

# Democracy, Rule of Law, and Human Rights in Serbia



June 4, 2003

Briefing of the  
Commission on Security and Cooperation in Europe

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The OSCE Secretariat is in Vienna, Austria, where weekly meetings of the participating States' permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations. Periodic consultations are held among Senior Officials, Ministers and Heads of State or Government.

Although the OSCE continues to engage in standard setting in the fields of military security, economic and environmental cooperation, and human rights and humanitarian concerns, the Organization is primarily focused on initiatives designed to prevent, manage and resolve conflict within and among the participating States. The Organization deploys numerous missions and field activities located in Southeastern and Eastern Europe, the Caucasus, and Central Asia. The website of the OSCE is: <[www.osce.org](http://www.osce.org)>.

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The Commission consists of nine members from the United States Senate, nine members from the House of Representatives, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair rotate between the Senate and House every two years, when a new Congress convenes. A professional staff assists the Commissioners in their work.

In fulfilling its mandate, the Commission gathers and disseminates relevant information to the U.S. Congress and the public by convening hearings, issuing reports that reflect the views of Members of the Commission and/or its staff, and providing details about the activities of the Helsinki process and developments in OSCE participating States.

The Commission also contributes to the formulation and execution of U.S. policy regarding the OSCE, including through Member and staff participation on U.S. Delegations to OSCE meetings. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from participating States. The website of the Commission is: <[www.csce.gov](http://www.csce.gov)>.

# DEMOCRACY, RULE OF LAW, AND HUMAN RIGHTS IN SERBIA

JUNE 4, 2003

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# DEMOCRACY, RULE OF LAW, AND HUMAN RIGHTS IN SERBIA

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JUNE 4, 2003

COMMISSION ON SECURITY AND COOPERATION IN EUROPE  
WASHINGTON, DC

The briefing was held at 10:00 a.m. in Room 334, Cannon House Office Building, Washington, DC, Donald Kursch, Senior Advisor, Commission on Security and Cooperation in Europe, moderating.

*Panelists:* Donald Kursch, Senior Advisor, Commission on Security and Cooperation in Europe; Nina Bang-Jensen, Executive Director and General Counsel, Coalition for International Justice; Elizabeth Anderson, Executive Director, Europe and Central Asia Division, Human Rights Watch; James Fisfis, Resident Program Officer for Serbia, International Republican Institute; Ambassador Ivan Vujacic, Ambassador of Serbia and Montenegro to the United States

Mr. KURSCH. Good morning, everybody. The U.S. Helsinki Commission is pleased to welcome you to this briefing on recent developments in Serbia and Montenegro.

My name is Donald Kursch. I am serving as Senior Adviser to the Commission. This morning we want to give particular attention to the question of Serbia's cooperation with the international community in prosecuting war crimes. We would also like to review the prospects for democratic development and human rights in Serbia, now that the state of emergency imposed following the assassination of Prime Minister Djindjic has been lifted.

In less than 2 weeks, the U.S. Government will need to determine whether the efforts by the Government of Serbia and Montenegro have met the legal requirements necessary for certain U.S. bilateral assistance programs to continue. Three conditions have been placed on this assistance. But of these, the cooperation with the International War Crimes Tribunal continues to be of primary concern to the members of our Commission.

We certainly have welcomed the tough measures that the authorities in Belgrade have taken in the wake of Mr. Djindjic's murder to crack down on the criminal elements that have continued to be a barrier to Serbia and Montenegro's full integration into the institutions of our Euro-Atlantic community. Friends and well-wishers of Serbia and Montenegro, of whom I would count myself as one, very much want to do all that we can to encourage these courageous actions and ensure that they are continued. This momentum must not be lost if a lasting foundation for democracy and a functioning market economy is to be firmly established. Indeed, the tragedy of this past March may have offered us a special opportunity to deal with the heavy legacy of the past.

In this process, we recognize that decisions will be difficult and sometimes unpopular. Bold actions by Serbia's leaders will be critical. However, I would hope we might

agree that the progress already made by the democratic forces in Belgrade in overcoming the estrangement between Serbia and the West from the Milosevic years has been great enough that there is no real option other than to keep moving forward.

We are most pleased to have four distinguished experts to enlighten us with their views. We are particularly honored to welcome Ambassador Ivan Vujacic, Ambassador of Serbia and Montenegro to the United States, who has the challenging but promising task of being both a major architect and builder of what we hope will be a close and productive partnership between his country and the United States.

We are also very pleased to have Nina Bang-Jensen of the Coalition for International Justice, Elizabeth Anderson of Human Rights Watch and James Fisfis of the International Republican Institute.

Ms. Bang-Jensen will be giving particular attention to Serbia's level of cooperation with the international War Criminal Tribunal. Ms. Anderson will be discussing progress on human rights and democracy with special focus on the development of the judicial system. Mr. Fisfis, who is currently working in Serbia, will provide valuable insights into trends in Serbian public opinion. The Ambassador will conclude by providing his government's perspective on recent developments.

I would ask that all participants please limit their presentations to less than 10 minutes so that we have time for questions and discussions. Of course, we will be very pleased to insert the complete versions of their statements in the record of this session that we will be publishing in full. For additional information relating to the subject of today's briefing, I would also call your attention to the web site of our Commission at <http://www.csce.gov>.

So if we could start from right to left, please.

Ms. BANG-JENSEN. Thank you. Thank you.

Every day at the War Crimes Tribunal in The Hague, testimony is offered that reminds us of what is at stake here in this discussion of congressional conditions and cooperation that can sometimes sound abstract.

Occasionally, it is the testimony of perpetrators—the two recent plea agreements during the Srebrenica trial, in which the carefully planned murder of 7,000 Muslim men and boys, is described in painfully precise detail—and sometimes it is the testimony of victims.

Last Thursday, Witness B-1455—many of the witnesses still feel they need protection—described movingly what it was like to be one of 91 men and 150 women and children taken from his village by Serb forces to a local cultural center. While assured no one would be harmed, the men were ordered outside in groups of 10–20 and shot to death, one after another. Shot twice himself, he managed to crawl into the woods and escaped to testify about it years later at the Tribunal.

Thursday's testimony in the Milosevic trial, like today's testimony and tomorrow's testimony, is central to the entire point of this War Crimes Tribunal: holding individuals responsible for the crimes and not whole societies.

Yet, by failing to transfer the 19 Bosnian-Serb and Serbian indictees who are either living within their borders or crossing back and forth across the border, the Government of Serbia and Montenegro gives the impression that the government believes otherwise and still feels the need to protect the old regime. While there have been some very promising statements by the new defense minister recently, actual cooperation to date has been very limited, begrudging, and only under pressure.

Following certification last year on May 21, 2002, the new government promised a consistent pattern of cooperation yet again. But other than the arrest of Bosnian Serb Ranko Cesic 4 days later, there were no other surrenders and no arrests during the rest of 2002.

Cooperation on documents, access to archives and witnesses was so poor during the same period, that Prosecutor del Ponte decided she had no choice but to go to the Security Council to recommend sanctions. Only then did document production and access to witnesses improve slightly, but only for a very brief time.

In January 2003, there was one voluntary surrender for which Zoran Djindjic's government surely deserves credit, that of Milan Milutinovic. Also in January, Vojislav Seselj surrendered with great fanfare. But by all accounts, his surrender was self-initiated.

In May, Yugoslav Army Captain Miroslav Radic, the first military figure in one year to be transferred and the second of the so-called Vukovar Three, surrendered.

That is, in a year in which a consistent pattern of cooperation had been promised following the last certification, there have been three surrenders and one arrest 4 days after the last certification. The only arrests that have occurred recently happened when authorities investigating the Djindjic assassination and attempted coup, arrested heavily armed and APC-protected Franko "Frenki" Simatovic and Jovica Stanisic, reportedly for suspicion of involvement in the coup attempt and organized crime.

As Carla del Ponte's testimony before the Helsinki Commission on May 15 made clear, authorities in Belgrade specifically asked the Tribunal to speed up and issue indictments of the two, because they could not be held any longer under domestic law. The prosecutor responded by accelerating work on the issuance of the indictments.

While it is obviously a very good development that Belgrade is now seeing the value of sending its organized crime figures who are also indicted for war crimes to The Hague, those transfers were clearly a better indication of ICTY cooperation with Belgrade than Belgrade's cooperation with the ICTY.

At a hearing yesterday at the Tribunal, the lead prosecutor in the Milosevic case, Geoffrey Nice, could not have been clearer regarding the poor level of cooperation concerning documents and access to archives. Echoing the comments of Carla del Ponte when she appeared at the Commission, he characterized the government's response since the filing of an order compelling production of certain priority documents on March 10, as nil.

Equally disturbing, Mr. Nice noted that Mr. Milosevic was apparently not having the same difficulty gaining access to key documents from persons within the army for his defense, as well as sensitive information from inside the government from the time when he was already in jail. Clearly, the government should be providing him the documents he needs for his defense, but it is disturbing, to say the least, that the prosecution is not able to obtain access to the same information.

