue and to be discounted in future conflicts.

It is urgent that the Geneva Conventions and the protocols be implemented and pursued and prosecuted following this conflict.

Mr. SMITH. I absolutely agree with you. The resolutions that have been introduced in both the House and Senate underscore the unanimity on the part of members of Congress. I think that fact needs to be broadcast, and this hearing hopefully will send that message once more to those who are committing these kinds of atrocities.

Mr. Winter, you mentioned in point number four the importance of being able to accept more refugees into Croatia and Slovenia. To the best of your knowledge, are there any negotiations underway now to try to get those governments to open up and to allow these people who are fleeing to come into their countries?

Mr. WINTER. To the best of my knowledge there are not at this point, although I am sure at some minimal level there may be light discussions, as it were, about this kind of thing rather routinely.

It is also, of course, the case that we are not in a good position to stimulate such kinds of discussions right now because we have been distinctly absent ourselves from participating in any kind of sharing out process. But to my knowledge, there are no such discussions and this is a horrendous thing.

People don't flee their homes and villages lightly. And when they do, if nothing else, they need a place to run to. And you can just imagine for yourself the terror when you try to flee and you are turned back by the legal authorities of a country that would represent a haven to you. That is what is happening to some of these people right now. It is a terrible thing and I would suggest we need to be part of that sharing out process in order to help Croatia and Slovenia open up again.

Mr. SMITH. I thank you for so strongly raising that point in this hearing.

Mr. KUNDER, are there any plans along those lines?

Mr. KUNDER. Just to go back to your question earlier about the airlifts, if I could just for a second, sir. The issue of airlifts, which has been raised numerous times, is one that I guess that we react somewhat viscerally against because it is obviously the least cost effective and least efficient way of getting supplies to people in need, the least efficient way of targeting them accurately.

We have looked at the air strips, especially in the most isolated areas of eastern Bosnia. That presents a real problem. There simply aren't that many air strips that we could get into with large enough cargo planes.

If you then look to the question of air drops, we have already had one relief plane shot down, obviously, outside of Sarajevo, the Italian plane several months ago.

My argument would be that to some extent airlifts are is a bit of a face saver but are not the effective way to reach the populations in need. You still face the same issue of confronting people with weapons who are trying to deny access to victims. And if one is ready to face up to that, then one should face up to the issue of ground transport and try to get the convoys in.

Ms. O'NEILL. Or open up that rail line, which would apparently be the most effective, if it could be militarily secured, and most efficient and least costly.

Mr. SMITH. Did you want to comment also on the other issue?

Mr. KUNDER. I am sorry. Would you repeat the question, please?

Mr. SMITH. Did you want to comment on whether or not there are negotiations underway, or planned with Croatia and Slovenia to encourage them to open up their borders to refugees as a safe haven?

Mr. KUNDER. I would be glad to get back to you on that, sir. I do not know the answer.

Mr. SMITH. I appreciate that much. One final question, and I thank you for the indulgence of time.

Mr. Stover, you mentioned that your team is going to be heading in mid-March back to Vukovar. What do you need from the U.N. and other organizations, including the United States and other countries, to help you to do your job more successfully? Is there anything we can do to help bolster your work?

Mr. STOVER. There is quite a bit, actually. You will see in one of the last recommendations in my testimony here, we believe the Commission of Experts desperately needs more staff and more resources to carry out its work.

Physicians for Human Rights is raising funds for the work from individual donors and our membership. We are paying for the lion's share because the U.N. Commission on Experts does not have that money.

We are not asking for money here but what would be helpful for us would be to have a clear mandate coming from the highest level of the U.N. stating that that grave is under U.N. jurisdiction and that those remains, the bodies there, need to be taken out and forensically examined in order to be identified and to determine cause of death.

Also, we are going to need a facility somewhere, in Europe perhaps—we have thought about Wiesbaden, where there is a military disaster unit. I am not sure if it is still in use now. But a military base of some sort where we can simply use a hangar, where we can bring the remains in to be x-rayed and to be examined by forensic pathologists and other experts.

We are a small organization. We can provide the expertise. But we are going to need logistical support to continue with it.

There may be other instances where we look at other graves that we won't need as much support. But it would be helpful to provide us with logistical support.

Mr. SMITH. Thank you. I have some additional questions but I will reserve.

Co-Chairman DECONCINI. Thank you, Mr. Smith.

For purposes of proceeding here, I am going to yield to members of the Commission first, being Mr. Wolf. And I would ask each person who asks questions in this round that you direct your question to one member of the panel, and ask as many questions as you want of that panel, so that we can all have an opportunity.

Mr. Wolf.

Mr. WOLF. I want to thank the Chair for the opportunity.

Chris Smith and I were in Vukovar several months before it fell and I was in Sarajevo Labor Day this year, in the airport. I am very discouraged. I think the Bush administration missed an opportunity by not moving in a more firm way earlier.

It appears, and it is unfortunate if this is the case, if the United States isn't involved—and how the involvement is, is another tough question—a lot really won't happen.

Somalia is an example. Until the United States got involved—and I think we owe a great debt of gratitude to President Bush—nothing really happened. You had the Pakistani troops at the airport. They didn't do anything. They even cooperated in some respects with the technicals and bribes. So I am really very discouraged.

Secondly, I agree with what Mr. Winter said. I think we should open up our doors and make it clear that we are out in front, almost from a point of view. And I also agree that the Europeans, the western Europeans have really been very, very negligent in this.

When we met with the EC people there a year ago, I felt that if my wife and children's lives were dependent upon these people that we would be in deep, deep trouble. And we have seen this thing grow and grow.

The West Germans or the Germans spoke out so much for the recognition of Croatia. They were all over the newspapers and all over Europe. But once Croatia was recognized you really haven't heard from them since. And yet they are paying a tremendous price because of the refugee issue.

Do you believe that Milesovic—and anyone who wants to comment—do you believe that Mr. Milesovic could turn this off any time he wanted to?

