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IMPLEMENTATION OF THE HELSINKI ACCORDS

Y 4. SE 2:103-2-14

Implementation of the Helsinki Acco...

HEARING
BEFORE THE
COMMISSION ON SECURITY AND
COOPERATION IN EUROPE
ONE HUNDRED THIRD CONGRESS
SECOND SESSION

HUMAN RIGHTS IN KOSOVO, SANDZAK, AND VOJVODINA

MAY 5, 1994

Printed for the use of the
Commission on Security and Cooperation in Europe
[CSCE 103-2-14]



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CONTENTS

WITNESSES

	Page
Ambassador Tore Bogh, Head of CSCE Missions to Kosovo, Sandzak, and Vojvodina	2
Prof. Tibor Varady, Professor, Budapest College of the Central European University	5
Dr. Alush A. Gashi, Member, Council for the Defense of Human Rights and Freedoms, Prishtina, Kosovo	8

APPENDIX

Hon. Dennis DeConcini, Chairman, opening statement	31
Hon. Steny H. Hoyer, Co-Chairman, opening statement	32
Ambassador Tore Bogh, prepared statement	33
Prof. Tibor Varady, prepared statement	40
Dr. Alush A. Gashi, prepared statement	48
Supplemental material submitted for the record by Dr. Alush A. Gashi	54
Human Rights Watch/Helsinki, statement submitted for the record	90
Joseph J. Dioguardi, President, the Albanian American Civic League, pre- pared statement submitted for the record	100
Memorandum on the Establishment of a Special Status for Sanjak, published by the Muslim National Council of Sanjak, 1993, submitted for the record ...	103
Sandzak and the CSCE, a report prepared by the staff of the CSCE	116

HUMAN RIGHTS IN KOSOVO, SANDZAK, AND VOJVODINA

Thursday, May 5, 1994

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
Washington, DC.

The above-entitled matter, came on for hearing, pursuant to notice, at 2 p.m., in room 2359 of the Rayburn House Office Building, Hon. Dennis DeConcini, Chairman, presiding.

Present: Hon. Dennis DeConcini, Chairman, Hon. Steny H. Hoyer, Co-Chairman, Commissioners Ben Cardin, Christopher H. Smith, John Edward Porter, and Representative Eliot L. Engel.

Also present: Ambassador Tore Bogh, Professor Tibor Varady, and Dr. Alush Gashi.

Chairman DECONCINI. The Commission will come to order. I regret being late, but the Senate is just in the middle of a vote right now.

I'd like to welcome everyone here to this hearing on Human Rights in Kosovo, Sandzak, and Vojvodina, three regions under Serbian control with ethnically mixed populations.

In each of the regions, the undemocratic rule of nationalist Serb leaders in Belgrade has combined with this mix to cause major tensions, not to mention human rights abuses and outright repression. While the tragedy in Bosnia-Herzegovina draws our attention to the situation there, we cannot ignore neighboring areas. They could be the next victim, either by design or by accident. Moreover, the problems in these regions may serve to confirm many of our conclusions about Bosnia-Herzegovina—that, while all people in the region have their extremists and need to learn more about tolerance and respect for human rights, the core problem we are facing today comes from a Serbian regime that has gone off the deep end. Without dealing with that problem directly, not only will Bosnia's multiethnic society be destroyed, but those in these three regions may be as well.

I hope that by focusing attention on Kosovo, Sandzak and Vojvodina, we can make a contribution to the effort to prevent this sad result from occurring. I'm pleased, indeed, to introduce the distinguished panel before us today. Ambassador Tore Bogh, a distinguished Norwegian diplomat, headed the CSCE Mission of Long-Duration to Kosovo, Sandzak and Vojvodina from September 1992 to their withdrawal, at Belgrade's insistence, by the way, in the summer of 1993. Professor Tibor Varady, a noted legal scholar, and an ethnic Hungarian from Vojvodina and a Justice Minister under the government of Milan Panic, which had sought to counter the Nationalist trends of Belgrade politics. And finally, we have Doctor

Alush Gashi, an ethnic Albanian from Kosovo and prominent human rights activist.

Before turning to others, let me conclude with some remarks about the plight of the Muslims in Sandzak. Through our contribution of a Commission staff person to the Mission there headed by Ambassador Bogh, we have come to learn a bit more about it and have, in fact, a Commission report on Sandzak.

While Sandzak has had its difficulties with roaming paramilitary groups, refugees, and discrimination against the Muslim population while the Mission was in that region, the situation there has worsened substantially since last year. Several Muslim activists in Montenegro have been under detention for several months now, and their political party may be banned. Others face harassment, or worse, if they do return. Moreover, places like Gorazde are just a few kilometers across the border from Sandzak, and what is happening there cannot but add to tensions and fears in Sandzak itself. As we have no witness here directly from that region, I want to raise concern about it myself and to urge those that can to join me in calling for an end to the human rights violations in Sandzak, as well as in Kosovo and Vojvodina.

We will now start with our witnesses this afternoon. Ambassador Bogh, would you please lead off?

TESTIMONY OF AMBASSADOR TORE BOGH, HEAD OF CSCE MISSIONS TO KOSOVO, SANDZAK, AND VOJVODINA

Ambassador BOGH. Yes, with pleasure, Mr. Chairman.

First of all, let me just say that I'm speaking here this afternoon, not as a representative of the CSCE. What I'm going to say is stated in my own capacity. I just want to make that point.

It's a privilege to be here. I'm glad to have this opportunity of making some comments on my experiences from that area.

Of course, these days the scenario is changing from day to day, and our CSCE Mission operation almost seems like a side show in yesterday's theater. Still, I believe that we learned lessons that may be important for an understanding of the whole complex problem of the collapse of Yugoslavia.

Whether the Mission has succeeded in that task or not is difficult, if not impossible, to say. On the one hand, major ethnic clashes did not occur then, and have not occurred since we left. On the other hand, it's obvious that the underlying causes of conflict have certainly not been removed. So, there is every reason for this Commission and for the international organizations to monitor events in the three areas.

The connection between the latest developments in Bosnia and the Mission area is obvious. I hardly need to point out that the distance from the CSCE area in Sandzak and the embattled city of Gorazde is less than 20 miles.

Mr. Chairman, just a brief look at the situation when the CSCE Missions were established in September of 1992. I want to make a point here. We were accepted and allowed to operate the way we did only because of the character of the then Federal Government under Milan Panic. There's no doubt in my mind about that.

We received excellent support and constructive assistance from him and his government, where my friend, Tibor Varady, served as

Minister of Justice. At the same time, I realized that the Serbian government, and the dominant parties in Serbia, were against our presence and tried to impose all sorts of restrictions on our operations.

So, in a way, our Mission became one of the issues in the election campaign leading up to the elections in late December 1992. I must say that Milan Panic made a good showing at the elections, I mean, despite all the odds that were against him, but I knew that our Missions were not going to be of such long duration when he failed in his bid for the presidency.

We bargained for some prolongations, but the CSCE governments were not prepared to offer Belgrade any status in the Organization, and this became the official reason for our expulsion. I'm saying the official reason, or the presentable reason. It may not have been the real reason.

I want to make another point, Mr. Chairman, if I may, Montenegro was always different. Montenegro supported the Missions from the beginning, and also when we were asked to leave last summer, I had a talk with the Foreign Minister of Montenegro, who said that he had protested because they had not been consulted. I think this is an important point.

Now, what about the experiences we made? Well, given the uncertainties about whether we would have continued support or not, we had to improvise all the time, but, by and large, I think we managed to be reasonably operative in the three areas.

From the start, we noticed that there was an enormous demand for our services, both from groups and individuals. They wanted us to mediate in the conflicts with the authorities in cases involving miscarriage of justice, or abuse of power, and excessive use of force by the police, of which there was a lot.

This is another point I want to highlight in this connection, Mr. Chairman. Because it's being said, especially after the Federal Government recently has taken steps to introduce new legislation on human rights, that these rights are guaranteed. But what we found all the time when we were trying to mediate in human rights cases, was that there was no mechanism for challenging the decisions of the authorities, and if you don't have that it doesn't matter what's in the law.

There was a sort of ambivalence from the Belgrade government, I'm talking of the Serbian government, towards our presence. On the one hand, they wanted to have us there to defuse the issues, to ease tension. For them, we were sort of tranquilizers, whereas the minorities all the time wanted us to focus on ethnically related abuse.

I'm not going to give you here any update on Kosovo, Sandzak and Vojvodina, I don't see that as the purpose now, but let me try and look a bit ahead and just make a few points, Mr. Chairman, with your permission.

Of course, at the end of the road there is the constitutional issue. What do you do about it? The point I want to make is that there has been a lot of rhetoric about Kosovo being the cradle of the Serbian nation. Still, it is my impression from many talks that I've had that most ordinary Serbs from Serbia proper are not really as emotionally attached to this province as some will have it. This is

where I can see some hope for a solution. Certainly, if there is in Belgrade a truly democratic government, and by that I mean not only a government which is put there by an electoral majority, it takes more than that to be a democratic government. With such a government in place in Belgrade there could be possibilities for a meaningful dialogue about the future status of Kosovo.

I know that there are also some Albanians who think along these lines, but probably right at the moment is not the time to pursue that course.

Sandzak is, of course, more closely linked up with the developments in Bosnia, in view of a similar ethnic structure, ethnic pattern.

Here again, I can see some hopeful signs. For one thing, in local administration, the Muslims do work together with the Serbs. Whether the inter-ethnic cooperation between Serbs and Muslims in Sandzak can develop now in view of the recent events in Sarajevo and Gorazde is another matter, and I don't think one should overlook the fact that many Muslims in Sandzak in a way consider Bosnia as their spiritual or cultural homeland. But I think there is a will. There is certainly a will on the part of the Muslim leaders today to enter into a dialogue. But that again, depends on what sort of government you have in Belgrade.

Vojvodina I shall not say much about since Professor Varady will go into that. I don't see that area as the powder keg for the future, although, of course, there are many problems still ahead.

To conclude, Mr. Chairman, I think it's quite understandable that ethnic leaders inside the Federal Republic of Yugoslavia, today vacillate between, on the one hand, the need to maintain the autonomy aspirations of their group, or whatever political objectives they have, on the one hand, and on the other the concern for the welfare and the safety of their people.

The attitude of the Belgrade authorities mirror these sentiments, because, on the one hand, they are determined to suppress independence movements, on the other they wish to avoid major ethnic disturbances, especially today when they have so many other problems on their hands.

Does this mean that the Missions will be able to return again in the present situation? I think not, because it is dependent on whatever deal they can make with the CSCE about coming back there, and I don't see any CSCE members or major CSCE members moving on that point.

I shan't go much further, but turning to the overall situation, the whole complex problem of the fall of Yugoslavia; I think it's important to have in mind always that none of the peoples of ex-Yugoslavia had any previous experience with democracy. They have lived under some form of totalitarianism for centuries, including the last 50 years or so.

So, with the collapse of their Socialist state, they didn't embrace, as we know, democratic ideals; they turned to roots and ethnicity.

There has been a rush to find explanations in history, religion, end of the Cold War, and so forth, for the Yugoslav disaster. Of course, elements from these sectors may have set off the eruption, yes. But we have to recognize, I think, that what we have wit-

nessed is well within the parameters of what we know about human behavior. It has to do with psychology.

I reject the notion that the international community is in any way to blame. Mistakes one may have made, yes, or errors of judgment. But what can you expect when you have such a chaotic situation as the one which developed in 1991 onwards.

Once the evil genie was out of the bottle, there wasn't really much one could do. I think we should all be clear in our minds that the cause of this great tragedy clearly and squarely lies inside the former Yugoslavia. And then, of course, one can always discuss which one of the constituent nations in the former Federation carries the greater responsibility.

Chairman DECONCINI. Ambassador Bogh, thank you very much for your insights. We're grateful and we'll come back to you with followup questions in just a moment.

Professor Varady?

TESTIMONY OF PROF. TIBOR VARADY, PROFESSOR, BUDAPEST COLLEGE OF THE CENTRAL EUROPEAN UNIVERSITY

Professor VARADY. Thank you very much, Mr. Chairman.

I would like to say first that it is a true privilege and honor for me to be able to speak here, and I would also like to say that the fact that the United States Senate and Congress have devoted attention to these three troubled regions, has raised hopes in the world I'm coming from.

What I want to say in my testimony is rather simple. My family has lived in the province of Vojvodina for over five generations. This is the ethnically most mixed and most diversified region in Europe. Up until recently, no ethnic group has reached 50 percent, since recently there is a Serbian majority of only 57 percent.

Just to stay with the example of my family, my great grandfather, grandfather, father, myself, were all born in the same house, actually even the same room, yet none of us was born in the same country. It was first the Austro-Hungarian Monarchy, it was Hungary, it was the Kingdom of Serbs, Croats and Slovenes, it was Yugoslavia.

Living together has never been easy, has never been without tension, but it never had alternatives. I can speak of really brilliant examples of tolerance showed by Hungarians towards Serbs, and showed by Serbs towards Hungarians and other minorities within Vojvodina.

We never thought of moving, not even under the German occupation, which I spent, when I was two years old, in a cellar, not even under 40 years of a one-party regime. It is now the first time that leaving has become an option considered and faced by many.

If I would try to identify what was the worst experience under the Communist one-party regime, I would identify a mindset, a mindset by which whatever was different was treason. This equation of difference with treason persisted, the only difference being now that the place of ideological dissidents has been taken by minorities.

Earlier, dissidents were wrong because they thought differently, because they had different beliefs and, therefore, they became outcasts.

At that time, the dividing line between right and wrong was the party line. Today, the dividing line between right and wrong is ethnicity. And, actually, this predicament might be even worse. During the one-party system, Yugoslavia represented the mildest version of one-party mindset. Today, unfortunately, it is the hot bed of the greatest intolerance, and minorities have somehow become an encumbrance by their different language, by their different culture, actually, even by their mere existence.

I would say that this goes for all minorities throughout Yugoslavia. It definitely goes for Muslims, Albanians, Hungarians, Slovaks, Rumanians in Serbia. It also goes for Serbs who live outside Serbia in a minority position.

In Vojvodina, we did not have the bloodshed of Bosnia, but we did have discrimination, and minorities did feel, and do feel, helpless and hopeless. Ethnicity is the organizing principle and the dividing line. This is a line which cannot be crossed, not even by changing opinion.

I have cited a number of discriminatory measures. One of the most difficult predicaments for minorities in Vojvodina was the draft during the Civil War, particularly the one in Croatia. The draft was pursued with more zeal in the Vojvodina than elsewhere. Draft calls were delivered often during the night, and many people did not sleep at home. I cannot say that this was only for minorities, this went for Serbs as well. It was a senseless Civil War for everybody. People were called for military service, and they wound up on the front line. This happened to thousands of minority members, and to thousands of Serbs, of course, as well; and if the Civil War was meaningless and senseless for anybody, it was even more meaningless and senseless for those who ethnically did not belong to any of the fighting factions.

Also, like elsewhere, like in Kosovo, like in Sandzak, like in other parts of the country, what was a value earlier, and this is multicultural co-existence, became a burden. The Serbian Parliament enacted laws which discontinued the right to use the city names and other names in various languages, and most cities do have at least three names in the Vojvodina because various ethnic groups use different names. Similar problems are encountered by the Serbian minority in Croatia.

Many schools were discontinued.

I don't want to cite more examples of discrimination, although I probably could, and I will if there will be questions. I would like just to point out a basic mechanism, a vehicle of discrimination. I would like to emphasize this because this might also point to a way of solution.

The mechanism is, I would say, an absurd centralization. School masters are appointed by the Serbian government, not by local communities. Local judges are appointed by the Parliament. Even the pool of jury members is established by Serbian Parliament. This leads to a situation that nothing can be decided at a level where the ethnic mix might be different than that on the level of Serbia, because if the school master would be somewhere in Kosovo appointed by local level, then it might be a school master who would be acceptable to the local population, which may be Albanian

at that point, Serbian at another point, or Hungarian, or Slovak or Romania.

By raising the decisionmaking regarding practically all issues to the level of the state as a whole, minorities have been divorced practically of all possibilities of influencing their own destiny; and since there is no local radio, or television on the level of Kosovo or Vojvodina, minorities have also been deprived of their right to express themselves.

Obviously, the option here is some level, some degree, some reasonable degree of autonomy. At this moment, I just don't think that any other solution would be conceivable, and I would say that this is probably a solution throughout the former Yugoslavia.

I do not believe that the option which has been offered, and this is ethnic partition by way of ethnic cleansing, would yield result, not even in the short term. And, I'm truly terrified of the message this would send.

I would like to say that unlike Communism, which was, essentially, imposed, nationalism is more contagious. It can spread without being imposed. It is now rampant in my country. It might be rampant in other countries which are more powerful and potentially more dangerous.

I think what we should stress, contrary to the idea of ethnic partition, is that various ethnic groups can live together, and I see no other reasonable solution. We have about 20 percent of mixed marriages in Yugoslavia. I don't know what ethnic partition means for mixed marriages.

And, I think that the same yardstick should be applied to all minorities. There are minorities which resorted to violence, and I don't believe in collective punishment of these minorities. It would be wrong. It would be improper. It would be unjust.

But, I don't believe either that those minorities who did resort to violence would be entitled to more understanding and more autonomy because of the mere fact that they were violent.

I see no solution without giving the minorities some chance of deciding upon their own matters. Schools have become a matter of prime importance. I think minorities should be allowed to organize their own schools. If all schools were private, then Hungarians in the Vojvodina should find money to fund their own schools. If schools are financed by the state with the money of taxpayers, then, of course, Serbs are taxpayers, so are Hungarians, so are Albanians, and they should be entitled to a fair share from the school budget in proportion of their taxpayer input.

But, at any rate, I don't think it would be a threat to a sovereignty if schools, culture, would be in the hands of minorities, and if minorities would have a reasonable degree of territorial autonomy. Maybe the right measure is the autonomy which preceded the Milosevic intervention. Whether it should be higher than that, or a different measure, or maybe a different proportion is, of course, an issue which should be settled, but it's absolutely clear that no settlement and no common life is possible without a reasonable degree of autonomy for all minorities within the former Yugoslavia.

In Vojvodina, I would say that the problem is still manageable. There is still a fabric of multi-ethnic coexistence which has not

been torn completely, although it has been damaged. And, a remedy is still possible. I hope that problems will be met with resolve while they are manageable and that resolve will not be shown after problems become unmanageable.

Thank you very much.

Chairman DECONCINI. Thank you, Professor Varady.

Doctor Gashi?

TESTIMONY OF DR. ALUSH A. GASHI, MEMBER, COUNCIL FOR THE DEFENSE OF HUMAN RIGHTS AND FREEDOMS, PRISHTINA, KOSOVO

Doctor GASHI. Chairman DeConcini, ladies and gentlemen, thank you for arranging this important and timely hearing and for the opportunity to present the latest information about the human rights situation in my country.

I have just arrived in the United States from Prishtina, the capital of the Republic of Kosovo, 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. I have been eye witness to the horrible human and civil and national rights abuses of 92 percent of Albanian population in Kosovo. Albanians have been committed to peaceful—oppose the brutality we have experienced since our autonomy was abolished and martial law imposed by Serbia in 1989. The situation cannot continue.

Structural repression against Albanians of Kosovo has gained tragic dimensions each passing year. Serbian apartheid manifests itself in discrimination that started with rigid political trials before civil and military courts, isolation and confinement of hundreds of intellectuals, scientists and most imminent experts of Kosovo economy. Massive prison sentences of Albanians, killings of peaceful demonstrators, the expulsion of hundreds of university professors, scientists and thousands of teachers, dismissals of physicians and other medical staff is a full denial of human and national rights of Albanians in Kosovo.

Regrettably, official Serbian strategy is to change ethnicity of Kosovo through institutionalized discrimination and structural repression. Its goal is ethnic cleansing without open war at this time, but with daily police brutality. The Serbian Police Regime has achieved ethnic cleansing in all institutions of Kosovo by dismissing Albanians. They start in closing schools and dismissing professors because as publicly stated by Serbs, "A good Albanian is an uneducated Albanian. Educated Albanians are enemies."

In response to this Serbian brutality, Albanians, under the leadership of President Rugova, undertook peaceful ways of finding the solution through establishing a democratic institution and encouraging dialogue without precondition under international mediators of the United States, Europe and the United Nations.

After the expulsion of CSCE monitors from Kosovo last July, the brutal repression, not only continued, but increased dramatically. In the first three months of '93, 1,636 cases of Serbian police bru-

tality were recorded in Kosovo for defense of human rights and freedoms in Prishtina.

During the first three months of '94, Human Rights Council had—3,013 cases of brutal violation of human rights against Albanians in Kosovo by Serbian Regime.

Comparing those data in the first quarter of '94 with 1,636 cases in the first quarter of '93, when international CSCE monitors were present, repression in Kosovo has increased 85 percent in the absence of any international observers whatsoever.

Considering the unbearable situation of Albanians in Kosovo, the United Nations Commission on Human Rights at 50th session in March of '94 passed a resolution, urgently demanding that the Serbian authorities cease all human and national rights violations, release all political prisoners, establish democratic institution in Kosovo, and respect the political veil of inhabitants as the best means of preventing escalation of the conflict.

Albanians have asked before, and they are asking again, the United States Commission on Security and Cooperation in Europe to help reestablish the CSCE long-term mission in Kosovo immediately, and to explore ways and means for establishing an adequate international presence in Kosovo.

Furthermore, it is critical that Kosovo question its part of international efforts to resolve the former Yugoslavia crisis which is the Balkan crisis, and include legitimate Kosovo Albanian officials in the negotiation of any international conferences or summits on the Balkans.

It is a proven fact that Serbian authorities in Kosovo do not respect any international document about Kosovo. Unfortunately, they are abusing the good offices of institutions such as the United Nations, High Commission of Refugees, in their efforts to colonize Kosovo. There is no reason or justification for bringing Serbian refugees to Kosovo, which already has one of the densest populations in Europe.

Albanians in Kosovo have experienced all forms of autonomy and have suffered under all of them. As former Yugoslavia disintegrates, Kosovo constituent element of former Yugoslavia exercises the right of self-discrimination with commitment to an indefinite state of Kosovo. Kosovo is a newly emerging state in the Balkans, which is dedicated to continue peaceful demonstration in support of freedom and democratization of occupied Kosovo.

Albanians are part of the solution, but Kosovo is subjected by Serbia, which has committed the worst possible crimes against humanity. In the past, Serbia has enjoyed many privileges. Serbia wants to keep those privileges by any means necessary. In reality, the freedom and independence of Albanians should be good for Serbia as well. Kosovo's freedom will be helped in the Serbian democratization process. Good neighbor relations could exist between the Republic of Kosovo 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 sake of others. The sooner the better.

If this does not come to pass, then without a just solution of the Albanian question, the agonies continue, and there will be no peace in Balkans.

Thank you very much.

Chairman DECONCINI. Thank you very much, Doctor Gashi.

Ambassador BOGH, let me start with you. Do the human rights violations, to your knowledge, vary substantially in kind or in number, whether they are in Vojvodina, Kosovo or Sandzak?

Ambassador BOGH. Oh, yes, Mr. Chairman. They have a different character in Kosovo, as we have just heard, and I can confirm that. We have cases all the time of police brutality, or excessive use of force by the police, to put it in that term.

Chairman DECONCINI. That's not true in—

Ambassador BOGH. And, that happens also, although not in the same degree in Sandzak. Kosovo is, from that point of view, the most serious case.

In Vojvodina, again, it takes milder forms, as Professor Varady has explained. I think in the cases that we were dealing with in the Missions when it came to actual brutality, killing, then Kosovo was the worst.

If we're talking about human rights, I think nobody in the FRY, Serb, Hungarian, Albanian, or anyone, has today his human rights protected. But, the excesses certainly were worse in Kosovo.

Chairman DECONCINI. They were worse in Kosovo.

Ambassador BOGH. Yes.

Chairman DECONCINI. Professor Varady, what's the situation regarding the Hungarian population, or the Slovak or Croat population, in Vojvodina?

Professor VARADY. There have been acts of violence, but they are less frequent than Kosovo.

Most acts of violence are committed by newcomers who came during the war from Croatia. There have been acts of violence in eastern Vojvodina, even killing of Croats, and severe beatings, harassment, throwing bombs into courtyards of non-Serbs living there.

I have to say that a number of Serbs living there with Hungarian and Croatian population, have also been exposed to brutality.

Probably the most basic problem is that with the media focusing on this absolutely extreme vision of ethnicity, everything is decided by ethnicity. I think that there is an explosion which is awaiting, and this is the following, at this moment, as long as the economic sanctions are holding, there is a rule that there are no layoffs, which means that many enterprises which are completely unviable economically would keep their workers and pay very minimum salaries. Economic recovery will probably require shutting down a large number of these enterprises.

I'm afraid that then the selection of who stays, who goes, will be by ethnic criteria, because this is the only criteria offered now, rather than economy.

Plus, there are intimidations, sometimes intimidations which may not be followed with real violence. People in a Hungarian village have all received leaflets saying that they will be killed if they don't move in the month.

Now, this may be a random act of somebody without any power behind, but in this immediate vicinity of civil war and horrible crimes, one cannot feel this as a joke. The number of people leaving

Vojvodina is shockingly high, particularly, within the rank of minorities, but also some of the majorities.

Chairman DECONCINI. You mentioned that in Vojvodina the population at one time was roughly a third, or that no one had a majority. When did that change, and was that done by force of the Serbs through ethnic cleansing and other devices, or did that happen because of this discrimination?

Professor VARADY. Yes. Well, I don't want really to reach back very far in history, but for a century it was about 40 percent Serbs, about the same number of Hungarians, there was a very sizeable German minority, there was a Jewish minority, there were Slovaks and others.

Now, the Jews disappeared during World War II, the Germans after World War II. Their place was taken by Serb settlers.

I don't think that it was violence, I wouldn't qualify it as violence. It did change ethnic proportions, and there may have been some purpose behind the settlement, but it wasn't violent.

Chairman DECONCINI. Now it's 57 percent Serb?

Professor VARADY. Now it's 57 percent Serb, and now people coming from war-torn areas are coming with the habits of war-torn areas, and we do have acts of violence, and people are being threatened to leave their homes, and usually those who are threatened are minorities.

Chairman DECONCINI. Thank you.

Doctor Gashi, Albanians call for recognizing Kosovo as a republic separate from Serbia, and now this republic is to be independent opposed to being within a federation. This rests on the denial of autonomy and the horrible repression that the Albanians are witnessing since Milosevic came to power, but 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 by generating a nationalist feeling and fear of the Serb that they were losing territory? Why are some Albanians not satisfied if you could have the autonomy that you previously had?

Doctor GASHI. Mr. Chairman, Kosovo has always been a separate unit since Turkish rule. It has its own political, cultural, and territorial identity.

After 1945, and until now, we detest all forms of autonomy, and by all means in which all suffered.

The latest autonomy, which was as we call evoked by tanks and with the new Serbian Constitution, we had that autonomy for about ten years, but we never were able to exercise that autonomy because of different provisions which were linked to Serbian control.

There is not any reason for linking Serbian nationalism '87 with students protest in 1981. And, because Serbian argument of the fact do not exist, Albanians have been committed to restrain from any revenge, speaking about Serbian culture heritages, and if you do any research you may come to the conclusion that Serbian churches have guarded Albanians for over 400 years, and that is a fact.

And, the reason they want Kosovo, Kosovo is a very rich land, and it's aggression for territory. Serbs in Kosovo, they have—they

had and they still have all the privileges. So, there is no reason or justification for any crackdown.

Albanians—

Chairman DECONCINI. Excuse me, you don't believe that the crack down had anything to do with what appeared to be a change by some of the Albanians in Kosovo from autonomy to independence?

Doctor GASHI. In Kosovo it was seen as a crisis when Communism was falling, and the regime was collapsing, so they made a strategy of increasing Serbian nationalism to stay in power. So, I wouldn't link that with anything in Kosovo.

And, all this guard which they played for years, it was Kosovo, so why do not try in Kosovo. It was falling Communism, and they stayed in power with Soviet Nationalism, which we are very unfortunate.

Chairman DECONCINI. Congressman Cardin?

Mr. CARDIN. Thank you, Mr. Chairman.

Let me thank all three of you for your appearance here today and your testimony. It's extremely important that we document what is happening.

Unfortunately, the spotlight is off right and we're not getting enough information around the world.