The arguments of Serbia and Montenegro about why 19 of the 20 fugitives, sought by the Tribunal and thought to be either living within their borders or crossing back and forth, have not been arrested, boil down to the following rationales: the political environment is too fragile, and more arrests might upset that fragility; the arrests are dangerous; Serbia and Montenegro have done enough already; and we do not know where the fugitives are, and, in any event, they are not here.

As to the first point, the new leaders of Serbia and Montenegro have taken some dramatic and remarkable steps toward establishing the rule of law after the Djindjic assassination. Many thought that the black curtain that had been over Serbia for a long time

was going again to come down after this assassination. It did not. That is a credit to the new leaders and a credit to the people of Serbia that it did not.

One of the very encouraging things in the course of these bold steps taken by the new government was the increasing discussion among political leaders about the intersection of organized crime and indicted war criminals. They were talking openly of that connection.

For example, acting Serbian President Natasa Micic stated on March 19, "We are not dealing with classical criminals here, but the remnants of the criminal state apparatus of the Milosevic regime."

She added that the much-vaunted patriotism of this mafia boiled down to "selling drugs to our children and using the money from it for political activities, murders and hiding from The Hague."

Indeed, in the weeks following the assassination, they took politically courageous and physically courageous acts, smashing the Zemun gang and enacting internal reforms that promise one day to permit meaningful civilian control over the military and other security services.

Regrettably, the reforms have stalled. While the demolition of one organized crime gang and the enactment of legal and bureaucratic changes are to be applauded, there appears little energy now to attack organized crime clans beyond the Zemun gang or to remove the Milosevic old guard from positions of power within the security services.

Indeed it appears that the Zemun gang's chief rival, the Surcin gang, along with its contacts inside the government and the police and the military, may now act as the best protection for those wanted by the Tribunal.

Clearly, individual ministers and Parliament wish to make more progress. But many old guard are in positions to block the actual implementation of these important legal and bureaucratic reforms.

In particular and just some examples—my written testimony will have others—some of the worst of the Milosevic-era folks have been installed in key positions of power within the interior ministry and the army. For example, the current head of military intelligence, Momir Stojanovic, served as security forces chief for Kosovo during a period of some of the worst atrocities against civilians in Kosovo. A fellow officer has alleged that he ordered the killings of more than 100 Kosovo Albanians in April 1999.

The Interior Minister and Deputy Prime Minister, Dusan Mihajlovic, was allied with Milosevic and his wife for years and is serving as the Chairman of the Board of Yugoimport, the trading company revealed this past fall to be responsible for sales of weapons to Saddam Hussein, as well as shipments to Burma, Libya, and Liberia, all in violation of the UN sanctions.

According to a new UN report, fifty tons of weapons will be trafficked by Serbia and Montenegro to Charles Taylor's Liberia this summer. I note that Charles Taylor was indicted this morning by the U.N.-Sierra Leone special court. Let us hope he is not there when the weapons arrive from Serbia.

It is unimaginable that Serbia and Montenegro will achieve the goals of progress toward entering the EU, participation in Partnership for Peace and eventually joining NATO, while those obstructionists still are in power. The true reformers know this, and they need our help in providing the incentives that help them build support within the public for making these difficult changes.



The McConnell-Leahy conditionality provision has served this purpose before, and it will serve that purpose now if it is enforced as written.

Political leaders in Serbia cannot say this publicly about the upcoming deadline, but they have said so privately and publicly in the past. Reformers in the past have been able to build support for difficult arrests and transfers by pointing to the inflexibility of these outside standards and conditions from both the United States and Europe.

Recent polls demonstrate why this is so. I will defer to James to give you the background. But one fascinating item—both the IRI poll and another poll show that cooperation with the War Crimes Tribunal is still unpopular. But when asked by pollsters if cooperation with the War Crimes Tribunal were a condition for Serbia to cooperate with the international community, more than 64 percent supported cooperation.

For example, Foreign Minister Goran Svilanovic, speaking at the National Press Club in November 2002, urged the lifting of the McConnell-Leahy conditions because in his view they were no longer needed. In doing so, he conceded they had helped Serbia “overcome internal obstacles to Hague cooperation” in the past.

Croatian President Stipe Mesic has written eloquently about the role that U.S. aid conditionality under the so-called Lautenberg law played in strengthening the hands of true reformers in Croatia, who were able to build the support for transferring indicted war crimes suspects to The Hague and enacting related legal and personnel reforms as a result.

No one doubts that the conditions have played a key role in the arrests and transfers of indictees from Croatia and Serbia. Slobodan Milosevic’s arrest at the deadline in 2001 is the most dramatic example of its effectiveness.

As to the claims that these arrests may be dangerous, there is little doubt that is the case regarding those arrests of people who enjoy protection from heavily armed organized crime figures and their governmental protectors within the security services.

But as demonstrated by the arrests of the numerous Zemun gang suspects, including Frankie and Jovica Stanisic, the authorities are quite capable of undertaking such arrests when it serves their purposes. Those were both remarkable arrests.

Further, some fugitives appear to be unprotected and living quite openly among the population. We know that at least eight of them are continuing to receive biweekly pension checks from the veterans administration. If the postal service can find them, certainly the security services can.

While the people of Serbia have endured four wars, the shrinking of their borders, economic deprivation and the collapse of government services, the two institutions that have operated robustly during this dark decade were military intelligence and police state security.

It is difficult to believe, therefore, that those institutions, at least, are less competent than the postal service in finding these fugitives, even the handful that cross over into the Republika Srpska, where the security services have been historically linked with those in Belgrade.

Clearly some in Serbia understand the value of getting rid of these last symbols of Milosevic-era criminality. The speaker of Parliament has spoken of the need to cooperate with the Tribunal as has the defense minister. There have been likewise encouraging reforms of the Army of Serbia and Montenegro, such as placing its planning staff under the direct authority of the defense minister. This will make for easier cooperation with

the Tribunal, but so did the ouster of Milosevic in October 2000, and Zoran Djindjic's take-over of the Serbian Government in January 2001.

Nevertheless, no pattern of cooperation with the Tribunal ever emerged following these reform milestones, and Congress's aid legislation was pivotal in gaining episodic cooperation, most notably with Slobodan Milosevic's arrest.

The past 2-1/2 years have demonstrated that cooperation with The Hague cannot be judged by promising rhetoric and gradual structural reforms, but only by concrete actions that require political will. Perhaps recent bureaucratic and legal changes will lead to a pattern of cooperation, but this has yet to be shown.

With support from the United States by denial of unworthy certification, from Europeans through conditions attached to EU accession, and the prospect of Partnership for Peace, true Serbian reformers will be emboldened to find the necessary will. Then and only then can they rid their country of the individuals who are keeping it unfairly and disastrously tied to the past.

I would just like to close and ask that an attachment be submitted with my testimony. We compiled a list of 10 of the 19 indictees thought to be in Serbia. It lists their crimes or crimes of which they are accused, where they were last seen. In some cases, it has their phone numbers and addresses, which we got from the Belgrade phone book. I would ask that it be submitted to the record.

Mr. KURSCH. It shall be so submitted.

Ms. BANG-JENSEN. Thank you.

Mr. KURSCH. Thank you very much.

Ms. Anderson?

Ms. ANDERSON. Thank you very much. Thank you for inviting me to address this briefing and for convening this briefing on this important topic.

Section 578, what is currently Section 578 of the Foreign Operations Appropriations Act, has been one of the most effective pieces of human rights legislation enacted by this Congress in recent years. It has been effective because it identifies specific areas of reform, it sets a deadline and it contains consequences for inaction.

It has also been effective because Congress has been active in monitoring implementation of the law. We have seen, experience has told us, that these last weeks before the certification decision are particularly important for that process. That when the spotlight shines from Washington in this run up to certification, it concentrates minds in Belgrade and has repeatedly produced a reform blitz. So, it is in that context that this examination today is particularly important and valuable.

I will not speak extensively about cooperation with the ICTY, but rather embrace the analysis that you have heard from my colleague, Nina Bang-Jensen. In particular, I would emphasize the importance of apprehension of Ratko Mladic, believed to be at large in Serbia and Montenegro. In a few weeks, we will remember the anniversary of the massacre at Srebrenica. Some 7,000 men were killed in that operation 8 years ago. The master-mind remains at large, flaunting international efforts at accountability.

A second important benchmark for consideration in the context of the certification decision will be cooperation on access to documents. As Nina emphasized, I would suggest that the U.S. Government should be looking in that context for confirmation from the prosecutor that she is receiving full and unfettered cooperation on access to those documents.

The proceedings that Nina described in The Hague are every day compromised by the lack of cooperation by the Belgrade authorities. Moreover, from a practical standpoint, we are seeing the squandering of resources at the ICTY, as the lack of cooperation requires the trial of co-defendants in separate proceedings and drags those processes on longer than necessary.

