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CSCE HEARING



COMMISSION ON SECURITY AND COOPERATION IN EUROPE

b-2-36

COMMISSION ON
SECURITY AND COOPERATION IN EUROPE

237 FORD HOUSE OFFICE BUILDING
WASHINGTON, DC 20515

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**PROSECUTING WAR CRIMES IN THE FORMER YUGOSLAVIA:
AN UPDATE
3 March 1994**

This memorandum is part of a continuing series of reports prepared by the staff of the Helsinki Commission on the conflict in the former Yugoslavia. An update on efforts to prosecute war crimes follows; for additional information on this or other aspects of the crisis, please contact the Commission staff at (202) 225-1901.

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The International Criminal Tribunal for the Former Yugoslavia has had a difficult start. First, in 1992, numerous countries declined to support such a tribunal, either preferring a permanent court to an ad hoc one, or preferring no tribunal at all. When the Security Council finally adopted the Tribunal's statute in May 1993, the selection of Judges dragged on for months. Then, nominations for a Chief Prosecutor deadlocked twice before agreement could be reached between the Security Council and the Secretary-General.

On 17 November 1993, the International Tribunal for the former Yugoslavia convened its inaugural two-week meeting in The Hague. As a first order of business, the Judges elected Antonio Cassese of Italy as its first president and Elizabeth Odio Benito of Costa Rica as its vice-president. It also decided on the composition of two trial chambers, each of which are made up of three judges, and its appeals chamber, which is made up of five judges. Judge Cassese was also elected president of the appeals chamber. Gabrielle Kirk McDonald of the United States was elected president of one trial chamber; Adolphus Godwin Karibi-Whyte of Nigeria was elected as president of the other. (Other judges come from Canada, Egypt, China, France, Malaysia, Australia, and Pakistan; none of the judges is a Moslem.)

Most recently, the resignation in early February of the Tribunal's Chief Prosecutor, Ramon Escovar Salom of Venezuela, has been a serious blow to the work of the Tribunal. On February 8, however, the Secretary-General of the United Nations appointed Graham Blewitt to serve as Acting Deputy Prosecutor until a new Chief Prosecutor can be selected. Blewitt comes to the UN from his position as Director of the Australian War Crimes Prosecution unit; he has the authority to proceed with indictments and trials. The work of the previously established UN Commission of Experts (also known as the war crimes commission, currently headed by M. Cherif Bassiouni) will be folded into the work of the Chief Prosecutor's office by April.

In other ways, the Tribunal has made slow but measured progress since its Judges were sworn in. On February 11, President Cassese announced that the Judges had completed preparation of a draft set of rules of evidence and procedure. According to Cassese, the draft provides that the court's procedures will be largely adversarial in nature, rather than the inquisitorial approach generally followed in continental Europe; immunity will not be granted as a form of plea bargaining, although cooperation with the court may be considered at sentencing; methods are envisioned for protecting witnesses, including through the establishment of a special "victims unit" within the office of the prosecutor; and the Court will receive *amicus curiae* briefs from interested parties (such as states or non-governmental organizations) on request.

Among the most contentious issues considered by the Judges so far was whether or not to provide for trials in absentia in the draft rules. After considerable debate, the Judges decided against this. Instead, in the absence of the subject of an indictment, the indictment may be reconfirmed by a Trial Chamber of the Tribunal in conjunction with consideration of all supporting evidence in open session.

Significantly, the German and Danish governments both made arrests in February of persons suspected of committing war crimes, crimes against humanity, or genocide in the former Yugoslavia. In both cases, the alleged criminals had gain entry as refugees. It is expected that Germany and Denmark will initiate trials of the two suspects, unless they are ordered to transfer proceedings to the Tribunal. (Both countries will probably need to pass implementing legislation in order to create the necessary legal foundations for surrender.)

The International Criminal Tribunal for the Former Yugoslavia is located at Agan Building, Churchhillplein 1, 2517 JW The Hague, Netherlands. The Tribunal has scheduled its 1994 sessions for January 17 - February 11, April 25 - July 29 and September 19 - November 4.

COMMISSION ON
SECURITY AND COOPERATION IN EUROPE

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WAR CRIMES, CRIMES AGAINST HUMANITY AND GENOCIDE:

General Background

3 March 1994

This memorandum is part of a continuing series of reports prepared by the staff of the Helsinki Commission on the conflict in the former Yugoslavia. General background on war crimes, crimes against humanity, and genocide follows; for additional information on this or other aspects of the crisis, please contact the Commission staff at (202) 225-1901.

* * * * *

Origin¹

The "law of war," also known as "international humanitarian law" or the "law of armed conflict" is a branch of international law. In contrast to international human rights law, which applies during peace time and may be derogated during states of emergencies or war,² humanitarian law applies during international armed conflict and, under some circumstances, in internal armed conflict. It is designed to regulate hostilities in order to attenuate their hardships. Its origins can be traced backed to the desire to protect doctors and nurses from capture, a practice that had often led to the abandonment of wounded on the battlefield. In the second half of the nineteenth century, these developing humanitarian norms began to be codified in international treaties.

Sources

Customary International Law and "Known Law"

Customary international law consists of the norms and standards that have evolved through state practice (although it is not binding on countries which have stood as "persistent objectors" to the evolving norm in question). Some fundamental humanitarian principles may even rise to the level of *jus cogens* ("known law"), which binds even states that have never evinced any express consent to be bound, including newly independent states.³

¹Material on the origin and sources and basic principles of international humanitarian law is drawn from Jean Pictet, *DEVELOPMENT AND PRINCIPLES OF INTERNATIONAL HUMANITARIAN LAW*, 1985. Pictet was a member of the International Committee of the Red Cross, the authoritative body tasked with interpreting and monitoring implementation of the Geneva Conventions and their Protocols.

²Significantly, some provisions of international human rights law, such as the prohibitions against torture and slavery, are non-derogable under any circumstances.

³Article 53 of the 1969 Vienna Convention on the Law of Treaties defines *jus cogens* as "a peremptory norm" . . . "from which no derogation is permitted." Article 60 (5) further suggests in that "provisions relating to the protection of the human person contained in treaties of a humanitarian character" posses such a

Very few norms fall into the latter category; a few have been identified by the International Court of Justice.⁴ But no iteration on war crimes has received greater prominence or authority than that of the post-World War II Nuremberg trials. Those trials identified the acts for which individuals would be held accountable to the international community; they established that some crimes are of such tremendous magnitude that individuals -- even Heads of State or Government -- must be held directly and personally responsible for them; and they resolved that the cloak of national sovereignty could not shield the perpetrators of such crimes from justice.

The London Declaration,⁵ which established the mandate for the post-World War II war crimes tribunals, determined that three crimes would fall within its reach: first *crimes against peace*, including the planning, preparation, initiation of a war of aggression; second, *war crimes*, including the murder of prisoners of war and innocent hostages, plunder of property, and the wanton destruction of cities, towns and villages; and finally, *crimes against humanity*, including the murder or other inhumane acts committed against any civilian population, before or during the war, or persecutions on political, racial or religious grounds in execution of or in connection with crimes against peace or war crimes.

Generally, the distinction between genocide and crimes against humanity may be described as this: genocide requires an intent to destroy a specific group whereas crimes against humanity, while directed against a specific group, do not require such intent. They differ from war crimes in that they are offenses whether committed during international or internal armed conflict.

Positive International Law

Positive international law consists of legal standards that have been agreed and set forth in treaty (convention) form. Perhaps the best known of such sources of humanitarian law today are the four 1949 Geneva Conventions and their two 1977 Protocols (amendments), totaling more than three hundred pages of text.⁶ Their primary function is to safeguard military personnel placed *hors de combat* (e.g., prisoners of war, wounded soldiers, surrendering soldiers) and persons not taking part in hostilities (e.g., civilians,

peremptory character.

⁴Barcelona Traction, Light and Power Co., Ltd (Belgium v. Spain) International Court of Justice, 1970 I.J.C. Rep.3.

⁵Agreement between the United Kingdom, the United States, France, and the Soviet Union, signed on August 8, 1945.

⁶The United States has ratified all four Conventions. Although both Protocols were signed by President Carter in 1977, the Reagan and Bush administrations viewed Protocol I as fundamentally flawed because it adopted what it perceives as objectionable provisions on wars of liberation (i.e., arguably protects terrorists at the expense of humanitarian concerns) and did not proceed with its ratification. Protocol II was submitted to the Senate in 1987; it remains there pending the Senate's advice and consent.

medical personnel). These treaties give to the Geneva-based International Committee of the Red Cross, an independent non-governmental humanitarian organization, the authority to undertake neutral monitoring and investigation of the application of the Conventions.

The 1948 Convention on the Prevention and Punishment of the Crime of Genocide⁷ -- drafted in response to the horror of the Holocaust -- defines genocide as the intentional destruction of any national, ethnical, racial, or religious group, in whole or in part, by killing its members, causing serious physical or mental harm, imposing measures intended to prevent births, or transferring children from one group to another. This treaty does *not* require that every single member of a protected group be killed in order to rise to the level of genocide, and it *does* obligate states party to the convention (including the United States) to try to prevent *potential* genocides.

The Genocide Convention provides that disputes relating to the interpretation, application or fulfillment of the present Convention will be submitted to the International Court of Justice. However, many analysts believe that the required showing of *specific intent* on the part of the alleged state-violator is such a difficult standard to meet that, barring evidence of written plan -- as was the case with the Nazi's "Final Solution" -- prosecution under this convention would be extremely difficult. In contrast, the Geneva conventions only require a showing that their commitments were violated, regardless of the intent of the perpetrators.