Mr. KUNDER. I will say the same thing I did in response to Mr. Hoyer's question. I think that we have a lot of anecdotal evidence that world public opinion is listened to and when pressure is put on, action occurs on the ground.

Mr. WINTER. They have no reason to believe any of the threats from the outside world at this point. Mr. Smith was asking, "do they believe." Well, Milesovic, none of them, down to the Serb irregular on the street, have any reason to believe, from the actions of the international community, of the EC, and even of the United States so far, that there is a reason to change their behavior.

It seems to me we collectively, the international community, but most particularly our government, our people, our nation, need to send that one signal that stabs through this morass of what I earlier called a lackadaisical sort of approach to all this, that stabs through the signal that lets them know that enough is enough.

Then maybe Milesovic, then maybe some of those guys on the street will change their behavior. But they don't have any reason to so far.

Mr. WOLF. Do you believe we should lift the arms embargo for the Bosnians?

Mr. WINTER. Yes. This is a little beyond our mandate institutionally, but I don't know how, in a situation which we believe to be genocide, the world community can be in a position where it doesn't itself internationally intervene to protect people and yet it continues to withhold from those people the resources they need to protect themselves. And they don't even have a place to run to when everything collapses around them.

To me, these are the options that are available in a genocide: we go in and protect them; we give them the wherewithal to protect themselves; or we at least help them run somewhere.

We have closed off all three options. It doesn't make any sense.

Mr. WOLF. My last question, I guess, is: What type of message, Mr. Winter, do you think the administration, the new administration, could send? Would it be—I felt that if we could send a General Schwarzkopf or someone like that over on behalf of the administration, to sit down with the Yugoslav and the Serbian military, to tell them that on a certain date we will be bringing supplies in to the women and the children through certain passages and certain roads, and on that date we will do everything we can to make sure that they get through, we meaning the West, NATO, EC and others.



What message do you think we could send which Miliesovic would understand that we are serious?

Mr. WINTER. I think the world should couple that with some of the kinds of things—forgive me, I am not a military expert—that General Dugan and George Kenney, the former State Department desk officer for Yugoslavia, were recommending back 6 weeks or so ago in the New York Times, where they talked about military actions that would convey very clearly in Serbia itself and elsewhere that the game is over now.

It seems to me that while you may want to build such an initiative around moving humanitarian supplies, you want the message to go all the way back home. And that may mean in this case in Serbia itself, that the game is over. And there may need to be a very clear indication that if this convoy doesn't go through, then a military action is going to happen back there.

Mr. WOLF. When we were there on Labor Day, in Belgrade, the gas lines were very, very long. Today I was told that the gas lines are almost nonexistent. When we drove down to Macedonia and into Kosovo, we saw more trucks coming in and coming out, that the supplies—so apparently the embargo is being violated as much as anything.

And I believe I could get—I forget who said it, but I think history will really judge the West very, very harshly. I remember hearing or reading all the stories about why we didn't act during the time of Nazi Germany. And I think that in five to ten years from now historians will wonder why did the West not act. And quite frankly, I don't believe that the Congress really covered itself with glory last year, and I think here is an opportunity.

I personally do not favor putting American troops on the ground in Bosnia. But short of that, I think we really have to act, because every day women and children are being killed. And I guess if this guy or these people get away with it, then what is going to take place in perhaps Soviet Armenia, or Moldavia, or Soviet Georgia, or where does it end? We really don't know.

I appreciate your testimony. Thank you. And I thank the Chair.

Co-Chairman DECONCINI. Thank you. Representative McCloskey.

Mr. McCLOSKEY. Thank you very much again, Senator. Two or three questions, perhaps. But first I want to say I am really so in awe by the stark eloquence of all our panelists today, with everything they have said that in some ways there is little to be said.

But particularly as to the comments of Ms. O'Neill and Mr. Winter, I guess you would not purport to military expertise. But I for one quite seriously would feel a little better, though my hopes are high, if you were on the National Security Council, if we could arrange that.

In all seriousness, and maybe it is too obvious a question, but I think the policy actions that the Clinton administration could take now could be worked out within a matter of days, at the most. But a day, three hours is so much to a family, a father looking over a family with the children starving. Or if you are in a concentration camp, five minutes is an eternity, a lifetime.

Would one of you perhaps—I don't know, with the medical background—talk about even what one week could mean to the nutrition of children affected there right now?

Mr. WINTER. I don't have a medical background. I can tell you I have personally been involved in at least a dozen or 15 civil war situations and seen civilians at the worst end of the continuum. And I have equally seen how quickly those who aren't so far gone that they will definitely expire can recuperate. You can turn around some of these things very quickly if you provide the right inputs. But all of those inputs take a coherent security situation.

Ms. O'NEILL. And to follow up on what Roger Winter said, this is the most urgent time, because the World Health Organization told us that the children would die from winter-related diseases. This is the dead of winter. This is the most crucial time to act, to get relief in and to get some fuel in and to get some plastic sheeting in, to provide shelter, because it is the winter and it is diseases of the winter that will kill those babies.

Mr. McCLOSKEY. Thank you. And one other aspect for which I particularly want to thank Mr. Winter is the stated concern of refugees.

When Senator DeConcini and I visited Macedonia and Croatia, I think we were very well briefed and saw firsthand both the personal, on the ground, and if you will, official implications for the refugees in both Macedonia—and you mentioned Macedonia, Mr. Winter—and Croatia.

But particularly, no one has stressed the plight of Macedonia right now. But basically they are shut down to the point economically they are almost one big concentration camp among their entire civilian populace.

And I honestly believe, Senator, to the best of our knowledge, the hotel we were in four or five weeks ago, which may be the only heated building or one of the very few heated buildings in the entire society, the Bosnian refugees in the camps there at Skopje—in effect, many of them had been there months with snow on the ground and did not have shoes.

When we talked to—and obviously the expense of any refugee on that society right now is massive and they have these recognition problems and other problems, to say the least, with Greece. And we get very solid reports, if you will, that the White Eagles and the chetniks are building up in Macedonia. So they are in a grim situation in their own right and need more help if they are going to be encouraged to take any refugees.