I would like to make the bulk of my comments this morning on the broader question of rule of law, which of course, is closely linked to cooperation with the ICTY. In particular, I would like to focus on efforts of the Belgrade authorities to hold accountable in domestic courts those responsible for war crimes.

This is increasingly a priority for the U.S. Government, for the international community, for the Belgrade authorities, for the ICTY itself. There is a desire that the ICTY conclude its operations toward the end of this decade. There is a widespread understanding that for that to be achieved, some accountability efforts are going to have to be carried out by the authorities in the region.

Unfortunately, to date, in Serbia and Montenegro we have seen only halting progress toward that local accountability. In the past year, there have been four trials conducted in domestic courts. Two were completed. One had to be halted because of irregularities in the proceedings, and one is still in process. Other than that, we are aware of no trials being prepared for prosecution in the coming year.

In fact, when I was recently in Belgrade, Deputy Justice Minister Dusan Protic told us that he thought it unlikely that new domestic war crimes trials would be commencing this year. Representatives of the ICTY, the OSCE and local human rights groups also emphasized their pessimism that new trials would go forward. They emphasized, not insignificantly, that the chances of domestic war crimes trials would be reduced to the extent that pressure for cooperation with the ICTY abated.

The prosecution of war crimes cases faces significant impediments in the form of a generalized lack of political will and a specific failure on the part of the police to cooperate with the prosecutor's office. Maybe the most striking illustration of that lack of commitment has been the complete failure to progress on investigating and prosecuting those responsible for the deaths of some 500 or 600 individuals whose bodies were found in Batajnica, a suburb of Belgrade, in 2001.

Besides the lack of political will and the lack of cooperation on the part of police, war crimes trials in Serbia and Montenegro have suffered to date by serious problems with witness protection, a lack of cooperation among authorities in the states of the former Yugoslavia on gathering evidence and obtaining witness testimony, and a generally poor level of preparation by the prosecution. So in addition to arrests of Mladic, access to documents, I would also emphasize in context of assessment of the certification criteria the importance of measures toward accountability in domestic war crimes cases.

Specifically, the U.S. Government should be looking for adoption of the draft law on war crime trials and should also be looking for a commitment to adopt urgently a comprehensive and effective witness protection law. I should note that witness protection is important, not only for the war crimes trials, but also for organized crime trials.

Finally, the U.S. Government should be looking for indictments, or other concrete and verifiable evidence of progress, on domestic investigations into prominent alleged war crimes, including the Batajnica case, the case of the Bitiqi Brothers—two U.S. citizens of Albanian origin who were allegedly killed by Serbian police in 1999—and the Ovcar case, involving the killing of 200 Croats near Vukovar in 1991. Some of the perpetrators of

the Ovcarra killings are believed now to be in custody, having been arrested in the context of the organized crime investigation following Djindjic's assassination.

In the contest of assessment of rule of law, I would also like to focus on certain elements of that investigation following the tragic assassination of Prime Minister Djindjic. I would like to take issue with Nina's assessment that the process of accountability has been a complete success for rule of law.

Certainly the circumstances immediately following Djindjic's assassination warranted declaration of a state of emergency and indeed a relaxation of some human rights guarantees. Human rights law contemplates and allows such deviation in instances of state of emergencies. However, human rights law also specifies that derogation from international standards must be strictly limited to the extent necessary, and that certain obligations—for example, the prohibition against torture—may not be disregarded under any circumstances.

Against this backdrop of international law, and Serbia's commitments to uphold it, Human Rights Watch has very serious concerns about the state of emergency. Some of those detained in the post-assassination investigation are criminal elements, and their activities have done little but undermine the rule of law, in Serbia, certainly. But it does little to uphold the rule of law to combat those elements in an indiscriminate or abusive manner.

During the post-assassination investigation, some 10,000 people were detained without access to lawyers and their family members, in some cases up to 2 months. As of early May, 1000 remained in custody. Access to detention facilities for international monitors has been limited, though recently the office of the U.N. High Commissioner for Human Rights and the OSCE have had access.

Consistent reports are emerging from those who have been released of widespread abuse of detainees, in some cases amounting to torture. From our monitoring of the behavior of the Serbian security forces over the years, including in the last 2 or 3 years, those reports are credible.

In April, the Serbian Parliament adopted a new law on organized crime to permit incommunicado detention for up to 60 days—2 months. This is now a permanent element of Serbian law and not lifted by the lifting of the state of emergency.

So in this context, I would emphasize the importance in the certification assessment of amendment of the law on organized crime to prohibit incommunicado detention under any circumstances and otherwise bring that law into compliance with Council of Europe standards. Second, the ratification of the European Convention on Human Rights and the signature and ratification of the European Convention for the Prevention of Torture. These will be important benchmarks for assessing Serbia's commitment to the rule of law.

My full statement has additional comments and observations on the status of minority rights. But I think I will leave it at that and leave more time for question and discussion. Thank you.

Mr. KURSCH. Yes. Thank you very much. We will make sure that all gets noted.

Mr. FISFIS, you are in from Belgrade.

Mr. FISFIS. Yes. Thank you very much. Nice weather here. Thank you to the Commission. Thank you, Mr. Kursch, for having us here. On behalf of the International Republican Institute, I thank you.

My name is James Fisfis and I am a resident program officer in Serbia for the International Republican Institute. IRI's program in Serbia dates back to 1998, currently funded

primarily under a grant from the United States Agency for International Development. IRI provides basic political and communications training for reform minded political parties in Serbia, Serbian non-governmental organizations, municipal governments and government ministries. My brief today is based on both quantitative and qualitative research completed in the weeks since the assassination of the former Prime Minister Zoran Djindjic.

Briefly on our methodology—and by the way, if you have not received a copy, we had a limited amount, but you are welcome to ask me after the brief for copies. We can get you more. There are some maybe in the hall left.

Briefly on methodology, IRI has been conducting polling research using a firm known as Strategic Marketing and Public Opinion Strategies here in D.C. since our program began. This survey is actually just our most recent in a series of dozens of baseline and tracking surveys completed since 1998.

Our focus group research was conducted among 10 groups of eight respondents over 2 weeks in late March through early April of this year. Groups were selected in Vojvodina, southern Serbia and Belgrade, from urban, suburban and rural areas. Respondents were selected to represent a broad array of political leanings, or in many cases, specifically for their lack of political leanings. Our survey research was conducted from May 10–15, as opposed to the focus group research, among 2,000 randomly selected Serbians outside of Kosovo controlled for basic demographic characteristics such as age, gender and geography. Our margin of error on the sample is two percent, plus or minus.

Our field work, as I said, is done by Strategic Marketing in Belgrade. Our data work is done by Public Opinion Strategies. The analysis and presentation, which some of you have in your booklet that I will be referring to today, is done by Public Opinion Strategies and by myself at IRI.

For today's brief, I will group our results into a few key areas. I am going to highlight parts of the survey referring to the presentation more appropriate for those of you who have it. Because I am highlighting, we will jump around a little bit. So get ready to turn the pages.

OK. First very briefly as a backdrop, the political climate.

The assassination of Zoran Djindjic, and most importantly the government actions against organized crime during the state of emergency, temporarily realigned the political dynamics of Serbia in favor of those who support reforms. Before the assassination, Zoran Djindjic's approval numbers were very low. Twenty-four percent viewed him favorably. Fifty-three percent viewed him unfavorably, a net minus 29 percent. Yet afterwards, those numbers have done a complete reversal. In retrospect, 63 percent view him favorably and only 12 percent unfavorably.

As one of our focus group respondents said on slide six, if you have your book, from Novi Sad, a great number of people now only understand that we lost a man who is important and valuable. There has been a rethinking of who he was and what he meant to Serbia by many Serbians.

There are more symptoms, more evidence of this realignment of public opinion in Serbia. Before the assassination, only 38 percent of Serbians believed that Serbia was on the right track. That number is now 56 percent of Serbians who believe Serbia is on the right track as opposed to on the wrong track.

Before the assassination, Djindjic's democratic party was at a 13 percent hypothetical Parliamentary balance support. Now it is the leading party at 28 percent, although I

should say that there are tracking polls in Serbia which show a slight decline in favor of G-17 Plus. There will be an equilibrium eventually.

The caveat here is that these support numbers are temporary, we believe, and that the renewed optimism among Serbians is tempered by a cynicism from the average Serbian about why the fight against organized crime had to wait for Djindjic's assassination.

The optimism is also best characterized as hopeful, not confident. As one focus group respondent put it, "I think that Serbia is going in a good direction. The situation is getting clearer. I cannot give you a particular example, but I think that I can see the future now. We only have to be more patient."

As for the assassination, in our survey we asked who did people believe was behind the assassination—not specifically who did the shooting, but who was involved in the planning of the assassination.

When asked who was behind the assassination's planning, 40 percent say organized crime alone. Twenty-seven percent say that it is a broader conspiracy of organized crime, including Hague indictees and political opponents of Zoran Djindjic. One respondent from the focus group said, "because Djindjic wanted to stop the crime and arrest all the criminals, they decided to kill him. They did it."