Additional treaties, from the 1899 Hague Conventions to modern arms control agreements, determine the rights and duties of belligerent parties in the conduct of operations and limit the choice of the means of doing harm. Such treaties elaborate the fundamental principle that the right of the parties to a conflict to choose methods or means of warfare is not unlimited. These laws are designed to prohibit needlessly cruel weapons, such as projectiles whose fragments in the human body cannot be detected by x-rays, as well as to limit indiscriminate weapons and the methods of total warfare.

⁷The United States signed this treaty in 1948 but failed to ratify it and pass necessary implementing legislation until 1988.

**SOME COMMENTS
ON THE OPERATION OF
THE CSCE MISSIONS OF LONG DURATION
TO KOSOVO, SANDZAK AND VOJVODINA
BY
AMBASSADOR TORE BØGH
HEAD OF MISSIONS**

September 1993

INTRODUCTION

The purpose of this paper is to offer some personal comments on certain aspects of the CSCE Missions operation from September 1992 to July 1993. It is still too early to make a complete evaluation of the Missions. Much depends on further developments in the areas, and certainly also on the Geneva peace talks.

I take this opportunity to thank CSCE governments for their help and support during the period of our activities in the FRY (Serbia and Montenegro). I also wish to thank the Mission members who served in the operation for their efforts and for their ready acceptance of a difficult challenge. - Let me add that the logistics support rendered by the CSCE Conflict Prevention Centre throughout the period was invaluable.

THE POLITICAL ENVIRONMENT

In the summer of 1992 the war in ex-Yugoslavia had lasted one year. Peace efforts had failed, especially with respect to Bosnia-Herzegovina. A sense of frustration was building up in capitals and in multilateral organizations, and the urge to do something in relation to areas still unaffected by the war became dominant.

Parallel with this international mood there was a strong need for the Serbian political leadership to improve its image, badly tattered by Serbia's role in the Yugoslav disaster. This led to the choice of Milan Panić as Prime Minister in the new Federal Republic of Yugoslavia. However, the move turned out to be a source of extra worries for Serbian president Milosevic.

There can be little doubt that the Missions were accepted - and allowed to operate as they did - because of Mr. Panic. The federal ministers chosen in the summer and early autumn of 1992 were competent and professional people, determined to help him establish a real democracy in the FRY.

The Missions were caught in the crossfire of the political election campaign leading up to December 1992. The extreme nationalists, but also the Serbian Socialist Party, launched strong attacks on the Panić government for allowing "foreign missions with dubious intentions" to operate in the territory of the FRY. One argument frequently used was that the Missions were termed Missions "to Kosovo, Sandzak and Vojvodina" and not to the FRY, which indicated that "the CSCE tried to encourage secessionism". There was also constant sniping at the Missions for setting up field offices "without proper legal procedure".

The Missions could not become involved in the confrontation between the federal and the Serbian governments. However, CSCE did have a role to play to promote democratic elections. Informally, therefore, the Missions encouraged the ethnic political groupings to participate in the process, however imperfect the elections might be. The Muslim party in Sandzak for a time was prepared to go to the polls. But there was dithering, and a few weeks prior to election date the party backed down. Muslim party leaders

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- or some of them - were later to regret this decision. The Albanian parties in Kosovo also stayed away, fearing that participation might jeopardize their position of non-recognition of the Serbian state. While it is possible to have understanding for the refusal of the two major non-Serb ethnic groupings in Serbia to boycott the elections, their decision is illustrative of the absence of democratic tradition in the region, for that matter in ex-Yugoslavia as a whole. Centuries of totalitarianism favour ethnic apartheid rather than the emergence of democracy when the old order collapses.

The Missions operated in an odd situation: There was a basically negative attitude on the part of the government of the dominant republic of the federation and of the dominant political parties. At the same time there was a positive and helpful attitude on the part of the federal government, formally the regime responsible for foreign and defence policies.

When the Panic government was defeated at the elections it was only a matter of time before the CSCE missions would be treated the way the Serbian leadership had wanted all along; that is, they should be denied continued operation. The attempt to use a prolongation of their stay as leverage for the federation to gain respectability and readmission to the CSCE, was doomed to fail given the general attitude of CSCE participating states towards Serbia.

The work of the Missions should be viewed against this background.

Another factor which strongly influenced the day to day operations was the prevalent war psychosis. While the rivalry between the two governments in Belgrade was unexpected at the time of the adoption of the CSCE decision on the establishment of the Missions, the war atmosphere and interethnic hatred had to be reckoned with, as in similar international mediation efforts. It meant that appeals to reason were bound to have only limited effect. It also meant that work had to be carried out in an environment of propaganda, lies and intergroup accusations. It was never a problem for one side in the ethnic conflicts to present evidence of disinformation by the other side. The Missions were often criticised by authorities or ethnic communities for not accepting one particular version of an incident. Gradually, however, our reticence in giving support to allegations which could not be verified, paid off. We managed to be recognized as unbiased mediators and our reports came to be considered as the best available source of information in a complicated setting.

On the whole it may be said that the balanced approach of the Missions towards the issues and the incidents, in other words, our attempts at being mediators rather than prosecutors or judges, became the guiding principle for our operation.

The terms of reference adopted by the Committee of Senior Officials (CSO) of the CSCE on 14 August, 1992, set out certain specific tasks ("promote dialogue..., collect information relevant to violations of human rights..., establish contact points"). However, the overriding concern of CSCE participating states was clearly to prevent ethnic-related bloodshed in Rest-

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Yugoslavia. The way I interpreted the CSO decisions, taken as a whole, was that we should seek by whatever means available to us to prevent the eruption of armed conflict. The 13th CSO Meeting 8 July 1992, in dealing with the issue in its Decision, point 7, refers to the role that "further CSCE missions, of either short or long duration, might play in promoting peace, averting violence and restoring respect for human rights and fundamental freedoms in Kosovo, Vojvodina and Sandzak and in support of the efforts of the EC Peace Conference."

Efforts to contribute to negotiated solutions to specific problems and to bring parties together were pursued, but were necessarily subordinate to the main goal, i.e., to forestall the eruption of violence.

Some of the problems encountered during our stay were more related to the general deterioration of the economy than to ethnic conflict as such. The extremely high unemployment rate, for example, affected all groups. Other problems were brought on by the traditional inadequacy of mechanisms for citizens anywhere in the FRY to challenge the decisions of the authorities. Both sets of problems could obviously work to the particular disadvantage of ethnic minorities, and they were frequently cited by these groups as examples of discriminatory practices.

The war situation and the partial collapse of law and order, together with the existence of armed groups accountable to no authority, added to the kaleidoscopic environment in which the Missions operated.

ORGANIZATIONAL ISSUES

Personnel.

The Memorandum of Understanding specified (Article III): "The number of mission members will initially not exceed 20. Allowance should be made for additional members as needed."

The last sentence, a little vague for the sake of compromise, might have justified an enlargement up to, say, 25 members. However, a substantial increase would clearly have necessitated the explicit consent of the host government.

There was considerable pressure from CSCE participating governments to go much beyond the initial figure, and the CSCE Council of Ministers passed a declaration at the Stockholm meeting in December 1992 urging "a substantial increase". As it happened, CSCE governments were unable to follow up their intentions through secondment of new members to the Missions.

Besides, after the FRY government in March 1993 introduced visa requirement for citizens of most CSCE states, the Belgrade authorities could in fact control the number of mission members down to the last man. - At no time did the total number exceed twenty.

It is open to question whether a substantially more numerous team could have performed better, given the environment in which we operated. Personally I think not. The Missions might even have provoked more hostility in circles opposed to their presence and hence found their task more difficult to accomplish.

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I recognize the publicity aspect of being able to refer to a large and growing number of CSCE mission members in the areas. I am also aware that regional ethnic groups for their own political reasons favoured an increased international presence. But such objectives were incompatible with the formal agreement concluded with the authorities in control of the territory. Therefore, rather than relying on large numbers, the Missions depended on the qualities of individual members.

The task was of a strictly civilian character. Our presence could never have a restraining effect through any "massive build-up". Under no circumstances could we have covered and investigated all the incidents reported to us, regardless of our numerical strength. Still, we were reasonably well informed, thanks to our many contacts with both authorities and ethnic groups. It was perhaps one of our advantages that a limited number of well qualified CSCE representatives were known to the persons in key positions whom we were dealing with.

There is another aspect to this:

For a mission with a sensitive task in a difficult region it is best not to be encumbered with too many self-administrative problems. Such problems tend to increase proportionally to the square of the number of personnel. With the six field missions and the Belgrade centre the ideal strength would probably have been around 25.

The importance to the missions of smooth and easy cooperation with the CPC in Vienna can hardly be overestimated. We had excellent backing from the Centre.

In this context it should be noted that word processors and the latest in modern communication equipment are essential for mission operations of this kind. Ideally, mission members should be familiar with such equipment. MODEM systems rather than telefax should be used for transmission of reports.

Local staff.

Because of the collapse of the economy and the generally high level of education in the FRY it turned out to be fairly easy to recruit well qualified local staff. The handling of documents presented no problem in this connection since most reports were given such wide distribution anyway. The Missions employed local staff with different ethnic background. It is important that such staffers should not suffer any harassment after the departure of the Missions. Their contribution to the work of the Missions was of great value, and the CSCE should make a point of maintaining contact with them.

