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Human Rights in Yugoslavia

Testimony of Jeri Laber, Helsinki Watch

Before the Senate Foreign Relations  
Subcommittee on European Affairs

Thursday, February 21, 1991

Thank you, Chairman Biden, for holding this important hearing and for inviting me to testify. My name is Jeri Laber, and I am the executive director of Helsinki Watch, a human rights monitoring organization associated with Human Rights Watch. We appreciate your attention to the growing human rights crisis in Yugoslavia, and your commitment to human rights generally.

Helsinki Watch has a number of concerns with regard to human rights in Yugoslavia. We are especially concerned about the situation of Albanians in the Kosovo province of Serbia, in particular, the arrests of ethnic Albanians in Kosovo and their mistreatment while in detention, the use of excessive force by Serbian police units in confronting ethnic Albanian demonstrators (with more than 50 people killed in 1990 alone), the closing of Albanian newspapers and

radios, and the general discrimination and marginalization of the ethnic Albanian population. We also have concerns about the excessive use of force by Croatian authorities in quashing unrest among the Serb minority in Croatia.

Background to the Present Situation: The 1989 revolutions in Eastern Europe had an effect on Yugoslavia, but efforts to reform and eliminate the apparatus of the one-party state have been mixed with and, in many respects, overtaken by ethnic struggles within Yugoslavia's six republics that threaten the unity of the Yugoslav federation. Helsinki Watch takes no position on whether Yugoslavia should or should not stay together as a country, whether as a federation, a confederation, or under still other political arrangements. Our concern is that the human rights of each individual be respected, regardless of the political system.

There have been calls in recent months from center-right governments in Slovenia and Croatia for Yugoslavia to become a loose confederation of individual states. If a confederation proves impossible, the governments of Slovenia and Croatia speak of outright secession from federal Yugoslavia.

On the other hand, the government of Serbia, strengthened by contested multiparty elections in December 1990 which affirmed the nationalist leadership of Slobodan Milosevic, has opposed moves either to create a confederation or to allow secession by Croatia and Slovenia. It has instead propagated calls to maintain a single Yugoslavia, while calling for greater Serbian influence

in Yugoslavia. Serbia's leading politicians have said that any breakup of the Yugoslav federation will have to be accompanied by a redrawing of internal republic borders within Yugoslavia, by force if necessary, in order to take account of Serbian minorities living in Croatia, Bosnia-Herzegovina and elsewhere. The Slovenes, and especially the Croats, are vehemently opposed to the redrawing of internal republic borders.

The federal government of Prime Minister Ante Markovic increasingly appears to lack authority in both the economic and political spheres. The Slovenian and Croatian governments advocate rapid free-market economic reform. The Serbian government, in which the Socialist (formerly Communist) Party holds a majority, is more cautious in calling for a quick transition to a free market. The Serbian government has imposed tariffs and duties on goods shipped from Croatia and Slovenia, and Croatia and Slovenia have done the same. It is becoming increasingly difficult for Prime Minister Markovic to implement successfully any economic reforms on a national level.

A few weeks ago, the Yugoslav army announced that it would move to disarm the police and militia of Slovenia and Croatia. The situation was particularly tense in Croatia, where both the Croatian police force and the Yugoslav army were placed on high alert and the prospect of a civil war was imminent. At the last minute, tensions between the Croats and the Yugoslav army were diffused. This "truce," however, has been short-lived; Yugoslav President Borisav Jovic, who is commander-in-chief of the armed

forces, has again warned the Croatian government to disarm its militia and police forces or face army intervention. In the interim, round-table discussions between the respective republican leaders have reached a stalemate and there is a real possibility that military force will be used to solve the country's political problems in the near future.

From September 29 to October 6, 1990, a colleague and I visited Yugoslavia to investigate the human rights situations in Croatia, Kosovo and Macedonia. Our conclusion was that Yugoslavia's human rights situation appears to be getting worse as inter-ethnic intolerance on all sides affects respect for human rights throughout the country.

