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Why the Serbs Went for Bombing

Dragan Pavlovic

The Serbs have decided to let themselves be bombed by NATO forces. It may be difficult to understand the motives behind such a foolish decision. The province of Kosovo could not possibly be a land any state would desire to possess at such a price. Probably 80% of the population are Albanians who are, experience shows clearly, very difficult to integrate. Its economy which has been crippled for many years will be a heavy burden for years to come, and its future, despite large investments, will still be unsafe and plagued by permanent ethnic clashes.

What the other reasons might be the West simply will not, or perhaps cannot, grasp. It seems, nevertheless, that there are reasons, but these are reasons of the most difficult kind: moral reasons. If it is true that moral issues are at stake, we are faced with a most unlucky situation. In contrast to judgment of facts, which can be demonstrated, moral reasons and moral judgments are frequently the kind that we do not share with others and that are the most resistant to change. Even if we think we can demonstrate our moral reasons, this rarely works unless the other party belongs to the same or to a very similar culture, or else possesses sufficient knowledge, historical and social background and relevant emotional experience.

The Serbs seem to be in a particularly unlucky situation: the West has stayed deaf to their arguments and blind to what they believe they see so clearly. And yet the Serbs do not doubt that their reasons are straightforward and self-explanatory.

What makes them so sure? They know for Vienna Convention from 1980 (Art. 52) and do not doubt that the procedure of Rambouillet-Paris was illegal. Even if it were legal it did not give guaranties against eventual secession of Kosovo, and the secession is, obviously, against The United Nations Charter (Art. 2). They believe that justice is on their side. If we would just try to talk to them we could understand immediately how deeply they believe they are right. If what they maintain proves true, the West will carry the heavy burden of terrible injustice for many years. Here is an attempt to list their arguments.

1. The Federal Republic of Yugoslavia is a sovereign state protected by international law from secessionism and terrorism. Minority rights can extend to cultural autonomy but not to secession. Kosovo Albanians have deliberately boycotted and denied the political and cultural rights they enjoy in order to pursue their aim of secession. If the West believes that the time has come to grant even greater rights to minorities, it should perhaps start at home, in States stable enough to sustain such innovative experiments less painfully.

2. To the Serbs it is obvious that they are confronted with undeclared war and intrusion from Albania in violation of international law. In their eyes, it is absolutely unjust that the international community is condoning this illegal action, which amounts to a crime against peace.

3. An “unjust State” may be a necessary and sufficient condition to allow secession. However, nobody has proved that Yugoslavia is an unjust state. Individual and political freedoms, minority and other civil rights are at a higher level in Yugoslavia than in other countries in the region. The Western case against Yugoslavia rests almost exclusively

on violent accusations against the President (Slobodan Milosevic). Serbs consider that even to the extent that they are justified, such accusations are irrelevant to the Kosovo crisis today.

4. If all other conditions are fulfilled, self-determination could be granted a society as a whole, with all its component groups and social structures intermingled. Albanians in Kosovo do not present a society but an ethnic group. The state they seek to form would be, by definition, an unjust state created for and favoring one ethnic group only.

5. Homogeneous territory could be a necessary condition for forming a separate state on condition that it was not acquired by illicit means. For many centuries the Albanian population has been pushing Serbs out of the province not only by various kinds of pressure but also by violent means. This has never been seriously disputed. Moreover, population statistics indicate that the high ethnic Albanian birth-rate over the past 50 years cannot account for the population increase shown in the last census. The difference (1.5 million rather than about 1.3 million) can be explained by illegal immigration from Albania. In addition, the number of Kosovo Albanians in Western countries is put at close to one million. It is obvious then that the number of illegally settled Albanians in Kosovo must correspond to that number, that is, must be close to a million! This indicates an illicit occupation of Kosovo territory which should rule out the right to exercise "self-determination" to detach the territory.

6. The Albanian minority is a frontier minority. Encouraging frontier minority secession means encouraging many states all over the world to raise claims to neighboring territory on ethnic grounds. This could become a serious danger to peace.

7. Even if they agreed to interposition of foreign forces, Serbs would accept only disinterested parties. Parties which contributed to the 1995 military attacks which drove Serbs from Western Bosnia and in particular from the Croatian Krajina are certainly unacceptable. This disqualifies NATO

and American forces. The U.S. insistence on bringing in NATO instead of a United Nations force into Kosovo is seen by Serbs as yet another proof that the U.S. is motivated not by concern for the local population but by its own strategic interests.

8. U.S. refusal to bring the issue the Kosovo to the Security Council to approve of bombing (not, as it has been tried, whether to stop the bombing) and the near certainty that some member states would support the Serb position further convinces the Serbs that they are on the right track and that the U.S. is not a disinterested party.

9. There is evidence that the United States is providing logistic and other forms of support to the Albanians and that U.S. encouragement was behind the ethnic Albanian attacks that set off the recent spiral of violence in Kosovo. Serbs again see that the U.S. is not a disinterested party.