REPORTING AND MEDIATION

In the Missions' terms of reference little was said about reporting, an activity which turned out to be of fundamental importance, and then not only because it served to keep the CSCE bodies in the picture. The biweekly reports, apart from supplying information on ethnic-related

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occurrences in the three areas, contained assessments of the various allegations - and countercharges - and thus, one must assume, had a stabilizing effect in the regions. We knew that the reports somehow reached both the authorities and the ethnic communities shortly after they had been circulated to CSCE governments. Although in principle intended as Mission briefing of the parent organization, the reports acquired a much wider circulation and thus became an instrument in the Missions' attempt at easing tension. It was realized at an early stage that rhetoric, always present in ethnic conflict, could itself set off a serious escalation.

It was an arduous task to try to balance between the need to report promptly on the events and to ensure that objectivity was observed. The Missions could never pretend to compete with the media. On the other hand, their comments, albeit at times incomplete, obtained credibility despite the fact that they often ran counter to the political interests of the parties.

The sheer availability of the Missions, their willingness to listen to grievances and to offer advice, undoubtedly had a psychological effect. The advice was not necessarily heeded, but it made the parties aware that there could be an alternative approach to a solution of their problems.

A feature of the present situation in ex-Yugoslavia is the obsession of most people with their own ethnicity. This acts as a barrier against any other political philosophy. 45 years of a communist ideology which served mainly as a subterfuge for the maintenance of a ruling class, did little to reduce nationalist tensions. It may take years before the peoples of the region will think in terms of interethnic cooperation and joint efforts.

The confrontation in Kosovo continues to present an immense challenge. Police brutality does not appear to have abated and killings take place. While the Missions obtained a satisfactory working relationship with the political administration of the province, it remained an obstacle throughout the period that the police forces were instructed not to cooperate. Local police chiefs, possibly with the blessing of Belgrade, seemed to act very much on their own.

But there are some encouraging signs. By the time the Missions had to leave a dialogue was under way with Mission encouragement between leading members of the Sandzak Muslim party (SDA) and the Serb authorities.

LOOKING AHEAD

There is definitely a need for continued CSCE presence in, and reporting from, the three regions. The ethnic communities should feel that they still have someone to turn to with their fears and grievances.

The CSCE can now only act through the embassies of their participating states. Coordinated efforts in this direction are already being made. It will necessarily involve an increase in Belgrade embassy personnel.

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The FRY has statutory provisions about the freedom of the media. Still, the level of information is low and the government is in control of the two TV channels which have the possibility to beam all over the federation. The CSCE would be well in line with the Helsinki documents if it supported attempts to bring objective and fair information to the peoples of FRY.

At an opportune moment it might be considered to invite ethnic leaders to meet with representatives of the Belgrade government - and/or the Montenegrin government - somewhere outside FRY. Or they could be invited separately, as a start. It will be a long haul, but such a process towards negotiated solutions, especially with respect to Kosovo, has to begin some time.

Professor Tibor Varady

**VOJVODINA - THE PREDICAMENT OF MINORITIES
AND POSSIBLE SOLUTIONS**

(Paper submitted to the Helsinki Commission
in connection with the hearing on ~~April 27~~, 1994)
May 5,

If I would try to identify the most excruciating and most fearsome characteristic of the decades of communism which I experienced, this would certainly be a mindset: the one-party consciousness which equated difference with treason. Those who held different views or beliefs were traitors, and became outcasts. Right and wrong were divided by the party line. After all the dramatic changes we have had in the former Yugoslavia, this mindset has remained practically intact. The only difference is that the predicament then imposed on ideological dissidents is now the destiny of ethnic minorities; and the non-appealable dividing line between right and wrong is that of ethnicity.

The new banishment has gone way beyond its communist prototype. Political leaders and their faithful in the media have made nationalist intolerance the driving force and the organizing principle of the society. Against this background, minorities are perceived as an encumbrance, a hindrance by their different

language, culture, alphabet - or by their mere existence. To a varying degree, but all citizens in a minority position throughout the former Yugoslavia are exposed to grave trials.

The awareness of this problem is not lacking. Most dramatic actions have been explained by the endeavour to protect "ours amongst them". What is shockingly absent, however, is the simple realization that "ours amongst them" and "theirs amongst us" are parts of the same problem, and deserve the very same compassion and remedies.

In Serbia, 37% of the population are non-Serbs. In better times, this may have been an added richness. In present times when the conductor of the Belgrade Opera is losing his job and we read the explanation stating that "a Serbian opera can only be conducted by a Serb", when even soccer players are being ousted from the team because of their ethnic affiliation (2 Moslem players of the club "BORAC"), the number of 37% is indicating the proportions of a tragedy.

Most of my direct experience is from the province of Vojvodina, where my family has lived for five generations. We were all born in the same city, most of us in the same house - but rarely in the same country. We never moved, yet we lived first in the Austro-Hungarian Monarchy, then in Hungary, then in the Kingdom of Serbs Croats and Slovenes, in Yugoslavia. Wherever it belonged, the Vojvodina was always multiethnic and multicultural. The most venerable Serbian cultural institutions like the "Matica Srpska", or the Serbian National Theater, were

founded in Hungary more than a century ago. My grandfather founded a family law firm in 1893, and his archives show that around the turn of the century, court proceedings in our home town (then Hungary) were conducted in three languages. I was born in Yugoslavia, yet I went to Hungarian school before studying law in Belgrade (in Serbian). My father is Hungarian, my mother Croatian, my wife is a Serb. Multicultural coexistence was a way of life. Not without tensions and problems, but without real alternatives.

Now, a grim alternative has been offered: that of ethnic partition by way of ethnic cleansing. Within the last five years, about 40,000 ethnic Hungarians have left the Vojvodina. I have no figures for Croats, Slovaks, Rumanians and Ruthenians, yet judging merely from the number of my friends and acquaintances who left, their number is probably also significant. (Part of the truth is that a considerable number of Serbs have also felt compelled to leave.) The way ethnic structures are being changed in the Vojvodina may be less brutal than in Bosnia; yet quite clearly, this has nothing to do with free choice. Right or wrong, we are not a mobile society - it takes a lot to move us.

The pressures are manifold. There are individual threats, which may or may not belong to an organized scheme. A journalist friend of mine, editor of the only Hungarian daily, received a phonecall. An unknown voice asked whether this was the slaughterhouse. When he said that the number was wrong, the voice said that if this was not yet a slaughterhouse, it will soon be.

Without further facts, I cannot exclude the possibility that this was nothing but a practical joke. But practical jokes are difficult to dismiss in the immediate vicinity of cruelty and bloodshed which have shocked the whole world. When I was in the Panic government, a shoemaker came with a leaflet he and a number of other people in his street received, which leaflet said that all Hungarians must leave within two months if they want to save their lives. He was clearly frightened, and asked me whether this was "official". I told him that of course it was not. After this, he asked me, whether he had a reason to be afraid. I was not able to give a clearcut answer. In addition to random intimidations, violent acts (including murder) have also been committed against persons belonging to the Croatian, Hungarian, Ruthenian, and other minorities. Among many incidents, I would like to mention in particular the streak of violence in Krtkovei and other villages of Eastern Vojvodina.

More important than random intimidations is the military draft. During the civil war in Croatia and Bosnia, tens of thousands of men were called for "military exercises" - and wound up on the frontline. Participation in a brutal civil war fought for absurd ethnic goals may have been senseless for everybody, but it was particularly senseless for those who did not belong to any of the rival ethnic factions. Mobilizations in the Vojvodina have been pursued with more zeal than elsewhere in Serbia. In a number of Hungarian villages, police blocked the streets during the night while draft-calls were delivered. Many

were taken to service forcibly, in disregard of existing regulations. Numerous cases of harassment and beating were also reported.

The return of those who left the country in order to avoid participation in the civil war has become most difficult. The Act on Amnesty proposed in July 1992 by the Panic Government has never been accepted by the Yugoslav Parliament, and under present legislation, those who left the country to avoid the draft are facing a prison sentence of up to 20 years.

For minorities in the Vojvodina (just as for all minorities throughout the former Yugoslavia), one of the most painful developments is a series of setbacks in the domain of language rights and cultural rights. State TV and radio have been instructed to disallow the use of other than Serbian names of cities which have had for centuries parallel names in the languages used in the region. (Which is equally absurd as if e.g. English language media in Italy would be compelled to use "Venezia" instead of Venice or "Firenze" instead of Florence.) Independent media are under constant pressure, fighting day after day for bare survival. The number of minority-language schools has sharply decreased. What is particularly disturbing, an extreme centralisation has divorced minorities from their own community institutions. Schools are being established or discontinued in Belgrade - rather than within the communities concerned - and often in blatant disregard of local and minority interests. To cite just one recent example, about a month ago,

the Serbian Government decided to close the only Teachers Training College offering education to Hungarian teachers (which was operating in Subotica, the biggest town with Hungarian majority in Serbia); and fired its director Zoltan Varga, the best known expert in the domain of pedagogy among Hungarians in Serbia. A new college will be opened, but in Sombor, where relatively few Hungarians live, and there will be no more four-year college education in Hungarian language. Even local judges (including lay-judges who are comparable to members of the jury) are being appointed by the Serbian Parliament. There is no more judicial instance on the level of Vojvodina, the Vojvodina Radio and Television have been discontinued, to become part of the Serbian Radio and Serbian Television. Practically no more decision-making (or even expression) is allowed at levels where the socio-cultural mix might be different from that at the level of Serbia. This creates a most difficult predicament for minorities at a time when there are no forces or institutions balancing rampant nationalism and ethnic intolerance.

What are the possible solutions? Without the pretention of suggesting complete answers, I would like to say that the experience of the last years has shown very clearly that no betterment is conceivable without some international monitoring and remedies, and without a reasonable degree of autonomy.

CSCE monitoring - which was unfortunately discontinued - had raised hopes, provided a place where complaints and suggestions could be submitted with confidence. Such an

institution is sorely needed. What is also needed, is international involvement in the process of dispute settlement.