Mr. Tudjman, in particular, was very eloquent about the fact that the refugee costs are 20 percent of their monthly budget. In effect, they are printing the money and destroying the Croatian economy to maintain refugees. They said they would be more than willing to take a lot more from Bosnia if the West responded.

I might say when the Senator and I were at—I believe it was at Karlovac, with refugees coming in within the previous 24 hours from—I believe it was Omarska, if I am saying the name of that detention center, if you will. The simple fact was that at that time, after I had been on the record and various American official sources were on the record that we should be taking Bosnian and other refugees, the A.I.D. officials—and maybe Mr. Kunder can comment on this—on the ground there at that point, about five weeks ago, said, you know how many Bosnian refugees the United States had taken at that point, zero.

Mr. WINTER. It is still that way.

Mr. McCLOSKEY. We had made a commitment to take somewhere between 1,000 and 2,000, Steny, whatever it was. I haven't gone over this in recent weeks. But we had made the commitment but the relief officials on the ground said it was zero, not one.

And what happened is we made the commitment but we are going to investigate and bureaucratize this process, have detailed clearance, where at least some of the other European nations involved were taking them instantaneously on the basis of words.

So I think what Mr. Winter has said, Mr. Chairman, is very, very important as far as an entire, if you will, refugee relief package and a congressional thrust on this, which can be worked out hopefully expeditiously and very positively. But that whole refugee situation only threatens to get worse.

Co-Chairman DECONCINI. Representative Fish.

Mr. FISH. Thank you. And I would like to thank the Co-Chairs for their courtesy in allowing me to be part of this important hearing today.

Mr. Winter, with your long background that I am very familiar with, I think it would be helpful while we have you here if we buttoned up for the record some of the legal authority that is necessary for implementing some of the suggestions you have made.

For example, the United Nations Security Council declaring a safe haven zone for areas in Bosnia. What would be the authority of the Security Council to do that?

Mr. WINTER. It is my belief that in declaring a safe haven zones in Bosnia, the U.N. Security Council would find total cooperation from the government of Bosnia, so that it could in fact be a collaborative effort. The government of Bosnia is a legal government, is recognized by the United Nations. It may in some sense of the word have some authority of its own to declare such a safe haven. But it doesn't have the wherewithal to provide for it.

In combination, it seems to me the Security Council and the government of Bosnia have all the legal authority they need.

Mr. FISH. And with the examples that we already have, particularly in Somalia, of the use of military force for humanitarian purposes, I would imagine that the multilateral ground forces used to ensure the delivery of humanitarian assistance to the safe haven zones could then be really a fairly limited operation and you get away from the argument that we are talking about hundreds and hundreds of thousands of troops to restore order there.

You are talking about much more incisive companion efforts that are directed at what Ms. O'Neill said was the immediate need for food and shelter and humanitarian assistance.

Now let's turn to your other suggestion with respect to the United States making available 25,000 resettlement admissions.

Now as you and I know, the Refugee Act of 1980 defines what a refugee is. And as of the first of the fiscal year, October 1, after consultation involving Members of Congress and the administration, we settled on a figure. But the act does provide for review and emergency considerations during the course of the fiscal year.

Could you walk us through that, as to what would be required to make the case, please?

Mr. WINTER. Yes. First of all, for those who are not as familiar with the Refugee Act as I know you are, Mr. Fish, the act requires consultation between the Congress and the Executive Branch.

A proposal would be received from the Executive Branch for the numbers, explaining the reasons why those numbers are necessary. The actual decision as to the numbers is also an Executive Branch decision, after receiving the comments of the House and Senate Judiciary Committees.

I would personally like to see the initiative come from the administration. But we have a new administration that is not fully in place right now.

I would love to see this Congress ask the administration to come to the Congress, the requisite committees, and make such a request, thereby providing the Executive perhaps the political security that they need to do that.

As you know, there are ceilings established at the beginning of the year and there are appropriations issues that are involved with supporting refugee admissions.

My organization takes the position that we are dealing with emergencies when we are dealing with refugees and we ought to give priority to those that are in the maximally vulnerable circumstances.

Priority in this case seems to me to be very justifiably accorded to Bosnians who are in need of resettlement spaces. And it may mean that we have to do some reprogramming of other existing numbers to try to get something like this resettlement of Bosnians off the ground quickly, reprogramming of numbers, reprogramming of resources within the appropriations that we currently have.

Ultimately, if in fact somebody wiser than I determines, there may need then to be a supplemental appropriation. But that is a little bit down the road. It seems to me the commitment needs to be made first, so that this show can get on the road.

Mr. FISH. These refugees, how are they defined? Do they have to be of special humanitarian concern?

Mr. WINTER. Yes.

Mr. FISH. And what about the international definition of refugee being somebody outside his or her own country? Is that going to present a problem here?

Mr. WINTER. It is my understanding from our people on the ground and others outside our own organization that there are more than an adequate number of excellent candidates, given the kind of vulnerability criteria I have suggested, to be accommodated.

We don't have to get into the situation of taking people from within Bosnia itself. There are people already in contiguous countries that are part of the build-up in those contiguous countries that prevent new people from getting there.

However, as you know, Mr. Fish, under the act, notwithstanding the international definition, the United States can resettle people who are currently in Bosnia, Bosnians who are currently in Bosnia, if we choose to do that. There is a B provision of the law that permits that kind of thing, which is why and how we take people from within the former Soviet Union to the United States, or from

within Vietnam to the United States, even though they are still within their home country.

So when all is said and done, those things, it seems to me, don't need to be an impediment. The mechanisms are in the law. The law is a very good law. It is made to be flexible because it is made to deal with emergency circumstances. We ought to take advantage of its flexibility.

Mr. FISH. Thank you very much, Mr. Winter. Thank you, Mr. Chairman.

Co-Chairman DECONCINI. Thank you. We will proceed now with questions of other witnesses. I do have one question. I have a number of questions but time is running out.