Despite the perceived success of the state of emergency, 53 percent of Serbians still say they believe there still might be organized, highly organized, not random violence against political leaders in the near future. Only 32 percent say that such a threat has been deterred successfully and permanently.

As for the state of emergency, Serbians by a 78 percent–16 percent margin support the state of emergency—supported it—including the mass arrests and the media restrictions.

The caveat: much of that support was based on the idea that the measures were temporary. The measures were not seen primarily as an abridgment of rights. Only 5 percent said that was their primary impression of the state of emergency.

And some Serbs said that the actions taken restore their hope. Said one respondent, "when the democratic party decided very firmly to clash with crime, it was the moment that brought back a bit of strength to the people. We used to live in deep fear. I can tell you from the personal experience of my daughter who was afraid to go out in the evening because of Jeeps going around making problems and murders, this firm decision of Zivkovic the prime minister, to clash with the crime brought my hopes back."

As for the media restrictions taken during the state of emergency, during the state of emergency, media outlets were subject to fines and/or sanctions for publishing or broadcasting information not vetted or confirmed by the government. The public in our survey approved these restrictions by a 54–17 percent margin. Trust in the media's reporting rose by 9 percent following the restrictions.

The top four media sources in Belgrade enjoy 4–1 percent credibility ratios currently. Yet like other measures taken during the state of emergency, our research indicates that Serbians believe such restrictions were meant to be temporary, for the duration of the investigation. As one Serbian said, "I understand this restriction for investigation purposes. I do not mind it at the moment. But if it lasted longer, it might bother me."

In the long run, 56 percent of Serbians support the idea that the media should be free to publish whatever they want, and that they would decide what they believed and what they did not, while only 33 percent preferred that the government permanently filter information for them. Another respondent said, "There should be no restriction in the

newspapers. People should read what they like, real information, even gossiping. Then it is up to them to find their own conclusions.” This is the long-term opinion of Serbians toward their media and freedom.

We talk about The Hague and cooperation. Our survey research on The Hague revealed that a very high number of Serbians support cooperation with The Hague, 64 percent. Many of those supporters view cooperation pragmatically. But they support it nonetheless as a necessary precondition to international assimilation and acceptance.

When you ask Serbians about specific names, however, as we have in our survey asked about Mladic and Karadjic, their opinion switches to 46 percent—30 percent opposed to specific extradition of those individuals.

There is a strong desire in our survey to try indictees in Serbia—64 percent support that, and 60 percent believe that trials in Serbia would convict those indictees. Eleven percent of that sample—and only we believe a very small—only 11 percent believe that the indictees are not actually guilty. In fact, Serbians at this point believe 47 percent—17 percent that Milosevic was directly personally responsible for the murder of former President Ivan Stambolic.

As for Kosovo, our research did not center on Kosovo. But when it comes to Kosovo, the dominant Serbian opinion is that Kosovo is lost to Serbs by a 53 percent—14 percent margin. As one respondent said, I think that the story with Kosovo is finished. They keep on talking about Kosovo just to make us feel better. I am sorry I do not expect anything.

In summary, I would just reiterate that the state of emergency called by the government after the Djindjic assassination was seen by Serbians as a long overdue action against the criminal elements of society, not primarily as a widespread infringement upon their rights. However, there is a new political dynamic in Serbia. Part of that dynamic is renewed hope that government can actually take action to fix Serbia’s domestic problems.

So while the new political dynamic does not directly translate into renewed hope, either for retaining Kosovo, or does it necessarily translate directly into unqualified enthusiasm for cooperating with The Hague, it does present for the government an opportunity to lead.

Thank you. That is all I have.

Mr. KURSCH. Thank you.

Ambassador Vujacic?

Amb. VUJACIC. Yes. Well, let me thank the committee for inviting me to speak on this panel concerning a topic of such importance for my country.

I would also like to thank the other panelists for their remarks. Although we may not have the same judgments, regarding cooperation with The Hague Tribunal or the state of human rights in general in Serbia and Montenegro, let me assure you that individuals that are in the Government of Serbia and Montenegro—and I also can speak for myself—are highly devoted to the issue of human rights.

Indeed human rights are one of the main reasons we were involved in overthrowing the Milosevic regime and after that have embarked on building a new society that will fit the standards set by developed and long-standing democracies. This of course, will take time.

The issue of human rights is highly related to the issue of war crimes committed on the territory of the former Yugoslavia for the obvious reason. The ultimate human right, the right to life, was taken from the victims in atrocities defined as war crimes and crimes against humanity.

Let me first address the issue and basically the main issue of cooperation with the Tribunal. The judgment might seem strange to some people, but we can discuss this later. The progress made in the last 2-1/2 years—that is, since January, late January of 2001, when the Djindjic government was inaugurated in what was then called Yugoslavia and since February 4 of this year, Serbia and Montenegro—has been remarkable.

Last month our embassy submitted it by paper, in which the actions concerning cooperation with the Tribunal had been listed I will submit this paper also to the Commission. I will add a remark that is many of the top brass that are now in The Hague, had not been seen in Nuremberg. They include Milosevic, Obrenovic, Jokic, et cetera, et cetera, et cetera. It is all in the paper. I think this should be recognized.

Today I can say that in the last couple of weeks three more important indictees have been processed. As you know, the Yugoslav Army Captain Miroslav Radic, the second of the Vukovar Three was transferred. The former high-ranking official of the State Security Service of the Ministry of the Interior of Serbia, Franko Simatovic, has been transferred. The transfer of the former Chief of State Security Service Jovica Stanisic is underway and has been delayed for the sole reason that he had to undergo surgery. However, his transfer will be forthcoming as soon as his health so permits.

I cannot but stress the importance of these arrests and transfers, as the latter two individuals were involved in the creation of the whole system of paramilitary forces and were close associates of Milosevic. They were the pillars of Milosevic's rule for years and have only recently been indicted. They were also heavily connected over the years to the security structures that we inherited and had until recently been at odds with.

Let me just point out and remind those present that the assassination of the Prime Minister of Serbia Zoran Djindjic was undertaken by the perpetrators under the code name Stop The Hague. The documents found also showed that others were on the hit list, most importantly the Minister of Foreign Affairs, Mr. Goran Svilanovic, the President of the National Committee for Cooperation with The Hague Tribunal.

The organizers of this hideous crime were convinced that this act would lead to the downfall of our government. They were wrong. Djindjic paid with his life for his beliefs in human rights and justice and for his reform project. The government had to implement a state of emergency under which it finally obtained the necessary tools required to purge the security structures and crack down on organized crime that was so related to war crimes among other things.

The determination to pursue cooperation with The Hague Tribunal is manifested in the following public statements and commitments. Let me remind you that the Minister of Defense, Boris Tadic, issued orders on May 1 to uniformed personnel and civilian employees of the army to arrest and turn in any indicted war criminals they might encounter.

The statement by the new Prime Minister of Serbia, Mr. Zoran Zivkovic after his meeting with the prosecutor, Carla del Ponte on May 19, "that all those indicted found on the territory of Serbia will be transferred to The Hague," is a clear sign of determination and a clear message to the people.

The statement by the new President of Serbia and Montenegro, Mr. Svetozar Marovic, "that anyone who hinders cooperation with The Hague is hindering the future of Serbia and Montenegro," after his meeting also with the prosecutor, Carla del Ponte, on May 19 also demonstrates the resolve and commitment at the highest level.

We are committed to cooperation with the Tribunal. We will fulfill our obligations, and furthermore, trials concerning atrocities committed during the wars have, as you have noticed, already begun as has been said here in domestic courts.



I share the view that more can be done and more will be done. The assassination of Prime Minister Djindjic should be viewed as a turning point, not only in terms of acquiring the means to do the job, but also in terms of public opinion, as has been noted by the fellow panelists and support. All indictees on the territory of Serbia and Montenegro will be arrested and transferred to The Hague.

At this point, I just want to point out that this is not such an easy, simple job. Let me just say that, as maybe some people are not aware. The major perpetrator of the crime against Djindjic, Mr. Milorad Lukovic, certainly is a top priority for the government to be hunted down and brought to justice. He is still at large. We haven't been able to find him along with a few other people that were involved in this crime. So this is not that easy. But we are determined, and we will pursue it.

I would like to stress that on a more general level, tremendous progress has been made concerning human rights in the past years. More than 50 laws related to human rights issues have been passed. The importance that Serbia and Montenegro attributes, and will continue to attribute, to human rights issues is proven by the fact that apart from the Ministry of Human Rights, human and minority rights and freedoms are expanded and safeguarded by the Charter of Human Rights and Minority Rights adopted with the constitutional charter. The Charter of Human Rights and Minority Rights was welcomed and highly praised by both OSCE and the Council of Europe.

Let me just point out that out of only five ministries at the level of the state union—what would be called the federal level here—one ministry was founded solely for the protection of human rights.

The progress Yugoslavia achieved in protection of human rights and building democratic society was positively assessed in reports by the OSCE, Council of Europe, the Special Representative of the U.N. Human Rights Commission Jose Cutilero, and government and non-governmental organizations in the United States.