Autonomy is another indispensable element of any solution. At a time when difference is a stigma, it is absolutely unrealistic to expect sufficient understanding and benevolence of the majority in matters of minority culture. At the same time, there is no reason whatsoever, why should Albanians, Hungarians, and other minorities not be allowed to organize their own schools, newspapers and cultural institutions. I would add here that, if all schools were privately funded, minorities would have to find their own funds for their schools; under the assumption of state funding, however, Albanians, Hungarians, Moslems, and others, should be entitled to their own share from the school budget, in proportion to the contribution of Albanian, Hungarian, or Moslem taxpayers. Territorial autonomy is also an indispensable prerequisite if one wants to give minorities at least some control over their own lives and destinies. The idea of "cantonization" has been present since the very beginnings of the Yugoslav crisis; it poses no threat to state sovereignty, yet it allows a more just and more efficient allocation of decision-making competencies.

I am convinced that the revival of multiethnic coexistence in the Vojvodina does not require dramatic measures - not so far. It just requires some common sense - and authority behind this common sense. At the same time it is more than obvious that within the present trends, minorities in the

Vojvodina (and in the former Yugoslavia) are drifting with a frightening speed towards a quandary in which not only equality, but their mere existence is also becoming doubtful.

**COMMISSION ON SECURITY AND COOPERATION IN EUROPE
Ford House Building, Room #234
Washington, DC 20515**

FACSIMILE TRANSMISSION SHEET

TO: Alex Brkic

FR: Bob Hand

DA: May 2, 1994

This transmission consists of this cover page and 1 additional pages. If you do not receive all of this, please contact the sender at (202)225-1901. Our FAX # at the Commission is (202)226-4199. Thank you.

COMMISSION ON
SECURITY AND COOPERATION IN EUROPE

234 FORD HOUSE OFFICE BUILDING
WASHINGTON, DC 20615

(202) 226-1901

May 2, 1994

TO: Representative Helen Bentley

FR: Chairman DeConcini
Co-Chairman Hoyer

RE: Location of May 5 Hearing

We have now reserved Room #2359 of the Rayburn House Office Building for the Helsinki Commission hearing on HUMAN RIGHTS IN KOSOVO, SANDZAK AND VOJVODINA, scheduled for Thursday, May 5, from 2:00 to 4:00 p.m.

As before, our witnesses will be: TORE BOGH, a Norwegian diplomat who headed the CSCE Missions to Kosovo, Sandzak and Vojvodina from September 1992 to July 1993; TIBOR VARADY, a former Yugoslav Justice Minister from Vojvodina, now Professor of Law and Director of Legal Studies at the Budapest College of the Central European University, Budapest, Hungary; and ALUSH GASHI, a member of the Council for the Defense of Human Rights and Freedoms, Pristina, Kosovo. University of Pristina prior to the removal of non-Serbs from Kosovo's hospitals in 1991.

We hope that you will be able to attend this important hearing. While the ongoing conflict in Bosnia-Herzegovina could spillover into Kosovo, Sandzak or Vojvodina, there is also fear that, in the wake of a Bosnian peace agreement, Serbian leaders could turn their attention to, and crack down further on, the non-Serb populations in each of these areas.

If you have any questions, or would like more information on the hearing, please contact Bob Hand of the Helsinki Commission staff at 5-1901.

Helsinki Commission Hearing
HUMAN RIGHTS IN KOSOVO, SANDZAK AND VOJVODINA
May 5, 1994

Statement of Representative Steny H. Hoyer, Co-Chairman

During my first visit to what was Yugoslavia in April 1990, I had the opportunity to visit one of the regions on which we are focusing today, Kosovo. It was clear then that the human rights problems were severe, and social tensions potentially explosive. Our delegation pressed the Serbian authorities hard on these issues, in Kosovo but also in Belgrade just before. Among those to whom we pressed was Mr. Milosevic himself.

Unfortunately, they did not listen. Instead, they have made the situation in Kosovo worse, denying it its autonomy, firing hundreds of thousands of Albanians from their places of employment, imposing a Serb-oriented curriculum in the schools, and harassing the population with police brutality, unwarranted detention, imprisonment and beatings. Short of the outright aggression and genocide they have engaged in Bosnia-Herzegovina, you can't find a place in Europe where repression exists with such an unabated severity. Sandzak, with its Muslim Slav population, and Vojvodina, with its Hungarian, Croat and other minorities, face the same problem, albeit less severely.

Of course, there is the other side of the story, with these non-Serb populations pressing demands of their own. While I am admittedly not terribly sympathetic to unilateral acts under the guise of self-determination, people do have the right to make their views known without facing persecution as a result. And, especially in today's world I believe, no government has the right to treat whole populations the way in which the nationalist Serbian regime treats the non-Serb populations living on territories it controls. Serbian authorities therefore have to make a choice, to stop its aggression and genocide in Bosnia-Herzegovina, and its repression in these three regions, or face being the pariah of the world for the foreseeable future, much to the detriment of Serbia and the Serb people.

In giving Serbia this choice, we are asking no more of them than of any European state, nor are we singling Serbia out because we don't like Serbs as they often allege. Instead, we are only asking the Serbian leadership to live up to the same standards in the Helsinki Final Act and subsequent CSCE documents that we all have sought to attain. That would not only be of great benefit to the non-Serb populations in Kosovo, Sandzak and Vojvodina of concern to us today, it would also be to the great benefit of the Serbs themselves. They, too, suffer under the undemocratic regime which has a hold on their country.

I want to thank my witnesses for coming this afternoon, and I look forward to hearing their views on these issues.

Helsinki Commission Hearing
HUMAN RIGHTS IN KOSOVO, SANDZAK AND VOJVODINA
Thursday, May 5, 1994, 2:00-4:00 p.m
2359 Rayburn House Office Building

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EXECUTIVE SUMMARY AND MAP

KOSOVO (Ko-so-vo) is about the size of Connecticut with a population of more than 2 million, approximately 90% of which is ethnic Albanian, and the remainder mostly Montenegrin and Muslim Slav. Its capital is Pristina. Land is a combination of plain and high mountains. Kosovo was a center for the medieval Serbian kingdom and remains the location of the patriarchate of the Serbian Orthodox Church (Pec). The defeat of this kingdom by the Ottoman Turks at the Battle of Kosovo Polje in 1389 has been mythicized in modern Serbia, in which the existing inhabitants, Albanians of the Islamic faith, became identified with the invaders. Serbia retakes Kosovo during an expansionary period in early 20th century, and becomes dominant force in new Yugoslav state between the World Wars. Tito leaves Kosovo within Serbia in communist Yugoslavia, but gives it the status of an autonomous province with federal status and considerable autonomy. With passing of Tito, the increasingly Albanian population demand more autonomy from Serbia, leading to major riots in 1981 and a subsequent crackdown. Slobodan Milosevic rises to power vowing to reclaim Kosovo for Serbs, who complain of harassment by Albanians. He denies the province its autonomy in 1990. Albanians respond with declaration of independence from Serbia within the Yugoslav federation in 1990, approval of sovereignty in 1991 and the election of a government for the self-proclaimed republic in 1992. Ibrahim Rugova is chosen as President and Bujar Bukoshi appointed Prime Minister. Human rights crackdown, including police abuse and incarceration of Albanians, intensifies, and hundreds of thousands of Albanians are fired from their jobs.

SANDZAK (san-JACK) is also about the size of Connecticut but with a population of less than 500,000, a slight majority of which are Muslim Slavs like those in Bosnia-Herzegovina, and the remainder Serbs, Montenegrins and some Albanians. It is not currently a recognized political entity, but is divided between Serbia and Montenegro. It is highly mountainous. Novi Pazar has traditionally been its largest city and trading center. The region was transferred from Ottoman to Austro-Hungarian administration in 1878, and Serbia and Montenegro took and divided it between in the First Balkan War of 1912. It has remained that way through the successive Yugoslav states, including the present and largely unrecognized Yugoslav federation of only Serbia and Montenegro (Tito considered granting Sandzak some political status, but never acted). With the advent of war in Bosnia-Herzegovina, Sandzak Muslims have faced increasing discrimination, the threat of Serb paramilitary groups and a large influx of refugees. With their strong affinity with Bosnia and its Muslim population, the Sandzak Muslims have opposed the aggression next door and have sought to gain territorial autonomy. The leading activist, Sulejman Ugljanin, resides abroad, fearing arrest if he returns, and many Sandzak activists in Montenegro have recently been imprisoned.

VOJVODINA (voy-VOAD-ee-nah) is about the size of Maryland with a population of approximately 2 million, over 50 percent of which is ethnic Serb, about 20 percent Hungarian, 5 percent Croat and the remainder Slovak, Ukrainian and other minority groups which made the region's population perhaps the most diverse in Europe. It is largely flat plain, with some rolling hills. Its capital is Novi Sad. Unlike the other regions, Vojvodina escaped a long period of Ottoman rule and was, in fact, part of the Austro-Hungarian Empire until the creation of the Yugoslav state in 1918. Serbs moved into the region to escape Ottoman Turk rule. Under Tito, Vojvodina was given the status of an autonomous province within Serbia, like Kosovo, but the province's autonomy was removed along with that of Kosovo by Slobodan Milosevic in the early 1990s. Smaller and less threatening to Serbs than Kosovo's Albanians, however, Vojvodina's non-Serbs did not feel the same harsh repression of the latter. The war in Croatia and Bosnia-Herzegovina has led to a large influx of refugees, which has displaced some of the local non-Serb populations. Given the fears of being drafted to fight, many non-Serbs (and some Serbs) left Vojvodina, causing further demographic disruption and threatening the future of the smaller, more vulnerable minorities there. The leading Hungarian activist is Andras Agostan, and Croatian activist, Bela Tonkovic.