I would like to address my question to Mr. Winter. Recently, Representative McCloskey and myself were in Macedonia, as he pointed out. We went to refugee camps. And as he demonstrated a few minutes ago, it was very severe. There is an embargo from Greece to the south and the country is hurting very badly.

I would like to know your opinion, if you think it would help the stability of the area if Macedonia was recognized?

It seemed to me that Macedonia could barely meet its own obligations for its own needs and really was pressed, hard pressed for international assistance, and recognition would help. But I don't want to put words in your mouth.

To prevent the spillover which is happening there or at least to cope with it, it seems to me that more international aid might be forthcoming in Macedonia if in fact they were recognized by the United Nations and certainly by the United States and other Western countries. Could you comment?

Mr. WINTER. I can begin by suggesting this is definitely outside my competence. However, it seems to me that there is a point beyond which issues of protocol and politics become so detrimental that we need to talk about new approaches.

It doesn't serve anybody that I respect or any government, such as the government of Greece, which I respect, well to impede the stability of Macedonia and to impede the delivery of relief supplies to people who are already there, to in effect facilitate the spread of this horrible conflict to a broader region.

It is beyond my competence to talk about recognition and the role that it can play. Let me say this. We pay our officials and the people of Greece pay their officials to work these kinds of things out. It seems to me that we have gotten ourselves in a situation where the people who are truly in the middle are the small people who have already been victimized by this holocaust that is occurring inside Bosnia and elsewhere in Yugoslavia, and somehow the politicians have to come together and work this out. I don't know how to do it. It is beyond me.

But if the war spreads in that direction, this stand-off that we have gone through for months and months isn't going to have served anybody very well.

Co-Chairman DECONCINI. Thank you, Mr. Winter.

Representative Hoyer.

Chairman HOYER. Thank you very much. I want to echo the comments of other members. I think this has been an excellent panel.

I would point out that this will be a series of hearings in the short term, because we believe there is only a short term, at least in terms of the humanitarian relief and the stopping of the violence and the loss of life that is ongoing.

Mr. Winter, you mentioned that you had been involved in a number of civil wars. And while I understand that all of you are not experts in a broad field, you are experts in dealing with these situations where human life is placed at risk.

This is, of course, only in one sense a civil war. These are nations recognized by other nations and by international organizations, including the United Nations, that are being transgressed in violation of international law. To that extent it is not a civil war and we undermine the rights of the Bosnians and the Croats to perceive it as such.

Unfortunately, Macedonia is not—we have not moved as properly, I think, in the case of Macedonia.

Kosovo is more difficult, perhaps. But as one who has visited Kosovo, we are going to have to move in that area as well in terms of addressing what exists there.

In any event, one of the things that this administration will be confronting is sort of the feeling that moving there will cost us more and result in less. You were a little more charitable, Mr. Winter, to the United States than you were to our European friends when you referred to them as morally spineless. I thought, frankly, we need not wait for history for that pretty stern judgment.

You all have indicated the critical nature of the situation on the ground now, not at some time in the future but now.

As it relates to some of the other conflicts with which your organizations may be dealing in the world, do you believe, as the administration has indicated in terms of the priority they place on it, that this conflict currently cries out most for action?

Because, of course, one of the things that we argue is, if you do for A then what do you do with B, and then what do you do with C, and then what do you do with D, and then what ends up is you do nothing for anybody because of the so-called, I suppose, domino effect.

But I would like your analysis on that from each one of you, because each of you is expert in that analysis, looking at problems that human beings are having irrespective of race or nationality, on the ground in various places.

Not necessarily you, Mr. Stover. You may be somewhat different in that regard.

I am interested in your observations because we are going to have to make it very clear to our citizens, the administration, to the members of Congress, that this is a critical situation that cries out for action now.

Ms. O'NEILL. Congressman Hoyer, I concur. And as I said in my testimony, we need to militarily secure the humanitarian relief convoys now and save hundreds of thousands of lives now in Bosnia.

But I hesitate to indicate that countries in Africa are less important. I had the opportunity to testify in September in support of militarily securing the humanitarian relief convoys in Somalia. I

was glad that some eight weeks later the administration came to that same decision.

I feel that there must be ways in this new world in which we find ourselves to enter into a situation with a limited goal in mind, without necessarily feeling that we have to commit 500,000 troops and billions of dollars to it.

And in Bosnia we haven't done anything, as all of this panel has agreed, to try to really get relief through. Making serious attempts to get relief through to former Yugoslavia and providing some safe havens should not mean that we have to push other humanitarian concerns off the chart.

Chairman HOYER. I appreciate that answer. I hope my question did not imply that I thought that that was the inevitable result.

Mr. KUNDER. I would argue that if there was ever an area in which the application of formulas is extraordinarily difficult, it is in this area, that each of these circumstances with large scale loss of life—in southern Sudan, thousands of people are probably dying this week in southern Sudan, Liberia, Angola, where the fighting has broken out again after the elections.

I would argue that each case has to be judged on its own merits, that among the criteria we should look at are the level of human suffering, the ability to have an effective response, the ability of relief agencies to do their jobs on the ground, and a critical factor, the need to move forward on the humanitarian and political fronts simultaneously.

Our troops in Somalia have done an absolutely magnificent job in their peacemaking role. The convoys are moving now. The death rates are dropping. And yet, we all recognize that the transition to the U.N. follow-on activity is going to be difficult. And without a long-term political reconciliation in the country, we face the possibility that the investment will have saved lives but not solved the problem in the long run.

So I would argue that there is virtually no way to do it on a formula basis. But if the question is the threshold, the level of human suffering, I consider this, as I said, the worst humanitarian crisis in Europe since World War II and certainly one of the worst in the world. I think it, by any standard, rates international intervention.

Mr. WINTER. I would say I agree with Mr. Kunder's package fully. If I had to pick them, Bosnia and Somalia, Sudan and Liberia, the four worst in the world.

Mr. STOVER. I would just add, I think there is a factor which is, when you look at Bosnia, how many times are convoys being attacked? And when you look at other situations, what is the possibility of getting that relief in?