According to Freedom House's latest survey on freedom in the world, due to be published in mid-2003—I have to say, though, that this did not take into account the state of emergency—Serbia and Montenegro (without Kosovo) has entered the ranks of free countries.

For the first time in many years, the U.N. General Assembly did not adopt the resolution on human rights in Yugoslavia in the course of its 57 sessions, which also reflects the general improvement of the situation in this field. The results achieved so far in the overall situation indicated that the reasons for which the U.N. Commission for Human Rights 10 years ago decided to introduce a mandate of a special rapporteur, no longer obtained.

In conclusion the U.N. Commission in the course of its 59th session in April 2003 decided not to prolong the mandate of its special representative. In this we had the full support of the U.S. Government.

At last, I would like to stress that on April 3, Serbia and Montenegro became a member of Council of Europe. In doing so it fully accepted the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human and minority rights and freedoms.

For us, coming from the Southeast Europe, the membership in the Council of Europe is essential in the promotion of democracy and human and minority rights. There are very precise commitments that Serbia and Montenegro by accession to the Council of Europe determined to honor, and they are contained in Opinion No. 239 of 2002 of the Parliamentary Assembly of the Council of Europe.

They are, among other things, to ratify the Dayton peace agreements, which we already have done and to cooperate fully and effectively in their implementation, to sign and ratify a number of conventions regulating the field of human rights, which we will do, to continue cooperating with The Hague Tribunal, to cooperate in establishing the facts concerning the fate of missing persons, to inform the people of Serbia about the crimes committed by the regime of Slobodan Milosevic against Serbs and other peoples in the region, to continue the reforms initiated with regard to the independence and impartiality of the judiciary. These are only some of them.

By acceding to the Council of Europe, Serbia and Montenegro agreed to the monitoring procedures set by both the Council of Europe's organs and accepted that the Committee's of Ministers Rapport Group for Democratic Stability will have the task of monitoring the way in which Serbia and Montenegro and its two republics are fulfilling their commitments. We are ready to fulfill all our commitments and obligations.

Let me just make a brief remark on the state of emergency. The state of emergency was necessary, as has been recognized by international factors and the people at home. The state of emergency is like it says, a state of extraordinary measures taken to have a large crackdown. That state has been lifted now.

In relation to the law on organized crime, I have to remind people here that we are not the only country that has this problem. We have had special measures implemented in Italy and special prosecutions, special procedures, special witness protection programs. We need help in all of this. It is not something that just comes out of an authoritarian past. Other democracies have had this problem, and they have used the means necessary to deal with these problems.

Finally, in closing let me say that respect for human rights is the essence of our civilization. We have done a great deal. Much remains to be done. Laws are not enough. They need to be implemented. The public has to be educated. We want to live in a country in which people know and stand up for their rights and, perhaps more importantly, for the rights of others. Given the history, we have a long way to go, but certainly we are on the right road and there is no turning back. Thank you.

Mr. KURSCH. Thank you very much. We will now open the floor to questions and comments. Our witnesses have all agreed to be responsive. We do not have a standing mike, but as you are recognized, we will pass our microphone around to those wishing to speak. Do we have anybody who wants to take the first shot?

Please.

QUESTIONER. Eric Witte with the Coalition for International Justice. Mr. Ambassador, your point is well taken about Milorad Vukovic and the inability to find him. Yet he is one person, and there were thousands rounded up during the state of emergency quite successfully. There are 19 fugitives we are talking about who are either permanently or transitionally in Serbia. None of them have been arrested.

Do you think during the state of emergency when the link was recognized between government ministers and—the link between Hague indictees and organized crime figures? I just wonder why was not the opportunity taken during the state of emergency to pick up somebody like Ljubisa Beara whose address is in the Belgrade phone book, and who is living quite openly in your capital? Thank you.

Amb. VUJACIC. Yes. Well, let me tell you that from what I know—and there is definitely resolution to bring these to justice. So it is very difficult for me to believe that a person who has been indicted is just living at home while receiving his pension check, as

has been described. Somebody brought this up to me the other day that Mladic was on a pension somewhere. But I do not think anybody seriously believes that Mladic goes down and gets his paycheck or somebody does it for him and then gives him a money order.

What I am trying to say is that I am really disappointed that more has not been done. But I will certainly relay the information. I am sure the government knows the importance of picking these people up. I am not certain that for these people, all they need is a call from the police station to come down and have a little chat.

I am pretty certain that these people, knowing they are indicted and the general mood and the general resolve of the government, are somewhere in hiding. So I think this would be the obvious answer.

QUESTIONER. Jenny Groenenboom from the Helsinki Commission. Ms. Anderson, you mentioned that in your written statement you had comments about minority rights. Could you briefly outline some concerns that Human Rights Watch has concerning the minority rights in Serbia and particularly for the minority Roma?

Ms. ANDERSON. Yes. Thank you. Concerns about conditions for minorities in Serbia and Montenegro really focus on two groups I should mention that a law on minority rights was adopted last year and that law was developed in cooperation with the Council of Europe and the OSCE, certainly a welcome step.

But as the ambassador suggested, there remain challenges on implementation, particularly with respect to two groups, Albanians in what is known as southern Serbia and Roma.

For the most part, I have to say that, particularly as compared to the handling of tensions with minority communities over the past decade, the post Milosevic government's handling of tensions in southern Serbia has to be acknowledged as a success. There was a small scale conflict in southern Serbia, as you know, in 2001 or late 2000, early 2001. That has been resolved and largely kept peaceful. There were local elections, the first free local elections in those municipalities last year and also a welcome development.

At the same time, there remained tensions. There have been a number of attacks on moderate Albanians in that part of Serbia. The government has attributed those to more radical Albanian elements. There have been some arrests there of individuals on illegal arms possession charges. But there has been some insensitivity in the way the government has handled those arrests, in particular, characterizing those who were arrested as "terrorists," which inflamed the local community.

But those concerns aside, for the most part that is a relative success story. Serbia faces long-term systemic challenges in that region, particularly with respect to minority employment and education, education rights.

In my testimony, there are some statistics about the level of Albanians employed in state-owned businesses and state administration in that part of Serbia. Though Albanians are the vast majority of the population there, they are the significant minority in employment in those enterprises. That is a source for potential, you know, long-term tension and continued instability. With respect to Roma, the concerns we have in Serbia and Montenegro are very much like we see in other parts of the Balkans and some parts of Central and Eastern Europe, and in particular, police abuse, expulsions or evictions of Roma from makeshift communities and restrictions on education rights for Roma children.

So I think that all of those issues are topics that could be very fruitfully addressed in the bilateral dialogue regarding Section 578. I also think that the Commission could itself play a valuable role in maybe spurring the High Commissioner on National Minorities to become more involved in some of these issues in Serbia.

QUESTIONER. Carter Wamp, Helsinki Commission.

Mr. Ambassador, I realize that your government's hands are full with the investigation regarding the suspects in the assassination of your prime minister. However, I was wondering if you can say anything about what your government might be doing to investigate the accusations of the application of torture in those investigations under the state of emergency.

Amb. VUJACIC. I am sorry. I probably did not hear you very well. Could you just place your question again, please?

QUESTIONER. I apologize. Yes. What, if anything, is your government able to do to investigate the accusations of the use of torture during the state of emergency following the assassination?

Amb. VUJACIC. Well, first, there are certain human rights groups and members of the OSCE that went and visited these prisons. I am certain that there will be an investigation of these allegations. I am certain that there will be more information provided to observers and more access to detainees.

You have to understand that during these 60 days—and it has been 3 months now since the assassination of Djindjic—the government and the police and everybody else has been under a lot of stress. This is a totally unprecedented situation. I mean, it is not an unprecedented situation in world history, but it is an unprecedented situation for us after the October takeover of power from Milosevic.

So I am certain that these human rights issues will be addressed. Not only that, from what I have seen of the statement made by the Minister of Interior, Mr. Dusko Mihalovic, there were groups working on certain prison conditions, other things like reforming the criminal code, with the help, among others, of a famous Danish institute that is specializing in these things.

So we will be open. We will have an investigation on these situations. That is all I can say. Mr. KURSCH. Well?

QUESTIONER. Yes. Bob Hand, also from the Helsinki Commission. First, I would like to thank all the panelists for their presentations. I have found it to be very educational, very useful for those of us working here on the Hill and being prepared to respond to whatever does happen on June 15 regarding the administration's determination.

In particular, I wanted to—I appreciated the comments by Ms. Bang-Jensen, Ms. Anderson and the ambassador at the very beginning of their remarks where they talked or described how horrific some of the crimes were that we are talking about. Some of these crimes have taken place over a decade ago. Many policymakers now have a tendency to forget how horrific those times were.

But for many members of our Commission, they were active on these issues at that time. They remember it very well. Whereas they do not get emotional about it, at the same time, it can help explain their rather uncompromising position in terms of the need for Belgrade's full cooperation with the Tribunal. These war crimes are not just issues. These people are not just persons that need to be sacrificed for normalization of relations. We wish Belgrade very well. But these are things we take very seriously at the Helsinki Commission.