**The Regions of the Federal Republic of Yugoslavia (Serbia/Montenegro)
Covered by the CSCE Missions of Long-Duration (Kosovo, Sandzak and Vojvodina)**



Helsinki Commission Hearing
HUMAN RIGHTS IN KOSOVO, SANDZAK AND VOJVODINA
Thursday, May 5, 1994, 2:00-4:00 p.m
2359 Rayburn House Office Building

WITNESS LIST

TORÉ BOGH, a Norwegian diplomat who headed the CSCE Missions to Kosovo, Sandzak and Vojvodina from September 1992 to July 1993. He also served as the Norwegian Ambassador to Yugoslavia from 1980-88. His more than 40 years of diplomatic service includes postings in Great Britain, Germany, the Netherlands, Brazil and Portugal.

TIBOR VARADY, Professor of Law and Director of Legal Studies at the Budapest College of the Central European University, Budapest, Hungary. An ethnic Hungarian from Vojvodina, he became a well-known law professor at Novi Sad University. During the Yugoslav government of Milan Panic (July 1992 to March 1993), he served as the Yugoslav Minister of Justice. Professor Varady was elected to the Serbian parliament in 1990 and to the Yugoslav parliament in 1992.

ALUSH GASHI, a member of the Council for the Defense of Human Rights and Freedoms, Pristina, Kosovo. An ethnic Albanian, he was the Attending Surgeon General and Dean of the Faculty of Medicine at the University of Pristina prior to the removal of non-Serbs from Kosovo's hospitals in 1991. Dr. Gashi has also been a leading human rights activist, especially in monitoring and reporting violations of the rights of ethnic Albanians in Kosovo.

QUESTIONS FOR WITNESSES

Ambassador Bogh

- In comparison with Kosovo and Vojvodina, little is known about the region known as Sandzak. Could you give some historical background on the region?
- Does Sandzak actually have a political status today, as a province, for example? Is there widespread support among the Muslim population for achieving a certain political status, as there is in neighboring Kosovo?
- Would you say that Sandzak, bordering Bosnia-Herzegovina, is the region most likely to feel the spillover effects of the conflict?
- How has the situation in Sandzak changed since the departure of the CSCE missions there?
- What types of human rights problems were common to each of the three regions? What human rights problems were unique to each one?
- How would you describe the basic Serb motivations for what they are doing?
- The CSCE Missions were in the three regions according to an agreement with the federal government of Milan Panic. Did the missions also have the blessing of the Serbian and Montenegrin republic governments? Were there differences in the Serbian and Montenegrin approaches to the CSCE Missions?
- What powers did the Yugoslav federal government really have relative to the Serbian and Montenegrin governments?
- Could you describe the degree of cooperation you had with various officials in Belgrade, and how that cooperation changed according to what was happening in Bosnia-Herzegovina and the international response to it?
- What were the greatest accomplishments of the CSCE Missions you led? What were their greatest shortcomings?
- Based on your experience, how would you rate the CSCE as an organization that can respond to potential conflict with preventive diplomacy?
- Do you see any possibility that the political situation in Belgrade can change for the better, at least to the extent that Yugoslav/Serbian authorities would again allow CSCE Monitors on territory under their control?

Ambassador Bogh (continued)

- Will the end of the conflict in Bosnia-Herzegovina, if that occurs, help the situation in each of these three regions? Is there a possibility that the end of the Bosnian conflict could actually make it more tense in these regions, especially in the immediate aftermath as everyone looks to see if they are next?
- If a conflict arose in any of these three regions, would you say that it is more likely to come intentionally or the result of some spontaneous event sparking a highly volatile social situation?
- The Serb militants in Croatia and Bosnia-Herzegovina have ethnically cleansed whole regions, in Bosnia to the extent that, in some towns, not even mosques remain as an indicator that Muslims once lived there. Given the fact that many of these militants are not from the regions they are attacking, and that Serbia has provided them support in any event, is it not safe to assume that the same thing will eventually happen in Kosovo, Sandzak and Vojvodina? Why would Belgrade authorities go to such great lengths to make regions of neighboring republics ethnically pure and then leave non-Serbs in their own republic, in regions they already control, alone?
- As someone who spent most of the 1980s in the former Yugoslavia, the post-Tito period when the situation deteriorated politically and economically to the point that people like Milosevic came to power, did you and you fellow diplomats see what has since happened in the former Yugoslavia coming? Do you believe that something could have been done by the international community to prevent it?
- Have the economic and political sanctions on Serbia/Montenegro helped or hurt the overall situation and specifically in Kosovo, Sandzak and Vojvodina? Without sanctions, would there ever have been a Milan Panic government or Belgrade's acquiescence to the CSCE Missions?

Professor Varady

- How have the Hungarians and other minority groups in Vojvodina differed from the Albanians in Kosovo or the Muslims in Sandzak regarding their response to discrimination against non-Serbs? Why has their approach differed, and have they had differing successes or failures as a result?
- How would you describe the basic Serb motivations for what they are doing?
- Could you characterize the Serbs whose families have been in Vojvodina for a long time, relative to those who moved there since World War II as well as the ethnic refugees from Croatia and Bosnia-Herzegovina? Are the differences between them evident in daily life?
- How does the situation for ethnic Croats, Slovaks, Ukrainians and others in Vojvodina compare to that of the larger Hungarian community?
- Have the Hungarian, Slovak, Croatian or other outside governments become involved in trying to improve the situation in Vojvodina?
- Are there differing opinions within the Hungarian community of Vojvodina regarding how to respond to discriminatory acts against and hostility towards them? Are there more radical factions, and how do their demands differ from the mainstream?
- Of all the Hungarians who are minorities in other countries -- Romania, Ukraine, Slovakia in particular, the situation for those in Vojvodina was, at one time, considered to be about the best. Would you agree with this assessment? When did the situation really begin to deteriorate?
- You chose to participate in the Serbian and Yugoslav political system, and particularly in the government of Milan Panic. Many people in the West were skeptical of trying to work for human rights within the Serbian political system, and, in fact, felt that Milan Panic was allowed to come to Belgrade by Milosevic to counter further international sanction. Did Mr. Panic really pose a threat to Mr. Milosevic? Did his government ever have real control over the situation in Kosovo, Sandzak or Vojvodina? Would greater international support for Milan Panic have helped, or hurt, him as he opposed Milosevic?
- What powers did the Yugoslav federal government really have relative to the Serbian and Montenegrin governments?

Professor Varady (continued)

- The CSCE Missions were in the three regions according to an agreement with the federal government of Milan Panic. Did the missions also have the blessing of the Serbian and Montenegrin republic governments? Were there differences in the Yugoslav, Serbian and Montenegrin approaches to the CSCE Missions?
- Do you feel the CSCE Missions served as an effect deterrent against some human rights abuses and potential conflict in Kosovo, Sandzak and Vojvodina? Did Serbian authorities merely tolerate the Missions' presence only because, at the time, they had no plans to engage in more blatant action against the non-Serb populations?
- Have the economic and political sanctions on Serbia/Montenegro helped or hurt the overall situation and specifically in Kosovo, Sandzak and Vojvodina? Without sanctions, would there ever have been a Milan Panic government or Belgrade's acquiescence to the CSCE Missions?

Dr. Gashi

- While Albanian calls for recognizing Kosovo as a republic separate from Serbia -- and now independent as opposed to being within the old federation -- rest on the denial of autonomy and the horrible repression they have witnessed since Milosevic came to power, in reality such calls were made as far back as 1981 and even before, when Kosovo actually had considerable authority. Do some Albanians feel that these earlier calls actually helped bring Milosevic to power? Why were some Albanians not happy with the autonomy they previously had?
- Do some Albanians feel that it would have been better to participate in the political process as much as possible, and that, had Albanians done so, they could have altered the situation at least somewhat?
- Could you contrast the situation for Albanians in Kosovo itself with those in Montenegro and in Serbia proper? How do you explain the differences?
- To what extent are the human rights abuses you described directed against Albanian activists and prominent individuals? What is daily life like for the average Albanian villager in Kosovo, who is neither active or prominent? Is he or she basically left alone? What happens to make one person a target for specific harassment and not another?
- As a human rights monitor, how are you able to work in Kosovo? Has your organization been targeted for harassment?
- Have the economic and political sanctions on Serbia/Montenegro helped or hurt the overall situation and specifically in Kosovo?
- How did you view the effect of the CSCE Missions in Kosovo on the Serbian authorities? Is it likely that they actually deterred the Serbs from taking certain actions against the Albanian population? Were there any concrete achievements? How specifically did the situation worsen since the CSCE left Kosovo?
- Do you believe that the ending of the conflict in Bosnia-Herzegovina, if that ever happens, would help or hurt the situation in Kosovo? Do you believe that Belgrade intends to take actions against ethnic Albanians in Kosovo beyond the severe abuses in which they are already engaged?
- Could you describe the activities of Arkan and other Serb paramilitary groups in Kosovo?

Dr. Gashi (continued)

- Is it possible to leave the issue of Kosovo's status aside and work out compromises on interim issues, such as education or police treatment of the population? Have the authorities, in particular while Milan Panic and the CSCE Missions were around, been willing to have a genuine dialogue on such issues?
- Have many ethnic Serbs from other parts of the former Yugoslavia, or from Romania or Albania, been resettled in Kosovo? Are Serbs continuing to leave Kosovo?
- What hope do you have that the situation in Serbia could change around, and that leaders could come into power that Albanians could work with to overcome differences? Do Albanian activists from Kosovo hold a dialogue with parts of the Serbian opposition, especially those which are not ethnically based themselves?