How effective has the CSCE process been when the Mission was there? Were the Albanians protected by the CSCE Mission? And, what role do you see the CSCE playing in trying to help bring an end to the type of atrocities that are taking place?

Ambassador BOGH. Well, I think Mr. Gashi should reply.

Doctor GASHI. We have asked for many years for international eye witnesses in Kosovo, because unbelievable stories of what the Serbs are doing to 92 percent of the population through police and the military action.

So, we have welcomed the CSCE Mission, and we were very thankful to Ambassador Bogh, who worked very hard to try to ease the tension between the two sides.

And, as you saw the table, the graph shows that under presence of CSCE repression was for about 85 percent less than without CSCE. So, one of the reasons they have increased repression, they have no eye witness, and they can blame Albanians. They have no foreign—they have no foreign monitors. Some of the embassies are working very hard to come off and on to Kosovo, but that looks that is not good enough.

So, our strong request is for an international presence and for a return of CSCE monitors in realistic numbers.

Mr. CARDIN. Let me ask you something. How is your group treated by the government? As a monitoring group, are you harassed, have you run into problems when trying to do your work in Kosovo?

Doctor GASHI. Well, just in the last year, 604 Albanian political and human rights activists were severely tortured, interrogated by police, and some of them are in court because of their activities. None of them has committed any crime.

But, we have no choice. We have to work to promote freedom and democracy in our country, and continue our efforts to bring Serbs to the table to leave us alone. We are open for mediation, but we

have no reason to believe that life under Serbian jurisdiction is going to be equal for us. That is why Albanians do not accept those arrangements.

Mr. CARDIN. Thank you, Mr. Chairman.

Chairman DECONCINI. Yes, Ambassador Bogh?

Ambassador BOGH. May I just add to what Mr. Gashi was saying, because I think it might be important for the Commission to know exactly the way we worked when we were faced with human rights violations in Kosovo.

What would normally happen was that, if the police moved into, say, an Albanian village in Kosovo and intimidated people, and exposed them to police brutality, we would be notified. Then we would go there and talk to the people who had been exposed to such treatment. We would get their statements, and then we would go to the police station and say, well, look, this is what happened. "You threatened them saying you will be coming back tomorrow." I'm referring to a specific case.

Now, after we had made representations with the police, they didn't come back the day after. They stayed out of that village, and the villagers were able to live, if not peacefully, at least they avoided worse things that could have happened.

I think I'm correct when I say that there was a reduction in the number of incidents of that sort reported, because then, through our Mission, the glare of international public opinion was upon the area.

Professor VARADY. CSCE presence commanded some restraint, and it was some result. It didn't solve everything, because, after all, it had no decisionmaking capacity, but it definitely had a positive impact.

It should have been maintained even from the Serbian government point of view, because there have been often allegations that these facts or these things have been presented out of proportion, so it would be even in the government interest to have a neutral commission which would give the true facts.

Mr. CARDIN. When the CSCE mission was there, did you find that the information being portrayed in the international media was more accurate than what you see today, or is the information just not available today?

Professor VARADY. Well, you know, we had a CSCE presence, and there were people who were really enthusiastic and very hard working, but they couldn't cover the whole area. So, I don't know what was your staff, but it was certainly far short to be a real all encompassing, fact-finding Mission.

But, whatever it was, it had a clearly positive effect, there's no question about it.

Chairman DECONCINI. Thank you.

We've been joined by the Co-Chairman, Mr. Hoyer, who has been to Kosovo and Belgrade, and I'll yield to him for any statement that he cares to make.

Co-Chairman HOYER. Thank you very much, Mr. Chairman. I apologize for my lateness, particularly, to the witnesses. We had another hearing that I was also chairing, and so could not get here on time.

As the Chairman has said, I've been to Kosovo and to Belgrade talking about the problems of Kosovo, not as often as those of you here have, obviously, nor do I have anywhere near the kind of expertise that you have. I do have a great concern that, not only do we have currently, which I presume you've already testified to the human rights abuses that we saw first hand when we were there, but also we have the possibility for further human tragedy, if the United States and Western policy is not very clear and unambiguous, unlike the policy that we have pursued in Bosnia. There our policy has been ambiguous, which I think has caused instability and further war.

And, I'm not going to even ask any questions, because you've been going now an hour and ten minutes, and you've gone through a lot of things, but I want you to know that I will read the record and your statements, and I want to make this an item of very high focus by this Commission.

Chairman DeConcini and I have discussed this. Others on the Commission have discussed it. One of the purposes of the Helsinki Commission is to bring to public attention the tragedies that are occurring. The frustration is, quite obviously, the rest of the world cannot get involved in every problem area of the world. It can try to, perhaps, isolate, it can, perhaps, try to reduce the misery that is occurring there, but it is going to be probably precluded from intervening in every area.

Kosovo is an area where I think we need to act definitively, however, to preclude further tragedy.

As a demonstration to me as to how deep seeded the problem is, when I last visited Prishtina, I met with the then Communist boss of Prishtina, and I asked him four times in a row in the course of a meeting who among the ethnic Albanian Serbs in Prishtina there was to talk to that were reasonable—his allegation being, of course, some just wanted to secede and join Albania. I said, well, I understand that, but can you name any one person of the entire population of Kosovo with whom you feel you could sit down and have a reasonable dialogue of the resolution of problems, which is, of course, what peacekeepers, and arbitrators, and friends of both sides try to do. He could not name a person, much less an organization, not a person he thought was a reasonable person in Kosovo with whom he could discuss the possible resolution of tensions and resolution of grievances.

Obviously, with that kind of psychology, there is very little room for resolution, short of armed conflict or police action, as is now occurring.

Mr. Chairman, I thank you for giving me this opportunity to make a brief statement, and include my full statement in the record.

Chairman DECONCINI. Without objection.

Co-Chairman HOYER. And, I want to thank the witnesses for being here, and tell them we look forward to continuing to work with them and seek their advice and counsel on what actions we can and should take.

I don't know whether that question has been asked, Mr. Chairman, but if it hasn't I'd be very interested in what steps you be-

lieve the Commission and the United States ought to take at this time, if that question hasn't been asked and responded to.

Chairman DECONCINI. No, it has not.

Ambassador, would you care to give us a quick answer to that?

Ambassador BOGH. As I said before, I wouldn't totally exclude at one stage a dialogue between Albanians in Kosovo and the Serbs.

But, of course, it very much depends on how politics in Belgrade will develop and how influenced they will be by the other events concerning the whole complex.

The lines are very clearly drawn today, but I wouldn't exclude that such a possibility might exist in the future, depending on a lot of things.

I think it is worth our while today, after the latest events especially in Gorazde, to focus a bit more, both for this Commission, and for the CSCE as an organization, and for everybody, on the developments in Sandzak. It could be a volatile area, and also what adds to the problem is the constant influx of refugees over the border, and they are Serbs, and they are Muslims, and they create problems inside the area. I think it's worth focusing a bit more on that than we've done hitherto.

Professor VARADY. I think that we would have to pass first a psychological threshold. It's quite interesting, but there is a lot of interest for minorities in Serbia, throughout the whole Yugoslavia, former Yugoslavia, but it's always an interest for our's amongst them, completely disregarding the problem of their's amongst us.

If one could come to this very simple conclusion that our's amongst them, let's say, Serbs in Croatia, would deserve the same compassion as their's amongst us, let's say non-Serbs in Serbia, and, of course, it should be both ways for all purposes. I think this would be the very simple truth and very simple psychological threshold.

I think that, of course, there are variations in rights depending on size. One cannot claim the same rights for the Ruthenian minority, which is 27,000, and for the Albanians, which is about 2 million, or I don't know, the exact figures are missing.

But, essentially, as far as human rights are concerned, there should be some basically similar, if not, essentially, the same yardsticks. Yes, there is a problem with Serbs in Croatia. They should get a proper degree of autonomy. There's absolutely no reason not to treat the same way the non-Serbs in Serbia, and there are 37 percent of non-Serbs in Serbia.

So, the solution would be an extension of minority rights, understanding of this predicament should be by all minorities, both our's and their's, and a reasonable degree of autonomy which could, then, make a cohabitation viable.

Chairman DECONCINI. Doctor Gashi?

Doctor GASHI. Well, I would like to pose the chemistry of my country here, other people see the problems present. Albanians, under the leadership of President Rugova, have chosen a peaceful way to resolve the crisis.

In other parts of former Yugoslavia, trouble makers who are at war, are getting attention and being invited to the bargaining table to find a solution.

So, lately, our people see the trouble makers getting attention and wonder why we are left out. This cannot go on forever.

I do strongly believe that in Kosovo's case, 92 percent of the population is in a defined territory. They have made the highest compromise by not asking to join Albania, preferring to live in the borders or province where they lived for ages.

So, I think it's worth investing in preventive diplomacy and reinstate international monitors. These tens of thousands of people in every corner of Kosovo, civilians, human rights activists, humanitarians, journalists, that is home.

I'm asking on behalf of the people who sent me here, for the United States CSCE to do whatever it takes to prevent a massacre in Kosovo.

By all means, Albanians are dedicated to solve the crisis peacefully, but Albanians are fully unarmed, and the other side, I have no hate for the Serbs. My work and energies are to prevent escalation of the conflict—to prevent revenge, because Serbia has committed many crimes in Kosovo. I don't want Albanians to become killers. But we have a right to ask for protection. We are asking for an international presence in Kosovo, for eye witnesses in Kosovo. We are asking for all possible help to encourage Serbs to stop beating and killing us, to leave us alone.

One of the reasons why President Rugova is encouraging some sort of protectorate is to give a chance for both sides to find a solution. I think CSCE hasn't done things which are possible. It was—document for bringing back monitors in a declaration, another statement which hasn't been very factual, what we are asking just everybody to do their job, and I think CSCE can do much more, and to prevent, not just massacre to Albanians in Kosovo, but to prevent the spillover of conflict in the whole region.

No matter what President Rugova thinks of President Berisha, or Mr. Gligorov thinks about that, if something happened there is one nation, the family ties in three or four surrounding state will get involved to conflict. And, we don't want the war. It's a very small region, and its very population density in Kosovo, so it will be all means massacre. We want to prevent the war. We are trying to be part of solution, but trouble makers are getting attention, and we think that is not fair, and we ask for a chance.

Chairman DECONCINI. Thank you, Doctor Gashi.

Doctor GASHI. Thank you.

Chairman DECONCINI. Representative Smith?

Mr. SMITH. Thank you very much, Mr. Chairman. I want to thank the panel for your very sobering and most enlightening statements. This Commission needs to hear your words which will help our work and, hopefully, we can be of some assistance.

Doctor Gashi, in the supplement affixed to your testimony, you have a listing of children and women as victims of police abuse. The list is very, very long list on both accounts.

You point out that children are often beaten in front of their parents, and vice versa, the parents are beaten in front of their children. This is another step down into the sewer, if you will, of human degradation, especially when children are singled out for this kind of mistreatment.

Focus has been given to women in Bosnia, particularly with the use of rape and other kinds of crimes, and, yet, in Kosovo we are talking here about children being singled out as well.

Could you elaborate on this terrible phenomenon and how it apparently is being used by the Serbian police to break the will of the Albanians?

Doctor GASHI. Well, unfortunately, we have come to the stage that we do not speak anymore about the violation of human rights of 92 percent of population, but, unfortunately, a full denial of human and national rights.

Jeri Laber, on behalf of Helsinki Watch, was on a fact-finding mission four years ago in September, '90, and with that delegation they saw what they have done just in one single case when, as they called, police search without any legal procedure, without respecting anything what is even in Serbian laws, special circumstances today in Kosovo done to the families.

So, children are beaten during the family search. Pregnant women, unfortunately, are the case which have suffered in most house searches.

I have presented just a small number of cases which we have been able to prove through medical certificate and pictures, but the list is very long. Today, we are not able to count anymore beatings, because that is on a very large scale, but we have problems of children because it's very hard for us to convince them to go and play with the kids on the street as they used to before.

One editor of weekly magazines in Prishtina, he was taken to prison for 60 days, just trying to defend his kid, who was beaten by an older Serb. So, it has become a very tragic situation.

For the woman, it's another story. I didn't want to illustrate the case when the mother of three kids was killed at the table having lunch. There are pictures of half of what was left on the table during those police arrests and random killings. But, we still think there's a chance. Still in Kosovo it is not the case when a neighbor has killed a neighbor, neighbor raids neighbor, so we are asking to do whatever it takes to prevent against the wars. I do strongly believe that Albanian restraint from revenge needs support. We have support, but we need more concrete support to encourage our people to restrain from revenge.

Second, we are afraid that any time the regime wants it can provoke a massacre, we are fully unprotected.

Mr. SMITH. Do you have a number of—or have any guesstimate as to how many political prisoners there are, how many people are, as of today, in jails in Kosovo?

Doctor GASHI. All prisons, Albanian prison in Kosovo today, which are as the political prisons that are charged for other things, but none of them has committed a crime, so we do see them as political prisoners.

Mr. SMITH. Any idea how many there might be in the region?

Doctor GASHI. I do not have a list, but those 604 which have been interrogated are suffering.

Mr. SMITH. Do you, and the other members of the panel, feel that an end of the war in Bosnia would have a positive or negative effect on the regions?

Ambassador BOGH. Well, I can only guess at that. I have seen the theory being bandied about that when there is peace in Bosnia, the Serbs can turn their attention to the Albanians in Kosovo and the Muslims in Sandzak.

I think to a large extent this will depend on what sort of peace settlement one obtains at the end of the day for Bosnia. Because if it means that there must be reasonable, peaceful, and helpful steps taken by the governments involved, I would think that that would have a positive effect, make the Belgrade authorities more willing or prepared to (1) lay off police brutality and all these atrocities that we know about, and, second, to start a process of negotiating.

But if, on the other hand, the settlement would mean that the Belgrade government would appear to have won the day, of course, there would be a different picture.

Professor VARADY. I don't think that any settlement in Bosnia would solve the problem of Kosovo, Vojvodina and Sandzak. It might have some impact, both positive and negative, both are quite conceivable, but these are problems which do deserve special attention and they cannot be solved as a mere incidence of another problem.

And, I would also add that these problems are solvable today, but time is not running in our favor, and it might be more difficult to solve these problems later on than it might be today.

Co-Chairman HOYER. Can you expand upon that, Professor, the problems are solvable. We would all wish for that.

Professor VARADY. Well, let's see from the point of view of Vojvodina, where—well, I see the situation somewhat more clearly, I think that this multi-ethnic coexistence is still a chance in the Vojvodina. It has become difficult, and even—

Co-Chairman HOYER. Because the populous has been radicalized?

Professor VARADY. The populous has been radicalized by the media, and by the suggestion that there is a type of people who are Serbs, and all Serbs are the same, and there's another type of people who are Hungarian, and all Hungarians are the same, which is, of course, nonsense.

But, this, of course, incites problems, and these problems are sometimes showing the absurdity.

You know, when I was in the Yugoslav Army, I didn't like very much being in the Army, but my position wasn't worse because I was ethnically different. Today, people are harassed, and they are beaten, and they are humiliated if they do not belong to the majority.

Now, again, if not every single decision would be a central level, I said earlier that even local schoolmasters are nominated by the Serbian Ministry, rather than by the locals. Solution supposes a reasonable degree of autonomy. What is contrary to Milosevic is not a different ethnic victory, it is a defeat of the idea that different ethnic groups cannot live together.

And, if there would be an ethnic partition in Bosnia, no matter in what proportions, it would not be a defeat of this idea. A defeat of this idea would be if in Macedonia there would be viable states with Macedonians, Albanians and Serbs, if in the Vojvodina there

would be a normal autonomy of minorities, and, yet, a society which is functioning.

And, I think that it is becoming more and more difficult as more and more propaganda, more and more hatred, is escalating, but it's still not impossible.

Co-Chairman HOYER. Does anybody else want to comment on that particular?

Mr. SMITH. Thank you very much.

Co-Chairman HOYER. Oh, I'm sorry, Chris, I thought you were finished.

Let me ask an additional question regarding the embargo. Obviously, one of the suggestions is to tighten the embargo. Can you comment on, if you haven't already, the effect that the embargo is having from your perspective, and what further steps might be taken with respect to the embargo? And, if you have any observations as to why it is not working as well as it could otherwise work.

Mr. Ambassador?

Ambassador BOGH. Well, having lived there in the FRY during these sanctions, when our Missions were operating there from September 1992 to July of last year, I think the economic sanctions, certainly do not have the effect that they were meant to have. Now, why is that?

The FRY has long borders, and borders with nations with whom they have had more or less friendly relations, and there are always people who want to get into this blockade running for the profits.

They may not even be citizens of the neighboring states. There are international mafias, and there are a lot of people in Serbia today, and I'm sure my friend Varady can testify to that, who have become enormously rich, just like people in this country profited from the Prohibition in the 1920's.

It's amazing sometimes what sort of products and goods you can find inside FRY, which really shouldn't be there.

Co-Chairman HOYER. Can you give me some examples, for instance?

Ambassador BOGH. Well, for example, petrol was there all the time. It was expensive, but people could get it. And electronic equipment you could always get, at a price.

Of course, the poor people suffer, those who have to make a living out of something like \$20 a month. They cannot buy these products, but those who shouldn't are really living it up and profiting. That has created a new class, a class of criminals, which, again, sometimes supports groups like the Arkan group, little chiefs that are responsible to no one, and who have agendas of their own and stir up trouble whenever they see an interest in it.

Chairman DECONCINI. If the Co-Chairman would yield, could I ask a question? Where do you think, Ambassador, the bulk of that comes from, Macedonia?

Ambassador BOGH. No. I wouldn't know really. I only know that from all my contacts there that goods is coming in, it's coming up the Danube, it's coming down the Danube, or across the frontiers that are not patrolled. I'm not saying that neighboring countries are to blame. I think there are always people in there from the international community of gangsters.

Chairman DECONCINI. On a Commission visit, to the border of Macedonia and Serbia, it was clear that a lot of unauthorized material was passing through there because they didn't have the capacity, they said, and the capability to act as Customs inspectors. And, when we were there, they turned a couple of trucks around. We waited, and later the trucks went through.

Ambassador BOGH. Yes, the inspectors and the international inspectors who have been there, they keep their office hours, and at 4:00 they go home, or 5:00, and they are closed.

Doctor GASHI. On the question of sanctions, I think sanctions do have effect. Sanctions didn't reach the scale which everybody expected, but I do strongly believe that sanctions should be linked to resolving a global crisis in former Yugoslavia, including the question of Kosovo.

Co-Chairman HOYER. One last question, and I see others have arrived. From your experience, what influence, and how can we influence, Milosevic? We haven't had very much luck in Bosnia. As I told you, my experience was, both in discussing it with Milosevic, as well as discussing it with the local leaders in Kosovo, one of very significant intransigence, no acceptance that here was anything to discuss, much less anybody with whom to discuss possible resolutions.

Do you have any thoughts on, we talked about the embargo, obviously, military force is an option, although an unlikely option at this point in time, but, nevertheless, an option? How can we affect Milosevic? What will make him act? What will make him respond to the Western community, the CSCE community?

Ambassador BOGH. That's a tough one, but there are many elements in this, clearly. If you talk about the Yugoslav situation as a whole, Bosnia, Croatia, Krajina, Baranja and what have you, and not specifically about Kosovo, I sometimes feel that it's like an illness which has to run its course, and then at one stage people just can't take it any more and they agree to come together and try to make peace with one another.

It's not very hopeful.

About sanctions, of course they bite, and Yugoslavia is in a terrible mess economically, there's no doubt about it. But, again, it leads to chaos, lawlessness and a high crime rate.

About military intervention, we have seen recently how that has worked, and I wouldn't exclude that. I think NATO and the United Nations acted with restraint but correctly.

On the other hand, I'm using here a comparison, I think we have to be concerned about the "Waco, TX, syndrome," if you see what I mean. If you move in with all the military gear you have, you may be able to crush the perpetrators, but then, you may have a disaster in the wake of the action.

One has to be very careful, and I think we have been.

Professor VARADY. This is, of course, a very difficult question, and it's difficult for me also to answer. I could say maybe one thing, I believe that the basic premises of the Milosevic policy are irrational. But, within these premises, he's very rational. He's very shrewd, rational politician, except for the starting point, which I think is—well, let me not use a qualification, and if he's rational

that means also that a resolve can influence him, but what has been shown so far was anything but resolve.

Whenever there was resolve, either behind threat or behind promises, I think he did react rationally, but there was very little resolve either behind threats or behind promises.

Co-Chairman HOYER. Professor, I couldn't agree with you more, in terms of the lack of resolve. And, it seems our experience has been when resolve was seen it had an impact.

Professor VARADY. Yes.

Co-Chairman HOYER. But, it lasted for such a short period of time, because of the differences within the international community, which still exist, but I couldn't agree with you more.

Professor VARADY. And, maybe the endeavor not to invest too much, while the price is rising, and the endeavor not to pay too high a price, and, therefore, to wait, may not be a good policy.

Co-Chairman HOYER. Thank you, Mr. Chairman.

I don't know whether Doctor Gashi wishes to comment.

Chairman DECONCINI. Congressman Porter?

Mr. PORTER. Thank you, Mr. Chairman.

Let me first apologize for a very heavy schedule that did not allow me to be here earlier, and I am very sorry I wasn't able to hear your initial testimony or the answers to other questions, and I may be, therefore, asking things that have already been asked, but I'm certain that you know that the Helsinki Commission here, the Congressional Human Rights Caucus and others have taken a great interest in Kosovo and the plight of the people of that region at the hands of the Serbian government.

Let me ask this. We continually hear that this is an area, along with the former Yugoslav Republic of Macedonia, where the war could spread easily, and that, in fact, on one of these sheets, in the absence of international observers the smallest incident could trigger a major conflagration in Kosovo, and we hear the same thing about Macedonia. The United States has sent troops to Macedonia to try to prevent the spread of warfare to that region, on the assumption that if it spreads to either Kosovo or to Macedonia it could involve many other nations and spread throughout the region.

What is it that is preventing that incident today? Is it a very heavy hand of the Serb military in the region? What is holding that in check? I know it's a strange question, but we are very fortunate that it isn't happening in the sense of violence, but I'm wondering what is happening.

Ambassador BOGH. Yes, if I may comment on that, Mr. Congressman.

I was often a bit disappointed with some visitors or delegations who came to the FRY during my time, very often politicians, who said, without qualification, "This is a conflict which could spread easily into the whole of the Balkans and involve this part of Europe in more bloodshed and war." And, even one politician, a European party chairman, came and said, it was in February of last year: "I'm not talking about months, but weeks or days when this may all start."

That sort of statement is not, of course, very helpful, and it could very easily become a self-fulfilling prophecy.

Personally, I don't believe in this domino theory for the Balkans, because I think there are enough built-in constraints in the whole situation to prevent that from happening. I think there is first, as Mr. Gashi has pointed out several times, the Albanian leadership, Mr. Rugova, my good friend is a prudent and rational leader who manages to calm his people and to admonish them not to do anything rash. It's not an easy job. That's one factor, I think, which has exerted a restraining influence.

And then, I don't think either the Greeks or the Bulgarians or anyone else see their interests served by any conflagration. Certainly, the Serbs have enough on their hands today. So, I think all this together makes the situation uneasy, but still stable.

Mr. PORTER. Are the Serb forces there military forces as opposed to police forces in Kosovo?

Ambassador BOGH. Well, there is the army and there is the militia. This is another difficult element in the whole situation. The Serbs in the militia in Kosovo, as far as I have been informed, consist mainly of Serbs not from Serbia proper, but Serbs from Bosnia or Croatia, people who have left their home republic and who serve more or less as mercenaries. And, they, very often, act on their own without any clear instructions, but still with the connivance of Belgrade.

Mr. PORTER. Would anyone else like to comment? Mr. Gashi?

Doctor GASHI. If I may say, Congressman, the Albanian population in Kosovo is in big danger. One of the reasons is that Albanians of the Nation are only non-Slavic in former Yugoslavia. So, they are—

Professor VARADY. And, the Hungarians.

Doctor GASHI. —and the Hungarians, yes. So, we are—I was thinking in the south.

Professor VARADY. Yes.

Doctor GASHI. We are concerned that they will run to Kosovo and massacre, and that will link into Albanians in Macedonia and the Albanian State.

So, what will go beyond that is very hard to predict, but 7 million Albanians are very tied together with one language on cultural and tradition as one divided nation. So, if when Kosovo starts, we will have a wider conflict, at least Albanian nation as whole.

Mr. PORTER. I just got the opportunity to look at this. Is this the agenda that will do the most to alleviate the situation there, the Kosovo Peace and Democracy Act of 1994, is that the suggestions that we ought to follow?

Doctor GASHI. Oh, from all of that list, we are asking for international presence in Kosovo, for international eye witnesses in Kosovo, and to start the dialogue with international mediation, and start to resolve the problem.

Mr. PORTER. Is this Administration, the U.S. government, doing enough regarding Kosovo?

Doctor GASHI. Well, they do support lives of Albanians in Kosovo, but, of course, 2 million of the 6 billion on all the earth needs more of that. We need more concrete support.

Mr. PORTER. What, specifically, and you probably have answered this already with the questions of other members, but what, specifi-

cally, should the Congress be doing right now regarding this situation? What can we do to improve it?

Doctor GASHI. Well, first of all, to encourage CSCE Mission to restore witnesses back to Kosovo, and good numbers. And, secondly, to pass the resolution to support the bill which is in Congress to link the sanctions of former Yugoslavia to resolving the crisis of Kosovo.

Mr. PORTER. Which are the things in this Act?

Doctor GASHI. Yes.

Mr. PORTER. Thank you very much.

Thank you, Mr. Chairman.

Chairman DECONCINI. Mr. Engel?

Mr. ENGEL. Thank you very much.

I would like to follow up on what my colleague, John Porter, just mentioned, the Kosovo Peace and Democracy Act is a bill which I introduced, along with Susan Molinari, and we have a number of co-sponsors. And, of course, last year I visited Kosovo and the former Yugoslav Republic of Macedonia and spoke with many, many people.

What's disturbing as we look at the human rights abuses in the recent report on Kosovo issued by Human Rights Watch is that they are abuses that are just so basic. Even yourself, Doctor Gashi, this witness list that we received says that an ethnic Albanian, who was the attending Surgeon General and Dean of the Faculty of Medicine at the University Prishtina prior to the removal of non-Serbs from Kosovo's hospitals in 1991. You know, it's almost as if you are reading about what happened to Jews in Germany in the 1930's: summary removal of people. You cannot practice medicine. You cannot do this. Albanians summarily dismissed from all kinds of positions. It's just really a horror when you look at the conclusions of Human Rights Watch-Helsinki. Serbian police have stepped up tensions and arrests of Albanians, including Albanian intellectuals, political leaders and former political prisoners. Yugoslav Army forces and paramilitary troops arrest Albanian citizens with increasing frequency. We were very concerned in July 1993, which was a couple of months after I was there, when Yugoslavia expelled the long-term CSCE monitoring mission from Kosovo and elsewhere, and then denied visas to U.N. personnel and Amnesty International, after they indicated a desire to visit Kosovo.

One of the reasons I formulated the Kosovo Peace and Democracy Act was precisely, Doctor Gashi, because we feel that there needs to be an international presence in Kosovo to avoid a catastrophe. I just heard the infamous Arkan talked about expelling 700,000 Albanians back into Albania, and all kinds of irresponsible talk like that.

The only way, it seems to me, we are going to let the Belgrade authorities understand that the world will not stand by if Milosevic and his people move into Kosovo is to stand firm in the face of aggression. It has the ability to make Bosnia seem like a tea party by comparison. And, I just wanted to get the feeling of our distinguished panelists about what kind of message we in Congress can send, the world community can send. I have long called for the opening of the U.S.I.A. office in Prishtina, which we have authority to do, and which we haven't opened. I think it's important for the

population there to see the American flag flying and understand that there is an American presence on the ground, so that they understand that the world hasn't abandoned them.

So, I just think that—I'd like to hear from all of the panelists what you think that we ought to be doing in Congress. Do you think the Kosovo Peace and Democracy Act is the way to go? We are, essentially, saying in it that sanctions should not be lifted on Belgrade. If Belgrade agrees to some kind of a peace in Bosnia, then I don't think that sanctions should be lifted until there is a resolution of the Kosovo problem, or the Vojvodina problem, or any of the other problems.

I would like to hear your comments.