The Situation in Kosovo: Treatment by the Serbian government of ethnic Albanians in the province of Kosovo constitutes one of the most severe situations of human rights abuse in Europe today. Ethnic Albanians in Kosovo are being arrested, beaten and in some instances tortured in prison, and subjected to mass firings from their jobs solely on account of ethnicity. Serbian police units have repeatedly used excessive force in confronting ethnic Albanian demonstrations, killing more than fifty people in 1990 alone.

Security forces of the Serbian government have attacked ethnic Albanian villages. The Serbian government has suspended the Kosovo parliament and other institutions of government in which ethnic Albanians participated, shut down for extended periods of time the main ethnic Albanian daily paper, Rilindia,

and taken all Albanian language programming off Kosovo television and radio. It has embarked on a program to disenfranchise and marginalize the ethnic Albanian population in ways constituting racism, impermissible ethnic discrimination and a grave violation of the rights of ethnic Albanians to free expression and equal political participation.

The Serbian government has therefore undertaken an ambitious program to resettle Serbs in Kosovo in order, in effect, to retake the province. This resettlement is being accomplished by a racist policy of displacing ethnic Albanians from government, schools, and workplaces. The policy has led to severe violations of human rights and the imposition of a military occupation on the civilian population.

In the past, Helsinki Watch reports have found much to criticize regarding the treatment of both Serbs and Albanians by earlier governments in Kosovo, including governments composed predominantly of ethnic Albanians. We found some basis for the view that repression by the Serbian government against ethnic Albanians, who comprise some 90 percent of the province's population, was at least partly an attempt, albeit abusively carried out, to protect the Serbian minority in the province, rather than simply an attempt to subjugate ethnic Albanian identity. Serbian and other minorities had suffered abuse in earlier years. Now, however, there is no justification for any claim that the Serbian government's intervention in Kosovo aims more than marginally to protect the Serb minority.

Nor does the Serbian government seriously make such a claim. Its assertion of power over Kosovo province is, as Slobodan Milosevic has stated in his speeches, a matter of Serbian pride of control over Kosovo as the ancient birthplace of Serbian culture.

During our visit to Kosovo in October 1990, we investigated reports of an attack on the ethnic Albanian village of Polat, which is reached by a dirt road some kilometers beyond the town of Podujevo in Kosovo province. In the predawn hours of September 13, 1990, the village was reportedly surrounded by several dozen Serbian police vehicles, including what appear from eyewitness accounts to be armored personnel vehicles and small tanks with mounted weapons. The village was assaulted by gunfire and two young men were killed. Police forces sprayed indiscriminate automatic weapons fire at houses in the village, penetrating the windows and walls of some buildings. Thirty-three villagers from seven families were rounded up, taken to a police station, held for several days and severely beaten and tortured.

Although the government described the action at Polat as the killing of two "terrorists," our investigation did not yield any evidence that would support this account. On the basis of available evidence, it appears more likely that the assault on Polat was an attempt to intimidate the ethnic Albanian rural population. A Western diplomat informed us that similar attacks on other villages appear to have occurred at the same general time.

The timing of the police assault, at dawn on September 13, does not appear to have been coincidental. On September 14, members of the banned Kosovo parliament, dissolved by the government of Serbia a few months before, met secretly to declare Kosovo an independent republic within the Yugoslav federation and no longer a province of Serbia. Such a position was absolutely unacceptable to the Serbian government, which moved to arrest various ethnic Albanian ex-parliamentarians, many of whom fled to safety in Croatia or Slovenia. Helsinki Watch takes no position on the political status of Kosovo. Our concern is that the human rights of all individuals, of whatever ethnic group, be respected in Kosovo.

Helsinki Watch has called for a full-scale investigation of the events in Polat and punishment for the perpetrators. We have called for investigations in other villages where similar atrocities may have occurred. We ask the U.S. government to bring pressure upon the Serbian government to prevent such abuses from continuing.