OPEN WOUNDS

**Human Rights
Abuses
in
Kosovo**

Human Rights Watch/Helsinki

HUMAN RIGHTS WATCH

Human Rights Watch conducts regular, systematic investigations of human rights abuses in some seventy countries around the world. It addresses the human rights practices of governments of all political stripes, of all geopolitical alignments, and of all ethnic and religious persuasions. In internal wars it documents violations by both governments and rebel groups. Human Rights Watch defends freedom of thought and expression, due process and equal protection of the law; it documents and denounces murders, disappearances, torture, arbitrary imprisonment, exile, censorship and other abuses of internationally recognized human rights.

Human Rights Watch began in 1978 with the founding of its Helsinki division. Today, it includes five divisions covering Africa, the Americas, Asia, the Middle East, as well as the signatories of the Helsinki accords. It also includes four collaborative projects on arms, free expression, prison conditions, and women's rights. It maintains offices in New York, Washington, Los Angeles, London, Moscow, Belgrade, Zagreb and Hong Kong. Human Rights Watch is an independent, nongovernmental organization, supported by contributions from private individuals and foundations. It accepts no government funds, directly or indirectly.

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INTRODUCTION AND SUMMARY OF CONCLUSIONS

With the world's attention focused on Bosnia-Herzegovina, Serbia apparently feels free to accelerate with impunity its violations of human rights in Kosovo. Police brutality and abuse in detention has long been "business as usual" in this province of Serbia, where Albanians comprise ninety percent of the population. Yet in 1993 the nature and scope of the abuse expanded markedly. Police raids on homes and marketplaces occur daily, and Serbian authorities have stepped up a campaign to push Albanians out of Serbian-populated areas. Heavily armed Serbian police and regular army forces patrol the streets in Kosovo, creating a state of terror. Increasingly, civilians report that regular army troops are involved in the shootings and harassment, acting alone or in concert with paramilitary forces. As of this writing, dozens of Albanians sit in jail, charged with terrorism and conspiracy to overthrow Yugoslavia. In a society run by brute force and intimidation, where the rule of law has completely disintegrated, it is unlikely that any of these men and women will see a fair trial.

By publishing the words of those who have been beaten and tortured by police — stories that have not been reported by any western press — this report seeks to demonstrate the prevalence and extreme brutality of police violence in Kosovo. The international community must listen and respond to these stories if long-term peace is ever to return to this troubled land. Few people in Kosovo (apart, perhaps, from Serb paramilitary groups) want an all-out war. For the Albanians of Kosovo, a war would be suicidal. The Serbian military and police contingents in Kosovo could quickly crush what appears to be a largely disarmed Albanian civilian population. Whether or not armed conflict erupts in Kosovo, gross human rights violations will continue unless the international community takes immediate action.

International human rights groups have had an increasingly difficult time working in Kosovo.¹ In 1993, Serb officials flatly rejected

¹ "Kosova" is the Albanian language term for "Kosovo." For the purposes of clarity, unless referring to a specific Albanian organization that includes "Kosova" in its name, this report uses "Kosovo" throughout. The report, however, provides the names of cities and villages in both Serbian and Albanian the first time the name is mentioned; at each additional reference, the official (Serbian) name is

the efforts of the Special Rapporteur for the United Nations Human Rights Commission to establish an office in Yugoslavia.² In July 1993, Yugoslavia kicked out the long-term Conference on Security and Cooperation in Europe (CSCE) monitoring mission from Kosovo and elsewhere, and then denied visas to United Nations personnel and to Amnesty International after they indicated a desire to visit Kosovo. In November 1993, police in Kosovo detained and interrogated a Human Rights Watch/Helsinki researcher who was preparing material for this report. Serb officials use intimidation and obstructionist tactics to prevent visitors from seeing what is happening in Kosovo.

Kosovo is a police state. Stripped of the relative autonomy it enjoyed in Tito's time, Kosovo is now under the direct and immediate control of Serb authorities who rule with an iron fist. Contesting the legitimacy of the 1990 constitutional amendments that rendered Kosovo subservient to Serbia, the Kosovo Albanians³ have refused to sign oaths of loyalty to Serbia and Yugoslavia, and instead have organized defiantly for an independent Republic of Kosovo.⁴ Under constant government

used.

² "Yugoslavia" refers to the self-proclaimed Federal Republic of Yugoslavia, the union of Serbia (including the provinces of Vojvodina and Kosovo) and Montenegro. Although claiming successor status to the Socialist Federal Republic of Yugoslavia, the Federal Republic of Yugoslavia has not been internationally recognized as a successor state. Still, the current Yugoslav state's declaration that it wishes be recognized as a successor state implies that it is willing to accede to international agreements to which the former Yugoslavia was a party. Therefore, for the purpose of this report, all international obligations assumed by the former Yugoslavia will be transferred to the current state, including the obligations set forth in international and regional agreements to which the former Yugoslavia was a party, particularly the International Covenant on Civil and Political Rights, the Helsinki Final Act and subsequent CSCE documents. For a general statement on the duties of successor states, see Section 208 of the *Restatement of the Foreign Relations of the United States* (American Law Institute 1986).

³ Throughout this report "Albanians" refers to ethnic Albanians in Kosovo.

⁴ For a more detailed historical account, see The International Helsinki Federation, *From Autonomy to Colonization: Human Rights in Kosovo 1989-1993*, November 1993; and Helsinki Watch, *Yugoslavia: Human Rights Abuses in Kosovo*,

pressure Albanians have organized their own "parallel" schools, health care, welfare system and government, headed by Ibrahim Rugova, the leader of the largest Albanian party, the Democratic League of Kosova (LDK — Lidhja Demokratike e Kosoves), who was elected president of Kosova during Albanian-held elections in May 1992.⁵

On the one hand, Serbian authorities tolerate the "parallel" and pro-Kosovo activities of Albanians, allowing even Albanian human rights organizations to exist. On the other hand, Serbian authorities keep a tight lid on Albanian aspirations for independence through a program of forced displacement, harassment, arrest, interrogation and torture. Among other developments:

- *Serbian police have stepped up detention and arrests of Albanians with former Yugoslav military experience and of Albanian intellectuals.* These arrests neatly serve two goals of Serbian authorities. First, by charging the former military officers with conspiring to overthrow Yugoslavia, police spread fear that Albanians are planning an armed revolution. Second, should an uprising occur, the arrests effectively immobilize exactly those Albanians with the specific knowledge and skills necessary for plotting an armed rebellion. As the interviews presented in this report demonstrate, Serb authorities attribute the rash of recent arrests to an increase in Albanian attacks against police officers. Yet, to the best of Human Rights Watch/Helsinki's knowledge, no one has been charged in connection with such incidents.
- *Those tortured or beaten by the police have little recourse in Kosovo as the rule of law is practically nonexistent.* In a state where the judiciary has been robbed of its independence, defendants are routinely convicted solely on "confessions" signed after prolonged torture. This report details some

October 1992.

⁵ For a description of police harassment during the Albanian elections, see Helsinki Watch, *Yugoslavia: Human Rights Abuses in Kosovo*, October 1992, pg. 20-22.

of the major court cases brought against Albanians in the latter half of 1993. Each case illustrates how non-Serbs in Kosovo are denied basic due process rights — from the right to counsel, to the right to remain silent, to the right to be free from torture.

- *Yugoslav army forces and paramilitary troops harass Albanian civilians with increasing frequency.* In one case, detailed in this report, two Yugoslav soldiers opened fire on two young Albanians near the unmarked border with Macedonia, killing one man and seriously wounding the other. The soldiers fired without warning and continued shooting even after the men had fallen down. Paramilitary forces have also been parading throughout Kosovo, preaching hatred of Albanians to Serbian villagers and harassing anyone who stands in their way. Villagers report that paramilitary forces now sometimes work in conjunction with regular police.
- *The Serb-orchestrated forced displacement of Albanians has begun.* In the summer of 1993, in at least four villages near the thin strip of predominantly Serbian villages in northern Kosovo, heavily-armed police squadrons invaded houses, conducted unwarranted searches, and brutally beat and detained Albanians of all ages. While such raids have occurred in the past, the new campaign includes specific threats aimed at terrorizing villagers so they will leave their homes. Authorities in charge of deeds and land supplement the raids on border villages. In September 1993, the municipal authorities and regular police began demanding that Albanians present proof of ownership of their land. Inevitably, the authorities reject whatever deed the villagers produce and order them to vacate their property immediately.

Along with the escalation of police and military abuse of non-Serb civilians, the economic status of Albanians and other non-Serbs in Kosovo has declined. Many Albanian families subsist solely on contributions sent by relatives working abroad. Most Albanian children are schooled in

private homes, and police routinely harass, detain, and interrogate them and their teachers for attending the "illegal" Albanian-run schools. Most Albanian doctors, having been laid off *en masse* two years ago, practice medicine in store front operations run on shoestring budgets, charging little or nothing for services. And a fledgling Albanian-run welfare system continues to aid a large percentage of the population, despite Serb interference with humanitarian aid sent from abroad.

The purpose of this report is not to offer a complete list of human rights violations — as, unfortunately, the magnitude of abuse renders that impossible — nor is it to repeat information published elsewhere.⁶ Rather, by drawing from Human Rights Watch/Helsinki's own first hand interviews in Kosovo conducted in the latter half of 1993, this report seeks to describe some of the most recent and pressing developments.