Professor VARADY. One of the main arguments of the Belgrade government, and not only of the Belgrade government, many Western observers also said that the recognition of Croatia was premature, because it made it more difficult to have a solution for Yugoslavia as a whole.

And, whether that recognition was premature or not I won't like to enter into, but I think one should really look for a solution at this moment which would not be a piecemeal solution. I don't think that a solution for Bosnia, which is very difficult to find, and not trying to have a solution for Croatia and the Serbian territories in Croatia, and not trying to find a solution for Kosovo, and Sandzak, and Vojvodina, would yield a durable solution. I think it has to be one package. I don't think there is any other way.

And, as far as international presence is concerned, the problem is not only the CSCE Mission, as you probably know, since recently, even CNN has been expelled, and Le Monde, and Sky News, so there's obviously a need for international presence, and this should be also part of the solution.

And, I don't think it's a good policy to wait for some regions to lose restraint and to start being inflamed to start searching for a solution, to say, well, Bosnia is now burning so let's forget Kosovo, and if Kosovo is burning let's forget Vojvodina, and if Vojvodina is burning let's forget Sandzak.

I think one should strive for a solution and then it's also easier to find equal yardsticks if you consider the solution as a whole and the problem as a whole.

Ambassador BOGH. I would agree with what Professor Varady has said. I think one has to look for a whole package to try to find something which can be presented, both to the parties and to the world community as an overall solution of the problem.

About the presence, of course it would be ideal if my Missions could go back and, certainly, I agree with Doctor Gashi, we should. If the United States can open an office in Prishtina, well, that's excellent. But, you cannot go in there unless you operate under some authorization given by the Federal Government in Belgrade. This was very clear to us from the beginning. If you just go in and you don't have the papers, you will be kicked out the next day, or even before you enter. It's as simple as that.

Visa restrictions were imposed for most countries last spring, and include even more countries today. I saw only recently that the Eastern European countries have now been subjected to visa re-

strictions. So, nobody can go in there without papers unless they shoot their way in, and then, of course, that's another option.

Doctor GASHI. Congressman Engel, we can't accept Serbian argument that they have a right to have Kosovo under the siege and have a big prison and do whatever they want inside, on the behalf of their right to control the territory.

It is strongly believed that international presence is necessary, and international communities should work harder to find a way of solution to be a witness inside Kosovo.

Your Kosovo Peace and Democracy Act is the best document to prevent the conflict in Kosovo and to have a chance for stability for a whole region. This is nondiscriminatory, it's good for all people in Kosovo and for the people in the region.

We do strongly believe that the Serbs who are citizens of the Republic of Kosovo should have a right to live in the Republic of Kosovo, not under the Serbian propaganda terror today, which is being held on a daily basis.

So, by implementing the steps of this Act, we will have a better chance for peace in the whole region, not just for Albanians.

Mr. ENGEL. Doctor Gashi, when we, as members of Congress, speak to people in our State Department, they seem to have an overall feeling that, perhaps, a future solution to the entire problem in the former Yugoslavia, ought to be dealing with the entire problem, and I do agree with that. But we hear people in our State Department saying that the ultimate solution would be a return to the way it was in Yugoslavia with a federation type of government, where Kosovo had a vote, and Vojvodina had a vote and that kind of thing. Would you explain why that is, apparently, not acceptable to the Albanians in Kosovo?

Doctor GASHI. Well, as I said before——

Co-Chairman HOYER. I'm going to have to interrupt. I've just gotten a call from the Speaker's office and I need to be over there.

Mr. Engel is going to continue. I want to thank all of you for being here. You came, I know, a long way to join us. The record that we've made today at this hearing I think is going to be an important one that we can utilize as we try to address this thorny problem.

I would make a comment that I know what Mr. Engel meant, but there is no way to make Bosnia look like a tea party, and I know he knows that, and no matter what happens in Kosovo the horror of Bosnia has been such that to diminish it would be impossible. That is not to say we couldn't repeat it.

Doctor Gashi, let me say to you, Doctor Silajdzic, whom you may know, formerly the Foreign Minister, now the Prime Minister of Bosnia-Herzegovina, testified approximately 2 years ago for the first time before this committee. He predicted for Bosnia, as you are now predicting for Kosovo, events that would occur if we did not act. In fact, it has happened. And, let us hope that the message that you bring us and bring to the Executive Department as well, has, perhaps, a greater prophylactic effect in terms of our actions to prevent the repeat of such actions.

I want to thank Mr. Engel, not only for joining us and pursuing these questions, but also for the leadership that he is showing on this issue, which is critical.

Thank you again for coming. We appreciate it.

Mr. ENGEL. I only have a couple of more questions, I know you've been here for a long time, and many of us were meeting with Secretary of Defense Perry before with the Foreign Affairs Committee, so I apologize for my coming in late. Can you comment, Doctor Gashi, on why that solution, the old going back to a similar situation of the old Yugoslavia, would not be acceptable to the Albanians in Kosovo?

Doctor GASHI. Well, Congressman, Albanians in Kosovo have experienced all forms of autonomy under the Serbian rule. And, under all of those forms they have suffered a lot. So, Kosovo was one of a constituent settlement of the state which has disintegrated, and Albanians did exercise their rights on self-determination on September 26, 1991, when they voted for an independent military state of Kosovo.

We do encourage Albanian people to speak freely, to express themselves, but for now all Albanian political forces, as well as non-governmental forces, and the entire population is behind referendum for independent Republic of Kosovo. None of them see Kosovo inside any Serbian jurisdiction. All of them support peaceful divorce from Serbia.

Mr. ENGEL. How do you answer the Serbian authorities, when we met with them in Prishtina last year, there were four of us, four members of Congress, who said why don't the Albanians vote? They have the ability to vote and to have themselves heard. Why don't they vote? How would you answer that?

Doctor GASHI. I will answer that Albanians voted, Albanians did hold free and fair elections on May 24, 1992, Albanians have elected Parliament of Kosovo. Albanians have elected the President of Kosovo, and Albanians do respect all decisions of government to Kosovo and do support the project for peaceful resolution of Kosovo.

Mr. ENGEL. Your Parliament that was elected by the Kosovan people has not met, has not been allowed to meet, is that true?

Doctor GASHI. Unfortunately, on the day their Parliament was due to meet, Serbian police got down and stopped the meeting or session of Parliament. So, we didn't want to escalate the problems. We work in the parliamentary group, and we do consider that it is our right to respect our members of Parliament and accept their decisions.

Mr. ENGEL. Haven't members of Parliament been threatened with arrest if they convene in Parliament?

Doctor GASHI. Unfortunately, quite a good number of members of Parliament of Kosovo are including a number of 640 Albanian political activists who have been interrogated by Serbian police, some of them are still in prison.

Mr. ENGEL. Talk a little bit, and if I'm repeating what was said before I came here, then please tell me and we'll go on to something else, about the Albanian language. One of the complaints that I have constantly heard is that Albanians are not allowed to be taught in their own language. When we raised it with the Belgrade authorities, they said that that is absolutely a lie. Can you tell us what the situation is with regard to talking in their own language?

Doctor GASHI. In my supplementary materials for the record, I have listed a number of discriminatory laws which Serbian Parliament has introduced which are enforced, and one of them is a law on language.

If you walk on streets of Prishtina, which has over 92 percent or maybe more Albanians, you can see that all signs, public offices, stores, are written in Cyrillic, and very rarely can you see any Albanian writing.

If you proceed to any office in Kosovo, you won't find a single Albanian in Administration, so you have to communicate in the Serbian language.

If you have in mind the structural population in Kosovo, which is about 24 or 25 years average age, it comes close to half a million kids in different levels of education are not in the buildings of school system, the full denial of education. So, we have no right to officially use our language.

We can only use our language in our private communication. All Albanian newspapers and magazines have been closed, and as well television and radio in Albanian language.

Mr. ENGEL. So, all the newspapers and magazines are shut, the television, radio cannot be broadcast with the Albanian language legally.

Doctor GASHI. Before the Serbian crackdown, we had over 80 different magazines and newspapers in Albanian language. In August, '90, they closed radio and television and newspaper, only done in Albanian language. Now, we have one newspaper, which is only eight pages, five days week, which we pay the Serbian printing company to print that. So, our information system is completely destroyed.

Mr. ENGEL. Now, when I was in Prishtina, one of the things that impressed me was the fact that, since the hospitals are closed, and so many people are out of work, people seem to be banding together to provide medical services and other kinds of services, at least to a minimum, for the population there. Is that still the case?

Doctor GASHI. Well, parts of Albanian culture is solidarity among Albanians as well, nondiscriminatory solidarity in surrounding where they lived for centuries. It has been a key element in those four or five years that Albanians did survive because of strong family and very strong Albanian diaspora in Europe and the United States, which do help us a lot.

Mr. ENGEL. The last question, Doctor Gashi. I see these charts here. In 1993, was there, in your opinion, a stepping up of harassment against Albanians? Has it remained the same in the past several years, or have you seen a decrease in certain areas?

Doctor GASHI. Unfortunately, in the first quarter of 1993, compared with the first quarter of 1994, after international eye witnesses were expelled, repression has increased over 85 percent.

Mr. ENGEL. OK, thank you very much.

Professor Varady, I think Ambassador Bogh had spoken about the economic boycott saying that the Serbian people were feeling the economic boycott. Of course, one of the unfortunate net effects of boycotting is that the people who ought to be suffering don't, and the people who ought not to be suffering do. Unfortunately, with conditions deteriorating economically in Serbia, why is it that there

seems to be no bona fide opposition to Mr. Milosevic? Is the repression so great that there cannot be any bona fide opposition, or do the people really support his policies and feel that he's right? Or is he a master at playing the ethnic game in terms of consolidating support for him within his country?

Professor VARADY. Well, first, I would not completely accept the assumption that there's no such position.

Mr. ENGEL. It doesn't seem to be very effective.

Professor VARADY. That I fully accept.

I would like to say that when Mr. Panic was running against Mr. Milosevic, on a ticket which was to have a country with market reforms and not to worry that much about the borders and have Serbian Yugoslavia as part of Europe, which is completely the opposite of the Milosevic platform, and without the Albanian vote he got 36 percent of the vote, and without television, which is significant, which is very significant.

Today, I would say that the opposition is weak, and I'm very sorry for that, but I have to agree with you, yes, it is very weak. It is not marginal, though. There is a press in Belgrade which is rather versatile. There is a TV, however, which is under an absolute command.

Now, I have to tell you that to buy a newspaper it costs you, one paper per day would cost you about one sixth of your salary, which is prohibitive. On the other hand, TV is also living on subscription, but the Serbian Parliament enacted a law, by virtue of which TV subscription is part of the electricity bill, it's undivorceable, so if you don't pay your TV your electricity will be cut off.

So, you have a very, very strong leverage through the TV, and this is firmly and clearly in the hands of Mr. Milosevic.

The opposition press may not be as small as the recognition it receives.

And, there's another problem. One of the major platforms of the Serbian position against Milosevic was that we have to conceive a different Serbia because the world will never allow these nightmarish concepts. This doesn't seem to be so sure anymore, and this is certainly not much of a help for the opposition.

So, this was expected disillusionment, own weaknesses and internal bickering, which is also part of the story, absolute lack of access to television which is more dominant than in other countries where newspapers can be bought at accessible prices, this is part of the picture, but I would still say that there is a real opposition, and it is very important I would say to take notice of it and to encourage it. There are people who think differently. And, I would say that they deserve more recognition and encouragement than they've received so far.

Mr. ENGEL. I think your point about international support, or the appearance of international support, is very well taken.

Ambassador Bogh, a couple of questions. You served as Ambassador for a long time, 8 years, as the Norwegian Ambassador to Yugoslavia. Did you see this coming?

Ambassador BOGH. No. I'm afraid I didn't, nor did any of my colleagues at the time. We were aware that there were conflicts ahead, particularly economic conflicts. But, not a bloodbath. We didn't see that coming.

If the international community is to take any blame, I don't think it should, but with the benefit of hindsight one could probably agree today that the late President Tito was supported too much by the whole of the international community, east and west.

He achieved a stature in the world which was unsurpassed, and when he died there were more Heads of State present at his funeral than at any other Head of State funeral ever in history.

So, with all the prestige and respect that Yugoslavia then enjoyed, however artificial, we all thought, well, now they must think of a way of carrying this on. But it turned out, as we all know, that Tito's strength, his domination of the politics, had not really been a cement. It was cracking underneath all the time. He hadn't mastered the ethnic forces, and he had not prepared for a transformation of his country into a democracy. So, you might say he's to blame.

I don't think we could have taken any steps in the 1980's to prevent this. When I talked to the main political figures at the time, the answer I always got was, "Well, we shall have problems, but we shall deal with these problems here, we, the Yugoslavs. We will solve them, and we don't want to have any foreign interference."

Mr. ENGEL. If you've answered this before I came please tell me. CSCE monitors were expelled from Kosovo last year. What were the reasons that the Belgrade government gave for the expulsions, and was there any legitimacy in anything that was said?

Ambassador BOGH. Well, as I said before you came, Mr. Congressman, we were allowed to exist, starting in September 1992, because Yugoslavia, the Federation, then had a government of reasonable and democratic people with Mr. Panic at its head, who, as Mr. Varady was just saying, nearly made it in the election of December 1992. Well, he didn't because he had some odds against him, particularly, the TV. When he failed in his bid for the presidency of Serbia I knew that we had it coming.

We managed to have some prolongations, two months, and then another two months, but Belgrade all the time said, "All right, but if you are going to continue we need to be allowed back into the CSCE where we belong and take a seat there again." And that is the crux of the matter. That is, at least, the presentable reason. There are certainly circles inside Serbia who don't want us there in the first place.

Mr. ENGEL. Is there a presence in Vojvodina and Sandzak, or are they also—

Ambassador BOGH. Oh, no, we were expelled from all our areas.

Mr. ENGEL. I know you've been here a very long time, so I want to give you, all of you, a break. I know that the testimony has been very helpful to all of us up here, and I thank you for your time, and I declare the hearing concluded. Thank you very much.

[Whereupon, the hearing was concluded at 4:28 p.m.]

APPENDIX

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

Statement of Senator Dennis DeConcini, Chairman

I would like to welcome everyone here to this hearing on human rights in Kosovo, Sandzak and Vojvodina, three regions under Serbian control with ethnically mixed populations.

In each of the regions, the undemocratic rule of nationalist Serb leaders in Belgrade has combined with this mix to cause major tensions, not to mention human rights abuses and outright repression. While the tragedy in Bosnia-Herzegovina draws our attention to the situation there, we cannot ignore these neighboring areas. They could be the next victims, either by design or by accident. Moreover, the problems in these regions may serve to confirm many of our conclusions about Bosnia-Herzegovina -- that, while all peoples in the region have their extremists and need to learn more about tolerance and respect for human rights, the core problem we are facing today comes from a Serbian regime that has gone off the deep end. Without dealing with that problem directly, not only will Bosnia's multiethnic society be destroyed, but those in these three regions as well.

I hope that by focusing attention on Kosovo, Sandzak and Vojvodina, we can make a contribution to the effort to prevent this sad result from occurring. I am pleased to introduce the distinguished panel before the Commission today. Ambassador Tore Bogh, a distinguished Norwegian diplomat, headed the CSCE Missions of Long Duration to Kosovo, Sandzak and Vojvodina from September 1992 to their withdrawal at Belgrade's insistence in the summer of 1993. Professor Tibor Varady, a noted legal scholar, is an ethnic Hungarian from Vojvodina and a Justice Minister under the government of Milan Panic, which had sought to counter the nationalist trends of Belgrade politics. Finally, we have Dr. Alush Gashi, an ethnic Albanian from Kosovo and prominent human rights activist there.

Before turning to my colleagues, let me conclude with some remarks about the plight of the Muslims in Sandzak. Through our contribution of a Commission staff person to the Mission there headed by Ambassador Bogh, we have come to learn a bit more about it and have, in fact, a Commission report on Sandzak.

While Sandzak had its difficulties with roaming paramilitary groups, refugees, and discrimination against the Muslim population while the Mission was in that region, the situation there has worsened substantially since last year. Several Muslim activists in Montenegro have been under detention for several months now, and their political party may be banned in the country. Others face harassment, or worse if they return. Moreover, places like Gorazde are just a few kilometers across the border from Sandzak, and what is happening there cannot but add to tensions and fears in Sandzak itself. As we have no witness here directly from that region, I want to raise concern about it myself, and to urge those that can to join me in calling for an end to the human rights violations there, as well as in Kosovo and Vojvodina.

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.

**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 unafflicted 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. Panić. 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

- 2 -

- 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-

- 3 -

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.

- 4 -

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

- 5 -

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.

- 6 -

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 Hrtkoveci 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.

*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.

Albanians have been committed to peacefully oppose the brutality we have experienced since autonomy was abolished 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 martial law declared.

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

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.

IV.

Regrettably, official Serbian strategy is to change the ethnicity of Kosova though 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 the 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.

The total included 15 killed, 14 wounded, 2,305 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.

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 presence in Kosova.

Furthermore, it is critical that the Kosova question is part of international efforts to resolve the former Yugoslavia crisis, which is the Balkan crisis, and include legitimate Kosova Albanian officials in negotiations at any international conferences or summits on the Balkans.

VII.

It is a proven fact that Serbian authorities in Kosova do not respect any international document about Kosova. Unfortunately, they are abusing the good offices of institutions such as the United Nations High Commissioner on Refugees in their efforts to colonize Kosova. There is no reason or justification for bringing Serbian refugees to Kosova, which already has one of the densest population in Europe.

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.

In the past, Serbia has enjoyed many privileges. Serbia wants 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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**Ethnic Albanians in Kosova
Victims of Serbian
Structural Repression**

Supplementary Background Information

**Prepared for the
United States Commission
on Security and Cooperation In Europe Hearing**

*May 5, 1994
Washington, D.C.*

**Presented by:
Alush A. Gashi, M.D.Ph.D.**

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Structural repression by Serbian authorities against ethnic Albanians in Kosova has become unbearable, but Albanians are continuing their peaceful attempts for recognition of the independent state of Kosova on the basis of a Referendum which was held in Kosova on September 26, 1991, as the best way to protect human and national rights of Kosova's citizens.

Contents

1. Historical continuity of the subjectivity of Kosova (4)
2. The Constitutional Position of Kosova After Second World War (4)
3. Martial law in Kosova-1946 (5)
4. Constitution of 1974 (5)
5. Martial law in Kosova-1989-"The Constitution of Tanks" (6)
6. Law on "special circumstances" in Kosova 1990 (7)
7. The Constitutional Declaration of the Parliament of Kosova (7)
8. Law on the Abolishment of Parliament of Kosova - 1990 (7)
9. Serbian Constitution (8)
10. Serbian elections (8)
11. Law on the abolishment of the Presidency of Kosova (8)
12. Abolishment of the economic base in Kosova (8)
13. Discriminating Laws on Kosova (9)
14. The violation of the right to life (11)
15. Torture, cruel, inhuman and degrading treatment or punishment (11)
16. Punished for being ethnic Albanians (13)
17. Systematic torture (14)
18. Death of a lawyer following ill-treatment in custody (14)
19. Torture and ill-treatment of young people and children (16)
20. Mental torture (16)
21. Children as victims of police abuse (17)
22. Women as victims of police brutality (18)
23. Police expeditions (19)
24. The violation of the right to personal liberty and security (19)
25. Denial of the right to labor (20)
26. Denial of the right to freedom of association (20)
27. Denial of the right for social security and health protection (21)
28. Denial of the right for education (21)
29. Denial of the right to culture and science (22)
30. The denial of rights for the freedom of expression (23)
31. Denial of rights for public gatherings (23)
32. Denial of right for free circulation (24)
33. After the explosion of CSCE monitor from Kosova front of repression is continuing in large scale (24)
34. Chronology of events in Kosova after first post-war Yugoslav Constitution (25)
35. Reference (30)

1. Historical continuity of the subjectivity of Kosova

Kosova presents a territory which has continually constituted a special political-territorial and administrative integrity. Since ancient times, the Kosova of today was a central territory of the Illyrian province of Dardania. Since the 14th century, this territory has been called Kosova.

As a special administrative-juridical unit it got its affirmation particularly in the second half of 19th century by the name the Vilayet of Kosova, that was constituted by a Turkish Law of 1868, within the administrative organization of the Ottoman Empire in the Balkan Peninsula (in accordance with the Law of Vilayets in 1864). The Vilayet of Kosova together with Vilayet of Shkodra, Vilayet of Manastir and Vilayet of Janina constituted four Albanian vilayets known by the common name Arnautluk (Albania).

When the Ottoman Empire was withdrawing from the Balkans, the conference of St. Stephane and the Congress of Berlin accepted partial separation of the Albanian ethnic territories; the Albanian League of Prizren (Prizren 1878) proclaimed the autonomy of four Albanian vilayets, where Albanians constituted the absolute majority. The Albanian League of Prizren established its autonomous government and protected the Albanian territories for 34 years (up to the Balkans wars).

The Albanians in the rebellions of the years between 1910-1912 liberated Kosova from the Turks; it was occupied in 1912 by Serbia, Montenegro and Bulgaria.

The Conference of Ambassadors in London (1913) recognized the independence of Albania, leaving Kosova outside of it, but without determining international borders, as World War I began.

At the end of World War I, Serbia supported by its allied troops again occupied Macedonia and Kosova. By forming the state of Serbs, Croats and Slovenians (1918), which was recognized at the Conference of Versailles (1919) as Yugoslavia, Kosova and Macedonia remained under the state of Yugoslavia.

2. The Constitutional Position of Kosova After Second World War

The population of Kosova, where Albanians constituted the absolute majority, took part in World War II with over 50,000 troops in the war for national liberation. The Albanians of Kosova won their right of self-determination recognized at the time by Yugoslav General Headquarters and by the Communist Party of Yugoslavia. Representatives of Kosova at the National Liberation Conference held December 31,

1943, and January 1 and 2, 1944 at Bujan, at which representatives of Anglo-American Military Mission at General Headquarter of Kosova and Dugagjin took part, passed a resolution which guaranteed the right of self-determination to the population of Kosova after the war.

3. Martial law in Kosova - 1946

After the liberation of Kosova, when the population of Kosova was about to declare for the status of Kosova, the Yugoslav leadership implement military administration in Kosova and convened the Parliament of Kosova in Prizren, on July 8, 9, and 10, 1945, where a resolution was approved to annex Kosova to Federal Serbia within Democratic Federal Yugoslavia. This act was done in the name of the principle of self-determination of peoples (although in a state of martial law in Kosova), and was confirmed by the first Constitution of Yugoslavia in 1946.

4. Constitution of 1974

As a result of the development of social relationships in Federal Yugoslavia, the autonomous status of Kosova in the federation was advanced by Constitutional amendments in 1968 and 1971, and particularly by the Constitution of Yugoslavia in 1974.

In the 1974 Yugoslav Federal Constitution Kosova was one of the eight Federal constituent Federation. Thus is it defined by its basic principles and the normative part of this Constitution.

Kosova has over 2 million inhabitants of which 90% are Albanians. The territory of Kosova and its borders, based on Article 5 of the former Yugoslav Constitution and Article 3 of former Kosova's Constitution, cannot be altered without the consent of Kosova.

Through its representatives, Kosova participated directly in following the federal organs: the Federal Presidency, Parliament, Government, Constitutional Court, Federal Supreme Court, National Bank of Yugoslavia, Diplomatic Representative Offices and other Federal institutions.

Without participation of the representatives of Kosova and without their consent in the Federal Parliament, no laws or general acts could be approved neither could the Federal Constitution be changed (See Art. 286,292, 295, 296, 298, 304, 398 and 402 of the former Federal Constitution of Yugoslavia).

Kosova as well as other federal units had its own Constitution, its Presidency that represented it in Yugoslavia and abroad, its Parliament, Government, Constitutional Court, Supreme Court, administrative bodies, National Bank and other governmental institutions.

5. Martial law in Kosova - 1989 - " The Constitution of Tanks "

Serbia, which dominated overall structures of political and governmental power in former Yugoslavia, always tried to constantly reduce, narrow and eliminate the political and constitutional subjectivity of Kosova as a Federal unit of the Yugoslav Federation.

Since 1987, Serbia openly pursued the violent ruin of the constitutional structure of Kosova in order to accomplish its hegemonist aspirations. The President of Communist Party of Serbia declared on various occasions, in public meetings and demonstrations as well as at the Central Committee of the Communist Party, that "Serbia will either become unique or won't exist at all." This goal was to be achieved "in an institutional or a non-institutional way."

In order to achieve this goal, the Serbian government in 1988 started the procedure to change the Constitution of Serbia, contrary to the Federal Constitution and the Constitution of Kosova, both approved in 1974. Constitutional amendments IX-XLIX to the Serbian Constitution attacked the constitutional basis of autonomy of Kosova.

Based on these amendments Serbia could not change the constitutional nature of Kosova, without its consent.

When the public debate on the Constitutional amendments occurred, Albanians rejected the Serbian proposal.

In order to defend the constitutional position of Kosova, in November of 1988, workers went on strike, students and people protested. Over 500,000 Albanians from all over Kosova demonstrated in Prishtina.

On Feb. 27, 1989 the Presidency of Yugoslavia imposed the state of emergency in Kosova.

The implementation of special measures in Kosova (the state of emergency on Feb. 27, 1989) caused a forceful approval of the constitutional amendments to the Constitution of Serbia, by which the autonomy of Kosova was destroyed.

Kosova's Parliament met on March 23, 1989 in conditions of a state of emergency. The building of the Parliament was surrounded by tanks and a large force of police and military. Inside the building, among members of the Parliament, secret police were present.

This is the reason why Albanians named this constitution "The Constitution of Tanks".

The state of emergency in Kosova, the pressure that the members of the Parliament were exposed to, the fact that activists of the Communist Party voted even though they were not members of the Parliament and finally taking into account the fact that the votes "in favor" and "against" were never counted (two thirds of all MP's votes were needed) created a chaotic situation for a bogus approval of the constitutional amendments.

Meanwhile, the Constitutional Court of Kosova initiated the procedure for the annulment of the Decision of the Parliament that gave consent to the Constitutional amendments of Serbia. This Court was abolished by Serbia, before ending the procedure it had initiated.

Because "of the willingly given consent" under the circumstances just described, the Albanian people of Kosova on March 27 and 28, 1989 organized large peaceful demonstrations. The police and Army shot and wounded Albanians in municipalities in Kosova. At the same time, the Parliament of Serbia was approving its constitutional amendments.

Kosova was under siege with imposition of a curfew.

The massive protests in 1988, the strike and the massive demonstrations in March 1989, were an attempt to defend peacefully the constitutional position of Kosova, with demands for equality and democracy.

The state of emergency in Kosova which was implemented by the Presidency of Yugoslavia on Feb. 27, 1989 lasted until April 24, 1990. During this period, especially during February and March of 1990, 34 Albanians were killed and 248 wounded.

6. Law on "special circumstances" in Kosova - 1990

After the state of emergency was rescinded by the Presidency of Yugoslavia, Serbia, contrary to the Constitution of Yugoslavia, on June 26, 1990 reimposed the state of emergency in Kosova, which is still in effect.

This anti-constitutional act was achieved when "The law on the Activities of the Republican Organs in Special Circumstances" was approved by the Serbian Parliament. By this law Serbia took control of all Kosova institutions.

This law was contested by Kosova before the Constitutional Court of Yugoslavia, which still has not ruled on the challenge.

Serbia justifies its actions abolishing the Parliament of Kosova and its Government and other governmental bodies on the basis the Parliament allegedly approved decisions that were contrary to the interests of the different nationalities of the Republic of Serbia and because it had declared Kosova an independent unit of the Federation and thus it had endangered its' sovereignty, territorial integrity and constitutional order.

The "Law on the Activities of the Republican Organs in Special Circumstances" was approved on June 26, 1990, before the Parliament of Kosova approved the Constitutional Declaration on the position of Kosova as an equal unit in the Yugoslav Federation or Confederation, on July 2, 1990.

7. The Constitutional Declaration of the Parliament of Kosova

The Constitutional Declaration of the Parliament of Kosova (July 2, 1990) was a reaction against the abolition of Kosova's autonomy of Kosova and a plebiscitary demand of Albanians to assure a constitutional position as an equal unit to the other constituent units of the Yugoslav Federation.