My question—I actually have two questions. I will try to be brief with them. The first is in regard to the second condition that Congress lays out for certification of assistance to Serbia. It essentially relates to support by forces within Serbia for militants in Republika Srpska. This issue has not gotten too much attention, primarily because it has been so

hard to document I think even political leaders in Belgrade in previous years may not have known what the Yugoslav military may have been involved in with Republika Srpska.

But I was wondering if the ambassador could comment on the degree of confidence political leaders have now that they do have full control over the Serbia and Montenegro military apparatus and that the ties have been completely broken and whether Belgrade is in fact encouraging Republika Srpska to move toward a unified, integrated Bosnian military that NATO and others outside have also been trying to encourage as part of Bosnia's integration.

My second question—and I think several of the panelists might be able to answer. Ms. Anderson, because Human Rights Watch follows trafficking issues, but also the ambassador or Mr. Fisfis, since he has been in Serbia very recently.

I was wondering the extent to which breaking up some of these criminal gangs since the assassination of Prime Minister Djindjic, whether that has any impact on those involved in the trafficking of women and children through Serbia usually to Bosnia or Kosovo or Albania, somewhere else but transiting through Serbia women and children into sexual slavery.

If you could comment whether that has changed since the state of emergency or whether that continues to be as much of a problem as it has been in the past. Thank you.

Amb. VUJACIC. Yes. Well, concerning the first question, there is a large effort toward reforming the military from day one since Mr. Tadic has become Minister of Defense. I would be glad to provide you more information on the general aspect of that military reform. He has taken very bold measures in reorganizing the military. We are very confident that—at this point, there are no official links between the military forces of Serbia and Montenegro and the Republika Srpska.

None of these questions have been raised in a serious fashion, either in Belgrade that I am aware of, or here. So I would say that these links have really devolved and have been cut off.

As the Iraqi affair showed, I cannot guarantee that there are certain informal ties that resist and that are cooperating in one way or another. But these things have been very informal and sort of like an old boys' network, people who would be on the line with each other for years and years and years. I cannot guarantee that some of that is not going on. Nevertheless, generally speaking, we have had no serious questioning of involvement of the military of Serbia and Montenegro in the affairs of Republika Srpska.

Concerning organized crime, and in answer to the question that has been raised often: Why did not you do this before Djindjic got shot? How could you pick up 10,000 people in 2 days after that?

Well I would like to say that, first, they planned that whole operation 2 months in advance. Obviously it was leaked. Because you cannot have the police arresting, detaining, 10,000 people in 2 days unless you have worked on this plan now for a while. So, in fact, he got shot 12 hours before that whole operation was supposed to start on cracking organized crime and links with war criminals, et cetera. It was leaked in the same sense that some of them were informed from the prosecutor's office, from the judges, from the security forces. That was one reason the shot against him was a preemptive strike against this action.

I am certain that we cannot prosecute 10,000 people. There is not enough evidence to prosecute 10,000 people. But certainly bringing in 10,000 people and saying to them, we know you were involved, and we deeply suspect you are involved in criminal activity is

something that should disrupt organized crime just on its own. Also given the determination the message is if we find you in these activities, you are going to trial and the judgments are probably going to be harsh. So some people have been arrested. Some evidence has been found. These people will be tried. I think there is a general warning throughout the area that crime is something that really does not pay and that, in fact, those that are involved in these activities will pay for it with high prison sentences. So I think a lot of disruption of crime has already been achieved.

This whole trafficking of drugs and humans and whatever is going on, I think is really, really disrupted in a large crackdown on those kinds of activities.

Ms. ANDERSON. Mr. Chairman, if I could just respond?

Mr. KURSCH. Yes.

Ms. ANDERSON. On trafficking very briefly, I do not have any current information about the effect on trafficking flows of the state of emergency in that operation. I would emphasize, though, that the trafficking problem is yet another important justification for victim and witness protection legislation.

This is an important requirement of effective measures to combat trafficking everywhere, certainly something that is very much needed in Serbia and Montenegro.

QUESTIONER. Thank you. I am Bill Van Horne from Congressman Cardin's office, member of the Commission. First of all, thank you for putting this briefing on.

Two questions.

First for the coalition and Human Rights Watch, you talked about Section 578 in the certification law. Just as a way of background, a number of Commissioners did write to Secretary Powell recently raising some of these concerns about certification and asking him to weigh this very carefully as he certifies.

I think the first question I have is are there any changes you would recommend to the statute as Congress considers the Foreign Operations appropriations bill again this year, things you like and things that you do not like, specific recommendations you could give us?

The second question is to the ambassador regarding Normal Trade Relations that has passed the House and is pending in the Senate. If you could shed some light on the importance of that for you and particularly discussions you have had with American businesses. I would be interested in that. Thank you.

Ms. BANG-JENSEN. Thank you. We certainly would be all for changing the conditions and in fact, getting rid of the section if there was demonstrable progress on all these issues. On the issue of the intersection between Belgrade's military and intelligence services and those in the RS, we have been told before that there has been progress, and it does seem that there has been some very important moves within the defense ministry recently. We just need further confirmation that, in fact, those links have been cut. If they are, then certainly that provision can fall out.

Obviously on cooperation with the War Crimes Tribunal, it is clearly still necessary, regrettably so. I would be the first to stand and say, let's remove it when the war criminals are turned over.

Ms. ANDERSON. Just to add to that, I think, as I mentioned at the outset, the law has been very effective I am also hopeful that one day it will be obsolete. I do not think we are there yet. I think one important modification that could be made is in relation to cooperation with the ICTY. That provision is clearly aimed at accountability for war crimes. That is the broader goal.

As the international community and the U.S. Government's own strategy for achieving accountability shifts increasingly toward domestic war crimes trials, I think it might be useful to include, not only cooperation with the ICTY, but also progress on accountability in domestic war crimes trials carried out in conformity with international fair trial standards and so on.

Amb. VUJACIC. Yes. Well, concerning that, let me just add that I do not know if I have mentioned this or not, but there is a draft law on war crimes and domestic procedures in the Parliament of Serbia now that will be passed. After that law is there, I would imagine that then we would pick up on some of the trials that we have been discussing in domestic courts.

Concerning the entire issue, we do not have Normal Trading Relations yet with the United States. This is something we feel we do not deserve, as generally rogue states are the ones that do not have that. It has passed the House. We are very grateful for the efforts by the congressmen in this respect. But it is stuck at the moment in the Senate because it is part of the Miscellaneous Tariff Bill. There are some issues that senators from Alabama have raised that do not relate to Serbia or Montenegro, but relate to imports of textiles from the Caribbean and other things. It is a big Miscellaneous Tariff Bill. We hope it will pass and that we will get it.

If we get it, I think then that is when we can really see the level of trade that might expand between the United States and Serbia and Montenegro given that this lack of the status makes the customs of the United States prohibitive for exports to the United States.

At some point, the United States was our fifth or sixth trading partner. We hope to bring that back. But more importantly, I would say that having the status is also a sign for foreign direct investment and for companies that are really interested in investing in Serbia and Montenegro. Some have already committed their investments. Some are waiting on the side for other issues to be resolved.

But I think we are getting what will be a tremendous boost for investment on the part of American companies and other foreign companies in this respect.

Mr. KURSCH. Any other questions and comments? If not, I will use my prerogative here as speaker or as chair. Mr. Ambassador, there was the question about the difficulty in getting access to archives. In addition, another issue raised was the activity of domestic courts in following up on war crimes and their possible capacity to do this. I would also ask if this is an area where the international community might offer assistance.

Amb. VUJACIC. Definitely, thank you for that question concerning the assistance for the judiciary. We have received some, and we are receiving more. Also the prosecutor's office needs to have definitely more assistance and also the police in terms of just various instruments and upgrading the whole hardware that is being used there and also, of course, the more important issues of procedures and monitoring.

Yes, the judiciary is not in a good state in terms of either salaries or capacity. That needs to be built up. We are grateful that some technical assistance and material assistance has been given to that. In that respect, I expect that upgrading the judiciary will also help promote the domestic trials on war crimes.

Concerning the documents, there has been some misunderstanding, I think, between the prosecutor's office and the people in charge of the National Committee for the Cooperation with The Hague. Thousands of documents have been given so far. I have here on this paper a number of requests. But it is not a number of requests of documents, pieces of documentation. It is a number of requests. So one request would have nearly 200 documents or 300 documents in it. I would gladly give this to you.

There are issues raised concerning the very way in which this cooperation can be facilitated in the sense that there was some agreement made from what I gather on May 19 when Ms. del Ponte was in Belgrade having some kind of procedure in which these documents would be handed over. I have here a list, and I will give it to you. I will say how many requests have been handled.

Now what I want really to say also is that I do not think that we focus on this very well sometimes. We should measure our cooperation with the prosecutor, but not just on the basis of what the prosecutor says. Because it is the Tribunal that we should be cooperating with.