Among other recommendations set forth in this report, Human Rights Watch/Helsinki calls on the government of Serbia to immediately:

- Cease the harassment, interrogation and arrest of individuals who meet with or aid foreign delegations;
- Cease the harassment, interrogation and arrest of local and foreign individuals and groups who investigate human rights abuses in Kosovo;
- Prosecute individuals, members of paramilitary groups and the police that harass political and ethnic minorities and carry guns illegally;

⁶ For other accounts, see The International Helsinki Federation, *From Autonomy to Colonization: Human Rights in Kosovo 1989-1993*, November 1993; Helsinki Watch, *Human Rights Abuses in Kosovo*, October 1992; Michael W. Galligan et. al., "The Kosovo Crisis and Human Rights in Yugoslavia: A Report of the Committee on International Human Rights," *Record of the Association of the Bar of the City of New York*, Vol. 46, No. 3, April 1991; Helsinki Watch and International Helsinki Federation, *Yugoslavia: Crisis in Kosovo*, March 1990; Helsinki Watch, *Increasing Turbulence: Human Rights in Yugoslavia*, October 1989.

- Investigate Yugoslav army recruits and officers responsible for use of undue force against Albanian civilians;
- Cease all police, military and other activity aimed at forcibly removing non-Serbs from their homes;
- Immediately cease the use of torture against detainees;
- Investigate and punish police and security officers responsible for treating Albanians in detention in an inhumane manner;
- End random street stops and searches and require a warrant for entering a private residence or business;
- Allow persons to assemble freely at peaceful gatherings including meetings which are aimed at criticizing the Serbian government or Serbian rule;
- Respect the freedom of the press and the freedom of speech and expression of all persons and organizations in Kosovo;
- Reinststate an independent judiciary with respect for due process and the rule of law;
- Drop all charges against persons who have been indicted for peaceful expression of opinion or for membership in a group which is banned or looked upon unfavorably by the Serbian government;
- Drop all pending and future charges based solely on "confessions" extracted by force, as well as charges based solely on material discovered in searches without warrants;

- Cease the harassment, beatings and interrogations of Albanian educators and school children, and provide access to education on a nondiscriminatory basis;
- Reinstatement all of those unlawfully dismissed from their jobs because of ethnic or political affiliation;

The international community must act as well. The United Nations and the CSCE should declare that Serbian officials' treatment of ethnic and political minorities in Yugoslavia, including Kosovo, is in violation of international human rights norms. At the same time, the United Nations and the CSCE should take immediate steps to reinstate long term human rights monitors in Kosovo. Given the detailed documentation of human rights abuses in the region, no justification exists for continued inaction.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
Ford House Building, Room #234
Washington, DC 20515

FACSIMILE TRANSMISSION SHEET

TO: Alex Erkie

FR: Rob Hand

DA: May 4, 1994

This transmission consists of this cover page and 10 additional pages. If you do not receive all of this, please contact the sender at (202)225-1901. Our FAX # at the Commission is (202)226-4199. Thank you.

Additional testimony for tomorrow's hearing.

DRAFT

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**Remarks by Dr. Alush A. Gashi
Member
Council for the Defense of Human Rights and Freedoms
Prishtina, Kosova**

**Before the
U.S. Commission on Security and Cooperation in Europe
Washington, D.C.
May 5, 1994**

Chairman DeConcini, Co-Chairman Hoyer, ladies and gentlemen: Thank you for arranging this important and timely hearing, and for the opportunity to present the latest information about the brutal human rights situation in my country.

I.

I have just arrived in the U.S. from Prishtina, the capital of the Republic of Kosova...a country that has been without any CSCE or other international presence since last July, when the Belgrade regime expelled the handful of CSCE human rights observers who had been in our country.

Regrettably, the human rights situation in our country has gone from bad to worse since monitors were removed. As a member of the Kosova Council for the Defense of Human Rights and Freedoms, I have witnessed the horrible human, civil and national rights abuses of the 92 percent Albanian majority in Kosova.

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Most Albanians have been committed to peacefully oppose the brutality we have experienced since autonomy was revoked and martial law imposed by Serbia in 1989. The situation cannot continue.

II.

It is important to recall that half of the total Albanian population in the Balkans lives not in the Republic of Albania but in ethnic and compact territories in former Yugoslavia. Albanians, as an indigenous population, make up the third most numerous people in former Yugoslavia. Therefore, Albanians in former Yugoslavia should not be considered a minority, but rather a nation that has been divided.

Kosova lost its autonomy when Serbia, unconstitutionally by the use of police and military forces, five years ago abolished the Parliament of Kosova, dismissed the government and its administration, and closed down television, radio and the only daily Albanian language newspaper.

Repression intensified following the unconstitutional decision of the Serbian Parliament to abolish the autonomy of Kosova and apply what they termed "special circumstances." In reality, an emergency situation was enforced and marital law declared.

Structural repression against the Albanians of Kosova has gained tragic dimensions each passing year.

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Serbian apartheid manifests itself in discrimination that started with rigged political trials before civil and military courts; isolation and confinement of hundreds of intellectuals, scientists and most eminent experts of Kosova's economy; massive prison sentencing of Albanians; killings of peaceful demonstration; the expulsion of hundreds of university professors, scientists and thousands of teachers; dismissals of physicians and other medical staff; and the full denial of human and national rights.

As part of this, Serbians authorities in Belgrade imposed new bosses in work places where Albanians had held executive positions. The formal excuses differed, but each case amounted to sanctions against "political disobedience."

III.

I have been an eyewitness to frequent violence against Albanian medical workers and teaching staff of the Faculty of Medicine and other scientific institutions in Kosova as well as many other Albanians in Kosova.

In the presence of astonished and shocked colleagues, patients and others including medical students, head physicians have been pulled out of their workrooms and offices, laboratories as well as operating rooms, by Serbian police forces.

Under physical threat of the heavily armed police, many professors and physicians of different specialties have been forced to break off exams and leave their students, and even to stop performing surgery in the emergency operating room.

Similar measure were taken in different places of Kosova.

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IV.

Regrettably, official Serbian strategy is to change the ethnicity of Kosova through institutionalized discrimination and structural repression. It's goal is ethnic cleansing without open war at this time, but with daily police brutality.

The Serbian police regime has achieved bureaucratic ethnic cleansing in all institutions in Kosova by dismissing Albanians. They started with closing schools and dismissing professors because, as publicly stated by Serbs "A good Albanian is an uneducated Albanian. Educated Albanians are the enemy." The Serbian regime is trying to achieve intellectual decapitation of Albanians in Kosova with police brutality.

In response to this Serbian brutality, Albanians under the leadership of President Rugova undertook peaceful ways of finding the solution through establishing democratic institutions and encouraging dialog without preconditions under international mediation by the United States, European Union or United Nations.

V.

After the expulsion of CSCE monitors from Kosova last July, the brutal repression not only continued but increased dramatically.

During 1993, the Council for the Defense of Human Rights and Freedoms (CDHRF) registered 13,431 cases of Serbian police brutality against Albanians in Kosova.

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The total included 15 killed, 14 wounded, 2,905 arrested, 1,994 searched, 849 subjected to "informative" talks, 1,777 tortured, 794 maltreated in various ways, 391 plundered, 64 repressed by the army, 604 acts of political persecution against Albanian political activists, 632 acts of violence directed at education, science, culture and sports, and 172 incidents aimed at children including kindergarten children.

There were 155 acts of violence against women, 3,396 searches under the pretext of looking for weapons, 37 acts against Albanians from the diaspora and refugees, 68 arbitrary dismissals from work, and 53 Albanian families arbitrarily removed from apartments.

According to CDHRF data, in first three months of 1993, 1,636 cases of Serbian police brutality were recorded. Some 415 Albanians were arrested (compared with 851 cases in first three months of 1994), 298 were beaten in the first three months of last year (684 beaten in first three months of 1994), 229 houses were searched without warrants, and 694 persons suffered in various ways during those house searches (in first three months of 1994, 1,229 houses were searched).

During the first three months of 1994 CDHRF has registered 3,013 cases of brutal violations of human rights against Albanians in Kosova by the Serbian regime. Two were killed, one wounded, 851 arrested, 64 sentenced for political reasons, 1,229 houses searched on pretence for weapons, 684 beaten and tortured, and 182 maltreated in various ways.

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Comparing 3,013 cases in the first quarter of 1994 with 1,636 cases in the first quarter of 1993 when international CSCE monitors were present, repression in Kosova has increased 85 percent, in the absence of any international observers whatsoever.

VI.

Considering the unbearable situation of Albanians in Kosova, the U.N. Commission on Human Rights at its 50th session in March passed a resolution urgently demanding that Serbian authorities:

- ▶ Cease all human and national rights violations, discriminatory measures and practice against ethnic Albanians in Kosova, in particularly arbitrary detention and violation of the right to a fair trial and the practice of torture and other cruel, inhuman and degrading treatment;
- ▶ Release all political prisoners and cease all persecution of political leaders and members of Kosova human rights organizations;
- ▶ Establish democratic institutions in Kosova and the respect the political will of inhabitants as the best means of preventing the escalation of the conflict.

Albanians have asked before and are asking again for the U.S. Commission on Security and Cooperation in Europe to help re-establish the CSCE long-term mission in Kosova immediately, and to explore ways and means of establishing an adequate international monitoring presence in Kosova.

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Furthermore, it is critical that the Kosova question become part of international efforts to resolve the Balkans crisis and that Kosova officials participate in negotiations at any international conferences or summits on the Balkans.

VI.

It is a proven fact that Serbian authorities in Kosova do not respect any international document about Kosova.

Structural repression against ethnic Albanians in Kosova has become unbearable, but Albanians are continuing their peaceful attempts to decolonize Kosova and establish an independent state on the basis of the September 26, 1991, referendum as the best way to protect human and national rights of all the population of Kosova.