8. Law on the Abolishment of Parliament of Kosova - 1990

On July 5, 1990, the Serbian Parliament approved the "Law on the Abolishment of Parliament of Kosova and its Executive Council." This law was also contested before the Constitutional Court of Yugoslavia, but the Court still has not reached a verdict.

This was the first case where a Parliament of a Federal unit abolished the Parliament and Government of another Federal unit.

Based on the Federal Constitution, not even the Federal Parliament has the right to abolish the parliaments and governments of its federal units.

Since 1990 the Parliament of Kosova and its Government functions have been arbitrarily abolished by Serbia which enforces its decisions through the police and forceful administrations and management.

9. Serbian Constitution

On Sept. 28, 1990, the one-party Parliament of Serbia approved its new Constitution. This constitution, which is also contrary to the Federal constitution, abolishes the right of the provinces to a status of a federal unit and the right to their own constitution. The autonomy was reduced to a minimum, underlining that the new political status of the provinces shall be established by their Statutes.

10. Serbian elections

Because of the abolishment of autonomy, the state of emergency, the expressed will of Albanians was ignored and because they were deprived of the right to choose their own government, Albanians boycotted the elections (December 1990) declared by the Serbian Parliament and participation in governmental institutions of Serbia.

Today 10 percent of the population in Kosova consisting of Serbs and Montenegrins exercises power over the 90 percent of the Albanian population.

Serbia applies discriminatory laws against them and exercises violence, terror and genocide.

11. Law on the abolishment of the Presidency of Kosova

On March 18, 1991 Serbia approved another law on the abolition of the Presidency of Kosova. It discharged the Kosova member of Presidency of Yugoslavia and appointed a new member delegated by the Serbian Parliament in Belgrade.

12. Abolishment of the economic base in Kosova

After the autonomy of Kosova was abolished by force, the Parliament of Serbia undertook a series of systematic measures to abolish the economic base of Kosova. It was achieved by implementation of emergency measures at all economic enterprises and social institutions in Kosova. All Albanian managerial and professional staffs were discharged,

and Serbs and Montenegrins replaced them, who then continued to arbitrarily dismiss other Albanian workers from their jobs. In this way the whole economy of Kosova was controlled by Serbs and Montenegrins.

Later Serbia carried out the integration of economic enterprises in Kosova with those in Serbia. Serbia announced that a number of economic enterprises in Kosova would be sold by means of share stocks. The capital accumulated in this way was deposited into the Fund for Development of Serbia. Selling of economic enterprises was done through sale by auction with beneficiary prices, and since the Albanians workers had been expelled from their jobs (147.000) by then, they were deprived of the opportunity to purchase economic capital of Kosova. Economic enterprises were sold to Serbs and Montenegrins, and the remaining shares became property of Serbia through integration.

Undoubtedly, this is the most blatant plunder of the economy of Kosova and an obvious effort to impoverish Albanians. This was the aim of emergency measures in the economy of Kosova, which Serbia applied starting from the largest economic enterprises, such as "Trepca," "Electroeconomy of Kosova," "Balkan," the Battery Plant, and all to kindergartens and the Red Cross of Kosova.

Emergency bodies at economic enterprises have systematically transferred the basic means and equipments from the enterprises of Kosova to those in Serbia, as they transferred financial funds from banks and funds of Kosova to those of Serbia, as well.

13. Discriminating Laws on Kosova

On the basis of "The Law on the Activities of Republican Organs in Special Circumstances in Kosova" (June 26, 1990), the Parliament of Serbia has passed many other discriminating laws and decisions in all the fields of life: political, economical, social, health, cultural, educational, public information etc., carrying out in this way the Program of Serbia to change the ethnic structure of Kosova, thus for its colonization by Serbs and Montenegrins. There have been 36 discriminating laws passed and 470 general decisions on the application of emergency (imposed) measures on Kosova.

Following are some of those discriminating laws:

* The Law on Job Relations in Special Circumstances (July 26, 1990, Official Gazette of Serbia, No 40/90), which is applied only in Kosova. On the basis of that law, up to now, 147.300 Albanians have been dismissed from their jobs, and they constitute 80 % of all employed Albanians in Kosova. They have been dismissed mainly due to their national identity and political convictions. Serbs and Montenegrins have taken the positions and jobs of Albanians.

* The Law on Conditions, Manner and Procedure of Distribution of Farming Land to the citizens who want to live and work in the territory of Kosova (July 20, 1991, Official Gazette of Serbia, No.43/91). In a direct way this law fosters colonization of Kosova. This law anticipates the settlement of Serbs and Montenegrins in Kosova and the creation of living conditions, giving them farming land free of charge, long-term loans under very favorable conditions to purchase farming equipment and to build houses.

* The Law on Special Conditions for Real Estate Transfer (April 18, 1991, Official Gazette of Serbia, No.22/91). This law presents an unprecedented case that limits possession of private property. The law, applied only in Kosova prohibits Albanians from buying, selling or lending their real estate in Kosova without a previous consent of Serbian Ministry of Finances in Belgrade. By this, juridical circulation of real estate and possession of private property is impossible.

* The Law on Transmission of Financial Funds from the Deposit of the Bank of Kosova to the Deposit of Bank of Serbia (March 29, 1991, Official Gazette of Serbia, No.19/91). By this law, the banking system of Kosova was ruined; financial funds of the National Bank of Kosova and of commercial banks were plundered; all the funds of the budget of Kosova, of municipalities in Kosova, all the other financial funds of administrative bodies and economic organizations were usurped.

* The Law on the Official Use of Languages and Scripts (July 27,1991, Official Gazette of Serbia, No.45/91). Provisions practically exclude the possibility of using the Albanian language officially, although Albanians constitute 90 percent of the population of Kosova.

* Decisions on assigning new names to streets, squares, schools and cultural centers. By these decisions the former names of streets, squares, schools and different cultural centers in Kosova were changed, so that instead of the former names of Albanian cultural, historical and literature figures, new names of Serbian historic, cultural and mythologic figures were assigned (Those decisions were published in 12 issues of Official Gazette of Serbia during 1992). All those names of streets, squares, schools, health centers and other institutions are required to be written in the Serbian language and Cyrillic alphabet.

* Decisions on changing urbanization plans and space settlement in Kosova. Former urbanization plan of Kosova approved in the General Urbanization Plan of Kosova was changed to the detriment of citizens and without their consent.

* The Law on Abrogation of the Penal Law of Kosova, the Law on Public Prosecutor, by which the Public Prosecutor of Kosova was suspended, the Law on Courts, by which the Supreme Court of Kosova and some other municipality courts were suspended, the Law on Legal Office of Kosova, by which the Legal Office was suspended, and the Law on Internal Affairs, by which the Provincial Secretariat of Internal Affairs was suspended. After these laws took effect, all judges, public prosecutors, legal officials (lawyers) and the workers in police, of Albanian background, were discharged from their posts and fired; they were replaced by "ethnically clean" slate of - only Serbs and Montenegrins. The same was true for all Albanians in the functions of administration of Kosova and in all the municipalities.

* Laws on Abrogation of Kosova Laws on Elementary, Middle and Supreme Education. Laws on abrogation of Laws on the Council of Education of Kosova, on the Academy of Science and Art of Kosova, on Institute of History, on the University of Kosova, etc. were repealed.

* The decision on health institutions and the decisions on the criteria for the children institutions in Kosova (published in Official Gazette of Serbia, No.50/92, on July 25, 1992, and No.75/92, on October 16, 1992), by which the health system in Kosova has been ruined. Only Serbs and Montenegrins were appointed as heads of those institutions. The criteria and the number of children accepted in the pre-educational institutions was to the detriment of Albanian children.

* The Law on Public Information, the Law on Founding the Public Enterprise for Journalism, Graphic and Publishing Activity, "Panorama", and the decisions on implementation of emergency measures at Prishtina radio television, six local radio stations, at the complex enterprise "Rilindja" and at the weekly magazine " Zeri". By means of these laws Serbia destroyed the system of mass media in the Albanian language in Kosova, usurping facilities, buildings and means the broadcasting system and thus putting under its full control mass media in Albanian.

14. The Violation of the Right to Life

Since 1989, the Serbian police and Army arbitrarily killed 135 Albanians, mostly young people; 18 of the victims were minors (another 13 victims killed during the 1981 and 1982 demonstrations).

The majority of the victims were killed during the peaceful demonstrations. A large number of them were shot on their back, which means that the use of arms by the police and army was unnecessary. In some cases they were shot in streets, roads, cars or at their homes.

The judicial bodies have not conducted any criminal procedure whatsoever against the criminals.

Since 1981, 66 young Albanian soldiers were killed while serving in the army in very dubious and suspicious circumstances. The Army officials have explained these cases as suicides.

The Council for the Defense of Human Rights and Freedoms (CDHRF) in Prishtina possesses the list of all the victims and all the necessary data concerning these cases.

The right to life and security was violated also in the case of the 640 wounded by firearms. A considerable number of these victims have suffered severe physical injuries and thus have become invalids; 49 of the wounded are minors.

15. Torture, Cruel, Inhuman and Degrading Treatment or Punishment

Albanians have been massively exposed to physical and mental tortures by the Serbian police. They are tortured not only during criminal or misdemeanors proceedings, but in public places too: in streets, buses, trains, private cars, homes, at funerals, weddings, etc. The number of those tortured is large and increasing every day.

Besides those killed in Kosova, in the past years, thousands of Albanians have been wounded. The majority of these people were wounded during their participation in peaceful demonstrations, and a large number of the wounded have become lifetime invalids. During one of the visits of the International Helsinki Federation delegation to Kosova, experts in forensic medicine examined a considerable number of the wounded, and concluded that they had been shot by bullets and other ammunition prohibited by international conventions.

A large number of Albanians in Kosova have been tortured by the police without any reason; unfortunately this is an everyday event. Torture and abuse take place on the streets, in the work place, on buses and trains, in apartments, schools and hospitals.

Injuries are caused by rubber sticks, rifle butts, shoes, fist, and mechanical means. We have seen those patients and written a large number of medical reports on body lesions, taken a lots of photographs of the wounded and asked for their written statements as proof. During visits of international human rights organizations in Kosova, most were presented with material proof of victims, some of whom will be invalids for life. Detailed reports on the torture have been sent to the international human rights organization, including the following:

Victim: Bashkim Gerlica

In Prishtina on June 18, 1990, a young man, Bashkim Gerlica, was stopped by a police patrol in front of the university building. He was arrested and sent to the police station where he was mistreated and beaten up. Policemen took a ring from his finger and forced him to swallow it. All of this, happened because the young man was engaged to the sister of an Albanian political prisoner. After that he was sent to the University hospital in Prishtina. After being X-rayed, doctors extracted the ring. The whole procedure was filmed by TV Prishtina and in the presence of one of the members of the CDHRF, based in Prishtina. The CDHRF possess material proof: the medical statement, photographs and the VHS cassette.

Victim: Abdullah Dakaj

On July 3, 1990, on the road from Prishtina to Prizren near Korisha village the victim was Abdullah Dakaj. The police stopped him while he was in the fields. Once they identified him, they found a photograph of an Albanian writer - Luigj Gurakuqi in his pocket. Dakaj was asked whether that was the picture of Dr. Ibrahim Rugova, president of the Democratic League of Kosova, to which he responded negatively. Then he was asked whether he was a member of the Democratic League of Kosova (LDK) and whether he admired Rugova. He responded positively. After this, the police forced him to swallow a fingernail cutter (76x14mm), and beat him up until he fainted. They left him in the fields, where he was found accidentally by some people who were passing by. They sent him to a University hospital in Prishtina. The nail cutter was removed from the stomach and the whole procedure was also recorded in the presence of a member of the CDHRF based in Prishtina.

Victim: Raif Nikoliqi

In Gjakova, on June 16, 1990, shepherd Raif Nikoliqi, was stopped by the police while he was going home. He was first searched and identified. After that, a policeman caught him by his genital organs and by pressing hard and then turning them so hard, Nikoliqi was thrown to the ground. A policeman said to him: "You will never be able to have any more Albanian children!" Nikoliqi for three weeks was in the hospital of Gjakova and then sent to the University Hospitals in Prishtina. The medical documentation and VHS cassette are in possession of the CDHRF based in Prishtina.

There is long list of Albanians which found death from the police torture in Serbian prisons, such as: Afrim Abazi, Ali Haxhiu, Ibrahim Krasniqi, Mikel Marku, Sami Rama, Xhemajl Berisha, Xhemajl Blakaj, Zija Shemsiu, and list goes on.

From the Amnesty International report titled: "Ethnic Albanians-Victims of Torture and Ill-Treatment by Police in Kosovo Province" (AI Index, EUR, 48:18, 1993), it is evident that torture against ethnic Albanians in Kosova is unbearable. The following excerpt is from the report:

"...Reports of police abuses in Kosovo show that they occur with greatest frequency at times of increased political confrontation in the province, for example in October 1991, in connection with protests by students, teaching staff and parents about the closing of classes with Albanian as the language of instruction. There have also been numerous reports of police beating people in the context of their frequent house searches for weapons-regardless of whether weapons have indeed been found or not. Further, political activists, in particular members of Kosovo's main ethnic Albanian opposition party, the Democratic League of Kosovo, have reportedly been frequently subject to harassment and ill-treatment by police. While many of the worst cases of ill-treatment or torture have taken place in police stations, there ave been frequent incidents in which police have stopped people in the street or in buses or trains and hit them in full public view. Young people have also often been victims of police ill-treatment, in particular university students and high-schools pupils..."

"...However, victims of police abuses often appear to have been selected randomly, in situations without any political context - for instance, there have been cases when a police patrol has stopped someone driving without a license and beaten him on the spot..."

16. Punished for being ethnic Albanians

The report continues:

"...While some accounts indicate that the purpose of ill-treatment was to extract information or confessions, in other cases police officers appear to have been motivated exclusively by the desire to intimidate and humiliate. Victims of police ill-treatment have almost invariably reported that they were subjected to the crudest forms of racist verbal abuse by police and have frequently stated their belief that they were being "punished" simply for being ethnic Albanians..."

17. Systematic torture

"...The ill-treatment most frequently alleged has consisted of beating with rubber truncheons and rifle-butts, kicking and punching. The fact that this is apparently quite routinely carried out in police stations, with up to 20 police officers present, suggest that this practice is condoned by senior police officers. In Amnesty International's view, the

ill-treatment victims have described often goes well beyond "casual" ill-treatment by undisciplined members of the police force and must be characterized as systematic torture. Several incidents described below clearly involve torture, as in the case of Selim Qazimi who was repeatedly forced to perform press-ups while being beaten with rubber truncheons..."

"...Amnesty International knows of no recent case in which police officers in Kosovo province have been prosecuted and convicted for ill-treating a person. The fact that police frequently beat people in full public view is just one indication that they consider the possibility of prosecution remote..."

18. Death of a lawyer following ill-treatment in custody

"...Mikel Marku, an elderly ethnic Albanian lawyer from Pec, was beaten unconscious by police at police headquarters in Pec on the evening of 31 October 1991. Despite the pleading of his companions, he was given medical aid until the next morning when he was taken to the hospital in a coma caused by head injuries. He remained in a coma until his death 10 days later. In the absence of any action by authorities against those responsible for his death, his family have started criminal proceedings against police officers they believe were responsible.

On the evening of 31 October 1991 Mikel Marku, aged 62, was stopped by police while leaving Pec for the village of Stupe where his mother-in-law had died that day. He was accompanied by his two nephews, Xhon and Prend Marku, and a friend. They were driving in a car borrowed from a family friend, because Mikel Marku's car was out of petrol and they did not have time to queue for petrol (there being petrol shortage in Pec).

According to the written statements by his two nephews, a police officer checked the car's documents and then asked Prend, who was driving, whether he had the owner's written permission to use the car. He replied that he did not, that because of a death he had been unexpectedly obliged to borrow the car. The police officer ordered them to get out, searched them and examined their identity cards. An argument then started between Mikel Marku and the officer, who attempted to arrest and handcuff Mikel Marku. The latter said that there was no need to handcuff him, he would go to the police station voluntarily. As the police officer insisted on handcuffing him, he protested and tried to resist, where upon the police officer began to beat him about the head and face. Other police officers ran up and began to beat all four men. The police then put them in a police car and brought them to police headquarters in Pec, beating them on the way with rubber truncheons and rifle-butts. As they entered the police station they were met in the corridor by a large group of police officers who beat and kicked them, shouting insults in particular at Mikel Marku (known to them both as a lawyer and from his previous

career as a judge). He was taken into a room where they could hear him being beaten. Later, when his nephew Xhon Marku was led into this room, he found his uncle unconscious on the floor. Xhon and his brother, Prend, raised their uncle to a sitting position on the floor. Some two hours later according to his nephews, Mikel Marku, who had remained unconscious, began to vomit blood." We called for help...but the guard on duty responded: " Is he still alive ?" We replied : " He is, but see in what state he is ". He answered: "Don't disturb us again. Only call us if he dies."

At 8.30 am the next morning a prison director examined Mikel Marku, and he was taken, in a coma, first to hospital in Pec and then to the Neurosurgical Clinic of the Faculty of Medicine in Pristina, where he was operated on, unsuccessfully. He died in hospital on 11 November. The same day and autopsy was carried out on his body by the Institute of Forensic Medicine in Pristina. His family were denied a copy of the autopsy report until 8 April, when they finally obtained it after repeated verbal and written requests. In on such (written) request of 18 December 1991, his daughter noted that the public prosecutor had not initiated criminal proceedings against those responsible for her father's death. "At least that is what we were informed by the Director of the Institute (for Forensic Medicine), who in the course of a conversation told me that he had spoken with the investigating judge of the district court of Pec but that the letter is not interested in this case."

Hospital records of the Medical Faculty of Pristina show that Mikel Marku died on 11 November 1991 after being admitted on 1 November 1991 with head injuries which had caused paralysis of the right side of the body and with bruising to other parts of the body. The autopsy report of 11 November 1991 noted multiple posttraumatic injuries to the head, trunk and extremities.

On 12 November 1991 Amnesty International appealed to the Serbian authorities to institute an independent and impartial investigation into the circumstances of Mikel Marku's death and to bring those responsible to justice. His ethnic Albanian colleagues, in particular the Association of Independent Jurists of Kosovo, have protested about the ill-treatment which led to his death (Mikel Marku had served terms as chairman of the Bar Association of Kosovo and the Bar Association of Yugoslavia). On 6 January 1992 his family initiated penal proceedings against two named police officers and other unknown police officers on charges of homicide under Article 47, paragraph 1 of the Serbian Criminal Code. However, the authorities have so far, to Amnesty International's knowledge, failed to take any action on this case..."
Ali Haxhiu

"...There have been many other victims of police brutality in Kosovo-some of them received fatal injuries. Two weeks after Mikel Marku died, Ali Haxhiu, a refugee from Albania living in Kosovo,also died after being beaten by police. He was arrested on 25 November 1991 and held overnight in Urosevac. The following day he was taken to Pristina prison to serve 30 day sentence imposed on him for making a political gesture deemed to be an offence. He was reportedly found dead by prison guards two hours later. On 27 November his body, allegedly severely bruised and with several teeth broken, was returned to his family. To Amnesty International's knowledge at the end of May 1992 his family had still not received a copy of his autopsy report despite several requests..."

Amnesty International report continues with the detailed report of other ethnic Albanian-victims of ill-treatment by police such as case of Rexhep Rifat, Selim Qazimi, Rrustem Sefedini, Ismet Krasniqi, Amrush Avdimetaj, Ali Kadrijaj, Fadil Kralani, Jashar Haxhijaj, Enver Sinani, Bajram Murtezaj etc.

19. Torture and ill-treatment of young people and children

"...Amnesty International is concerned that reports indicate that children and young people in Kosovo have also been the victims of police brutality. Ethnic Albanian secondary-school and university students who have protested against the closure of school classes and university courses with Albanian as the language of instruction, or who have attended classes held in private homes, have risked harassment or ill-treatment by the police. Children have also been intimidated or physically ill-treated by police carrying out house searches..."

20. Mental torture

Mental torture includes the following acts of the police: searches of houses and apartments of Albanians at every hour of the day or night without any reason or provocation, searches of the members of the families and rooms in the presence of children, threats that all those searched will be killed, the beating of parents in front of their children or children in front of their parents, throwing tear gas in houses, schools, health institutions, surrounding villages, parts of towns by the police and army, shooting of fire-arms near homes, the entrance of fully armed policemen into the school buildings, the mistreatment of teachers in front of students, the low flights of military supersonic airplanes, massive arrests of people, many times by night, in order to hold their so-called "informative talks" (interrogations) at secret police headquarters, where citizens are held from 10 to 28 hours and mistreated physically and mentally. All this is done in order to break down the political will of the Albanians and to change the ethnic structure in Kosova by forcing Albanians to leave Kosova.

21. Children as victims of police abuse

Victims of Serbian police brutality in Kosova include children and women. Besides the killed and wounded children in different situations, hundreds are mistreated by Serbian police. Children who attend the schools are scared when they are on street. Because of fear there are so many psychological problems.

Following is the recent list of suffering children: Adnan Dërnari, Lipjan; Agim Gashi, Prishtinë; Agron Bujupi, Istog; Agron Gashi, Pejë; Ahmet Tmava, Mitrovicë; Alban Rexhaj, Pejë; Alush Morina, Prishtinë; Antigone Gashi, Raushiq; Anton Përkola, Klinë; Anton Gjinaj, Klinë; Arben Kamberaj, Mitrovicë; Arben Fejzullahu, Prizren; Arben Tmava, Mitrovicë; Ardian Shabanaj, Pejë; Arianë Hasani, Mitrovicë; Arjeta Maliqi, Suharekë; Armen Vezaj, Zhur; Armend Qoroviqi, Prishtinë; Arsim Bekaj, Kovragë; Arsim Hasani, Skënderaj; Artan Fazliu, Prishtinë; Artan Zekaj, Jabllanicë; Artan Heta, Glogoc; Bahri Selmanaj, Mitrovicë; Bajram Podrimçaku, Istog; Bashkim Shkreli, Mitrovicë; Baton Baca, Prishtinë; Bedredin Gashi, Lutogllavë; Bekim Ibrahim, Mitrovicë; Bekim Temaj, Klinë; Bekim Sinani, Lipjan; Beqir Bogujevci, Pozharan; Besart Puka, Klinë; Besim Spahiu, Prishtinë; Besim Namani, Prishtinë; Besnik Krasniqi, Prishtinë; Blerim Kryeziu, Prishtinë; Blerim Miftari, Mitrovicë; Blerim Berisha, Prishtinë; Briken Ceraja, Mitrovicë; Bujar Krasniqi, Klinë; Burim Krivaça, Prishtinë; Driton Krasniqi, Klinë; Dukagjin Çelaj, Prishtinë; Edin Gjakova, Prishtinë; Enver Haxhaj, Klinë; Fadil Miftari, Mitrovicë; Fadil Jashari, Dumnicë; Fadil Karaxha, Glogoc; Fadil Temaj, Klinë; Fatmir Smakiqi, Skënderaj; Fatmir Zhdrella, Prishtinë; Fatmir Bojaj, Klinë; Faton Moni, Gjakovë; Faton Koci, Gjakovë; Ferit Misini, Prizren; Fidane Ramadani, Podujevë; Fikret Ibrahim, Mitrovicë; Florie Zeqiri, Kamenicë; Gasper Frroku, Istog; Gëzim Shahini, Prishtinë; Gëzim Gashi, Prizren; Hajredin Ramçaj, Deçan; Halim Hamiti, Ferizaj; Haxhi Ahmeti, Mitrovicë; Hazir Canolli, Prishtinë; Hilmi Geci, Glogoc; Ilir Bojaj, Klinë; Ilir Krasniqi, Klinë; Isak Mehmeti, Glogoc; Islam Krasniqi, Pejë; Izja Begaj, Deçan; Kadri Musliu, Vushtri; Kujtim Misini, Prizren; Kujtim Idrizi, Ferizaj; Kurtesh Berisha, Prishtinë; Kushtrim Krasniqi, Klinë; Labinot Tahiri, Prishtinë; Labinot Zogiani, Prishtinë; Labinot Blakaj, Prishtinë; Lirie Maliqi, Suharekë; Lulëzim Dajaku, Mitrovicë; Malësor Gjonbalaj, Prishtinë; Mehdi Shabani, Lipjan; Mevlyde Kastrati, Pejë; Milot Berisha, Prishtinë; Mufail Syladha, Ferizaj; Muhamet Latifi, Prishtinë; Muhamet Metaj, Uçë; Naser Hasani, Skënderaj; Naxhie Mehmeti, Glogoc; Nexhat Asllani, Prishtinë; Nexhmedin Selmanaj, Istog; Osman Ukshini, Gjakovë; Përparim Ramadani, Ferizaj; Përparim Sefa, Gjakovë; Ramadan Shala, Mitrovicë; Remzi Ajvazi, Gjilan; Robert Nikollaj, Klinë; Rrahim Temaj, Klinë; Sabri Softalia, Podujevë; Sadik Muharremi, Suharekë; Salih Babiqi, Dabishec; Selman Husaj, Nabërgjan; Shaban Aliu, Mitrovicë; Shaban Begolli, Prishtinë; Shaip Muharremi, Suharekë; Shefki Ndrecaj, Ferizaj; Shkelqim Maloku, Ferizaj; Shkëlzen Bushati, Pejë; Shkëlzen Polisi, Prishtinë; Shkumbin Berisha, Pejë; Skënder Bojaj, Klinë; Uran Badallaj, Zhur; Valon Duraku,

Klinë ; Vëllaznim Hasani, Vushtrri; Vigan Muçolli, Prishtinë; Visar Pllana, Prishtinë; Xhafer Haxhiu, Ferizaj; Xhevdet Gashi, Prishtinë; Zenel Maliqi, Podujevë; Zeqir Zeqiri, Klinë; Zymer Ndrecaj, Ferizaj, and the list goes on.

22. Women as victims of police brutality

Following is the recent list of mistreated women by police: Afërditë Ahmeti, Ferizaj; Afërditë Veseli, Prizren; Ajshe Rraci, Klinë; Ajshe Rizahu, Pejë; Ajshe Neziri, Pejë; Ajshe Shabani, Glllogoc; Arianë Hasani, Mitrovicë; Azra Dervishi, Prizren; Bahtie Kamberi, Podujevë; Behare Morina, Prizren; Brikenë Ceraja, Mitrovicë; Bukurie Azemi, Mitrovicë; Bukurie Zubaku, Kamenicë; Çamëri Ceraja, Mitrovicë; Dafinë Hasani, Mitrovicë; Dile Duhani, Klinë; Dritë Boqolli, Loxhë; Elhame Gashi, Prishtinë; Elvire Berisha, Pejë; Fatmire Veliu, Prishtinë; Fatmire Berisha, Mitrovicë; Fatmire Plana, Vushtrri; Fatmire Veliu, Prishtinë; Fazë Elshani, Glllogoc; Fehime Zeqiri, Kamenicë; Ferdeze Jova, Mitrovicë; Fidane Ramadani, Bellopojë; Fikrie Berisha, Kamenicë; Florie Zeqiri, Kamenicë; Gjejrane Caca, Raushiq, Pejë; Gjejrane Osmanaj, Prishtinë; Gjyle Ramadani, Bellopojë; Gjylshahe Zeqa, Klinë; Hajrie Boqolli, Loxhë; Hakë Kelmendi, Pejë; Halide Behrami, Vushtrri; Hatë Musliu, Glllogoc; Hatmane Haradini, Kliqinë; Hatmane Boqolli, Loxhë; Havushe Zeqiri, Kamenicë; Haxhere Pllana, Leskoshiq; Kadishe Berisha, Kamenicë; Kimete Hyseni, Prishtinë; Kimete Jashari, Dumnicë; Kimete Ramadani, Bellopojë; Kimete Berisha, Mitrovicë; Linditë Hasani, Klinë; Lumnie Shala, Pejë; Lumnie Ramaxhaku, Mitrovicë; Lumnije Shkupolli, Mitrovicë; Lumturie Shalaku, Ferizaj; Margaritë Sereqi, Ferizaj; Margaritë Sereqi, Ferizaj; Marie Sereqi, Ferizaj; Mejreme Zeqiri, Kamenicë; Meritë Veselaj, Prizren; Mevlyde Monovi, Vushtrri; Mevlyde Kastrati, Pejë; Mihrie Hoti, Pejë; Miradie Ajeti Podujevë; Miradie Boqolli, Loxhë; Mone Neziri, Pejë; Mone Krasniqi, Poqestë; Monikë Hasani, Mitrovicë; Myrvete Grainca, Ferizaj; Naxhie Mehmeti, Glllogoc; Nazmie Sadiku, Mitrovicë; Nesibe Sadiku, Kamenicë; Qamile Sadriu, Glllogoc; Qefsere Haradini, Kliqinë; Qefsere Mripa, Mitrovicë; Rafete Morina, Klinë; Remzie Nimani, Mitrovicë; Remzie Morina, Lipjan; Remzie Zeqiri, Kamenicë; Rukie Berani Gjakovë; Rukmane Krasniqi, Pejë; Sabile Sopjani, Prishtinë; Sabile Ajeti, Podujevë; Sabnie Qosi, Vushtrri; Sabrie Ajeti, Klinë; Sadie Rraci, Siqevë; Sadie Osmani, Prishtinë; Sanie Zeqiri, Mitrovicë; Sanie Aliu, Ferizaj; Selfie Boqolli, Loxhë; Selvete Karaxha, Glllogoc; Servete Zeqa, Bokshiq; Sevdie Baraliu, Ferizaj; Shakë Rraci, Siqevë; Shehide Elshani, Glllogoc; Shemsi Tmava, Mitrovicë; Shkëndijë Bojaj, Kërnice; Shqipe Bytyqi, Lipjan; Shukrie Zabeli, Rezallë; Shukrie Asllani, Mitrovicë; Radisheva, Klinë; Xhevahire Ramiqi, Mitrovicë; Xhevrie Tmava, Obiliq; Zarife Sadiku, Pejë; Zarife Zeqiri, Kamenicë; Zejnepe Berisha, Klinë; Zejnie Zeqiri, Kamenicë; Zize Boqolli, Loxhë and the list goes on.