So it is up to the Tribunal to judge really, given the statute of the Tribunal, whether we are giving the documents or not. So, I do not think Ms. del Ponte's statements are the ultimate judgment of our cooperation with the Tribunal. I think this should be borne in mind because the Tribunal hardly says anything, but Ms. del Ponte is very present in the press.

Mr. KURSCH. Please.

Ms. ANDERSON. Mr. Ambassador, I wonder if I could ask a follow-up question on that last point about cooperation on documents. I would agree that while the prosecutor and your government may in some ways be in an adversarial relationship on this at times or have disputes, there is a rule for the Tribunal to resolve those. It is under rule 54 BIS of the rules of procedure and evidence. I know one concern your government has expressed are security concerns that might arise with the transfer of documents. But of course, the rules under 54 BIS provide for you to take those concerns to the court, lay it all out for them, and then they can decide whether you have to turn them over or what measures might be available to both ensure access to the documents by the prosecutor and address your security concerns. To what extent have you all availed yourself of that procedure under 54 BIS? Has it been productive?

Amb. VUJACIC. Well, our judgment is that it has been productive. I do not know exactly at what point, you know, the prosecutor might find it to be not productive enough. But what I basically said was we will certainly abide by the rulings of the Tribunal. So we will come up with these documents on the request of the prosecutor.

The Tribunal according to statute, rules that this should be done. I mean, what else can I say? We think that progress has been immense. We think it is not really acceptable for somebody to say we will just walk in, give us all your documents so we can walk around and pick out anything we want. I do not think this is the right procedure.

I think we should have an approach where we are told we are looking for these documents. You can help us locate them, et cetera, et cetera, et cetera. Because among other things, there are hundreds of thousands of documents on the military, security forces, Milosevic's cabinet, whatever.

Ms. ANDERSON. Yes. No one could disagree with that. Obviously you cannot walk in and get everything. But as someone who has closely followed this process now, it has been excruciating. Month after month of patently absurd responses to specific requests. We cannot find this person. We do not have an address. The documents you sought were destroyed in NATO bombing, no indication where they were or where the bomb hit or anything. I mean, it is a classic, unfortunately, case of trying to string things out and give as little as possible.

In the May 10—excuse me—March 10 hearing, both sides presented their case. The prosecution, in order to be helpful, identified 100 priority documents. The judges quite



clearly said we are going to have a hearing. That hearing was yesterday. We would like you to come up with what you could between that period and the date of the hearing. Zero was produced. If you would look at the list of documents, they are—the requests, they are quite reasonable. They are quite narrow I just recommend you do that.

Mr. KURSCH. Do we have any other questions or comments? Our panelists, I have limited you to 10 minutes, so if you want to speak a little bit more, we have a bit of time.

Ms. BANG-JENSEN. Yes. Just in summary, I absolutely think that the Government of Serbia and Montenegro should get our help, particularly on their organized crime work. They have got a problem. It is a problem that many countries in the region have.

But one of the things that came up out of the Djindjic assassination was a widespread understanding of the intersection of organized crime and war criminals and that some of these so-called Hague patriots were actually false patriots stealing from people in Serbia and continuing to steal from people in Serbia. They have their allies regrettably still in government. Obviously your government has a very difficult task of trying to expose and get rid of some of these characters.

One of the ways to enhance your efforts to have security service reform is to use the outside conditions to build internal support and support among your public, which is clearly there for making difficult choices. With leadership, the public supports making it clear to the rest of the world that Serbia and Montenegro do not want five key characters from the Srebrenica massacre living openly in their country, or Ratko Mladic. He, as you say, may be a difficult arrest, but we have ministers saying that he has been at military bases. There are things that can be done. Obviously they are difficult. But the government has shown its political courage in doing this to date. The momentum needs to be seized to get rid of this problem once and for all.

Ms. ANDERSON. I will just emphasize in my concluding remarks the importance of the dialogue the U.S. Government will have with the Government of Serbia and Montenegro over the next 2 weeks and the importance of identifying very specific, doable measures in the next 2 weeks, very specific arrests that need to be achieved, documents that need to be shared with the Tribunal, progress on domestic war crimes trials, adoption of this law on war crimes trials, progress on accountability and investigations implementation of the law and also a fruitful discussion about continuing challenges on minority rights.

This is a critical opportunity. I think many of us have been very sympathetic to the government in Belgrade, particularly since March, and appreciate the difficult environment in which you all have been operating. But we see this dynamic and this law as supportive of what you are trying to do there and hope that the dialogue in the next 2 weeks can achieve some real important steps in the right direction.

Mr. FISFIS. I would just conclude by reiterating what we found in our survey, which is that this is an important time for the government right now, a time when the government can take steps to lead. Before the assassination, there was much distrust in the government. There is a new opportunity granted by the people in part because of some good work done during the state of the emergency.

When we did our focus group work, there was probably no single theme stronger among people in Serbia than the desire to come out of isolation from the international community and this sense of rejoining it.

So if anything were to happen, or if there anything that were to set that back, you would definitely see that hope and that trust evaporate. I would just leave it at that. Thank you.

Amb. VUJACIC. Well, let me just reiterate a few points. One is that I think it is difficult for people to judge from the outside, but from my perspective, knowing the place and

being very involved in what has been going on the last 12 years, I think there was tremendous progress, given the circumstances of what we inherited. Getting control of structures that we inherited is not an easy thing to do, not just concerning the security forces. Two years may sound a very long time for people that live in the West and say, well, 2 years has passed, and all these things have not changed.

Two years is a very short time to change and to try to transform and attack all issues in a society, to reform the society itself. This is a tremendously short time, and I think a lot has been achieved. We have had success in some areas. In some areas, we have not many successes.

That whole project is difficult for many, many reasons. Support for that reform is essential. We certainly want to lead Serbia into the family of European nations, and become a member of the Council of Europe, and farther on down the road to become a full member of the European Union and build up trans-Atlantic relationships. We want to deal with anything that stands in the way of those goals. We will be committed to pursue them, including the ones that we were talking about today.

So I guess my conclusion would be that things are not perfect and are in a very difficult set of circumstances with all the issues that are up in the air most of the time. But there is certainly an attempt and a commitment made publicly and also being pursued to go down this road and to fulfill our obligations. Thank you.

Mr. KURSCH. In the name of the Commission and all our Commissioners, I really would like to thank all our participants for coming today and sharing their perspectives with us.

Clearly much progress has been made. Maybe it has not always been as fast as many of us would have liked, given the high expectations we had after the fall of Milosevic.

But it does seem that we do have a unique opportunity now, following the tragic assassination of Prime Minister Djindjic, to accelerate Serbia and Montenegro's movement toward becoming a full member of our Euro-Atlantic institutions. Certainly Mr. Djindjic was a man who did not hesitate from making tough decisions. In his memory maybe some of his successes will serve as an inspiration to us.

I am certainly old enough to remember the Kennedy assassination, which was a great tragedy for our country. But I also remember that out of that tragedy we produced under President Kennedy's successor a most impressive array of civil rights legislation that changed the face of our country permanently and very significantly. So perhaps this example can serve as an inspiration.

The other thing, I would like to urge all of us who have assembled here to take this message home: let us not forget about Southeastern Europe.

We have noted the progress, but we need to keep this assistance up. Yes, there are obligations elsewhere in the world. But Southeast Europe is a success story. Countries of the region are coming together. Institutions are being established. Non-governmental organizations are coming to life and are doing good work. Attitudes have fundamentally changed.

I am very happy that IRI could be with us this morning. Coming from Belgrade, this is symbolic of a continued commitment. We have to keep this up. Our governments have to do it. Our NGOs have to do it. We have to do it together with our international partners. I think with that approach, we will achieve success. Thank you very much for coming.

[Whereupon the briefing ended at 11:50 a.m.]

## APPENDIX

### MATERIALS SUBMITTED BY NINA BANG-JENSEN, EXECUTIVE DIRECTOR, | COALITION FOR INTERNATIONAL JUSTICE

#### TOP 10 WAR-CRIMES FUGITIVES IN SERBIA

##### 1. RATKO MLADIC

**Charges:** genocide, crimes against humanity, war crimes

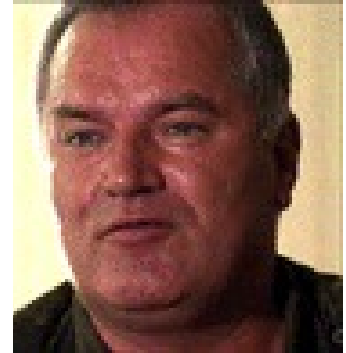
**Rank:** General Colonel

**Position:** commander of the VRS Main Staff

**DPOB:** 12 March 1942, Kalinovik, Bosnia

**Location:** Known to have been in military facilities in Serbia, and sighted in Belgrade.

- Ratko Mladic turned plans for a “Greater Serbia” into a brutal ethnic cleansing campaign on the ground throughout Bosnia and Croatian Krajina. He directed the shelling and sniping of civilians in Sarajevo causing the deaths of as many as 15,000 civilians and masterminded the slaughter of 7,000 Muslim men and boys following the takeover of the UN-designated safe area of Srebrenica in July 1995.
- Mladic has been living in Belgrade for years, appearing at a soccer game in 2000, at a restaurant in 2001 and in 2002 a Serbian minister acknowledged his presence in the country. Serbian authorities have made no attempt to arrest and transfer him to the Tribunal in The Hague.
- He reportedly has received regular medical treatment at the main military hospital in Belgrade.