The Situation in Croatia: In Croatia, we investigated the conflict between the Croatian government and the Serbian minority in that republic. The election in Croatia on April 22-23, 1990, of a nationalist Croatian president, Franjo Tudjman, raised great fears among the Serbian minority living within Croatia. The Serbian minority bears strong memories of atrocities committed against it by the Fascist Croatian regime during World War II. The Serbian minority generally refused to participate in the

Croatian elections or else aligned itself with parties in Serbia calling for either the maintenance of a strong federal Yugoslavia which, in its view, would better protect its minority status in Croatia or else the outright annexation of its villages into Serbia.

Following the official Croatian elections, the Serbian minority set up barricades along roads and railways in Croatia, in their view, to prevent Croatian authorities from entering Serbian-populated villages and towns. In September 1990, the Serbian minority organized its own unofficial referendum on its minority status, posing the question of whether there should be Serbian autonomy within Croatia. The new Croatian government characterized the referendum as illegal but it retreated from its threat to stifle the referendum by force. Instead, it merely called the referendum unofficial and therefore without legal significance. The referendum went forward among the Serbian population during August and September 1990, with the unsurprising result that the Serbian minority declared its autonomy within Croatia. The result has increased tension between Croatia and Serbia over the status of the Serbian minority in Croatia.

In late September a new crisis developed involving an attempt by the Croatian government to collect weapons from reserve caches in police stations throughout the republic. We visited the site of demonstrations against the weapons collection in the town of Petrinja, observed a protest meeting organized by



Serbian political parties in the Serbian village of Glina, and visited a Serbian village, Dvor na Uni, that was, in effect, under occupation by Croatian government militia forces. We took testimony from individuals at these locations and, in addition, met with Croatian intellectuals and politicians in Zagreb and with the Roman Catholic Cardinal of Croatia.

It appears that sometime around September 29 or 30, 1990, the Croatian government began to carry out plans to retrieve weapons cached in local police stations. The weapons had long been kept in these locations as part of a defense reserve and militia program, but, as tensions increased over the question of Serbian autonomy within Croatia, the Croatian government apparently decided that the availability of these weapons posed a possible threat to public order. This decision was also likely influenced by the fact that most policemen in Croatia are Serbs and that Serbs continued to block roads and impede railway transportation in and around the town of Knin since late August.

The Croatian government's decision to collect the reserve weapons apparently became known to the residents of Serbian towns and villages in Croatia, and, in some cases, the residents seized the weapons before the government forces arrived. Serbs apparently believed that the current arms seizures would put them at the mercy of the Croatian government, a fear that was compounded by the fact that the arms seizures initially were carried out by special Croat-only police units, apparently hastily assembled and trained, and mainly in villages and towns

that were predominately Serbian. When special Croatian government forces (composed of Croat nationals, not Serbs) arrived, generally late at night, in various towns to pick up the rifles and other munitions, they were met by Serbian demonstrators. The government forces arrested many of the demonstrators and used tear gas and other forms of intimidation to disperse them.

Helsinki Watch does not dispute the authority of the duly constituted Croatian government, in the interest of public safety, to require that private arms be turned in or to collect reserve militia arms, and to use appropriate steps, under rule of law, to enforce such orders. However, Helsinki Watch believes that excessive force was used by Croatian police in some Serbian-populated villages. There is reason to believe that the intent was to intimidate the Serbian population as well as to bring about compliance with otherwise lawful orders to collect arms.

Other Human Rights Concerns: Helsinki Watch is concerned about the treatment of asylum seekers and refugees in Yugoslavia. On February 11, 1991, Helsinki Watch sent a letter to President Jovic protesting the forcible return of Albanian escapees to the Albanian government, which has reportedly imprisoned returned escapees for up to three years. Helsinki Watch expressed its concern that Yugoslavia is forcibly repatriating Albanian escapees before they have been interviewed by representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR).