According to the reports of Gynecologists in private offices there are frequent cases of spontaneous abortion to those women which have been mistreated by the police.

23. Police expeditions

A special form of physical and mental tortures is the so called "punishing expeditions" of the police. Large police forces usually at night surround villages inhabited by Albanians, under the pretext that they are searching for weapons. In the meanwhile, villagers are mistreated and beaten up and their property is usually plundered.

Such expeditions have occurred in the towns of Prishtina, Peja, Ferizaj, Mitrovica, Klina, Kacanik, Gjakova, Decan, Lipjan, Serbica, and at the following villages: Pollata, Ternava, Shipashnica, Morina, Kosuriq, Pobergja, Komoglalva, Baliq, Bukosh, Mushtisht, Zhur, Nedakoc, Brestoc, Prekaz, Glllogovc, Leshan, and list goes on.

During the period January-May 1993, in police expeditions under the pretext of arms searches, 1450 Albanians were brutally tortured. In the municipality of Glllogoc, 347 Albanians were beaten between May 23 and 27, 1993, among whom 112 were illegally deprived of their freedom, and 139 Albanian families were raided and tortured.

24. The violation of the right to personal liberty and security

During 1989 alone, 238 people were deprived of their right to freedom in an illegal way. They were intellectuals, managers, political officers, university professors and journalists.

This was the so called "Isolation". These people were arrested by night and taken to different Serbian jails without any previous judicial procedure. It is obvious that in these circumstances, they had no legal counsel. They were not allowed to contact their families or attorneys. All of them underwent severe mental and physical tortures.

The international human rights organizations were informed thoroughly about this particular case of the violation of the right to personal freedom and security.

In the period between 1981-1993, over 3200 Albanians were condemned by civil and military courts in former Yugoslavia for political actions, from one to 20 years in prison. Many were minors. For political violations over 30,000 were punished with 60 days of prison in that period, and over 800,000 Albanians were detained by police. According to an official statement (1989) of a former minister of internal affairs of Kosovo 584,000 Albanians had passed through police treatment between 1981-1989.

Albanian political prisoners are brutally treated while in criminal proceeding and in jail. In the investigating proceedings they are usually forced by torture to admit to having committed a certain crime. The investigations are never conducted by the judges of a competent court as it is required by law, but by the secret police.

In these cases, lawyers are denied access to the case documents and the right to contact their clients. Prisoners are not allowed to read newspapers in their native language or speak to members of their families in Albanian.

25. Denial of the right to labor

Almost 80 percent of all employed Albanians have been fired, under administrative measures implemented by the Serbian government. Based on the information issued by the Serbian government, 450 enterprises were put under "emergency administration", or 95 percent of all public enterprises. Some 147,300 Albanians were fired and replaced by thousands of Serbs and Montenegrins, usually unqualified.

Over 4,000 small private businesses were shut down from 6 months to one year, while their owners were fined because they participated in a one-day strike organized on September 3, 1990.

The International Confederation of Free Trade Unions has initiated a procedure before the ILO in Geneva, regarding the massive dismissal of Albanians.

26. Denial of the right to freedom of association

None of the Albanian political parties were allowed official registration in Kosova. The ones that were registered before the Federal bodies were not allowed the minimal conditions for their activities (no banking accounts, phone numbers or offices).

Their officials are persecuted by the police. The Secretary of the Democratic League of Kosova (DLK) was maltreated by the police, the Secretary of the Council for the Defense of Human Rights and Freedoms was imprisoned and served 30 days in jail, the president of the Parliamentary Party of Kosova, the president of the DLK branch in Peja, and the president of DLK in Ferizaj, the president of the Independent Trade Unions of Kosova, and the president of the Health branch of the Trade Union, were sentenced to 60 days in prison. Many other activists were either harassed by the police or interrogated for their political activities in villages and other towns in Kosova.

Free association of Albanians is now qualified as a crime, which is the reason why members of the Parliament of Kosova and Government and members of the municipal governments and parliaments of Decan and Kamenica are persecuted.

Between March 15 and April 12 1993, 78 Albanian political activists were persecuted.

27. Denial of the right for social security and health protection

The number of families in Kosova who have no means of existence has reached 120,000. Taking into account that an average family in Kosova has 7 members, this means that almost one million Albanians are practically exposed to starvation.

The data presented by the Institute of Economic Sciences of Belgrade shows that over 80 percent of the population of Kosova (90 percent of which are Albanians) are poor.

Albanians who were fired are not given the right to social welfare. Their children do not receive any material aid, no social and health security, although all are guaranteed by law.

Albanian students whose parents have been dismissed, and whose schools and colleges have been shut down, do not enjoy any of the rights of social protection. Some 205 families of dismissed Albanian workers are about to be removed from their apartments, thrown into the street with nowhere to go; in their place Serbian and Montenegrin colonists are settling in (as in the cases in Suhareka, Prishtina, Mitrovica, Ferizaj, and Gjakova). The procedure is on its way for the removal of 520 other families.

More than 80 percent of health care institutions of Kosova are under so called "Special Measures," tens of ambulatory clinics have been shut down in villages (38 in Prishtina municipality alone), over 2,000 medical personnel, all Albanians, have been dismissed, 157 of them from the teaching staff of the Faculty of Medicine in Prishtina.

Some of the hospitals of the Faculty of Medicine have no Albanians (the Department of Gynecology and Obstetrics) or their number is a token (Department of Pediatrics).

The vaccination of children has decreased from 98,1 percent in 1988, to 56 percent in 1991.

Since 1990 there were 26 cases of children paralysis. There are cases of neonatal tetanus and deaths as a consequence of TBC.

The United Nations Subcommission on Human Rights (1993), and the United Nations Commission on Human Rights at 50th Session (1994) condemned the actions of the Serbian authorities.

28. Denial of the right for education

Sixty eight thousand Albanian high school students are not allowed even to enter their school buildings.

Over 22,000 teachers are teaching for over three years, without receiving any wages at all. In the municipalities of Podujeva and Istog, they have not received any wages for over two years.

Only 28.8 percent of the total number of Albanian students were allowed to continue their high school studies, while the same decision foresaw the inscription of 117 percent of Serbian students.

The Serbian educational curriculum forces Albanian students to learn over 300 songs, out of which only two are Albanian, while none of the dances in the Physical Education curriculum are Albanian.

The curricula of history and Albanian language and literature were reduced to a minimum and were replaced by Serbian history and culture units.

The publication of Albanian textbooks and educational materials has been placed under Serbian control, while a considerable number of Albanian books have been removed from the bookstores and libraries. Some have been burned.

837 professors and assistants have been dismissed from the University, that is 95 percent of the University teaching and administrative staff.

Since September 1991, Albanian students have not been allowed to go to classes inside their university buildings dormitories.

Defending Albanian students on January 31, 1992, three Albanians were shot to death by the Serbian police in the Uca village, Istog municipality.

Because the Serbian regime, by means of its police had forbidden, Albanian high school and university students to attend their classes in their school and university buildings, massive protests were held in Kosova October 11 and 12 1992. They were brutally interrupted by Serbian police forces.

During the protests by Albanian students and their parents, October 11 and 12, 1992, over 1500 Albanians were beaten and tortured, including cutting of ears, breaking of bones etc. The CDHRF possesses documented material on cases.

Serbian authorities have stopped the entrance of Albanian students to university buildings. Since 1992, classes for Albanian students have been taught in private houses.

The United Nations Subcommission on Human Rights (1993), and United Nations Commission on Human Rights at the 50th Session (1994), condemned the actions of the Serbian authorities by Resolutions.

29. Denial of the right to culture and science

By midst of 1990 financing of almost all cultural and scientific institutions in Kosova was halted by Serbian authorities.

The so called "emergency measures" were implemented in the Archives of Kosova, the National Theater, National and University Library, the Text Books Publisher, the Provincial and Revolutionary Museum, etc.

The Institute of Albanology, the Encyclopedia Edition, Kosova Film and all Albanian newspapers have stopped being financed since then. The Academy of Science and Art of Kosova and the Institute of History have been suspended.

The following institutions do not exist in Kosova anymore: the Ballet, Symphonic Orchestra, the Professional Chorus " Collegium Cantorum."

The budget for cultural and scientific activities are only for Serbs and Montenegrins.

Albanians are not allowed to use cultural objects and the sportsmen of Kosova are not allowed to practice in the sports facilities either.

The United Nations the Subcommission on Human Rights (1993), and United Nations Commission on Human Rights at 50th Session (1994) condemned this repression.

30. The denial of rights for the freedom of expression

The Prishtina Radio and Television network was banned by the Serbian regime on July 5, 1990 and the only daily newspaper in Albanian, "Rilindja", was also banned on August 7, 1990.

The banning of these mass media institutions has left 1,300 journalists and other staff unemployed.

Journalist undergo a special treatment. For expressing their opinion, some of them have been sentenced to 60 days in prison.

Albanian journalists were persecuted in the past, too. Two of them were killed by the Yugoslav police, 26 were sentenced from 1-15 years of prison, while 76 of them were mistreated and beaten by the police.

In May 1993, implementing the Law on Foundation of the Public Enterprise for Journalistic, Graphic and Publishing Activity "Panorama", Serbian authorities banned journalist, graphic and publishing enterprise "Rilindja", then the magazine "Zeri", "Fjala", "Bujku", "Shkendija" and "Kosovarija" from the list at the court, and so made their publishing impossible. In this case the real estate became property of the state, and the former accounting were struck of too. In this way the informative activity in the Albanian language in Kosova ceased to exist definitively. Opposing these appalling and violent actions of the Serbian regime and in order to protect the freedom of information, the editor-in-chief of "Zeri", Mr Adem Demaci, a writer and a former political prisoner (28 years spent in prison), the winner of the "Sakharov" prize, together with other Albanian journalist of "Rilindja" and some writers, went on a hunger strike for ten days, from May 24 to June 4, 1993.

31. Denial of rights for public gatherings

The Serbian police regime does not allow Albanians public meetings and manifestations. Public gatherings on various anniversaries, symposiums, performances, concerts etc., are forbidden to Albanians. Albanians are forbidden to take part on weddings, funerals, religious ceremonies etc.

The meetings of political parties are practically forbidden; meetings of trade unions and other associations, and their organizers and participants are prosecuted and punished.

Albanians were banned during their referendum held between September 26-30, 1991, then when they voted at pluralist elections on May 24, 1992, on which occasion many citizens were punished to 60 days of prison. The constituting of the pluralist Parliament of Kosova, after the elections held on May 24, 1992, has been banned by Serbian police.

32. Denial of right for free circulation

Albanians have been banned to move freely both in the territory of Kosova and outside. Every movement of Albanians within a city, inter cities, from towns to villages is rigorously controlled by the police. Citizens are stopped, checked, insulted on national basis, mistreated, beaten, robbed, and their belongings are confiscated without any legal recourse. It ought to be particularly mentioned that citizens are intimidated and beaten when in inns and public places, just to cause them fear and insecurity to live in Kosova.

Albanians are specially badly treated when passing customs and borders whether between former Yugoslav republics or at international borders. Albanians who work abroad are brutally mistreated, their hard currency is confiscated, their passports and other things are taken. Movement of Albanians from Kosova to Albania is fully forbidden. Those Albanians of Kosova that have visited Albania through a transit country, have had their passports taken and have been punished with prison or fined.

33. After the explosion of CSCE monitor from Kosova front of repression is continuing in large scale

During 1993 CDHRF registered 13,431 cases of Serbian police brutality against Albanians in Kosova, such as: 15 were killed; 14 were arm wounded; 2305 were arrested; 1994 searched; 849 informative talks; 1777 tortured; 794 maltreated in different forms; 391 plundered; 64 repressed by army; 604 violence against albanian political activists and other various associations activists; 632 violence on education, science, culture and sports; 172 violence against children and kindergarten; 155 violence against women; 3396 violence on pretence of search for weapons; 37 violence against albanians from diaspora and refugees; 68 arbitrary dismissed from work and 53 Albanian families were arbitrary dismissed from apartments etc.

According to data of CDHRF in first three months of 1993; 415 Albanians were arrested (851 cases in first three months of 1994); 298 were beaten in first three months of last year (684 beaten in first three months of 1994); 229 houses were searched without legal procedure where 694 persons suffered in different way during those house search

(in first three months of 1994, 1229 houses were searched where suffered 1822 Albanians).

During first three months of 1994 CDHRF has registered 3.013 cases of brutal violations of human rights against Albanians in Kosova by Serbian regime, such as: 2 were killed; 1 arm wounded; 851 arrested; 64 sentenced for political reasons, 1229 houses were searched on pretence for weapons, 684 were beaten and tortured, and 182 maltreatment in different forms etc.

Comparing data (3013 cases in first three months of 1994) with the same period of last year (1636 cases in first three months of 1993), when in Kosova we had international monitors (CSCE monitors) repression in Kosova has increased by 87 percent. Unfortunately the list of brutal violations of human and national rights of Albanians in Kosova by Serbian regime is longer, but due to circumstances it is very hard to register all cases. One of the reasons that the Serbian regime increased repression is the fact that presently in Kosova there are no permanent international eyewitnesses.

Chronology of events in Kosova after first post-war Yugoslav Constitution

1946:

First post-war Yugoslav Constitution was adopted in which Yugoslavia was defined as a federal state. Kosova and Vojvodina were granted a degree of autonomy. Both provinces were allowed to send representatives to a chamber of the federal legislature.

1946-1963:

The Yugoslav secret police heightened persecution of the Albanian population in Kosova. Serbs began to migrate from Kosova for economic reasons.

1963:

New Yugoslav and Serbian constitutions were adopted. Both documents increased Serbia's control over the provinces by conditioning the province's autonomy on the will of the Serbian government. The province's representatives to the federal parliament were to sit as part of the Serbian delegation, not as separate provincial delegations.

1968:

Demonstrations in which Albanians demanded that Kosova should be recognized as a separate republic took place. The Serbian authorities made several concessions, including the establishment of an Albanian-language university.

1968-1974:

Amendments to the federal Yugoslav and Serbian Constitutions further augmented the independent authority of Kosova and Vojvodina. The provinces were allowed to promulgate their own laws, provided such laws conformed to the federal and Serbian constitutions. Kosova and Vojvodina again were allowed to participate in the federal government as separate delegations representing their respective provinces.

1974:

Yugoslavia's third constitution was adopted. The new constitution formally defined the autonomous provinces as constituent members of the federation. De facto, Kosova and Vojvodina were granted the status of sovereign republics in almost all aspects; their status differed from the other six Yugoslav republics only insofar as they were not granted the right to secede from the federation. Both Kosova and Vojvodina were given seats in the federal parliament and the federal constitutional court.

1981:

Student demonstrations calling for better living conditions and financial aid were forcibly dispersed. A series of demonstrations took place in Kosova in which the participants demanded higher wages, greater freedom of expression, the release of political prisoners and republican status for Kosova. Serbian authorities forcibly dispersed these demonstrations and federal police and Yugoslav army forces were sent to Kosova. Several people were killed and many were arrested and sentenced to prison terms ranging in duration from several months to 15 years for so-called "verbal crimes", (mentioning the words "Kosova Republic" or making the "V" sing.).

1986:

Serbs lodged complaints in the federal Assembly against what they viewed as Albanian "genocide" against Serbs in Kosova.

1988:

Milosevic proposed several measures and constitutional amendments that would effectively revoke the autonomous status of Vojvodina and Kosova. In response, Albanian calls for secession from Serbia increased. Peaceful demonstrations took place but Serbian authorities responded by banning all public meetings in Kosova. Strikes spread throughout the Kosova .

1989:

Albanian miners in Kosova went on strike to protest the proposed constitutional amendments.

February 1989:

Yugoslavia's collective presidency imposed "special measures" in Kosova and assigned responsibility for public security in the province to the federal government. Arrests and trials of political and business leaders and striking workers took place.

March 1989:

A meeting of Kosova's Assembly took place to discuss the proposed amendments to the Serbian constitution. Despite the fact that the required two-third majority of the full Assembly was not met, the Serbian president of the Assembly declared that the amendments had passed. Six days of demonstrations and riots ensued. Estimate of the number of persons killed in the riots range from 26 to 100. Hundreds were injured and about 900 demonstrators were imprisoned.

Autumn 1989:

Extraordinary elections were held in Kosova and new delegates to the Kosova Assembly were elected.

January-February 1990:

Renewed demonstrations and police violence took place throughout Kosova.

April 1990:

The federal Yugoslav authorities lifted the special measures in Kosova and removed most of the federal police, leaving matters to the Serbian government and its republican security forces.

June 1990:

The Serbian legislature passed a law which effectively extended the emergency period and mandated Belgrade's direct control over the administration of special measures in Kosova.

July 2, 1990:

The Kosova Assembly responded to Serbia's June law by issuing a proclamation which declared Kosova an independent republic within the Yugoslav federation.

July 5, 1990:

The Serbian Assembly suspended the Kosova Assembly and other organs of the provincial government. The Serbian authorities also took control of approximately 60 enterprises, including hospitals and energy plants. Repressive measures were taken against Albanian-language media that reported the recently dissolved Kosova Assembly's declaration of republican status for Kosova.

August 29, 1990:

Demonstrations against Serbian police regime took place but were forcibly dispersed. (One such demonstration took place in August, during a visit by a delegation of the U.S. Senate, which was headed by Senator Robert Dole. The delegation witnessed the beating of peaceful demonstrators by police in front of Hotel Grand in Prishtina.). Serbian police searched entire Albanian villages for weapons; most house searches were arbitrary and were conducted without warrants. The police frequently beat and detained the inhabitants of the searched home.

September 3, 1990:

Albanians participated in a 24 hour general strike. The Serbian authorities responded by dismissing thousands of participants from their jobs and by fining shopkeepers who honored the strike.

September 7, 1990:

Delegates to the recently dissolved Kosova Assembly met secretly in the town of Kacanik and adopted a new constitution for Kosova, stressing its status as a sovereign republic within Yugoslavia. A clandestine government and legislature were elected. Many Albanians continue to abide by the decisions of this underground government rather than Belgrade's rule.

September 17, 1990:

One hundred eleven delegates of the Kosova Assembly and six members of the Kosova government were charged with "counter-revolutionary activity" for having approved the July 2 proclamation of republican status for Kosova and the September 7 constitution. The charges were subsequently changed to "endangering the territorial integrity of Yugoslavia". Serbian courts stripped the Assembly delegates of their legislative immunity. Most of the delegates fled Kosova but some were arrested. Journalists who reported the July 2 proclamation or the September 7 constitution also were arrested. Most were detained for 30 to 60 days.

September 28, 1990:

The Serbian Assembly adopted a new constitution for all Serbia, including Kosova and Vojvodina. The autonomous status of the both provinces was effectively revoked. The constitution vested all effective control of Kosova's political, economical, judicial and security institutions in the hands of Belgrade government.

Also, by placing Kosova and Vojvodina directly under Belgrade's control, Serbia gained two seats in the collective Yugoslav presidency, thus granting in three voices in federal affairs, while the remaining republics retained only one vote in the presidency. This action increased Serbia's relative power in the Yugoslav federation.

September 26-30, 1991:

Kosova Albanians held a referendum on Kosova's independence. Although voting was open in most rural areas, voting in the cities was conducted in private homes to avoid police repression. Nevertheless, numerous seizures of voting materials and arrests by Serbian police occurred.

October 12, 1991:

Coordinative Council of Albanian Political Parties in Yugoslavia issued a political declaration for peaceful and democratic solution based on the right to self-determination:

a) If external and internal borders of Yugoslavia are not to be changed the Republic of Kosova should exist as a sovereign and independent state entitled to join the Commonwealth of the New Sovereign States of Yugoslavia. Thus Albanian people remain in the areas of Macedonia, Serbia and Montenegro should be entitled to the national and statute with all relevant rights;

b) If the external borders of Yugoslavia remain unchanged but the internal borders are altered, then the demand is that the Albanian Republic in Yugoslavia be founded on both ethnic principles which apply to Serbs, Croats, Slovans and other nations in Yugoslavia;

c) If external borders in Yugoslavia change then the Albanians in Yugoslavia through a general declaration with plebiscite will decide for territorial unification with Albania-so by creating an integral Albanian state in the Balkans with ethnic boundaries.

April 27, 1992:

Following the secession of Slovenia, Croatia, Macedonia and Bosnia and Herzegovina the republics of Montenegro and Serbia declared the formation of a new Yugoslavia. A new constitution was adopted but the status of Vojvodina and Kosova remains unchanged in the current Yugoslav state.

May 24, 1992:

Albanians held elections for new members of parliament. Ibrahim Rugova, the leader of the Democratic League of Kosova-the strongest political party representing Albanians in Kosova-was elected president of an independent Kosova. Delegates to the 130-member legislature also were elected.

June 28, 1993

Serbian authorities expelled CSCE monitors from Kosova.

August 1993:

United Nations Subcommission of Human Rights condemned the actions of the Serbian authorities in Kosova by a Resolutions.

Security Council adopted the Resolution No 855/93 in support for continuing mission of CSCE monitors in Kosova. Unfortunately Serbia deadened reconsidering its decision.

Serbian, police increased its brutality against Albanian population in Kosova.

March 1994:

United Nations Commission on Human Rights condemned the actions of the Serbian authorities in Kosova by a Resolutions and demanded respect of will of its population.

Front of repression has become unbearable in Kosova but Albanians in Kosova are continuing its peaceful attempts for independent Kosova on the bases of referendum which was held in September 1991.

35. Reference:

* Alush A.Gashi: The Role of Medical Profession in the Democratic Processes in Eastern Europe. Nobel Institute, Oslo ,1991.

* Alush A.Gashi: Repression on Health Care of Kosova. Pax Christie. Utrecht, 1991

* Alush A.Gashi: Physicians as victims of police brutality. Academy of Medicine, Utrecht, 1991

* Alush A.Gashi: The Denial of Human and National Rights of Albanians in Kosova."Illyria Publishing Inc.", New York, 1992

* Alush A.Gashi: Bitter Medicine for an Ailing Kosova. "Illyria", New York, 1992

* Alush A.Gashi: "Ethnic Cleansing" and the Provision of Health Care.National Academy of Sciences, Washington,D.C.,1993

* Alush A.Gashi: Apartheid in Kosova. The World Conference on Human rights. Vienna, Austria, 1993

* Adem Demaci: Violation of human and national rights of the Albanians in Kosova by Serbian regime has features of genocide. The World Conference on Human rights. Vienna, Austria, 1993

* Jack Anderson and Dale Van Atta: Children's Illness in Yugoslavia Probed "Washington Post" December 31, 1990

* Robert Macklin: A nation, and a man marked for death. Australia,"Canberra Times", November, 11 1992

* Christopher Richards: Kosovo endures bitter medicine. Australia,"The Age", November 12 1992

* Judy Dempsey: Serbs step up pressure in Kosovo. "The Financial Times", July 13 1992

- * Yugoslav daily newspaper "Borba", Sept. 28-29, 1991.
- * The Health Care Situation In Kosova. Report of the International Helsinki Federation for Human Rights. Vienna, 1991
- * Lynne Jones: Coping with Serbian Repression in an Albanian Population. British Medical Journal, 307:112-4, 1993
- * Ethnic Albanians-Victims of torture and ill-treatment by police. Amnesty International. AI Index: EUR, 48/18, 1992
- * Yugoslavia: Human Rights Abuses in Kosovo 1990-1992. Helsinki Watch. A Division of Human Rights Watch. October 1992
- * Weekly reports of the Council for the Defence of Human Rights and Freedoms, 1992-1993
- * Teaching in the Faculty of Medicine in Prishtina, Kosova (written material and personnel communication), 1992/93
- * Red Cross of Kosova (personnel communication), 1993
- * Written materials of Faculty of Medicine which have been distributed to International Medical Organizations, during 1990-1993
- * Official Gazette of Serbia, No.39/1990; Official Gazette of Serbia, No 40/1990); Official Gazette of Serbia, No.43/1990; Official Gazette of Serbia, No.06/1990; Official Gazette of Serbia, No.13/1990; Official Gazette of Serbia, No.20/1990; Official Gazette of Serbia, No.19/1991; Official Gazette of Serbia, No.20/1991; Official Gazette of Serbia, No.22/1991); Official Gazette of Serbia, No.31/1991; Official Gazette of Serbia, No.38/1991; Official Gazette of Serbia, No.41/1991; Official Gazette of Serbia, No.43/1991); Official Gazette of Serbia, No.45/1991); Official Gazette of Serbia, No.50/1992; Official Gazette of Serbia No.75/1992.

Comparison of Serbian Police Brutality Against Kosova Albanians

85 Percent Increase

1,636 Cases



With CSCE Monitors

First Quarter 1993

3,013 Cases



Without CSCE Monitors

First Quarter 1994

Serbian Police Brutality Against Kosova 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
Refugees	37
Searches	3,396
Dismissals	68
Evictions	53
Others	111
TOTAL CASES	13,431

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Statement of Human Rights Watch/Helsinki Submitted to the CSCE Hearings on:

HUMAN RIGHTS ABUSES OF NON-SERBS IN KOSOVO, SANDŽAK AND VOJVODINA

May 6, 1994

With the world's attention distracted by events in Bosnia-Herzegovina, Serbian and Montenegrin authorities have stepped up oppression of non-Serbs in Serbia and Montenegro. In particular, incidents of police abuse, arbitrary arrests, and abuse in detention have been prevalent in the three regions of Serbia and Montenegro in which non-Serbs comprise a majority or significant minority: *Kosovo* (a province of Serbia which is ninety percent ethnic Albanian), *Sandžak* (a region of Serbia and Montenegro which is over fifty percent Muslim) and *Vojvodina* (a province of Serbia which is approximately nineteen percent ethnic Hungarian, 5.4 percent Croat and 3.4 percent Slovak).¹

The governments of the Federal Republic of Yugoslavia² and Serbia have done little or nothing to curb human rights abuses in their own territory. Instead, the authorities have at times directly participated in the abuse — through direction, control and support of the police, army, paramilitary, and judiciary — and, at other times, condoned the abuse by failing to investigate and prosecute cases of abuse by armed civilians and paramilitary squads.

¹ Note that approximately eight percent of Vojvodina's population identified themselves as "Yugoslav" in the 1991 census.

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 (SFRY), the Federal Republic of Yugoslavia has not been internationally recognized as a successor state to the SFRY. Still, the current Yugoslav state's declaration that it wishes to 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 statement, all international obligations assumed by the former Yugoslavia will be considered applicable 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).

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Human Rights Watch is a non-profit corporation monitoring and promoting human rights in Africa, the Americas, Asia, the Middle East, and among the signatories of the Helsinki accords.