These attacks on convoys have to be understood as war crimes. That is the important thing. It is not just rape, torture and extrajudicial executions. It is the fact that food is being denied to people. And it is in the conventions, the Geneva Conventions, that prohibit starvation, which can come through disease and—starvation, disease and exposure. So that is one of the crucial factors.

Chairman HOYER. Mr. Stover, thank you. And I want to thank all four of you for that answer, which I am going to work up and we are going to get to our members. I thought all of you answered that question very well.

Mr. Stover, one question I wanted to ask you, which is unrelated to the broader picture, and perhaps is the lawyer in me coming out.

As you pursue the forensic part of your endeavors to determine how things have happened and to reconstruct them, and to try to secure evidence for some subsequent tribunal to consider, are you getting evidence from victims that is, in effect, eyewitness testimony? I am not asking you to identify anybody or even groups. But are you getting evidence which we could represent to the conveners of a tribunal, presumably the United Nations, that would lead to prosecution of individuals?

Clearly, with some of the big names, the problem you have is relating perpetration and the culpability. But are we getting people who say, I knew X in my neighbor town and he raped a neighbor? Are we getting that kind of evidence?

I realize this is not specifically your task. But as you do the forensic work, I am wondering if you get some tangential evidence.

Mr. STOVER. Well, I think it is important for the U.N. and for human rights organizations who are working, who go there to collect evidence, that it should be systematic. One should always be thinking in the future there may be a trial and you need to have evidence that is admissible.

There are three types of evidence. There is testimonial evidence, which can come from witnesses. There is documentational evidence, which could be orders. It could be radio broadcasts. It could be videotape. We have videotape. And thirdly, you have physical evidence, and that is the actual bodies that can be identified, and so on. And we are collecting all three areas.

There are named perpetrators. The Vukovar grave, those names are known. There is evidence. Testimony statements have been taken.

In the area, for example, of rape, it is going to be important—and I know this may sound somewhat clinical, in a sense. But when interviews are taken, we have a four member female team of doctors who just returned. They were using questionnaires, standardized questionnaires, in order to ask these women if they can remember the conversations that were going on, the names of people, where it took place, what uniforms they were wearing.

This sort of detail is important because it may have to be admissible in a trial if you are going to have individual criminality.

There also—and I think this is important and was stated somewhat earlier. These women who are coming forward, it is very difficult for them to relate a lot of what has happened because of their ethnic background. There must be a willingness, if we are going to collect this evidence, to take it to legal proceedings.

And there is also—the team that we have just had in is also using a questionnaire to try and assess what is the psychiatric sequelae, what are the problems they are suffering, so that they then could meet with relief organizations to help develop programs to help these women cope.

So I think what we need to see from the War Crimes Commission in the future is some standardized information collecting procedures.

Chairman HOYER. Thank you.



Mr. KUNDER. Could I just add to that, if I may, Mr. Chairman?

Co-Chairman DECONCINI. Excuse me, Mr. Smith. Let me just intervene. I did want to ask Ms. O'Neill just one question. And maybe you could supply this to us, if it takes very long.

I understand you have some ideas about providing counseling and rehabilitation to rape victims. If you could share that with us just in a quick answer, and then any details I would sure like to have also particularly for the record.

Ms. O'NEILL. We are very strongly supportive of providing services where those women can be reached. We recognize that they cannot, after going through the trauma that they have suffered as rape victims or as people who have watched their families be butchered, just go on with their lives and raise their children and provide the nurturing that those children need.

And so we have developed proposals to support trauma hostels for women who are victims of rape and violence, and for other women who are particularly needy of some support. For instance, women who are giving birth and will have to go back with their newborn babies and lay on a mattress in a room with 150 other people need temporary quarters.

Co-Chairman DECONCINI. And where would those be located?

Ms. O'NEILL. Well, clearly they can be set up in parts of Croatia, with the cooperation of the Croatian government and some adequate financing.

But again, if we have some safe havens and some areas within Bosnia that we can secure, we can reach those people within Bosnia as well.

Co-Chairman DECONCINI. Thank you.

Ms. O'NEILL. Thank you for asking, Senator.

Mr. KUNDER. Mr. Chairman, if I could just for a second. We have used foreign disaster assistance funds appropriated by the Congress in the past for this kind of counseling for traumatized war victims, children, rape victims, and so forth.

We are in active discussion with several prominent U.S. private voluntary organizations who have approached us about such assistance, and we are inclined to look very favorably on it.

Co-Chairman DECONCINI. Have you had success or do you have any reports or records that demonstrate how many you have handled and what has happened?

Mr. KUNDER. Yes, sir. In fact, many of the reports are testimonies to the resilience of the human spirit.

Co-Chairman DECONCINI. Thank you. Representative Smith.

Mr. SMITH. Ms. O'Neill, earlier you described how this ethnic cleansing is effectuated. If you are here next week, this same atrocity will occur.

Should various organizations committed to this, including Mr. Stover's, identify potential whistle-blowers, those defectors from the Serbian militia or army? We know there are some, who might be helpful in turning over state's evidence to implicate the higher ups—this is a policy, it is not just happening sporadically but is coming down the chain of command. We must ensure that the main perpetrators, not just the rapists but those who are part of that chain of command, will likewise be brought to justice.

Ms. O'NEILL. That is an excellent point. John Burns, in his stunning series of articles from Sarajevo, has interviewed a Serbian soldier who described support for rapes he committed from his superiors. It definitely should be part and parcel of the Human Rights Commission's activity to find out everything they can about the chain of command. That is a really important point.

Mr. SMITH. Thank you.

Mr. STOVER. Agreed. I think it is also—one has to look at this, when we talk about war crimes, we are not talking about sporadic events. We are talking about systematic events that have taken place over time. And when you look at the law, it is very clear. It is not just the individual perpetrators. It is also those who ordered or failed to control.

And I don't know exactly what the War Crimes Commission has in terms of names and so on, but I know that that is a top priority.

Mr. SMITH. Thank you.

Co-Chairman DECONCINI. Representative McCloskey.