Yugoslavia also has a record of expelling international

human rights monitors. The Serbian government, in particular, has treated international human rights monitors with hostility, especially those who have gone to Kosovo to investigate charges of human rights abuse. For example, on September 4, 1990, four members of a delegation of the International Helsinki Federation (IHF) were detained overnight in Kosovo by Serbian secret police. They were interrogated at length by Serbian police, and one member of the delegation, an Austrian citizen of Albanian descent, was threatened with imprisonment. The delegation's notes and papers were seized by police and the members were told to leave Yugoslavia within twenty-four hours. Passports of the delegation's members were stamped indicating persona non grata status for a period of three years.

Diplomatic protests as well as nongovernmental protests to the Yugoslavia government were appropriately harsh. Nevertheless, the Yugoslav government took days even to acknowledge that the expulsion had taken place. Subsequently, revealing the increasing weakness of the Yugoslav federal government in relation to the Serbian republic government, the federal government took the view that the expulsion order could be revoked only by a competent court in the republic of Serbia. After a month of negotiation, the expulsion order and persona non grata stamps were finally expunged. The IHF sent a delegation back to Kosovo in November 1990.

The IHF expulsion was not an isolated incident. In July 1990, another human rights activist, Ms. Eva Brantley, was

detained in Kosovo and expelled from Yugoslavia. And in October 1990, notwithstanding previous apologies of the Yugoslav government for the IHF expulsion, Mr. Bjorn Funnemark of the Norwegian Helsinki Committee, an affiliate of IHF, was similarly detained in Kosovo. In these actions, the government of Serbia has blatantly defied international human rights standards.

U.S. Policy: During the Cold War, U.S. and Western European policy toward Yugoslavia was based on the goal of keeping it independent of the Warsaw Pact. As part of this policy, Western governments avoided criticizing Yugoslavia's human rights practices. Their aim was to keep Yugoslavia stable and thus invulnerable to Soviet pressure. With the end of the Cold War, and the growing recognition that no foreign influence may suffice to hold Yugoslavia together in its current form, such attitudes are changing.

As noted previously, Helsinki Watch takes no position on whether Yugoslavia ought to remain a single federal country, a confederation, or break up entirely. Its only concern is that the human rights of all individuals, including members of minority groups, are respected throughout the territory. Accordingly, it urges that economic sanctions be imposed by foreign governments to persuade Yugoslavia and its internal republics to comply with international human rights standards.

In point of fact, the European Community is by far the most important trading partner and economic actor with respect to Yugoslavia, both now and in the foreseeable future. As a

consequence, the European Community and its members have the greatest ability to pressure Yugoslavia to improve its human rights record.

The United States also has some leverage. On November 5, President Bush signed into law the legislation which appropriates foreign assistance for fiscal year 1991. It included a provision (which takes effect six months after enactment, or in May 1991) which bars bilateral assistance to Yugoslavia and also requires U.S. representatives to international financial institutions to oppose loans to Yugoslavia unless all six of the individual republics of the Federal Republic of Yugoslavia have held free and fair multiparty elections and are not engaged in a pattern of gross violations of human rights. (Humanitarian assistance is exempted from this provision.) The law permits the President to waive the provisions if Yugoslavia is found to be making "significant strides toward complying with the obligations of the Helsinki Accords and is encouraging any Republic which has not held free and fair elections to do so." Now that multiparty elections have been held in all the republics there is reason to fear that the provision may be deemed satisfied despite the ongoing abuses that are taking place in Kosovo. Helsinki Watch would oppose such a move until gross abuses in Kosovo are curbed, and calls upon the Bush Administration to use the period between now and the May deadline to inform the Yugoslav authorities of the seriousness of its concern about abuses, particularly in Kosovo. The Bush Administration should insist that the Yugoslav

government permit access to all areas of the country to human rights monitors, end its practices of arbitrary detention, torture, and mistreatment of ethnic Albanians in Kosovo, and prosecute security force officials who engage in improper use of deadly force in dealing with crowds in Kosovo and elsewhere.