The treatment of ethnic minorities in Kosovo and Sandžak has only worsened since the withdrawal of the CSCE human rights monitors in July 1993. Human Rights Watch/Helsinki urges the CSCE to take all steps possible to reinstate long-term human rights monitoring missions in Montenegro and Serbia. At the same time, the CSCE should declare that Serbian officials' treatment of ethnic and political minorities in Yugoslavia — including Kosovo, Sandžak and Vojvodina — is in violation of international human rights norms. The following summary outlines the findings of Human Rights Watch's recent field research that has led it to this conclusion.

Kosovo/a³

Police brutality and abuse in detention has long been "business as usual" in this Albanian-populated province of Serbia. 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, paramilitary troops, Serbian civilians, 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.

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 revoked Kosovo's autonomy, the Kosovo Albanians⁴ have refused to sign oaths of loyalty to Serbia and Yugoslavia, and instead have organized defiantly for an independent Republic of Kosova.⁵ Under pressure by police, military, and paramilitary groups, 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), who was elected "president" of an independent Kosova during clandestine Albanian-held elections in May 1992.⁶

³ "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 statement uses "Kosovo" throughout. This section is an adaptation of the introduction to Human Rights Watch/Helsinki's latest report on Kosovo/a, entitled *Open Wounds: Human Rights Abuses in Kosovo* (March 1994, available from Human Rights Watch, 485 Fifth Avenue, New York, New York 10017). The source of the information in *Open Wounds* is first-hand testimony gathered directly by Human Rights Watch/Helsinki representatives between September - January 1994.

⁴ Throughout this report "Albanians" refers to ethnic Albanians in Kosovo.

⁵ For a more detailed historical account, see The International Helsinki Federation, *From Autonomy to Colonization: Human Rights in Kosovo 1989-1993*, November 1993; Helsinki Watch, *Yugoslavia: Human Rights Abuses in Kosovo*, October 1992.

⁶ For a description of police harassment during the Albanian elections, see Helsinki Watch, *Yugoslavia: Human Rights Abuses in Kosovo*, October 1992, pp. 20-22.

On the one hand, Serbian authorities tolerate the "parallel" 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.

Between July and September 1993 alone, over ninety Albanians from Kosovo were arrested and charged with terrorism and conspiracy to overthrow Yugoslavia.⁷ In a state where the judiciary has been robbed of its independence, defendants are routinely convicted solely on "confessions" signed after police beat them repeatedly over prolonged periods on all parts of their bodies, including the genitals and soles of the feet — with truncheons, rifle butts, fists or boots.⁸ Although the Yugoslav constitution offers broad protections for ethnic minorities and safeguards civil liberties in line with international standards, state security officers and police in Kosovo routinely flout basic due process guarantees. Along with torture and cruel, inhumane and degrading treatment in detention, which are violations of international human rights instruments,⁹ trials of Albanians and other political and ethnic minorities are marked by a myriad of additional violations of the rights of the accused, from denial of the right to counsel¹⁰ to a fair and open public hearing by a competent, independent tribunal¹¹ without unreasonable delay.¹²

Among other developments:

- o *Serbian police have stepped up detention and arrests of Albanians with former Yugoslav military experience, Albanian intellectuals, political leaders and former political prisoners.* 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

⁷ See *Open Wounds*, *supra* and Amnesty International, "Yugoslavia: Ethnic Albanians: Trial By Truncheon," February 1994 (AI Index: EUR 70/01/94).

⁸ Specific cases are detailed in *Open Wounds, Human Rights Abuses in Kosovo*, pp. 61-89.

⁹ See *e.g.*, Article 7 of the International Covenant on Civil and Political Rights (ICCPR).

¹⁰ ICCPR, Article 14(3)(b).

¹¹ ICCPR, Article 14(1).

¹² ICCPR, Articles 9(3) and 14(3)(c). Other violations include the denial of the rights of the person arrested or detained to: information upon arrest of the grounds for arrest and any charges against him (ICCPR, Article 9(2)); a prompt appearance before a judge or other court officer authorized by law to exercise judicial power (ICCPR, Article 9(3)); adequate time and facilities for the preparation of a defense and the ability to communicate with counsel (ICCPR, Article 14(1)); equal treatment before courts and tribunals (ICCPR, Article 14(1)); a presumption of innocence unless proven guilty by law (ICCPR Article 14(2)); trial in his or her own presence (ICCPR, Article 14(3)(d)); the ability to remain silent at trial and not be compelled to testify against himself or confess guilt (ICCPR, Article 14(3)(g)); compensation for unlawful arrest or detention (ICCPR, Article 9(5)).

specific knowledge and skills necessary for plotting an armed rebellion. While Serb authorities attribute the rash of recent arrests to an increase in Albanian attacks against police officers, the same authorities have been unable to point to a single fair investigation and unbiased conviction of an Albanian in connection with such cases.

- o *Yugoslav army forces and paramilitary troops harass Albanian civilians with increasing frequency.* In one case, detailed in *Open Wounds: Human Rights Abuses in Kosovo*,¹³ 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.
- o *Serbian police have forcibly displaced Albanians in northern Kosovo.* 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.¹⁴ While such raids have occurred in the past, the new campaign includes specific threats aimed at terrorizing villagers so they will leave their homes. The "fiscal police," authorities in charge of deeds and land, supplement the raids on border villages. In September 1993, the fiscal 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.

International human rights groups have had an increasingly difficult time working in Kosovo. In 1993, Serb officials flatly rejected the efforts of the Special Rapporteur for the United Nations Human Rights Commission to establish an office in Yugoslavia. In July 1993, Yugoslavia expelled the long-term 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. Serb officials use intimidation and obstructionist tactics to prevent visitors from seeing what is happening in Kosovo.

The international community should demand that Serbian authorities immediately cease interference with the activities of local and international human rights monitors. By pressing for approval for the continuation of long-term human rights missions in Serbia and Montenegro, the CSCE could take the lead in this crucial respect. In addition, the CSCE, and other international and national bodies, should demand that Serbia immediately end police violence and arrests based on trumped-up charges, and that international observers be permitted at any and all trials.

¹³ *Open Wounds: Human Rights Abuses in Kosovo*, pp. 91-95.

¹⁴ *Ibid.*, pp. 2-10.

Vojvodina

Approximately two million people — belonging to twenty-seven ethnic groups and thirty-three religious groups — live in the northern Serbian province of Vojvodina.¹⁵ Other ethnic groups represented include Ruthenians, Germans, Ukrainians, Romanies, Montenegrins, Russians and Romanians. All lived in relative harmony until 1990, when the regime of President Slobodan Milošević of Serbia adopted a new constitution that revoked the political autonomy that Vojvodina had enjoyed since 1974.

Inter-ethnic tensions escalated dramatically after war erupted in neighboring Croatia in mid-1991. Serbian officials drafted opponents of their regime into the Yugoslav Army and sent them to the battlefields in Croatia. More than 100,000 Vojvodina men were mobilized to fight in Slavonija (eastern Croatia). Another 100,000 fled the country to avoid the draft. At the same time, the regime began resettling thousands of Serbian refugees from Croatia and Northern Bosnia in Vojvodina, thus planting the seeds for conflict.

Unlike Kosovo, most of the human rights abuses in Vojvodina have been committed by Serbian paramilitary organizations and armed civilians with the acquiescence of local authorities. In particular, from mid-1991 to early 1993, Serbian refugees, with the active assistance of the regime and extreme nationalist paramilitary groups, terrorized non-Serbs and children of mixed marriages in a systematic campaign to drive them from their homes. The refugees then occupied the abandoned dwellings. Human Rights Watch/Helsinki has documented cases in which armed civilians and paramilitary forces expelled Croats, Hungarians, Slovaks and others from many villages and towns in Vojvodina, including the following: Hrtkovci, Šid, Indjija, Beška, Petrovaradin, Slankamen, Novi Sad, Plavna, Golubinci, Kukujevci, Morović, and Sremska Kamenica.

Most native Serbs appear not to have supported the expulsions of their neighbors. But, local police and civilian authorities in many cases condoned, and even encouraged, them. In the Croat-dominated village of Kukujevci in late 1991, for example, witnesses told Human Rights Watch/Helsinki that a group of about one hundred special Serbian policemen beat dozens of non-Serbs. Within a few months, almost all of the non-Serb villagers had left. Similarly, by the end of 1992, almost half of 550 Croatian families had abandoned the village of Golubinci.

The village of Hrtkovci provides a notorious example of the forced expulsions.¹⁶ Serbian paramilitary groups and their followers assumed control of the local government in May 1992. At that time, Hrtkovci's population of 4,000 was approximately eighty percent Croatian; by late July 1992, it was approximately seventy-five percent Serbian.¹⁷

¹⁵ According to the 1981 census, the majority are Serbs (54.4 percent), followed by Hungarians (18.9 percent), Yugoslavs (8.2 percent), Croats (5.4 percent) and Slovaks (3.4 percent).

¹⁶ Testimony from this incident is reported in Human Rights Watch/Helsinki, *Abuses Continue in the Former Yugoslavia: Serbia, Montenegro and Bosnia-Herzegovina*, Vol. 5, Issue 11, July 1993, pp. 6-12.

¹⁷ Chuck Sudetic, "Serbs Force an Exodus From Plain," *The New York Times*, July 26, 1992.

According to refugees interviewed by Human Rights Watch/Helsinki representatives, in early April 1992, Vojislav Šešelj visited the village of Hrtkovci and formed a new branch of the Serbian Radical Party, an ultra-right-wing political party led by Šešelj. At the meeting, Šešelj reportedly stated that "all Croats who had sinned had to leave." The newly appointed secretary of Šešelj's party, a Mr. Zilić, then read the names of those Croats who had to leave the village. Šešelj's supporters began spreading the rumor that they, masquerading as activists from Croatia, had collected 300,000 German marks in contributions for the Croatian National Guard (i.e., the precursor to the present Croatian Army) from Hrtkovci's local Croats and Hungarians.

After the meeting, Šešelj's supporters (refugees and locals) began terrorizing non-Serbs, breaking into homes, beating men, throwing hand grenades, and setting barns on fire. Those targeted included the local Roman Catholic priest and Milan Stefanac, who was found bludgeoned to death in a ditch.¹⁸ Many residents fled Hrtkovci in fear.

Groups of armed Serbs, refugees from western Slavonia and northern Bosnia, broke into non-Serbian homes and forced the owners to sign documents stating that they were voluntarily exchanging their properties for the homes that the Serbs had abandoned or been forced to leave in Podravska Slatina, Daruvar, Bosanski Brod, or other Croatian or Bosnian towns. Hundreds of terrified people signed such "contracts" and fled to Croatia, often with only those personal belongings they could load into their cars. Frequently, they discovered that the houses for which they had exchanged theirs had been destroyed in fighting or were already occupied by other refugees. Other non-Serbs, fearing expulsion or reprisal, legally swapped homes with Serbs who fled Croatia under similar pressures by Croatian extremists and authorities.

Militant Serbian refugees from Croatia occupied all public buildings in Hrtkovci and replaced the local government with one that condoned and promoted the persecution of non-Serbs.¹⁹ Those who remained lost their jobs. The remaining non-Serbs, supported by local Serbs who believed that equal rights should be granted to all citizens of the republic, appealed to the Serbian and federal governments to stop what was happening.

In August 1992, the government of former Yugoslav Prime Minister Milan Panić attempted to protect non-Serbs in Vojvodina. Former Deputy Federal Interior Minister Mihalj Kertes was ousted amid allegations that he was personally responsible for overseeing "ethnic cleansing" in Vojvodina. Ostoja Sibinčić and his deputy, Rade Čakmak, were also ousted and charged with incitement to violence. The authorities set up police checkpoints at the entrances to the village and removed signs of "Srboslavci" — the Serbian name for Hrtkovci. Refugees who illegally occupied homes were evicted, and the property was returned to its owners. Life seemingly returned to normal, that is, until Panić lost the December 1992 election to Milošević.

¹⁸ *Ibid.* See also Florence Hartmann, "Mass Expulsions from Vojvodina," *Le Monde*, June 16, 1992.

¹⁹ They did this by holding a session of the town council that was also attended by a few locals who approved of their methods. They "elected" Ostoja Sibinčić, a Yugoslav Army officer (who had been fired from the army), as the new mayor, in effect overthrowing the legal government. At another session, they renamed Hrtkovci as Srboslavci. As a result, when Human Rights Watch/Helsinki representatives first visited Hrtkovci in July 1992, 350 families had already left.

In December 1992, after Panić fell from power, Sibinčić and Čakmak were released pending trial. Following their release, pressure once again increased on non-Serbs and local Serbs who defend them, as well as on some of the refugees from Croatia and Bosnia who refused to return to their former Yugoslav republics to fight. To this day, Sibinčić governs the village and his people continue to terrorize the remaining few Hungarians and Croats.

Over the past three years, an estimated 60,000 Hungarians and 40,000 Croats have been forced to leave Vojvodina. Hundreds of opposition leaders and many of their supporters who lost their jobs were forced to emigrate. Ethnic, social and political structures of the province have been changed.

The regime has changed its methods, too. In recent months, the Serbian regime has stopped the campaign of terror against minorities in Vojvodina, relying instead on manipulation through the political process and the media. The influx of Serbian refugees and the exodus of minorities has secured Milošević's Socialist Party of Serbia (SPS) almost total political domination of Vojvodina. The only two political parties with any major clout in Vojvodina beside the SPS are members of Šešelj's Radical Party and the Democratic Union of Vojvodina Hungarians, or (DZVM).²⁰ The SPS and Radicals now rule Novi Sad in a coalition. Other parties have no access to the electronic media. In a country where few people can afford to buy newspapers, the independent press has little impact. Private businesses and foreign organizations that aid the opposition are being harassed by the regime.

To the extent that violence against ethnic minorities has abated somewhat in Vojvodina, Human Rights Watch/Helsinki encourages the government of Serbia to continue in the same vein. At the same time, however, we recommend that the CSCE continue to monitor the situation carefully. Human Rights Watch/Helsinki urges the CSCE and other international and national bodies to press Serbia for full human rights for ethnic and political minorities in Vojvodina, including equal access to the press and freedom of the press.

Sandžak

Bosniaks ('Bošnjaci'), as the Slavic Muslims of Sandžak frequently refer to themselves, constitute a slight majority in this region of 8,867 square kilometers, which straddles the border of Montenegro and Serbia, between Bosnia and Kosovo. Serbs and Montenegrins comprise the rest of the population, which totals about 440,000. Although it is a remote, impoverished mountainous area, Sandžak is strategically and politically important to rump Yugoslavia as Serbia's passageway to the Adriatic. In addition, Sandžak Muslims have for centuries maintained close family, cultural and business links with the Muslims in Bosnia. Many settled in Bosnia and, when the war broke out in that country, later joined the predominantly Muslim Bosnian army.

Inter-ethnic relations in Sandžak deteriorated when the war in Bosnia erupted in mid-1992. By that time, Yugoslav police and military authorities had armed members of the

²⁰ In the most recent elections for the Serbian Assembly in December 1993, the DZVM lost two seats, leaving it in control of five.

Serbian and Montenegrin populations in Sandžak. (The same is true for Kosovo, as well as for some other regions of former Yugoslavia.)²¹ Serbian irregulars have frequently attacked Muslim civilians in Sandžak.

Some of the incidents are attributable to Serbian and, to a lesser extent, Montenegrin paramilitary bands that are based in, or pass through, Sandžak on their way to eastern Bosnia (where some of the bloodiest fighting of the war has taken place.) En route, the paramilitaries shot at mosques and Muslim-owned shops and homes and harassed the non-Serbian population in Sandžak. The paramilitaries were often joined by reserve soldiers of the Yugoslav Army, which at that time overtly participated in the war in Bosnia. The Montenegrin town of Pljevlja was among the hardest hit -- over forty Muslim shops were destroyed in less than one year.

Human Right Watch/Helsinki has documented at least ten murders of Muslim civilians in Sandžak by Serb irregulars between April 1992 and April 1994; many more were wounded. Over fifty non-Serbs were abducted in the same period. These incidents include:

October 22, 1992: a still-unidentified group abducted seventeen Sandžak Muslims from a bus in the village of Mioče. All were civilians and most were on their way to work or to school in Priboj.

February 27, 1993: at least nineteen Muslim civilians and one Croat were abducted from a train running through Sandžak, en route from Belgrade to the Montenegrin port of Bar. The train was stopped by a group of armed men in the village of Štrpci on a short stretch of track that runs through Bosnia. None of those abducted were ever seen again.²²

In both cases, Yugoslav authorities showed little will to identify or arrest the perpetrators despite pledges by numerous senior Serbian officials, including President Milošević, to bring to justice those responsible for the abductions and disappearances. The public prosecutor never began a formal investigation. Although parliamentary commissions were formed, they failed to interview many of the most important witnesses in each case, including the bus driver, the train engineer, conductors, and Serbian policemen stationed aboard the train. The results of their investigations have not been made public. Police arrested only one man in connection with the cases, Milan Lukić, a Belgrade resident and a volunteer soldier with the Bosnian Serbs who commanded a paramilitary group known as "The Avengers." Human Rights Watch/Helsinki has reason to believe that this gesture is no more than a cosmetic attempt to satisfy the international public opinion and the families of the abducted passengers.

Bosnian Serb troops began crossing the border from Bosnia into Sandžak to raid Muslim villages in early 1993. In each attack, the troops beat villagers and looted and burned homes. On February 16, 1993, in an attack on the village of Ravne, Montenegro, Bosnian Serb militiamen abducted six villagers from sixty-two to eighty-one years of age, and killed a ninety-

²¹ See *Open Wounds: Human Rights Abuses in Kosovo*, pp. 98-99.

²² Testimony from this incident is reported in Human Rights Watch/Helsinki, *Abuses Continue in the Former Yugoslavia: Serbia, Montenegro and Bosnia-Herzegovina*, Vol. 5, Issue 11, July 1993, p. 25.

year-old man.²³ The troops brought the captured villagers back across the border to the Bosnian Serb-held town of Čajniče and released them a month later. During the same period, the Bosnian Serbs abducted two other women and three children from the Sandžak village of Močavići. Months later, they exchanged them for Serbian soldiers held prisoner in Goražde.

According to interviews conducted by Human Rights Watch/Helsinki, members of the Yugoslav army and police have allowed Bosnian Serb irregulars to enter the territory of Sandžak and have made no attempts to protect the non-Serbian villagers. Numerous survivors have testified that regular Yugoslav army troops and reservists abetted the Bosnian Serb paramilitaries, and in some cases participated themselves in the raids. Human Rights Watch/Helsinki is concerned that these activities were coordinated by Belgrade authorities in order to "cleanse" Muslims from Sandžak's border region with Bosnia.

To escape this new wave of persecution, thousands of Muslims, including entire families, have emigrated to Western Europe, the United States and Canada. Many of those remaining have purchased weapons (often from Serbs) to defend themselves if the Bosnian war spills over to Sandžak.

In late 1993, police violence against Muslims elsewhere in Sandžak intensified. Police in Serbia and Montenegro now raid Muslim villages daily under the pretext of weapon searches, harassing the women and children and beating the men. Human Rights Watch/Helsinki has interviewed scores of witnesses and victims of such abuse during recent visits to the area and has found evidence that police routinely use unjustifiable force during these so-called weapons searches. Witnesses testify that police beat them with rifle butts and clubs over their entire bodies and heads, mostly on their hands and the soles of their feet. After such torture, many victims were unable to walk; few received proper medical aid. When the villagers have no guns to surrender, police threaten them with further beatings unless they deliver weapons to the police by a certain date. Police thus coerce them into selling their meager property, usually a cow or a few sheep, to buy a gun in the hope that they will be spared additional abuse.

After protests by local human rights groups, the Yugoslav Interior Ministry formed a commission to investigate allegations of police abuse in the town of Prijepolje. The commission interviewed witnesses in the same building where they were previously beaten, frequently in the presence of the police officers who allegedly had beaten them.

Also in 1993, authorities clamped down on the predominantly Muslim political party, the Party of Democratic Action (Stranka Demokratske Akcije — SDA),²⁴ arresting dozens of SDA activists. In September 1993, the authorities issued an arrest warrant for SDA President Sulejman Ugljanin, who was visiting Turkey, where he remains at present. Twenty-five senior SDA activists were charged with undermining rump Yugoslavia's territorial integrity and are

²³ Testimony from this incident is reported in Human Rights Watch/Helsinki, *Abuses Continue in the Former Yugoslavia: Serbia, Montenegro and Bosnia-Herzegovina*, Vol. 5, Issue 11, July 1993, pp. 20-22.

²⁴ When former Yugoslavia began to disintegrate in 1991, prominent Sandžak Muslims formed the Party of Democratic Action (Stranka Demokratske Akcije — SDA) to promote their political interests. A branch of the SDA also was formed in Bosnia under Alija Izetbegović, who is now president of Bosnia.

still awaiting trial in Novi Pazar. Montenegrin authorities unleashed a similar campaign late last year. By January 31, 1994, two dozen SDA leaders had been arrested. They are being held in the Bijelo Polje prison, awaiting trial.

Lawyers of all the accused contend that their clients have been subjected to severe psychological and physical torture. Local police allegedly insulted, threatened and beat those in detention. Montenegrin police took several of the defendants across the border to the Bosnian Serb-held towns of Foča and Čajniče, where they tortured the prisoners until they signed "confessions" stating that they were planning an armed rebellion. Authorities continued to violate basic due process guarantees after they returned these defendants to jail in Montenegro. In particular, for weeks, authorities refused to grant the prisoners access to either defense counsel or medical treatment, although they all had serious wounds from the beatings. The defense has been hampered by the investigative judge's refusal to allow review of all relevant court documents.

As of this date, more than fifty Sandžak Muslims have been murdered or are missing, hundreds have been displaced, and thousands have fled the country. More than fifty are awaiting trial on spurious charges. Through these repressive practices in Sandžak, the Yugoslav authorities have accomplished several goals: the SDA, the only representative of the Sandžak Muslims, has been effectively crushed. Once peace accords are signed in Bosnia and Croatia and international attention shifts to the burning issue of minority rights in rump Yugoslavia, the Sandžak Muslims will have no voice. More ominously, the Milošević regime appears determined to encourage the flight of the Sandžak Muslims through deliberate repression.

Human Rights Watch/Helsinki implores the CSCE to devote renewed attention to the gross human rights abuses in Sandžak. As with Kosovo, it is imperative that the CSCE immediately attempt to reinstate long-term human rights monitoring missions in Sandžak. Moreover, the CSCE, United Nations and other international and national bodies should strongly urge Serbian and Montenegrin authorities to put an end to the reign of terror against non-Serbs in Sandžak.

General Recommendations

Human Rights Watch/Helsinki calls on the CSCE to take immediate steps to re-establish a long-term human rights monitoring mission throughout Serbia and Montenegro, particularly in Kosovo, Sandžak and Vojvodina. The United States and all other nations concerned about protecting human rights should, visibly and vocally, support such efforts. The CSCE, the United Nations and all nations of the world should demand that Serbia and Montenegro abide by international human rights standards within the territory they control. The leaders of Serbia and Montenegro, separately and together, should be called on to demonstrate the steps they are taking to address past human rights violations and to prevent future violations in line with international safeguards. If Serbia and Montenegro continue to flout international human rights guarantees, the CSCE, United Nations and other international and national bodies should explore all options for commanding their compliance.

TESTIMONY, JOSEPH J. DIOGUARDI, PRESIDENT, THE ALBANIAN AMERICAN CIVIC LEAGUE
 SERBIAN "ETHNIC CLEANSING" OF ALBANIANS IN KOSOVA

It is not in the interest of human rights, or of democracy, or of the world community, or of those nations with a historic interest in the Balkans, or of the United States to avert our eyes as another power-mad European dictator in the twentieth century wreaks vengeance on an unoffending and defenseless people solely because of their ethnic ancestry. If we learned anything from the Holocaust, it must be this. Therefore, the West must play an important role in deterring a Serbian assault on the ethnic Albanians who make up 90 percent of the population of Kosova aimed at producing a "final solution" to the "Albanian problem."

A Serbian assault on Kosova would also be a serious matter in terms of world stability. Albania's leaders, allied with Turkey, could not stand by while their fellow Albanians were slaughtered in the streets. A Turkish intrusion into the region would spur reaction in Greece, Turkey's traditional enemy. Russia has historically been closely allied with Slavic Serbia. A Kosova explosion might well revive Bulgarian and Greek ambitions in the politically shaky new state of Macedonia. President Clinton has already dispatched some 400 American troops to Macedonia as observers. The United States cannot dispatch armed forces into Kosova, but there are other steps we should take now, steps that I will outline at the conclusion of this document.

THE KOSOVA PROBLEM SINCE WORLD WAR II

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

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

Serbian determination to strip Kosova of its independence accelerated the violence. In 1989, the Serbian authorities forced the Kosova parliament to vote away its own powers and sent Yugoslav tanks to patrol the streets. Six days of rioting ensued, during which more than 100 Albanians were killed and more than 900 were arrested.

In April, 1990, facing more demonstrations, Serb passed a special law extending prior emergency measures. The Kosova assembly responded on July 2 with a declaration of independence. Three days later, Serbia suspended the assembly, falsely purporting that the Serbian minority in Kosova was being oppressed by the Albanian majority. Serbia then seized some seventy-five enterprises,

Page two

including hospitals and energy plants. On September 5, following a general strike, the assembly met secretly, proclaimed Kosova a republic within the Yugoslav federation, and adopted a constitution. By September 17, its 111 Albanian members had been arrested or had fled into hiding or exile.

On September 28, 1990, Serbia adopted a new constitution that completely eliminated Kosova's autonomy. As of mid-1991, the Kosovan parliament held a referendum in which 87 percent of the population participated, resulting in a 99 percent vote in favor of an independent state. On October 19, 1991, based on this referendum, Kosova was declared a sovereign, independent state and a transitional government was formed. On May 24, 1992, the first multiparty elections for parliament and president of the Republic of Kosova took place. However, On June 23, 1992, the Serbian police used armed vehicles to prevent the seating of the newly elected government in Kosova.

KOSOVA UNDER SERBIAN OCCUPATION

Serbian police have expelled nearly all Albanian physicians, dismissed 7,000 students, prohibited the use of Albanian as a language of instruction in Kosova's schools, replaced Albanian judges with Serbs, and engaged in random beatings, kidnappings, house searches, and killings. The Serbian government has closed Albanian radio and television operations and used its own media to promote anti-Albanian sentiment in the region.

Economic strangulation has been a key element of Serbia's takeover of Kosova. "Compulsory administration" has been imposed on most of Kosova's more than one hundred economic centers, resulting in the collapse of Kosova's economy. Over 75,000 Albanian families have no employed members. It is estimated that 400,000 to 500,000 Albanians are suffering from food shortages, and there is a very real danger of widespread starvation. Many analysts believe that the Serbian government is trying to bring the Albanian population to its knees through hunger.

Having stripped the Albanian people of Kosova of their constitutional autonomy, their democracy and their human rights, the Serbian government is threatening the lives of Albanians by seizing their legally possessed weapons and openly distributing them to the Serbian minority in Kosova. There is a great danger of a completely lopsided, bloody civil war or a massacre of Albanians in Kosova, especially if a "forced" peace is brokered in Bosnia and more of Kosova's Albanians are pressured into fleeing.

The entire Albanian resistance movement in Kosova is peaceful, nonviolent, and civilized, asking only for a dialogue among equals and for free elections. In spite of the daily provocations by the occupying Serbian police and army units, not one single incident has been provoked by Albanians.

Page three

RECOMMENDATIONS

1. President Clinton should continually raise the issue of Serbian human rights abuses and violations of the Helsinki Accords in all international forums, such as the United Nations Human Rights Commission on Security and Cooperation in Europe. The U.S. government should continue to press the issue of human rights and democratic self-government for all the Albanians who do not now enjoy those rights, not only in Kosova but also in the other states where Albanians have been excluded from full participation in the political process.
2. President Clinton should reemphasize publicly what he has already reportedly made clear to Belgrade; namely, that a Serbian offensive against the Albanians will bring a swift and powerful counterstroke.
3. The United States should demand the creation of a United Nations commission of inquiry to study, convene public hearings, and report on the situation in Kosova as soon as possible. In the meantime, the United States and the UN should make plans to extend a protectorate over the Albanian area in Serbia, similar to that now in place in the Kurdish regions of Iraq.
4. The United States and its European allies should consider early membership in NATO for certain strategic Eastern European countries like Albania. This would send a clear signal to Belgrade to abandon any plans to ethnically cleanse Kosova.
5. Organizations fostering freedom and democracy in the world ought to make a special effort to reach out to Kosova's Albanian democratic leaders, inviting them to international conferences so that their story can be more widely heard.
6. The Voice of America and Radio Free Europe should make a special effort to bring the facts of Serbian repression in Kosova to all their European listeners.
7. Finally, sanctions against Serbia must be maintained until the present fanatic nationalist regime has fallen from power and more moderate forces have taken its place. This will require maintaining the economic blockade on Serbia without letup and with every possible means, including increasing the number of monitors at border crossings.