##### 2. LJUBISA BEARA (one of the “Srebrenica Five”)

**Charges:** genocide, crimes against humanity, war crimes

**Rank:** Colonel

**Position:** Chief of Security of the Main Staff of the RS Army

**DPOB:** 14 July 1939, Sarajevo, Bosnia

**Location:** Kosovska Ulica 43, Apt. #25, Belgrade, Tel. +381-11-324-4839

- Charged with implementing the plan to execute 7,000 Muslim men and boys following the takeover of the UN-designated safe area of Srebrenica in July 1995.
- A key figure in capturing men and boys, transporting them to holding areas in schools and public facilities before sending them to execution squads.
- Known to be a close and trusted associate of Bosnian Serb General Ratko Mladic throughout the wars in Croatia and Bosnia.
- Known to receive a pension from the Army of Serbia and Montenegro, regular medical treatment from the military hospital and to be residing in Belgrade.



### 3. VUJADIN POPOVIC (one of the “Srebrenica Five”)

**Charges:** genocide, crimes against humanity, war crimes

**Rank:** Lt. Colonel

**Position:** Assistant Commander of Security, Drina Corps of the RS Army

**DPOB:** 14 March 1957, Popovici, Sekovici Municipality, Bosnia

**Location:** Vinogradski Venac 21, Belgrade, Tel. +381-11-509-115



- A key figure in ensuring men captured after the takeover of the Srebrenica enclave in July 1995 were transported to execution squads from schools and other public buildings where they were being held in eastern Bosnia.
- A close associate of Colonel Beara's throughout the wars in former Yugoslavia.
- Known to receive a pension from the Army of Serbia and Montenegro, and to be residing in Belgrade.

### 4. VINKO PANDUREVIC (one of the “Srebrenica Five”)

**Charges:** genocide, complicity to commit genocide, crimes against humanity, war crimes

**Rank:** Lt. Colonel (Major General retired)

**Position:** Commander, Zvornik Brigade of the RS Army

**DPOB:** 1959, Sokolac, Bosnia

**Location:** Omladinskih Brigada 14, Apt. #19, Belgrade, Tel. +381-11-673-950



- Charged with overall responsibility for the enormous range of crimes committed in his area of responsibility after the takeover of the Srebrenica enclave in July 1995 in which over 7,000 Muslim men and boys were executed.
- Once men were captured the majority of the 7,000 killed were transported to and executed in the Zvornik brigade's area of responsibility where they were then buried by members of Pandurevic's engineering unit.
- Months following the executions, thousands of bodies were exhumed and reburied to hide them from the international community following the negotiation of the Dayton peace accord.
- Pandurevic has been living openly in Belgrade for the past several years.
- Officially retired, he is known to collect his monthly pension from the Army of Serbia and Montenegro. As recently as late 2001, Pandurevic published an article in an official military publication, “*Vojno Delo*”.

#### 5. LJUBOMIR BOROVCANIN (one of the “Srebrenica Five”)

**Charges:** complicity in genocide, crimes against humanity, war crimes

**Rank:** Police Colonel

**Position:** Deputy Commander, Special Police Brigade of RS Ministry of Internal Affairs

**DPOB:** 27 February 1960, Han Pijesak, Bosnia

**Location:** Reported to move between Serbia and Bosnia’s Republika Srpska



- Accused of directly participating in the capture, transportation and murder of Muslim men attempting to flee the Srebrenica enclave after its takeover in July 1995 in which more than 7,000 men and boys were executed.
- He and troops under his command are also alleged to have murdered civilians seeking shelter in the factories surrounding the UN compound in Potocari after Bosnian Serb forces overran the Srebrenica enclave.

#### 6. DRAGO NIKOLIC (one of the “Srebrenica Five”)

**Charges:** genocide, crimes against humanity, war crimes

**Rank:** Second Lieutenant

**Position:** Chief of Security, Zvornik Brigade of the RS Army

**DPOB:** 9 November 1957, Brana Bacic, Bratunac Municipality, Bosnia

**Location:** Reported to move between Serbia and Bosnia’s Republika Srpska



- Accused of being the point-person in the Zvornik area responsible for making preparations to detain prisoners, recruit execution squads, and organize the prisoners’ burials in mass graves following the fall of the Srebrenica enclave in July 1995 in which more than 7,000 men and boys were killed.
- Charged with active participation in unearthing bodies months later and reburying them in other mass graves to conceal them from the international community.
- Receives a bi-weekly pension payment from the Army of Serbia and Montenegro.

## 7. VESELIN SLJIVANCANIN

**Charges:** Grave breaches of the Geneva Conventions, crimes against humanity, war crimes

**Rank:** Major (Lt. Colonel retired), Yugoslav National Army

**Position:** Commander, Military Police Battalion and Security Officer for Guards Brigade

**DPOB:** 1953 near Zabljak, Montenegro

**Location:** Living in a facility belonging to the Army.



- After the end of hostilities in Vukovar, Croatia, troops under Sljivancanin's command led patients and others seeking refuge at the Vukovar hospital onto buses and transported them to the Ovcara farm outside the city where they were beaten for hours before being taken in groups of 10-20 to a field where they were executed and buried.
- Known to receive a pension from the Army of Serbia and Montenegro, and to reside in Belgrade.
- In August 2001 he appeared publicly at a widely-reported book release yet Serbian authorities made no attempts to arrest and transfer him to the Tribunal in The Hague.

## 8. MILAN LUKIC

**Charges:** crimes against humanity, war crimes

**Position:** head of "White Eagles" paramilitary group

**DPOB:** 6 September 1967 in Foca, Bosnia (from Rujiste village north of Visegrad)

**Location:** Reported to spend time between Visegrad, Bosnia, and Belgrade, Serbia; owns an apartment within sight of the U.S. embassy in Belgrade



- A notorious killer who headed a paramilitary group in Visegrad, Bosnia responsible for unleashing a reign of terror that emptied the town of its majority Muslim population, and left approximately two thousand dead.
- Lukic and his men are accused of various brutal acts including torturing and killing Muslim civilians (and Serbs suspected of helping them) before throwing their bodies from the historic Turkish bridge and into the Drina river; corralling civilian into homes, boarding up doors and windows and setting fires causing them to burn alive; repeatedly raping Muslim women kept as sexual slaves.
- Known to have traveled to the Srebrenica enclave after it was overrun by Serb forces in July 1995 where he rounded up civilian men, women and children originally from Visegrad with the promise of transporting them to safety—none has ever been seen again.
- Arrested by Serbian police in 1994 to stand trial for the murder of 17 men traveling by train to Montenegro but was handed over to authorities in Republika Srpska to stand trial on other charges; he was immediately released and remains at large.



## 9. SREDOJE LUKIC

**Charges:** crimes against humanity, war crimes

**Position:** “White Eagles” paramilitary member

**DPOB:** 5 April 1961, in Rujiste, Visegrad municipality

**Location:** Reported to spend time in Serbia and Visegrad in Bosnia’s Republika Srpska

- A cousin of Milan Lukic’s, Sredoje worked as a police officer in Visegrad before and during the war and became a member of Milan Lukic’s paramilitary unit responsible for torturing and murdering countless civilians in and around Visegrad.



## 10. ZELJKO MEAKIC

**Charges:** genocide, grave breaches of the Geneva Conventions, crimes against humanity, war crimes

**Position:** Commander, Omarska Camp

**DPOB:** 2 August 1964 in Petrov Gaj, Prijedor municipality

**Location:** Reported to move between Serbia and Bosnia’s Republika Srpska

- A police official in Omarska before the war, he was rapidly promoted to commander of the notorious internment camp, “Omarska”, by June 1992 in which more than three thousand Muslim and Croat men were subjected to severe beatings, killings and others forms of severe physical and psychological abuse including sexual assault.
- Charged with direct participation in murders, torture, severe beatings and overall responsibility for the actions of subordinates at Omarska.



## OTHER ICTY FUGITIVES REPORTED TO BE IN SERBIA AND MONTENEGRO

Beyond those listed above, other individuals indicted by the International Criminal Tribunal for the former Yugoslavia and thought to reside permanently or regularly cross into Serbia are:

- Gojko Jankovic
- Vladimir Kovacevic
- Dragomir Milosevic
- Jovica Stanisic (arrested and awaiting transfer to The Hague)
- Radovan Stankovic
- Savo Todovic
- Radovan Karadzic moves between Montenegro and Bosnia’s Republika Srpska

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