Mr. McCLOSKEY. Thank you, Senator. I might say that I find it very difficult to be a voice in the Congress, however many of us there are, recommending a policy that likely would result in the United States and the European Community being at war. And given even what I think is a likely necessary recommendation, obviously there is going to be tragedy and evil, if you will, coming out of that recommendation. But I think things are truly at a limit as far as basic human justice and the needs of humanity, which you people have spoken to better than me.

Perhaps to Mr. Winter, and anyone else who wants to try it, what would you say, Mr. Winter, to the effect of arming the Bosnians and the Croats in Bosnia and doing some of these selective air strikes, say a point to Mr. Miletovic for openers, the bridges—they don't have to have anybody on them at the time—over the Drina and the Danube at Belgrade? Is this the way to go?

Brits, for example, talk about their U.N. forces on the ground. And I might say I am in awe of all the workers who are there on a day-to-day basis around the clock, with the physical and psychological stress and real danger they are undergoing.

Could you comment on what I am talking about here, Mr. Winter?

Mr. WINTER. Within limits. I rapidly get beyond what I can deal with effectively.

What is happening is a crime. It takes policing. It takes confronting the crime and confronting the criminal. That may involve military action.

It seems to me that in this case what is needed is not a mass infusion of men and material on the ground, but at least to start with that very clear, forceful, and if necessary, harsh and brutal signal that this is step one and if behavior doesn't change, there is more to follow. And that, it seems to me, takes the wisdom of military people far beyond my capacity. I don't know how, I don't know where. But the signal has to be unmistakable that you have gone so far beyond what we can tolerate.

And unless that indignation comes through so that there is almost the sense of retribution that comes through, the morality of

the world being outraged comes through, then it seems to me any step that doesn't do that is not enough.

Ms. O'NEILL. And I would agree with Roger Winter, that it should be a strong U.N. action.

I have some personal concern that by arming the Bosnian Muslims, at this point—that we will just perpetuate the tragedy and the suffering and the loss of lives among the women and children who live in that country. We haven't yet tried the route that Mr. Winter has just described, indicates we are serious as an international community.

I am concerned that the other choice is to just arm the Bosnians and say, well, let them all fight and get the international community off the hook. And at this moment—I think Senator DeConcini may disagree with me—but I feel that we have not, as an international community shown we are serious at all with enforcing no-fly, getting relief in, and securing relief routes.

Co-Chairman DECONCINI. Quite frankly, I agree with that. It has been something that Congressman Hoyer and I and the Commission have tried our best to get more emphasis on. I am amazed that the outrage isn't greater within our own country, not just that the administration has some second thoughts or some ambivalence or what have you. But the cautiousness within the Congress surprised me. Some of the greatest proponents of force in the Persian Gulf now are restrained. And I don't know how else to generate outrage except through the awful exposure of what is coming out here. It just amazes me that it was relatively easy to mobilize in this country the use of massive forces in the Persian Gulf.

I am not suggesting that we have to do that now, but to be prepared to take a military strike to enforce the no-fly zone and mean it. Or we might as well pack up.

Chairman HOYER. Mr. Chairman, if I may.

Ms. O'Neill, I agree with you. But it seems to me that Mr. Winter sort of said we have the three options and we are not letting them exercise any of those options.

One option is defending yourself. I mean, I need your help and if you are not going to help me, okay, but don't stop me from helping myself.

I agree with you, that is not in arming camps, as we do, particularly the Western world does, nine of the ten largest arms suppliers are CSCE signatory states. Only China is a large enough arms supplier to be in the top 10 that is not a CSCE signatory.

I introduced an amendment to Dante Fascell's bill about two years ago seeking to get CSCE to look more closely at arms proliferation.

But it seems to me you cannot place the Bosnians in an absolute no win situation, that we will stop you from defending themselves because of our inability, spineless or otherwise, to come to their aid, that they will not be able to help themselves, and not only that, they can't get out of harm's way.

But I think you are right, that escalating the confrontation inevitably means exposing more and more innocents to the risks inherent and that is not good policy. I agree.

Co-Chairman DECONCINI. I want to thank the witnesses for their very, very insightful and very profound statements here. Some of

them—Mr. Stover, your explanation of the slides and the details, and Mr. Winter and Ms. O'Neill, the description of what is happening there—is just repulsive. And we want to thank you very much, Mr. Kunder, for your testimony today.

The Commission will stand in recess, subject to the call of the Chair.

[Whereupon, at 4:29 p.m., the Commission was adjourned, subject to the call of the Chair.]

## A P P E N D I X

**REMARKS BY SENATOR DENNIS DeCONCINI**  
**Co-Chairman**  
**Commission on Security and Cooperation in Europe**  
*Hearing on War Crimes and Related Issues in the Former Yugoslavia*  
*Monday, 25 January 1993*

As Co-Chairman of the Helsinki Commission and one who has followed developments in the former Yugoslavia closely, I thank Chairman Hoyer for convening this hearing devoted to the human dimension of the war in Bosnia-Herzegovina. I am grateful to the expert witnesses who will address various aspects of this human tragedy based on their personal observations and experiences.

I travelled to Macedonia and Croatia recently and met with refugees from Bosnia-Herzegovina, including recently released detainees. Their stories document systematic and premeditated war crimes perpetrated against innocent civilians, including children. Listen to the personal accounts of men and women who have been victimized during the course of the war there and you quickly recognize the haunting patterns of genocide.

We have heard and continue to hear the reports of willful killings, rape, forced impregnation, "ethnic cleansing", torture and other heinous crimes -- war crimes and crimes against humanity.

The bold cries "never again" made in the past have today muted a policy of appeasement which has become grotesque in its hypocrisy. Nobel laureate Elie Wiesel, himself a camp survivor, has said "Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented." He continued "Wherever men or women are persecuted because of their race, religion, or political views, that place must -- at the moment -- become the center of the universe."

Our failure to act upon our words and commitments equals the type of neutrality which, Wiesel reminds us, helps the oppressors. For our statements betray how much we do know. We cannot claim ignorance. We cannot take refuge behind pleas of ignorance this time.