**MEMORANDUM
ON THE
ESTABLISHMENT OF A SPECIAL STATUS
FOR
SANJAK**

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MUSLIM NATIONAL COUNCIL OF SANJAK

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*Notes
on the*
MEMORANDUM
**OF THE ESTABLISHMENT OF A SPECIAL STATUS FOR
SANJAK**

The disintegration of Yugoslavia, which was caused and accompanied by war and the formation of new sovereign states on its territory from 1991 and to the present, has led to the establishment of new political relations in which the survival of the Muslim nation has been brought into question. Although the Muslims have been a state-forming and state-owing nation, third in numbers in former Yugoslavia, this nation has been split up among the several newly-formed states on this territory, and against their will. Apart from Bosnia and Hercegovina, an internationally recognized state in which the Muslim nation is the most numerous, the questions of the status of the Muslim nation has remained unresolved in Sanjak, where Muslims form a majority, as well as in Kosovo, Macedonia, and other states now existing on the territory of former Yugoslavia, where Muslim nation is at risk of 'ethnic cleansing' or assimilation.

Proceeding from the inalienable right to self – determination, following a policy of peace, tolerance and cooperation with other nations, and in order to preserve national identity and safeguard the individual and collective rights of the Muslim nation of Sanjak, the Parliament of the Muslim National Council of Sanjak (MNCS), at its session of January 11, 1992, adapted a resolution to establish a special status for Sanjak as the optimal solution for the Muslim nation, which is autochthonous on this territory. Consistent with this attitude, the Muslim National Council of Sanjak boycotted the elections in the remnants of Yugoslavia on May 31, 1992 and December 20, 1992, which resolution has been supported by the Muslim nation of Sanjak by not participating in these elections. The MNCS has decided to boycott any further elections until there is an official resolution of the status of the Muslim nation of Sanjak.

The request to establish a special status for Sanjak was made by the delegation of the MNCS to the Peace Conference on Yugoslavia in London

on August 26-28, 1992, where the delegation was officially invited.

*The special status for Sanjak formed the basis of the discussions at the Peace Conference on September 16 and 17, 1992. Dialogs on this topic continued in Geneva on November 18 and 19, 1992, amongst the delegation of the MNCS and the co-chairmen of the Peace Conference, Mr. Cyrus Vance and Lord David Owen, and the chairman of the Group on Nationalities Mr. Gert Arens, as well as the newly appointed chairman of the Group on Sanjak at the Geneva Conference, Mr. Marcel Rey. It was then decided that the MNCS should work out a concrete and legal attitude concerning the special status applicable to Sanjak, which would be adopted as the basis for further discussions. On the basis of this agreement and the discussions done in public, the MNCS began work on the Memorandum for the establishment of a **Special Status for Sanjak**, the final text of which was adopted at the Parliament of the MNCS on June 06, 1993 in Novi Pazar.*

In coming to a decision on a special status for Sanjak, the MNCS had in mind the following:

- *The importance of just and peacefull resolution of the status of the Muslim nation of Sanjak.*
- *Contributing to the establishment of lasting peace and security in this part of Europe.*
- *Effectively, contributing to general democratization in the remnants of former Yugòslavia which is one of the conditions for the international recognition of SR Yugoslavia and the lifting of sanctions, by which contribution Sanjak would become an important element of peace and stability in these territories.*

Novi Pazar, June 06, 1993

*Dr. Sulejman Ugljanin
President
Muslim National Council of Sanjak*

MAP OF SANJAK
to be used with the Part II of this Memorandum



Proceeding from the will of the citizens of Sanjak, freely expressed on the referendum held on October 25 - 27, 1991,

Guided by the principles of the Charter of the United Nations, the General Declaration on Human Rights, the Declaration on Minority Rights, and other acts of international law which safeguard human and minority rights,

In keeping with the decisions, spirit and sense of the London Conference on Former Yugoslavia and Chapter II of the Draft of the Hague Convention of November 4, 1991, and with the aim of safeguarding the individual and collective rights of the Muslim nation,

Bearing in mind all the resolutions and decisions of the General Assembly and the UN Security Council regarding the territory of former Yugoslavia,

Reaffirming the determination to restore peace and democratic relations on the territory of former Yugoslavia, and to establish institutions in the states on this territory.

As the members of the International Conference on Former Yugoslavia, represented by the co-chairpersons of the Conference, together with all the signatories, we support the following:

MEMORANDUM

ON THE ESTABLISHMENT OF A SPECIAL STATUS FOR SANJAK WITHIN THE REMNANTS OF FORMER YUGOSLAVIA (SERBIA AND MONTENEGRO)

I. GENERAL PRINCIPLES

1. Within the framework of the remnants of former Yugoslavia (Serbia and Montenegro, henceforth Yugoslavia), a special status is being established for Sanjak (henceforth Sanjak). The functions of authority

shall be carried out by the governmental bodies of Sanjak and by the governmental bodies of the townships within it, except in those cases specifically provided for in this Memorandum.

2. Sanjak will have no right to enter into international relations except in those cases provided for in this Memorandum.
3. The areas in which Sanjak has the right to enter into international relations with others are: scientific and technical, cultural and educational, and economic collaboration, and other areas provided for by this Memorandum.
4. The rights and the duties of Sanjak shall be regulated by the Constitution of Sanjak, the first version of which shall be elaborated by a suitable body, consisting of specialists of the International Conference on Former Yugoslavia.
5. Sanjak shall have a democratically elected Parliaments as its legislative body, a Governor and a Government as the bearers of the executive power, including control of the police, and an independent court of Sanjak and other governmental bodies provided for by this Memorandum. The first elections of these governmental bodies shall be held under the supervision of the UN, and the CESC (Conference on Security and Cooperation in Europe).
6. Disagreements concerning the special status shall be definitively resolved by the Special Committee for Sanjak of the International Conference on Former Yugoslavia.
7. The territory of Sanjak shall be permanently demilitarized under the supervision of the UN and the EC, which shall obligate the Yugoslav authorities, within 30 days of the signature and the recognition of this Memorandum, to withdraw all military forces from the territory of Sanjak, as well as those police forces which exceed the requirements of normal circumstances.
8. The Constitution of Yugoslavia and the Constitution of Sanjak shall guarantee human rights and minority rights as defined by the highest standards set by the documents of the international law. Their imple-

mentation shall be guaranteed by the national and the international mechanisms.

II. BOUNDARIES OF SANJAK

1. The territory of Sanjak on which special status is being established encompasses the areas of the following townships: Novi Pazar, Sjenica, Tutin, Prijepolje, Nova Varoš, Priboj, Pljevlja, Bijelo Polje, Berane, Plav and Rozaje. The territory of Sanjak represents a historic, ethnic, economic, geographic, transportation and socio-cultural entity in which the rights and the duties shall be enforced as established by this Memorandum, the Constitution of Sanjak and the Constitution of Yugoslavia.
2. The boundaries of Sanjak can not be changed without the consent of all the signatories of the Memorandum or their successors.
3. There shall be no border control at the boundaries of Sanjak and full freedom of movement shall be guaranteed.
4. The map of Sanjak is an integral part of this Memorandum and is given on the page 1.

III. PARTICULARS OF THE SPECIAL STATUS

A. Human rights and the rights of nationalities

1. In Sanjak human rights and the rights of nationalities are guaranteed as defined by the highest standards set by the basic documents of international law:
 - Universal Declaration of Human Rights of 1948,
 - International Pact on Civil and Political Rights of 1966,

- International Pact on Economic, Social and Cultural Rights of 1966,
 - Declaration on Abolishing All Forms of Intolerance and Discrimination Based On Religion or Conviction of 1981,
 - International Convention on Abolishing All Forms of Racial Discrimination of 1965,
 - International Convention on Preventing and Punishing Crimes of Genocide of 1948,
 - Convention on Children's Rights of 1959,
 - International Convention on Abolishing All Forms of Discrimination Against Women of 1979,
 - Declaration on Abolishing Torture and Other Forms of Cruel, Inhumane and Degrading Treatment or Punishment of 1975,
 - Stockholm Declaration on the Environment of 1972,
 - Convention on the Legal Status of Refugees of 1951,
 - Final Act (Record, Bill, Document) of the Conference on Security and Cooperation in Europe of 1975,
 - Paris Charter for a New Europe and other documents of the CSCE which concern the human dimension,
 - Convention of the Council of Europe for the Safeguarding of Human Rights, with accompanying protocols,
 - Draft of the Hague Convention of November 04, 1991.
2. The Muslim nation shall, in particular, be guaranteed the following rights:
- the right of self protection from any activities which might threaten the existence of this nation,
 - all cultural rights, such as the right to identity, culture, religion and

use of its own language and alphabet in public and private life.

- the right to education in accordance with the national values,
- proportional representation in all of the governmental bodies and nondiscrimination in the economic and social sphere, in political life and in access to the media,
- freedom of the individual in regards of te national orientation,
- the right to possess and publicly display national and religious symbols,
- the right to elect its own representatives to the Council of Nations of the Federal Parliament,
- the right to dual citizenship, in addition to the Yugoslav citizenship.

B. Jurisdiction of the governmental bodes of Sanjak

1. The governmental bodies of Sanjak shall be exclusively responsible for:
 - Schooling (from the kindergarten through the University level),
 - Cultural institutions and programs,
 - Radio and television,
 - Issuing operating permits for large and small businesses,
 - Exploitation of natural resources, mining, agriculture, forestry, fishing and hunting,
 - Public healt, socials services and social insurance (health insurance and old-age pensions),
 - Traffic and transportation within the territory of Sanjak,
 - Energy production.

- Control of commercial banks, savings banks, and other financial institutions,
 - Police,
 - Organization and maintenance of the judiciary,
 - Taxation for the purposes of the special status.
2. The governmental bodies of Yugoslavia shall share the responsibility with the governmental bodies of Sanjak for carrying out the following on the territory of Sanjak:
- Environmental conservation, in which matter the government of Yugoslavia shall set minimum standards,
 - Federal highways and other major roads concerning Sanjak, canals, pipelines, postal, telephone and telegraph services,
 - Transmission of the electrical energy.

C. Structure of the Government

1. Legislative body – The Parliament of Sanjak

The Parliament is unicameral and is the bearer of the legislative power. Decisions to change to Constitution or the boundaries of township shall be made by a two-thirds majority of all members of the Parliament.

2. Executive authority – The Governor (President) and the Government

- a) The Governor (President) represents Sanjak, nominates a candidate for President of the Government of Sanjak (Prime Minister), and coordinates the work of the Government of Sanjak and the governmental administrative bodies. In the case of absence of the Governor (President) or protracted incapacity, he shall be replaced by his deputy, the deputy being chosen by the Parliament. The Governor (President) and his deputy can not be of the same nation.

- b. The Government of Sanjak is responsible for executing the decisions of the Parliament and for the conditions in the territories encompassed by the special status. The Parliament of Sanjak, choosing from the nominees for the government office, elects its President (Prime Minister) and the members of the Government of Sanjak. The composition of the government of Sanjak must correspond to the national composition of the population of Sanjak.
- c. The police forces are under the control of the executive authority of Sanjak. In the police, as in the other governmental bodies, there must be proportional representation of and nondiscrimination against all national majorities and minorities. It is forbidden to create any irregular or paramilitary units.

3. *Legal authority*

- a) The First-level Court, the Second-level Court and the Supreme Court of Sanjak shall be independent and form judgments according to the Constitution and the Law. They are an integral part of the special status.

Judges of the First-level Court, the Second-level Court and Supreme Court shall be appointed and dismissed by the Parliament of Sanjak.

The judges must be chosen that their composition corresponds to the national composition of the population of Sanjak.

IV. INTERNATIONAL GUARANTEES

- 1. The International Conference on Former Yugoslavia, and its successors, offer international guarantees for the establishment of the special status.
- 2. The Conference forms a Special Committee for Sanjak. In addition to the representatives of the Conference, who make up a majority, other

members of the Special Committee are, one representative of Yugoslavia, one representative of the Republic of Bosnia and Hercegovina, and one representative of the Muslim National Council of Sanjak.

3. The Special Committee is responsible for putting this Memorandum into effect and for performing the activities involved in so doing, and has final legal authority for resolving any disagreement which might arise in implementing the special status. The Special Committee shall at least once every six months inform the Conference on the progress of implementing the special status and on its work. The special Committee may also inform individual countries, international institutions and organizations about particular issues, and suggest that they take specified measures.
4. A Monitoring Mission for Human Rights shall be established. This Mission shall have observers stationed in all the townships of Sanjak. These observers shall monitor the enforcement of human rights, deal with charges brought and proposals put forth by the citizens and institutions, and inform the Special Committee and responsible bodies and institutions in Sanjak, Yugoslavia and the international community on its observations.

V. FINAL PROVISIONS

1. This Memorandum shall go into effect within a year of its adoption.
2. Within the same deadline, elections shall be held under international monitoring for the governmental bodies of the special status of Sanjak.
3. Yugoslavia shall, within the same deadline, make appropriate changes in its constitutional system and its legislature in accordance with this Memorandum, and under the observation of the specialists from the International Community chosen by the International Conference.
4. On the day that this Memorandum goes into effect, all legal regula-

tions of Yugoslavia shall cease to be applicable if they obstruct the implementation of this Memorandum.

For the Peace Conference
on Former Yugoslavia
Co-Chairmen

For SR Yugoslavia
(Serbia and Montenegro)

For Bosnia Hercegovina

For the Muslim National
Council of Sanjak

**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 CSCEContents

Map of the Regions of the Federal Republic of Yugoslavia Covered by the CSCE Missions of Long-Duration	iv
Map of Sandzak	v
Summary	1
Sandzak	3
The CSCE Mission to Sandzak	11
Conclusion	19

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



Sandzak



Summary

Sandzak is one of three regions of the new Yugoslavia -- consisting of the republics of Serbia and Montenegro -- in which there is a strong ethnic mix. Muslim Slavs, like those in Bosnia-Herzegovina, have become a slight majority there in recent years, followed by Serbs and Montenegrins. Tensions have risen greatly in Sandzak in the last year. This is a result of the effects of the Bosnian war next door, to which many Sandzak residents have personal ties, and from which thousands of refugees have fled. There is a strong military presence in Sandzak as well, and Serb paramilitary units often harass or outrightly attack civilian Muslims. The situation bordering Bosnia-Herzegovina in north and west Sandzak, where Muslims are in the minority, is significantly worse than to the east and south, where they are the clear majority and the effects of the war are less apparent.

There is also discrimination against Muslims, who are generally alienated from the system. Combined, these factors have caused many Muslims, perhaps tens of thousands, to leave Sandzak.

Solving these problems is complicated by several factors. First, there is a lack of trust and of dialogue, especially between officials and Muslim activists. There is also a rampant spread of rumors, which exacerbates existing fears. Local officials have little power to change things, and, indeed, their superiors as well as military and security officials may not have the desire to change things for the better, let alone the will. While there may, or may not, be a policy from above to extend some form of "ethnic cleansing" to Sandzak, the lack of effort to protect Muslims and to grant them their equal rights can amount to the same thing. Clearly, the burden is on the authorities to demonstrate that they mean what they say in regard to their peaceful and democratic intentions.

The CSCE Missions of Long-Duration, consisting of only a few individuals that nevertheless have a variety of backgrounds, have proven themselves to be a useful exercise in preemptive diplomacy and in enhancing the role of the CSCE in managing European affairs. The Missions have essentially a two-fold mandate: to monitor and report on the situation in Sandzak, and to foster dialogue between disputing parties. The Mission has performed these tasks well, despite a less than cooperative attitude on the part of some officials and local Serb and Montenegrin activists. Its greatest asset, however, is simply that it is a foreign presence in an area of tension. It has not prevented every ugly incident from occurring, but it perhaps does have the capability to prevent some by having a calming effect in the region. It is especially critical for the Mission to extend its presence more strongly in the area bordering Bosnia-Herzegovina, and the establishment of an office in Prijepolje was an important step in this direction.

In the end, the utility of the Mission, and the Missions to Kosovo and Vojvodina, is to "buy time" while others seek to end the war in Bosnia-Herzegovina and begin the long and arduous process of building democracy in the new Yugoslavia. As current leaders, not to mention the roving bands of paramilitaries, show little interest in such developments, the Missions may be necessary even after the Bosnian conflict has ended. Most will acknowledge that the Mission's presence has a demonstrable effect in calming the situation, especially in Novi Pazar itself.

Sandzak

Of the three regions covered by the CSCE Missions, Sandzak is the least known and yet, in many respects, the most complicated. Straddling the mountainous Serbian-Montenegrin border area from Bosnia-Herzegovina in the north and west to Kosovo and Albania in the south and east, Sandzak's regular population of around 450,000 consists of a slight Muslim majority, which is most heavily concentrated in the areas to south and east around Novi Pazar, Tutin and Rozaje and is weakest around Nova Varos, Priboj and Pljevlja along the Bosnian border. The transit through Sandzak of thousands of refugees from Bosnia-Herzegovina, mostly Muslim but also Serb, and the outmigration of as many as 70,000 ethnic Muslims from the Sandzak region (according to Muslim activists), particularly along the Bosnian border, have likely accentuated the Serbian and Montenegrin majorities in the north and west and the Muslim majorities in the south and east.

"Sandzak" is more a historical than a political term, referring to this same stretch of land as it developed during the course of Ottoman rule. As the Ottoman Empire in Europe waned in the latter half of the 19th century, the Sandzak of Novi Pazar -- Novi Pazar being the region's largest city and trading center -- became its northernmost protrusion and soon became known simply as "the Sandzak." The 1878 Berlin Congress, which placed Bosnia-Herzegovina under Austro-Hungarian administration, left Sandzak as a region to be administered by the Ottoman Turks, although it provided for 4-5,000 Austrian troops to be placed in the Sandzak towns of Priboj, Pljevlja and Prijepolje near the Bosnian border. The Congress also formally recognized the *de facto* independence of Serbia and Montenegro, which were nevertheless separated from each other by Sandzak. The ethnic and historical affinities of Serbs and Montenegrins, however, led to their close collaboration in expelling the Ottomans from Europe during the First Balkan War in 1912, in which they successfully seized Sandzak territory and divided it between them. Since that time, this region has remained under Serbian and Montenegrin control, first within their respective kingdoms and, after 1918, within the Yugoslav state that survived under various forms of government and political subdivisions until 1992. At present, this control continues in the context of the smaller Yugoslav federation formed by Serbia and Montenegro in May 1992, which remains largely unrecognized internationally. While there were indications during World War II that Josip Broz Tito, the Partisan leader, would grant Sandzak some political status, this did not happen. Unlike Kosovo and Vojvodina, Sandzak does not exist as a political entity. Instead, the historical and multi-ethnic area consists of 11 opstine (or counties), six in Serbia and five in Montenegro.

The present situation in Sandzak is, first and foremost, related to the war going on next door in Bosnia-Herzegovina. The fact that Serbs and Muslims are killing each other in Bosnia-Herzegovina makes feelings of mistrust, fear and anger unavoidable among Serbs and Muslims living together in Sandzak. And these feelings are generated not only by an individual's loyalty to his or her ethnic group but, perhaps more importantly, to the strong personal ties that span the border. Virtually every Muslim in Sandzak, and a large number

of Serbs and Montenegrins as well, have family of some sort or close friends who live -- or lived -- in Bosnia-Herzegovina. Others worked or lived there themselves. Given this highly emotional scene, previous friendships and business relationships increasingly break along ethnic lines, although it would be wrong to say that the society has been completely segregated. Indeed, given the circumstances, it is sometimes surprising to see it stay together as much as it has so far.

Exacerbating this situation is the large inflow of refugees. Most seem to have come to Sandzak last summer, although new arrivals continue to appear, sometimes suddenly. In the course of only a few days in late January, for example, over 1,100 Bosnian Serbs fled Rudo for Priboj in light of a nearby Muslim attack, while one week later 1,600 Bosnian Muslims "cleansed" from Trebinje arrived and sought refuge in Rozaje. These refugees present an enormous drain of resources, already limited by the worsening economic situation, and they upset the ethnic balances of the particular town or opstina (county). As a great number of the refugees find shelter with local families, they must also shape the attitudes of their hosts with the horrors their personal tales contain.

A more direct threat coming from the war in Bosnia-Herzegovina is the presence of Serb paramilitary units which apparently cross into Sandzak with relative ease. While in most cases they cannot be precisely identified, they are often assumed to be one paramilitary group in particular, the White Eagles, and the extremist political party which is allegedly connected to this group, the Serbian People's Movement (SNO), seems to have supporters among the populations of border towns, judging by the prevalence of their political posters. They may well have been involved in the recent attacks on Sandzak villages bordering Bosnia-Herzegovina, such as Kukorovici in Priboj opstina in February 1993, which left three dead. They may have also been the kidnappers of the 25 to 30 Muslim passengers on the Belgrade-to-Bar - train passing through 12 kilometers of Bosnian territory later that month. Whoever is responsible for these acts, it is these groups that pose the greatest threat to the safety of Sandzak's Muslims at present.

The presence of the military, again particularly along the border regions, may create more problems than it solves. According to Yugoslav Army representatives, a main goal of the military in the area is to keep the Bosnian war in Bosnia. To an extent, increased patrolling of the border may prevent some spillover, but, as the paramilitary problem in Sandzak demonstrates, the border is still porous, at least for ethnic Serb units. The heavy military presence has not protected the ethnic Muslims living on the Serbian and Montenegrin sides of the border. Instead, it has fueled suspicions that the military is, in fact, assisting the Bosnian Serb militants and, around the time when Bosnian Muslim forces attacked Rudo, possibly crossing the border and coming to their direct aid. Moreover, military reservists are apparently among those who harass Sandzak civilians, drinking heavily and shooting their rifles which they can carry with them while off duty.

Beyond these effects of the nearby war, Muslims in Sandzak complain of blatant discrimination against them. First and foremost, they claim they are being removed from senior positions in the region, both at commercial enterprises and in public administration. There are enough exceptions to question the extent to which Muslims have been completely eliminated from the system, and the large Muslim boycott of the last elections, denying them elected officials who can influence hiring and firing of other officials, can explain at least part of that which is true. A prerequisite for Muslims seeking to hold their positions, however, is unquestioned loyalty to the system and the largely Serbian outlooks it represents.

Muslims also complain that the system itself discriminates against them, citing everything from law enforcement practices to everyday public administration as favoring Serbs over them. This, of course, is much harder to prove. In law enforcement, for example, Muslims are reportedly much more heavily engaged in black marketeering and will be much more likely to find themselves in some sort of legal problem than most Serbs. Anecdotal evidence nonetheless suggests discrimination. When one Muslim, robbed of large sum of German marks by reservists or paramilitaries, reported the incident to the police, he was interrogated as to how he got the money in the first place, with no follow-up as to who took it from him. Others, perhaps justly arrested for illegal marketing activities, nevertheless claim to be harassed or even beaten by the police officers doing the arrest. Perhaps the most common example of discrimination cited, however, is confiscation of handguns, which occurs with Muslims but allegedly not with Serbs.

Muslims will also argue that they face discrimination in terms of Yugoslav military service, and they are, for the most part, refusing to answer calls to serve. This charge is two-fold. First, there were instances in the past, especially in the months immediately following the start of the war in Bosnia-Herzegovina, when Muslim men serving in the military were subjected to harassment by Serbs, who dominate their ranks, and those Muslims serving in the officer corps were removed from any key positions they may have held. There have been no apparent incidents recently. This may represent a successful effort to restore order in the military, but more likely it is the result of so few Muslims actually being in the military at present. Second, and more generally, Muslims fear that, once in the military, they may be sent to Bosnia-Herzegovina where they would face fellow Muslims. While the Yugoslav military is, strictly speaking, out of Bosnia-Herzegovina, rumors abound of military personnel and equipment covertly being sent to the war. Moreover, there is a likelihood that the Yugoslav Army would reenter the war if the Bosnians suddenly scored major victories over the Serbian militants, which could happen if the arms embargo were lifted on the Bosnian side. That Muslims soldiers would fight and possibly be killed in a war serving Serbian aims which they do not share constitutes, to the average Muslim, a distinct form of discrimination. Muslim activists go so far as to claim that the Yugoslav military is merely a paramilitary force, given the lack of legitimacy given to the new Yugoslavia internationally, and that Muslims therefore are under no obligation to serve. Others speculate that calls for Muslims to serve, which seemed to increase in February 1993, reflect not so much a shortage in

personnel (although many young Serbs, indeed, are also uneasy about military service) as much as an effort to drive one of the most important segments of the Sandzak Muslim population from the region.

With the effects of the war and the apparent discrimination combined, Muslims have been deeply concerned about their future in Sandzak. To an extent, the suddenness with which the situation deteriorated, especially in the summer and autumn of 1992, magnified their concerns. Unlike the situation in Kosovo, where ethnic tensions and repression have become part of everyday life, most Muslims seemed comfortable in Sandzak until recent years. They had done reasonably well in Tito's Yugoslavia, a fact documented in part by the many portraits of Tito that remain on the walls of Muslim-owned businesses and homes. As the situation changed quickly for the worse in 1992, this relative contentment caused the population to react with much greater shock.

As a result, Muslims do feel pressure to leave the Sandzak region, and many in fact have. Figures on the exodus are not readily available, but Muslim activists have arrived at a figure of about 70,000, which would be about one-third of the entire Sandzak Muslim population. A similar figure was given as early as September 1992, indicating that the exodus had slowed since. These people are believed to have left the country entirely, although it is possible that some may have simply moved from the less stable border areas to Novi Pazar and other towns with comfortable Muslim majorities. In giving such figures at least, it is asserted that most of the departees are from the areas bordering Bosnia-Herzegovina, which, given the vast differences between this area and that further south and east, is a reasonable assumption. However, another statistic given, specific to this border area (Priboj and Pljevlja), is that 60 percent of the Muslim population has left. Based on population statistics for these *opstine* used by the Muslims themselves, this would constitute about 15,000 persons, certainly less than what might be assumed from the 70,000 figure. While it is not impossible for both statistics to be correct, it seems unlikely to be the case.

Beyond the question of numbers is the question of what it all means, specifically whether the Muslims of Sandzak are victims of "ethnic cleansing." This is, in fact, a controversial point, with some Muslim activists making the claim very strongly. If ethnic cleansing is defined as an area where a people of one ethnic group was living but no longer does, then it has taken place in the area immediately bordering Bosnia-Herzegovina but not in Sandzak as whole. If it is defined more as a process of leaving, then it may have a wider regional application, but the term ethnic cleansing normally does not have the connotation of subtle or latent pressures which affect the broader population. Perhaps more important to this issue is whether, for ethnic cleansing to exist, there has to be a policy from above with cleansing areas as a goal. The "cleansing" of border areas can be explained, albeit not altogether convincingly, as a result of the war going on just across the border. Moreover, even the discrimination against Muslims may not have the intent of actually driving them away.

These questions in no way seek to minimize the problem in Sandzak. Rather, they seek to address what seems to be increasing use of the term "ethnic cleansing" which has become popular through its association with the policy of Serb militants in Bosnia-Herzegovina. There, ethnic cleansing is a definite and deliberate policy to clear large areas of their ethnic Muslim populations and not just by pressure to leave or deportation but by seeking to wipe out large segments of these populations altogether, with mass executions, rapes and other forms of torture, and detention camps. Indeed, this may be more appropriately labelled an attempt to commit genocide, but the fact is that the "ethnic cleansing" associated with Bosnia-Herzegovina is not the same as what is happening in Sandzak. That said, however, both seem to emanate from Belgrade policy-makers. Given the continuous incidents which victimize Muslims in Sandzak and the evidence of discrimination, the burden is on the authorities to prove that the claimed existence of a policy geared toward driving Muslims away is false. At minimum, the lack of protection Muslims generally receive and the manner in which the system seems to work against them points to a policy of intentional neglect.