Albanians in Kosova have experienced all forms of autonomy and have suffered under all of them. As former Yugoslavia disintegrates, Kosova as a constituent unit of former Yugoslavia, exercises its right of self-determination with a commitment to an independent state of Kosova.

Kosova is a newly emerging state in the Balkans which is dedicated to the continued peaceful demonstration in support of freedom and the democratization of occupied Kosova.

Albanians are part of the solution. But, Kosova is subjugated by Serbia, which has committed the worst possible crimes against humanity.

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Albanians in Kosova are suffering under Serbian injustice.

Albanians do not accept second or third class citizenship under Serbian tyranny, Serbian colonization of Kosova, or police and military occupation and annexation of Kosova by Serbia.

Albanians are committed to self-determination and a peaceful "divorce" from Serbia.

In the past, Serbians have enjoyed many privileges. Serbians want to keep these privileges by any means necessary.

In reality, the freedom and independence of Albanians should be good for Serbia as well. Kosova's freedom would help Serbia in its democratization process.

Good neighborly relations could exist between the Republic of Kosova and the Republic of Serbia, between Albanians and Serbs.

Serbia is responsible for many crimes, and by taking the path of democracy it will reduce its burden, for its own sake, and the sake of other. The sooner, the better.

If this does not come to pass, then without a just solution of the Albanian questions the agony is bound to continue.

There will be no peace in the Balkans.

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Comparison of Serbian Police Brutality Against Kosovo Albanians

87 Percent Increase

1,636 Cases



With CSCE Monitors

First Quarter 1993

3,013 Cases



Without CSCE Monitors

First Quarter 1994

Serbian Police Brutality Against Kosovo Albanians

1993

Killed	15
Wounded	14
Arrested	2,305
Searched	1,994
"Talks"	849
Tortured	1,777
Maltreated	794
Plundered	391
Repression	64
Violence Against:	
Activists	604
Educators	632
Children	172
Women	155
Searches	3,396
Dismissals	68
Evictions	53
TOTAL CASES	13,431

CSCE Missions of Long Duration

As the Federal Republic of Yugoslavia (Serbia/Montenegro) has refused to prolong the Memorandum of Understanding (MOU), the Missions are, for the time being, not operative.

1. Basic Decision

15th CSO meeting, 14 August 1992, Journal No. 2, Annex 1

2. Deployment

The Missions started their work on 8 September 1992; the Memorandum of Understanding (MOU) was signed on 28 October 1992 in Belgrade. The Missions were WITHDRAWN after expiration of the MOU.

3. Tasks

The mandate, as contained in the CSO decision of 14 August 1992 and reiterated in the MOU, consists of four main parts¹⁾:

- Promotion of dialogue between authorities concerned and representatives of the populations and communities in Kosovo, Sanjak and Vojvodina;
- Collection of information on aspects relevant to violations of human rights and fundamental freedoms, promotion of solutions;
- Establishment of contact points for solving problems ;
- Assistance in providing information on relevant legislation on human rights, protection of minorities, free media and democratic elections.

The Modalities and Financial Implications, adopted by the CSO on 6 November 1992, give a more detailed account of the tasks.

4. Duration

According to the MOU, the duration of the Missions is limited to an initial period of 6 months from the beginning of their activities; extension of this period is subject to mutual agreement by the Parties.

In a Protocol signed by the Government of the FRY (Serbia/Montenegro) and the Head of Mission on 29 April 1993, the period was extended until 28 June. There was no further agreement on extension thereafter.

5. Composition and Location

In the Modalities and Financial Implications, the size of the Missions is limited to 12 members, to be supplemented as required. An increase to 20 members was authorised at the 17th CSO meeting in November 1992, a doubling to 40 members was authorised by the CSO Vienna Group in January 1993. In reality however, the Missions never exceeded a total number of 20 members.

The Mission to Kosovo was based in Prishtina (with permanent presence in Pec and Prizren), the Mission to Sanjak in Novi Pazar (with a permanent presence in Priepolje), and the Mission to Vojvodina in Subotica. The Missions had a common office in Belgrade.

The last Head of Mission was Amb. Tore Bogh, ~~Sweden~~ Norway

¹⁾Mandates/tasks are not literally quoted and may have been condensed for the purpose of this paper.

CSCE on Bosnia-Herzegovina, Croatia, Yugoslavia (Serbia and Montenegro)
and the situation in the region

The Committee of Senior Officials pursued further the role of the CSCE in the situation in Bosnia-Herzegovina, Croatia, Yugoslavia (Serbia and Montenegro) as set forth in the decision I-1 of the Rome Council Meeting of 1 December 1993. The Committee of Senior Officials

- welcomed the positive developments in and around Sarajevo resulting from determined efforts of the international community, as important steps towards the restoration of peace and security throughout the Republic of Bosnia and Herzegovina, as well as normal conditions of life in Sarajevo;
- welcomed the agreement reached on 1 March in Washington to establish a Federation in the area of the Republic of Bosnia and Herzegovina with a majority Bosnian and Croat population and the preliminary agreement for a confederation between the Republic of Croatia and the Federation, as an important step towards a negotiated settlement in Bosnia-Herzegovina;
- welcomed the agreement reached on 5 February 1994 between the Governments of Croatia and Yugoslavia (Serbia and Montenegro) on the normalization of their relations, which is essential for overcoming the current situation in UNPA zones, where tension and problems persist despite the ceasefire agreement;
- welcomed the commitment undertaken in Moscow on 1 March to the reopening of Tuzla airport, which, together with the opening of other humanitarian corridors, could contribute to the supply of humanitarian aid and to the achievement of a settlement in Bosnia-Herzegovina.

The Committee of Senior Officials stressed that, in spite of the positive developments mentioned above, the situation in the region remains critical. The Committee of Senior Officials therefore

- expressed full support for the efforts of the international community to reach an early negotiated settlement in Bosnia-Herzegovina, based on the achievements and the overall objective of the European Union Action Plan;
- underlined the role played by UNPROFOR units and the need to guarantee security of those units fulfilling their important tasks;
- reiterated that those responsible for brutal violations of human rights must be held personally accountable and, to this end, urged the participating States to actively co-operate with the International War Crimes Tribunal;
- reaffirmed its support for a comprehensive solution of all issues dealt with by the ICFY process and in particular for a negotiated settlement of the conflict in Bosnia-Herzegovina acceptable to all parties, and recalled the central role of the United Nations in achieving such a comprehensive solution. The CSO reconfirmed the CSCE participating States' support for the sovereignty, territorial integrity and independence of all countries in the region, and their refusal to recognize any territorial acquisition by force;

- urged the parties to take advantage of the current momentum deriving from the promising developments in Sarajevo and undertake all possible efforts to extend the recent positive results achieved in Sarajevo to the other safe areas, and possibly to all of Bosnia-Herzegovina.

The CSO took note of the request of the Government of the Republic of Bosnia and Herzegovina for CSCE assistance in accordance with Chapter V, paragraph 6 (Human Rights) of the Washington Agreement, and

- requested the Chairman-in-Office to undertake appropriate steps to appoint the Ombudsmen in Bosnia-Herzegovina, as soon as all necessary conditions are established;
- instructed the Permanent Committee to examine all aspects of this request, including its financial implications.

The Committee of Senior Officials further

- underlined the importance of an early return without any precondition of the CSCE Long Duration Missions to Kosovo, Sandjak and Vojvodina, while expressing deep concern at the deterioration of the situation in Kosovo and Sandjak. In this regard the Committee tasked the Chairman-in-Office, assisted by the CSCE Troika, to undertake renewed and further efforts to re-establish these Missions in order to contribute effectively to the prevention of conflict in the region, the establishment of democratic institutions and the resumption of talks on the status of Kosovo;
- took note with appreciation of the initiative of a group of regional States to convene an informal open-ended meeting in the Forum for Security Co-operation to examine, as a complement to the continuing efforts towards achieving an overall peace settlement, a CSCE contribution to military security and stability in Southeastern Europe through arms control and disarmament, as well as confidence- and security-building measures;
- emphasized its support for the role of the CSCE Spillover Mission in Skopje and of UNPROFOR in preventing further spreading of the conflict as well as of the EU/CSCE Sanctions Assistance Missions in monitoring and increasing the effectiveness of the sanctions against Yugoslavia (Serbia-Montenegro). In this context, it underscored the importance of maintaining sanctions as leverage in the search for a satisfactory solution to the crisis in the region;
- expressed satisfaction at the results of the special *ad hoc* meeting of Senior Officials in Vienna on 31 January - 1 February 1994 to identify priorities for international projects to assist affected States in the region to better cope with the unintended negative effect of the United Nations sanctions. The CSO drew special attention to the need for rapid follow-up action by the G-24 and other appropriate international institutions to initiate and finance the infrastructure projects deemed worthy of support;
- underlined that the CSCE must stand prepared to make a full contribution to the future process of reconciliation, rehabilitation and rebuilding of democratic institutions and processes and the rule of law and requested the Chairman-in-Office to explore, in co-operation with parties to the peace process, ways and means to begin this.

**COMMISSION ON
SECURITY AND COOPERATION IN EUROPE**

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SANDZAK AND THE CSCE

A Report Prepared by the Staff of the
Commission on Security and Cooperation in Europe

April 1993

Robert Hand, a staff member of the Commission on Security and Cooperation in Europe (Helsinki, or CSCE, Commission), was detailed to the CSCE Missions to Kosovo, Sandzak and Vojvodina from January 6 to March 6, 1993. The following report, commenting on the Sandzak scene as well as the functioning of the Mission, was written soon after his departure from Novi Pazar.

SANDZAK AND THE CSCE

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