The world community has looked for every excuse not to act decisively. It has engaged in an endless series of talks which we all pray will bring peace but which we know in our hearts are only helping the aggressor unless and until we back our negotiating rhetoric up with force instead of more meaningless words.

On Thursday Chairman Hoyer and I introduced resolutions calling for decisive action by the United States to address the urgent humanitarian and security concerns in Bosnia-Herzegovina. We, for our part, will work to ensure that these concerns are not ignored, not the least of which is to ensure that those who are guilty of war crimes and crimes against humanity are held accountable by an international criminal tribunal.

Thank you. Mr. Chairman

REMARKS BY REPRESENTATIVE STENY H. HOYER  
Co-Chairman  
Commission on Security and Cooperation in Europe  
*Hearing on War Crimes and Related Issues in the Former Yugoslavia*  
*Monday, 25 January 1993*

As many of you know, members of the Helsinki Commission have been closely following events in Yugoslavia for a long time: we have had numerous congressional and staff delegations to the region over the past several years, we have issued extensive reports on developments there, and we periodically communicate our concerns and views to the administration. Most recently, our Chairman, Senator DeConcini, along with Representative Frank McCloskey, visited Croatia and Macedonia in November, and Commission staff observed the Serbian elections in December. Representatives Chris Smith and Frank Wolf have visited these republics as well.

I especially want to take this opportunity to commend our Chairman, who has been a leading voice in the U.S. Congress on the issues surrounding the on-going human rights violations in the former Yugoslavia. He has been relentless in pursuing possible avenues of action and in committing his time and energy in visiting the region.

The conflict in Bosnia-Herzegovina is a particularly brutal one because it is largely being waged against non-combatants. Each day, we see vivid images of civilians dodging sniper fire in order to cut down trees to heat their homes; we witness the murders of elderly people searching for water to drink and bread to eat; and we hear testimony regarding the mass rape of women and children, a practice intended to physically and mentally scar and humiliate a society. All these acts are part of the systemic policy of "ethnic cleansing" -- a policy based on racism and designed to commit genocide against a people. If we fail to come to terms with these issues in Bosnia-Herzegovina today, we will have to deal with them tomorrow in Kosovo or other regions within the CSCE community.

To address the escalating atrocities in this region, the growing threat of regional instability, and long-term implications of American inaction, I -- along with the ranking Commission House-side Minority Member, Chris Smith -- have introduced a resolution, a companion to the Senate resolution introduced by Senators DeConcini and D'Amato, which addresses the ongoing brutality in Bosnia. It is a call to action based, in large part, upon elements of resolutions already adopted by the United Nations Security Council -- resolutions which, regrettably, have been neither fully implemented nor enforced.

Among other things, this resolution urges our government to take a leading role in seeking the immediate lifting of the international arms embargo as it applies to Bosnia-Herzegovina in keeping with that country's right to self-defense as provided for under article 51 of the Charter of the United Nations; to seek the enforcement of the existing U.N. no-fly zone through the use of a multinational coalition; to ensure that irregular forces in Bosnia-

Herzegovina either withdraw, or be subject to the authority of the government of Bosnia-Herzegovina, or be disbanded and disarmed with their weapons placed under effective international monitoring.

In addition, this resolution calls upon the United States to seek an increase in the number of refugees from Bosnia-Herzegovina permitted to enter the U.S. and to urge our European allies to do the same, and to work to ensure that those responsible for war crimes in this conflict are held accountable by an international criminal tribunal.

I believe that we can not remain on the sidelines while brutality of such unspeakable proportions ravages a people in our own backyard. We speak of forming the political and institutional framework for a new world order -- yet the events in Bosnia-Herzegovina suggest that the worst of the old order has been replaced by demagogues and megalomaniacs liberated by the end of the cold war. If we permit these people to prevail, the new era will be shaped by the voices of violence and vengeance and not by the principles of democracy and accountability.

This hearing constitutes part of our on-going effort to receive up-to-the-minute information about an extremely dynamic situation, and to assist our efforts to try to formulate appropriate responses to those events by the U.S. Government. We are grateful to have with us today an impressive panel of experts who will help us with that process. We would also commend the non-governmental community in particular, who have worked tirelessly and often at great personal risk to ensure that these critical issues receive the attention they deserve.

ALFONSE M. D'AMATO  
NEW YORK

**United States Senate**  
WASHINGTON, DC 20510-3202

**Statement of Senator Alfonse M. D'Amato  
Helsinki Commission Hearing on the Former Yugoslavia  
January 25, 1993**

I would like to thank Senator DeConcini and Representative Hoyer for convening this important hearing on War Crimes in the former Yugoslavia. It is vital that this issue, as well as the humanitarian aspect of the conflict be examined.

Not since the Holocaust has the world seen the savagery now taking place in the Balkans. Concentration Camps, mass rapes, forcible expulsions, and deliberate attacks on non-combatants as well as the diversion of humanitarian aid shipments, have been the Serbian program -- the program of Europe's "new Hitler", Slobodan Milosevic. Milosevic and his Bosnian Serb gauleiters have made a mockery of international law and all norms of civility. As former Secretary of State Lawrence Eagleburger has declared, these men should be brought before an international tribunal and tried for crimes against humanity.

Since April 1992, Serbia has waged a war of annihilation against Bosnia. Before that, it attacked Croatia. Now, menacingly it threatens Kosova.

Worse yet, the current peace talks in Geneva have only served to buy time for the Serbs, to consolidate their position, and ultimately to legalize Serbia's conquests. These negotiations are no more than a replay of Munich, with Cyrus Vance cast in the role of Neville Chamberlain. Just as



Czechoslovakia was sold down the drain, Bosnia will also be sacrificed to appease the unquenchable appetite of the bloody aggressor, Milosevic. History has proven that a dictator's appetite is never fulfilled. Force, not appeasement, will stop Milosevic.