What makes the accusation of ethnic cleansing more controversial, however, is the effect the accusation itself has on the population. To average Muslims in Sandzak, already concerned about the uncertain futures they and their families have in the region, the possibility of being intentionally victimized as a matter of policy provides a strong inducement to leave before that happens. As a result, claims of ethnic cleansing can be, to a certain extent, a self-fulfilling prophecy. There is no evidence that this, in fact, has taken place, and it can be argued, from an ethical perspective, that warning of potentially impending action against a population is necessary despite the effects it may have. Nevertheless, the contribution such warnings may make in encouraging people to flee can be logically assumed.

Beyond the problems in Sandzak themselves are questions as to what can be done about them. On this, the situation is equally complicated. On the official side, for example, authority is dispersed among the opstine, as Sandzak does not exist as a political entity. Of the six opstine in Serbia, they are administratively divided as parts of two larger okrugs, the Uzice-based Zlatibor Okrug and the Kraljevo-based Raska Okrug, each of which contain opstine outside Sandzak as well. From the okrug level, authority then reaches to the Serbian authorities in Belgrade and, technically, to the federal authorities who are also in Belgrade. In reality, however, Serbian authorities are viewed as having much greater power than their federal counterparts. Montenegro has no okrugs, and the five Sandzak opstine there are administratively supervised by the republic's capital, Podgorica, technically under the federal authorities in Belgrade but also with substantial powers of its own and at least some indirect influence by the much larger Serbian republic. Military and security (police) authorities are similarly divided but in a way that they overlap rather than strictly parallel political subdivisions.

In addition to this maze of structures is the centralization of power in those structures. As a result of this centralization, local officials assert little real authority. Many, if not most, of these officials appear to be true believers in current policies anyway, but among them are some who likely would like genuinely to resolve local problems and improve the situation in their respective opstina. Unfortunately, these officials seem to have little room to maneuver in this regard. While local understandings might be reached on some issues, substantial local problems can only be resolved through broader efforts and the blessing of those from above.

On the opposite end are the Muslims activists, primarily the Party for Democratic Action (SDA) but also smaller Muslim parties in Serbia and Montenegro, which along with humanitarian, cultural and other Muslim organizations coordinate their work in a Muslim National Council of Sandzak. In contrast to the authorities, the Muslim groups do see Sandzak as a distinct region and have organized themselves as such, centering their collective efforts in Novi Pazar in addition to their bases in each opstina. While there are some variations, for the most part these groups represent a common point of view, both in Novi Pazar and in the opstina. At the same time they coordinate, the dominant SDA claims to give each of its opstina branches significant independence. The unity in positions can possibly be explained by the reality of what all Muslims commonly perceive as detrimental to their interests in Serbia, even if they differ on some points regarding how to respond.

To the extent Muslim activists do differ, it usually involves the issue of autonomy for Sandzak. This is sometimes couched in terms of elevating the legal status of Muslims in the new Yugoslav federation from a minority to a nationality, but, in Yugoslav parlance, doing this would likely mean regional autonomy anyhow. Some downplay autonomy as a serious option; all that they look for is equal protection and opportunity in all aspects of society. This view, in fact, appears to be the most common among the Muslim population as a whole. For the most part, Muslims in Sandzak have little notion of autonomy, since the region has not had such autonomy within the course of their lifetimes. Moreover, since Muslims, like Serbs are south Slavs speaking the same language, Sandzak society has generally not had to become as segregated as elsewhere in the Balkans.

Some Muslims, however, do take a more nationalistic approach, and some will claim that Sandzak Muslims tend to be more nationalistic than their Bosnian brethren. In addition to the existing lack of equality, the nationalist Muslims will justify autonomy for Sandzak as a distinct region with historical arguments and the claimed will of the Muslim people based on an October 1991 referendum. At best, however, any possible achievement of autonomy is admitted to be a long way off, and any government in Belgrade willing to agree to it would, almost by definition, not be denying Sandzak Muslims their individual rights in the first place. Since the denial of these rights is the real impetus to calls for autonomy, then these calls can be seen as an effort to improve the human rights situation. As one Muslim activists asserts: "The less democracy we get, the more autonomy we want." At the same time, it is not impossible to imagine the stronger advocates of autonomy as having more grandiose plans, and continually using human rights problems to give these plans a greater

degree of legitimacy. Either way, unfortunately, Serbian discrimination against non-Serb groups as well as the frequently self-induced fears Serbs have regarding the intentions of these groups have, at least in the short term, caused Belgrade normally to respond to calls for autonomy not with more democratic behavior but with more repressive policies. While calls for autonomy are, in fact, exercises in the right to free expression for which there should be no retribution, if the intent of these calls is actually to improve the situation in Sandzak they may, in fact, be promoting the opposite.

In addition to the organized Muslim groups and the officials are the independent Serbian groups, specifically the non-ruling political parties, and a few peace groups and other "mixed" organizations. For the most part, these groups have little apparent influence in local affairs, a result of the general lack of democracy that exists in the new Yugoslav federation and in Serbia in particular. A more serious problem, however, is the degree to which they actually oppose existing policies and push for democratic development. For example, the leading Serbian opposition party -- Vuk Draskovic's Serbian Renewal Movement (SPO) -- has developed an image of being a democratic force opposed to Serbia's involvement in the Bosnian war, based on its Belgrade activities, but at least in its Sandzak branches it retains the strong nationalist fervor of a few years ago. Its primary attributes seem to be a continued anti-communist orientation as well as an unwillingness to engage in violence itself, the latter in contrast to parties such as the Serbian Radical Party (SRS) and the Serbian People's Movements (SNO). Beyond that, the SPO, as the leading voice for Serbian opposition, presents little alternative to the currently tense situation in Sandzak. Other, more democratic opposition, is virtually non-existent in the region.

Adding to this problem is the fact that extremist groups do have some local support in Sandzak. The SRS has considerable support among Serbs throughout the region. The more mysterious, and probably more dangerous, SNO has visible support in the border regions, judging by the numerous posters plastered in towns like Pljevlja and Priboj. Linked to the paramilitary White Eagle forces, the SNO's recent establishment of a branch organization in Prijepolje has been seen as an ominous development for that opstina.

In between all the main actors are the people themselves, practically all less nationalistic than those who claim to be defending their interests. To some extent, they have kept a multi-ethnic society together, although almost all lament the gradual weakening of personal and business relationships between Muslim and Serb. Beyond these commonalities, however, differences abound. Many in Sandzak, particularly among the Muslim population which traditionally is more urbanized, have the intellectual sophistication to rise above the mess around them, although many of them may do so by leaving. Others, again also mostly Muslims due to their tradition as traders, are better able to cope with the sanctions imposed on their country and seemingly can even find opportunities for personal gain from the hard times. While Muslims complain of being kicked out of official enterprises, Serbs and Montenegrins argue that it is these same enterprises, and not the entrepreneurial activities of Muslims, that are most directly and negatively affected by the sanctions.

While Serbs differ greatly in their willingness to engage in, or support, violence, they are more of one mind regarding the situation in Sandzak, Bosnia-Herzegovina and the former Yugoslavia as a whole. Many genuinely lament the continuing conflict next door, and Serbs too have family in Bosnia-Herzegovina or house refugees from that war-torn country. Yet, they virtually all believe the conflict was started by "fascist" Croats and "fundamentalist" Muslims, that the Austrians, Germans and especially the Turks have designs in the Balkans, that the Americans have been duped by Croatian lobbying and that the sanctions are the cause of all of the new Yugoslavia's economic problems, affecting innocent people the most. The extent to which they believe the official line is the result of more than the propaganda they receive on television. It reflects also the problem of self-denial as far as believing fellow Serbs are able to commit the atrocities they have. It is not uncommon for people to have access to German, British and other foreign television via satellite dishes, but even when confronted with the grim reality, Serbs continue to refuse to acknowledge what is happening. To an extent, the cause of this may be that the peoples of the Balkans almost all view themselves relative to their neighbors, and Serbs cannot accept the notion that their leaders deserve more of the blame for what has happened than those of Croats or Muslims. Indeed, even the complaints about sanctions are usually not couched in terms of whether Serbia deserves them or not. Rather, that are expressed in terms of their allegedly unfair distribution by not being imposed at least on Croatia as well.¹

¹ At the same time, travellers to Croatia will hear similar complaints about the equal treatment they get in regard to the international arms embargo.

The CSCE Mission to Sandzak

As early as June 1992, the CSCE States envisaged the stationing of Missions of Long-Duration in three regions of the self-proclaimed Federal Republic of Yugoslavia, comprised of Serbia and Montenegro, where large minority populations reside. In Kosovo, for instance, approximately 90 percent of the population is ethnic Albanian, while over half the population of Sandzak is ethnic Muslim. Serbs constitute a majority in Vojvodina, but there is a large Hungarian minority and sizable populations of Croats, Slovaks and numerous other ethnic groups as well.

The effort to establish Missions of Long-Duration developed out of concern over the treatment of these populations in the new Yugoslavia, and the potential for the conflict taking place in Bosnia-Herzegovina to spread to these regions. While short-term missions of the CSCE visited these regions in the past, the most that could be expected of them was a cursory look at the complex situation in each area. If the CSCE wanted to have a positive impact on the situation, then it would need to establish a permanent presence so that Mission members could regularly examine and report on the situation to the CSCE States, obtain objective information about specific incidents, and foster dialogue among the ethnic communities and their representatives in the hope of avoiding future incidents. An August 1992 CSCE Exploratory Mission to these three regions confirmed the need for such an effort to be carried out on a long-term basis.

Yugoslav authorities were initially reluctant to permit CSCE Missions to be established, but an agreement between CSCE representatives and the federal authorities was reached on the matter in late October 1992. While Missions would be permitted in each of the three regions, as desired by the CSCE States, they would be considered one, collective effort coordinated by an office in Belgrade, implying that these regions were integral parts of the new Yugoslavia and not internationally recognized entities in their own right. Ambassador Tore Bogh of Norway was selected to head the Missions from Belgrade. In Kosovo, the first Mission was established in the capital, Pristina. In January and February 1993, additional offices have been set up in Pec and Prizren. In Sandzak, the first Mission was established in Novi Pazar, the largest city and commercial center for the area. A second office was established in Prijepolje, closer to the troubled areas bordering Bosnia-Herzegovina, in March 1993. In Vojvodina, the first Mission was established in Subotica, next to the Hungarian border. A second office is being contemplated for Novi Sad, the province's capital.

Originally envisaged to have 12 members, the CSCE decided in November 1992 to expand the size of the Missions to 20, and then again in February 1993 up to 40, provided they have sufficient vehicles and other equipment to allow them to carry out their duties effectively and in relative safety. Most new Mission members would likely be sent to Kosovo, although Sandzak and Vojvodina would receive additional members as well. The Belgrade office might also be expanded as necessary to coordinate the Missions' expanding

operations. Despite this increase, the Missions have only for a few weeks ever reached the 20-member plateau. Obtaining qualified personnel who can commit themselves to participate to several months of service remains the biggest single problem for the Missions.

The basic mandate to be carried out by the Missions was stated in the decisions of the fifteenth meeting of the CSCE Committee of Senior Officials in Prague in August 1992. There, the participating States decided that the Missions will:

- promote dialogues between the authorities concerned and representatives of the populations and communities in the three regions;
- collect information on all aspects relevant to violations of human rights and fundamental freedoms and promote solutions to such problems;
- establish contact points for solving problems that might be identified; and
- assist in providing information on relevant legislation on human rights, protection of minorities, free media and democratic elections.

These combine operationally into two essential tasks. First, there is the task of obtaining as accurate and objective a picture of the situation on the ground as possible. The purpose of this fact-finding is to inform the CSCE States of what is actually happening. Some earlier, overly hasty international efforts, for example, presented erroneous, exaggerated or one-sided reports, such as the November 1992 allegation of UN Human Rights Rapporteur Mazowiecki that several mosques in Sandzak had recently been demolished, which was later proven to be unfounded. For the international community to respond properly, it has to work on the basis of facts, which, given the situation in the new Yugoslavia, usually supports minority complaints in any event. While regular, biweekly reporting is intended for the CSCE States and not the local audience (one or the other side of which would otherwise be constantly be calling on the Missions to defend their reports, taking time from other efforts), accurate information obtained regarding specific instances could also be released locally, especially through the media. Such efforts have the potential of quelling sensationalized rumors that so easily spread in such a tense and divided society.

A second task is the facilitation of local dialogue between disputing parties that otherwise do not talk to each other. This task is usually much easier said than done. All sides express a willingness to meet and talk, but such an effort frequently breaks down over such simple matters as where to meet (e.g, Serbs and officials often refuse to meet at certain Muslim-owned restaurants). The most neutral ground is usually the main local hotel or the office of the president of the opstina, but, even then, there can be difficulties in obtaining common satisfaction with the timing and the agenda.

When differing sides have finally been brought together, the result seems modestly positive. To foreign observers, such as those on the CSCE Missions, it can be amazing to see people who otherwise do nothing but complain about each other sit side-by-side. Indeed, it is not uncommon to find that they are acquaintances if not neighbors, and that they can talk directly to each other about their problems. Combined with the difficulties in finding a neutral site for meetings, gatherings in Sjenica and Novi Pazar at least reveal the extent to which society has been, during these tense times, breaking into its Serbian and Muslim parts at the political level. Only in Prijepolje was there evidence of continued interaction despite the nearby war.

Three problems make the holding local dialogues only modest successes so far in Sandzak. First, Muslim activists become very nervous when it comes to making any compromises with others. While this can cause the frustrated to conclude that they are therefore not serious in terms of working out problems, it appears to be more the case that they, likely similar to other minority groups, feel backed into a corner by a system that excludes them, with few options remaining and little power to change things. With every step taken, therefore, there can be no stepping back, causing the Muslims to tread carefully while others would hope to see them rush toward common agreement.

Second, Serb participants continually hold to the notion that they have the right to deny someone else their rights if need be to address the perceived wrongs of at least decades, if not centuries of history. While some of their grievances may actually be legitimate, it is virtually impossible to convince them to see things only as they are now for the sake of achieving lasting solutions to problems. Of course, their historical arguments often provoke equally believable historical responses from the other side, moving discussion away from a more productive base.

Finally, while the officials present at these dialogues, usually ethnic Serbs, appear to be the most reasonable and flexible, they have little ability to take the concrete steps suggested to them. Some measures can be taken to avoid spontaneous incidents that could escalate into a real confrontation, such as the agreement reached at one dialogue to extend the no-parking area in front of a local mosque and to restrict alcohol consumption at a nearby restaurant during the course of the holy month of Ramadan. The source of the underlying tensions that make these incidents possible in the first place lies elsewhere, however, first and foremost in the policies emanating in Belgrade but also in the war that continues next door in Bosnia-Herzegovina. The situation in Sandzak will not instantly return to normal with changes in Belgrade and Bosnia-Herzegovina, but these changes are certainly a precondition for any return to normal to take place at all.

A broader problem, but one with which the Missions are, by and large, all able to handle, is the contrast between their "objective" role in reporting events, which sometimes means taking one side or another on a particular issue, and their "neutral" role in fostering dialogue, which means remaining between disputing parties without casting blame on either one of them. On the one hand, vocal Mission criticism of particular people, especially

officials, can limit the ability of the Mission to get these same people to cooperate with it and talk to others; on the other hand, the lack of such criticism when it is deserved can undermine the credibility of the Mission in the eyes of those feeling victimized. To succeed in both reporting the situation and fostering dialogue requires a careful balancing of the two.

Inevitably, as a result of all these factors, Muslim activists tend to be the most disappointed in the Mission's work. To them, "internationalizing" the plight of Muslims can only work toward their interests. However, high expectations come with the arrival of foreign observers, who, it is frequently assumed, will agree fully with the complaints heard and can intervene with the authorities on any issue and get results. Others, such as those belonging to the Albanian community in Kosovo and the Hungarian and other minorities in Vojvodina, likely develop similar sentiments.

The Mission does forward virtually every complaint made to the appropriate authorities and asks for responses, even if the complaint is based on allegations. Moreover, direct results can be achieved through the Mission's work, such as the withdrawal of the Yugoslav Army tanks on the hill overlooking Novi Pazar in late 1992 and the release of a Sandzak Muslim held by Bosnian Serbs in early 1993. In other instances, however, the Mission has little more welcome in some offices than the Muslim activists themselves. Despite the Memorandum of Understanding with the Federal Government,² the authorities, and much of the ethnic Serb and Montenegrin population, have viewed the Mission with great suspicion. Given the fact that it was the Muslims who wanted the Mission in the first place, they assume that its members are biased against them. They indicate that they are offended at the suggestion that they need foreigners around to watch how their country is run. Frequently they will point to the use of the name "Sandzak" for the region as clear evidence of a pro-Muslim inclination.³ One opstina chief in Montenegro continues to refuse even to deal with the Mission, as he claims his opstina is not a part of any so-called "Sandzak." Serbs have repeatedly told the Mission of the rumor that, wherever the CSCE

² The Memorandum (MOU) was negotiated with the moderate government of federal Prime Minister Milan Panic, which itself may have had little clout on Serbian, local and military authorities, and which collapsed in any event following the December 1992 elections.

³ As already noted, "Sandzak" is the word used by the Muslims. Some nationalist Serbs spitefully suggest "Raska," for the early medieval state, instead. While "Sandzak" is favored by the Muslims, as a practical matter it is the only single word that correctly describes the 11-opstine region straddling the Serbian-Montenegrin border, the Serbian part of which is subdivided and split between two larger okrugs, in which a large Muslim population resides. Use of the word "Sandzak" by the Mission does not indicate any particular historical viewpoint on the part of its members, nor does it indicate any interest in establishing any form of autonomy for the region. Its use is a simple matter of convenience. No other designation can describe this ethnically mixed area.

goes, conflict always follows, making even those more positively inclined wary. Obtaining meetings with some officials, especially those in the military and security apparatus, can be difficult for the Mission.

Sometimes, Serb/Montenegrin attitudes toward the Mission can go beyond annoyance to hostility. In one instance, for example, a local chief of police threatened Mission members with arrest and deportation if they came into his opstina unannounced. Elsewhere, the Mission had a tire of its vehicle -- which had diplomatic license plates -- slashed. Most police officers are polite and friendly toward the Mission, especially since its vehicles acquired diplomatic license plates early in 1993, but they sometimes still insist on a brief inspection of the inside of the vehicles in apparent violation of diplomatic privilege. On one occasion, this was coupled with a short lecture on why the Mission was not even needed in the area.

Over time, the Mission's performance has caused the previously suspicious to accept it and work with it. This has especially been the case in Novi Pazar itself. While the Mission still criticizes shortcomings as it feels is appropriate, Mission members sensed that their desire to be objective is taken increasingly seriously by the local population. In the case of Sandzak, this seems particularly important to local officials in light of the late 1992 Mazowiecki report which wrongly claimed that a number of mosques in Sandzak had been destroyed. In addition, in early 1993 the Mission learned that there was some discussion among various authorities, including the military, on how to respond to the Missions, and the decision was to cooperate with it. This decision could have been based on the fact that the more senior authorities, despite their suspicions, feel their best chance to defend their point of view and relieve some of the international pressure on them is through direct contacts with Mission members, and that their willingness to have such contacts itself might score points for them internationally. Domestically, the Missions may also have been viewed as a potential check on the demands of more extreme activists as well. One might even assume that at least some of the authorities genuinely want to see reduced tensions in society. On the other hand, the authorities in Belgrade may simply tolerate the Missions until such time that their attention turns from the war being waged in Bosnia-Herzegovina to the situation in the three regions.

In the end, the main utility of the Missions seem to be their very presence for a long duration. Like foreign election observers, Mission members cannot be everywhere all the time, but the possibility of their appearing at one particular place at one particular time may make a difference. Officials may be more reluctant to take repressive measures if there is a reasonable chance of the international community finding out about it. Unfortunately, there are instances when this is not the case, evident in the many instances of harassment and attacks on civilians reported to the Mission. Nevertheless, most will acknowledge that the Mission's presence in Novi Pazar had a demonstrable effect in calming the situation. Its effect outside Novi Pazar is harder to document, especially since the success of its presence is measured more in terms of what has not taken place rather than what has.

To the extent that the Missions are useful mostly for the foreign presence they provide, then the fact that the Mission was only based in Novi Pazar was its greatest shortcoming in early 1993. The Mission to Sandzak, perhaps more so than any other Mission, travelled throughout the region for which it was responsible, but Sandzak is almost the size of Kosovo, with an extremely mountainous terrain, making travel difficult. As a result, based in Novi Pazar in the northeast corner of Sandzak, the Mission could not be in the tense border areas as frequently as its members wanted, nor could it respond immediately to an incident by travelling to these areas on short notice. It took a minimum of two and one-half hours to reach Priboj and Pljevlja. Given the winter weather and the shortness of the day, travelling at certain times was also somewhat risky. Clearly, the Mission needed to have an office closer to the border areas so that its presence could be more significantly felt. During the first weeks of 1993 this was one of the top goals for the Mission members.

Prijepolje was chosen as the second site for a Mission office in Sandzak for several reasons. First, it is strategically located between Priboj and Pljevlja, the two opstine bordering Bosnia-Herzegovina and by far the ones with the most significant troubles. Driving to Priboj takes 30 minutes; to Pljevlja, 45 minutes. At the same time, the situation in Prijepolje is relatively calm, in fact surprisingly so until Sandzak Muslims from the town travelling on the Belgrade-to-Bar train were kidnapped in late February. Locating an office in Priboj would therefore have not only extended the travel time to Pljevlja, or the other way around, it also would have made it more difficult for the Mission to leave Priboj or Pljevlja in the first place, given the ongoing problems in each. In other words, one town would have benefited at the expense of the other. Moreover, living in Prijepolje seems considerably more secure, permitting Mission members in this tense and isolated region to relax in off hours. Finally, Prijepolje is closer to Novi Pazar than the other two towns, with a quicker northern route through Sjenica and a safer southern route through Bijelo Polje from which to choose. Assuming that Sandzak would only get one additional office for the foreseeable future, Prijepolje was the obvious choice.

As important as the number of offices and of members on the Missions each are, the qualification of the members is, in some ways, more crucial. Several backgrounds are important. Of course, one member of a particular team should have fluency in Serbo-Croatian. It is useful for others to have some understanding of the language as well, although this becomes much less critical if some other member already has it. This is especially the case if one is less than fluent, given the particular dialect in Sandzak and the potential for missing important nuances when a person is speaking frantically or nervously (which is frequently the case). Using an interpreter can also be a useful way to slow down an otherwise heated discussion (although it also gives people more time to think of additional things to say).

Another critical asset is a current knowledge of Yugoslav affairs. Many individuals may have a knowledge of the former Yugoslavia and can speak its principal language, but their direct, personal experience is limited primarily to the days of Yugoslav unity, well

before many of the present players came to the stage. Especially when it comes to knowledge of opposition parties, which get less analysis in the foreign media, it is important for someone on the Mission to know who is who and how things developed to the point they have. Similarly, knowledge of the CSCE itself and how it works is important, especially of the direct, aggressive human rights diplomacy for which it is known. While the Missions of Long-Duration are new ground for CSCE, it is useful to be aware of CSCE commitments in the area of national minorities, free elections, etc. Previous experience as a diplomat dealing with human rights is a closely related and very similar asset. Knowledge of military matters is particularly important in the border areas, where the military is very present and a cause for concern in light of the many rowdy, gun-toting reservists and the rumors of troops crossing into Bosnia-Herzegovina. It is also important in establishing a rapport with Yugoslav military officials. A native or near-native command of English is important for drafting reports to the head of Missions in Belgrade, the CSCE Chair-in-Office and the CSCE States themselves.

Finally, logistical skills come in handy on the Missions of Long-Duration. Such missions are relatively new for the CSCE, and therefore operate somewhat on an *ad hoc* basis. This is not a criticism of the Missions; indeed, the *ad hoc* nature of the work is an asset that lets each specific office decide its own operating procedures. This must happen to some extent anyway, given the different circumstances in each region and the general need to rely on a black market in a country under strict international sanctions.

Fortunately, in 1993 the CSCE Mission to Sandzak has had people who, combined, have all of the above assets. The countries represented on this Mission, for both the Novi Pazar and the Prijepolje offices, include the United States, Austria, Denmark, the Netherlands and Slovakia. The members included career diplomats, military officers, language teachers and experts on Yugoslav affairs and the CSCE.

While the countries of origin are not important to the CSCE and the Missions, they are important in the eyes of the local population. Frequently, an Austrian and American travelling together would be seen by Serbs and Montenegrins as representing their countries of origin more than the CSCE, no matter how much they made their status clear. Those from neighboring countries obviously carry historical baggage no matter how much they try to avoid it. Serbs and Montenegrins will treat Americans with the same harangue about what is viewed as an unfair international response to the conflict, although there is not the same mistrust and seething animosity for them. Indeed, criticisms of American policy toward the former Yugoslavia are often coupled with words of respect, and many leave the impression that American policy is based on a lack of understanding of European affairs and history combined with a certain gullibility that causes policy-makers to be vulnerable to effective lobbying in Washington by Croatian, Albanian and other "anti-Serbian" groups. In any event, it is useful for the Missions each to have a good mix of countries, but to have them speak with a common voice in reacting to situations observed.



It is also good for the Missions to explain exactly what CSCE is; "KEBS," the Serbian acronym (Croats and Muslims use "KESS") is known to just about all inhabitants of Sandzak, but few know anything more than that. Stressing that it is an all-European organization -- i.e., including not only the United States and western Europe but Russia, the other former Soviet republics and eastern Europe as well -- can add greatly to the legitimacy and credibility of Mission activities.

Conclusion

The situation in Sandzak is not a clear-cut case of the systematic repression of an ethnic group, nor of an ethnic group seeking to separate under the guise of self-determination. Instead, it is an example of how a relatively content, ethnically mixed society can be torn apart by its proximity to war, both geographically and socially. It also shows how much more easily this can happen in the absence of a democratic political system in which human rights are respected, and when extreme nationalism makes discrimination based on ethnicity acceptable. It is not impossible, under such circumstances, to imagine that Yugoslav, Serbian and Montenegrin political leaders, acting in concert, have more sinister designs on Sandzak, and possibly on Kosovo and Vojvodina as well, which will only manifest themselves in overt "ethnic cleansing" when the Bosnian phase of the Yugoslav conflict has concluded. Even if one makes the plausible assumption that this is not the case, tensions are such that a spontaneous incident can explode into an unplanned confrontation leading to violence.

This is where the CSCE Mission to Sandzak has a critical role to play. There is little that this Mission can do to address the sources of tension in the region, namely the ongoing war in Bosnia-Herzegovina and the undemocratic and nationalistic policies emanating from Belgrade. Other international actors, with greater political clout and administrative capabilities, will need to play that role, although the reporting of the CSCE Mission can contribute knowledge helpful to international decision-making. The CSCE Mission can, however, make an important contribution in the field, in essence reducing tensions through dialogue and active engagement with local officials and political activists until such time that the larger sources are more effectively addressed. While this role seems small, it is in fact a critical one given the location of the three regions on the "front line" of international efforts to prevent a conflict spillover.

Usefully deploying individuals who make up for their small numbers in diversity of experience and high capabilities, the Mission is suitably organized for this task, although more members could be deployed in areas where tensions are most high. They are needed, in fact, not only to "buy time" until the overall conflict is settled, but for the critical period when the war in Bosnia-Herzegovina is brought to an end, one way or another. Whether it is done intentionally or not, there is a good chance of the war moving to other regions, especially Kosovo and Macedonia, as those now fighting in Bosnia-Herzegovina move on. Many of them, such as the infamous Zeljko Raznjatovic (a.k.a. "Captain Arkan") or Mirko Jovic, have little interest in the restoration of peace and have become active in the regions. A political leadership such as that which exists in Serbia, moreover, may not be able to sustain its power for long in today's Europe without the diversion of conflict. Even if Serb militants and their political supporters no longer have the desire to continue, the post-conflict situation will remain tense because of all that has happened and because no one is quite sure that it is over. The CSCE Missions, therefore, will play just as critical a role in the immediate aftermath of a settlement as they play now in trying to keep the conflict from

spreading. The CSCE Missions of Long-Duration to Kosovo, Sandzak and Vojvodina, are a useful example of the preemptive diplomacy that the world may be using with increasing frequency in coming years.

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