Yugoslavia stands to receive considerable assistance from international financial institutions. Section 701 of the International Financial Institutions Act requires the US to oppose such loans to any country engaged in a consistent pattern of gross violations of internationally recognized human rights. Again, Helsinki Watch urges the U.S. to oppose such loans because of the violations of human rights in Kosovo.

Various members of Congress, some acting in response to ethnic constituencies in their home districts, have taken an interest in Yugoslavia and brought considerable publicity to human rights issues, particularly in Kosovo.<sup>1</sup> The US ambassador to Yugoslavia, Warren Zimmermann, has also scrupulously attacked violations of human rights by all perpetrators. Ambassador Zimmermann has not hesitated publicly to criticize and denounce violations; members of his staff have actively sought out information on abuses and brought them before government authorities. The record of the U.S. embassy in this regard has been exemplary, especially as the crisis in Kosovo deepened.

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<sup>1</sup> For example, public statements by Senator Dole while he and other members of a US Congressional delegation were in Kosovo in September received wide press attention in Yugoslavia and elsewhere. See Reuters, September 7, 1990.

Nevertheless, as a matter of policy, Ambassador Zimmermann and the U.S. State Department do not support the suspension of U.S. bilateral and/or multilateral economic assistance. The State Department makes the traditional argument that a stable, unified Yugoslavia is important to U.S. security interests. In addition, an argument has been made against economic sanctions on human rights grounds. Economic sanctions against Yugoslavia, it is said, particularly if imposed in a way that undermines the Yugoslav federal government, will inevitably tend to drive Yugoslavia to break up, with human rights virtually guaranteed to suffer. Conversely, it is argued, strengthening the Yugoslav federal government, while publicly denouncing the abuses engaged in by its constituent republics, aims at the best human rights outcome. Helsinki Watch recognizes the strengths and good intentions of this argument.

Nonetheless, Helsinki Watch does not endorse this position. As a human rights monitoring group, we do not take positions on which political arrangements within Yugoslavia or which political strategies may or may not ultimately serve to protect human rights. Rather, Helsinki Watch believes that the United States should distance itself from abusive governments and express its disapproval by ending most forms of economic support, as provided by U.S. human rights law. Section 116 of the Foreign Assistance Act provides that governments engaged in a consistent pattern of gross violations of human rights should be given no economic assistance except that which benefits the poor, or meets basic

human needs. Such gross abuses -- including torture and arbitrary killings -- are being committed in the province of Kosovo because of the policies of the Serbian government. Because the federal government in Belgrade continues to be, formally at least, the government of all Yugoslavia, it must under U.S. law be held responsible for human rights abuses that occur in Kosovo.

Helsinki Watch also takes the position that sanctions should be directed not only at the government formally responsible for preventing abuse, but also at any abusing agencies, such as abusive security forces or abusive local governments. If, in fact, the federal government of Yugoslavia lacks control over the security forces of its various republics, as more and more appears to be the case, then it becomes increasingly important that to the extent possible economic sanctions be applied directly against the republic governments engaged in abuse, as would be possible in the case of development aid or loans that might bypass the central government.

Helsinki Watch thus urges that economic sanctions be used against the federal government of Yugoslavia and, when possible, against the government of the republic of Serbia which is involved in egregious human rights abuses in the province of Kosovo. (For example, Helsinki Watch would not oppose targeted assistance programs in republics which do not have serious human rights problems, where the local government or private organizations administer the aid, as opposed to the federal government of Yugoslavia.) We also urge that the situation in



other republics of Yugoslavia be carefully monitored, especially in Croatia where there is a potentially explosive human rights situation, and that economic sanctions be applied in the future to any Yugoslav republic engaged in egregious human rights abuses.

Thank you again for this opportunity to appear before you.