The Serbs must not be allowed to take their killing machine on the road south into Kosova. Serbia threateningly hovers over Kosova, to make good on its claim of absolute sovereignty over the land -- a land that is not theirs. Their acts of harassment, arbitrary arrest, and job dismissals are unjustified acts of occupation. As bad as they are, however, ethnic cleansing in Kosova would be totally impermissible and could lead to an expanded war, perhaps dragging Albania, Greece, Turkey, and Bulgaria into the conflict.

Serbian actions have been abominable. While on a Congressional Delegation tour of Yugoslavia, I and a number of my colleagues witnessed just how brutal the Serbs can be. From our balcony, we watched as the Serbian police gassed and beat several Albanians that had gathered for a protest in the public square in Pristina, Kosova.

I have also talked at length with a young constituent of mine after I worked to gain his freedom from four long months of Serbian detention. The frightening stories that he told only reinforce the stories of the Serbian forces' absolute disregard

reinforce the stories of the Serbian forces' absolute disregard for human life.

This hearing will shed light on the atrocities the Serbians have committed against its neighbors and bring a greater public awareness to the extent of Serbia's crimes against humanity.

Thank you Mr. Chairman.

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

STATEMENT OF THE

HONORABLE GEORGE MILLER AND THE HONORABLE NANCY PELOSI

BEFORE THE

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Monday, January 25, 1993

Chairman Hoyer and Chairman DeConcini, Members of the Commission, thank you for holding this important hearing on war crimes and thank you for the opportunity to present testimony today on mass rape in Bosnia and on H. Res 32 now before the House of Representatives.

Credible reports show that rape has been committed by all sides in the conflict in the former Republic of Yugoslavia. Virtually all reports, however, indicate that rape has been used as a systematic, deliberate weapon of war against women, primarily Muslim women, by the Bosnian Serb forces. Due to the nature of the crime, precise numbers of victims is difficult to collect.

The purpose of this testimony and of the resolution that we have introduced with over 90 cosponsors in the House, is to clearly state that rape is an unacceptable and illegal means of warfare. It is not an incidental or concomitant element of war but rather rape as a means of warfare is a war crime and a crime against humanity. The United States should do everything in its power to see that those responsible for committing this crime are prosecuted in an international war crimes tribunal established by the United Nations for this conflict.

Our testimony and our resolution are in no way intended to diminish the significance of the many other horrific atrocities that are taking place during this war. Nor do we seek for any political purposes to identify the Bosnian Serbs as the most egregious perpetrators of mass rape. The information that has come from investigators, however, indicates that they are the primary violators.

Under the Geneva Conventions, women and children are afforded special protections. In particular, article 27 of the 3rd Geneva Convention of 1949 protects women against "any attack on their honor, in particular against rape, enforced prostitution, or any form of indecent assault..." Under the

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Nuremberg Charter, "crimes against humanity" include "inhumane acts."

Surely rape is an inhumane act. Surely the detention of women and girls of all ages for the express purpose of repeatedly raping them and forcing them to become pregnant with their enemy's children is inhumane.

Rape, however, was not one of the crimes prosecuted at Nuremberg. With limited exceptions, the body of humanitarian law and the field of human rights has inadequately addressed the issue of rape. We expect that 20th Century civilization, in its attitudes and in its administration of law, has advanced enough in the last 50 years that rape will now have its proper place in international war crimes trials and among international governing bodies.

The resolution we have introduced, H.Res 32<sup>4</sup>, and which Sen. Lautenberg is introducing in the Senate, is intended to heighten the sensitivities of all people about the real damage caused by rape. It is intended to give some measure of hope to a hopeless people. It is also intended to send a clear message to soldiers and their superiors around the world that rape is a violation for which they will be punished.

It is also intended to draw to the attention of those providing humanitarian assistance to victims of this conflict that rape victims need special care. The United States and other countries should allocate funds to train relief workers in the medical and psychological symptoms of rape and in the medical and psychological treatment of rape victims. At this very moment there are women and girls pregnant or delivering unwanted babies. The trauma and devastation from the violence and the resulting pregnancy cannot be imagined.

Though rape is listed in the Geneva Conventions, it is not clearly identified by world governing bodies as a violent, deliberate crime. If nothing else, the war in Bosnia should help to clearly identify rape in war as a deliberate and devastating violent weapon. War colleges throughout the world should teach the illegality of rape as a means of warfare. The atrocities in Bosnia have ruined some peoples lives forever. We must take this as an opportunity to prevent the use of rape in future wars.

Thank you again for including our testimony in this very important hearing.

**STATEMENT OF REPRESENTATIVE EDWARD J. MARKEY**

Commission on Security and Cooperation in Europe  
*Hearing on War Crimes and Related Issues in the Former Yugoslavia*  
Monday, January 25, 1993

The world community has been deeply disturbed by the tremendous suffering and destruction occurring in the former Yugoslavia. There have been widespread reports of massive human rights abuses in violation of the most basic standards of humane conduct and international law, including the Helsinki Final Act of the Conference on Security and Cooperation in Europe.

Most upsetting are the numerous reports that a large part of these offenses are being committed against non-combatants, especially women. Reports of heinous violations against women, including detention for the purpose of rape, appear in many instances to have been carried out in an organized or systematic manner. Because of the shame and social stigma involved, it is very difficult to assess the full extent of the sexual abuses to which women have been subjected. Worse still, there is little evidence that effective measures have been taken to punish those responsible. Such a situation suggests that higher ranking military officers may actually be condoning this type of behavior.

The United States is fundamentally committed to the principle of national self-determination. Unfortunately, in the former Yugoslavia the ideals of nationalism have been used as a reason to scorn fundamental civil and human rights. This has especially been illustrated by the practice of "ethnic cleansing."

Human suffering in the former Yugoslavia has reached unconscionable levels. Acts of diplomacy, while essential, have proved insufficient. We must continue to insist in the strongest of terms that all parties to the conflict reach an acceptable and peaceful settlement. And it is time for the United States to make these negotiations more legitimate by working to enforce the United Nations resolutions it has already endorsed.

*Edward J. Markey*