10. Ever since the United States began to show concern for Kosovo, the local situation has drastically deteriorated. Bombing the Serbs would make things much worse, and for a very long time. Weakening Yugoslavia might produce a serious unbalance and a chain reaction in all neighboring states. Serbs believe that everybody is aware of this, including the U.S.

11. Historical links to Kosovo are very strong. Centuries of Serb history in those regions is an important spiritual factor.

Such is the reality as seen by Serbs. This is no time for behavior modification exercises, reeducation, punishment, vendetta. It is time for reason. And the starting point is right there.

Are the Serbs right, are their claims just? Does one have to be a Serb and only a Serb to grasp these arguments, to see the weight of the reasoning behind them, if there is any? If their references to terms such as “international law”, “sovereignty”, “just”, “Western values” and so on, are to be dismissed as “culture relative”, we should be prepared to take the trouble to show, by fair argument, how the Serbs

have misunderstood what the West meant by those words it invented and how they got them wrong. Has this been done before taking drastic and irreparable action? If the action would go beyond the law in the name of justice and an increase of the good, we had better be sure that the outcome is absolutely certain. Unfortunately, the two weeks of ruthless bombing prove the contrary.

If the Serbs prove to be wrong, it will be hard to blame them, because they most likely did not have the knowledge which the West possesses. Before the West proceeds to act to do immediate harm in the hope of doing good eventually, it should at least pause to think that on the other side there are the Serbs who, even if in reality wrong, are absolutely sure of standing there where they stand. So help them God?

"We", the West, can continue with that sophistry and try to save our consciousness. In vain, I am afraid, since there arguments are irrefutable. Today they look even stronger then ever. NATO bombing further encouraged Albanian guerilla and produced further clashes with Serbian army and an exodus from those regions. 10 000 to 20 000 of refugees before 24th April 1999. When the NATO bombing began there number amounted to over 900 000 of those (mainly Albanians) who were escaping to the south and 1000 000 of those going to the Northern and Western Europe (the Serbs, Albanians, Gypsies and others). Has this not been predictable ? If we treated the world **as it is** and not **as it should be**, much of disaster would have been avoided.

The NATO bombing is accompanied with all terrible "collateral" effects of the real war and in fact might indicate the real war objectives. Following quasi total destruction of the superstructures in Yugoslavia and extreme sufferings of over 10 millions of people and probably 3000 dead in two months the overwhelming feeling is that a new Masada is at work and the population would not give up even if collective "suicide" would be imposed. If 1. The bombing would be immediately stopped, 2. The cease-fire established 3. Disarmament of the guerilla achieved, 4. If the U.N. would guarantee all further actions, 5. Non -NATO civil observers

were installed, 6. Reparation of the country envisaged and 7. Responsibility for the crisis investigated, the peaceful prospect could probably be foreseen. But, there still would be a long way to go. The Serbian government which was incapable to predict obvious strategy and real-political aims of the NATO will certainly be in the position to give accounts to the Serbian people for the ongoing disaster. Would the Serbs ever get rid of emotional approach to the politics, would they manage to remember that no one of the “friendly” States ever used the right of veto when they needed it so badly? It may be fine to have friends, but it is certainly useful to have allies also.

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NATO and International Law

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In his first sentence in an article on 1st May 1999 in the *Hindustan Times*, T.V. Rajeswar states the problem unambiguously: “The war unleashed by the North Atlantic Treaty Organisation (NATO) on the sovereign nation of Serbia on March 24 was a clear case of aggression.” Likewise, former Foreign Secretary of India, A.P. Venkateswaran in an article entitled, “The

Arrogance of Power,” writes: “The aerial attacks launched by NATO against Yugoslavia once again establishes the truth of the axiom, ‘Power tends to corrupt, and absolute power tends to corrupt absolutely.’ There is no legal sanction whatsoever for this unilateral action by NATO carried out at the behest of the US, following the failure of the talks on Kosovo...” The following is a statement by the permanent representative of India to the UN Security Council on March 24th:

“The attacks that have started on the Federal Republic of Yugoslavia a few hours ago are in clear violation of Article 53 of the Charter. No country, group of countries or regional arrangement, no matter how powerful, can arrogate to itself the right of taking arbitrary and unilateral military action against others. That would be a return to anarchy where might is right... The attacks now taking place on Yugoslavia have not been authorised by the Council, acting under Chapter VII, and are therefore completely illegal... What NATO has tried to do is to intimidate a government through the threat of attack, and now through direct and unprovoked aggression, to accept foreign military forces on its territory... There are several traditional descriptions for this kind of coercion; peacekeeping is not one of them.”

I. NATO and International Law

The collapse of countervailing military power, and the reduction of the United Nations into an obedient organization of the United States, have now led to the disregard for a whole slew of international laws. The US and NATO are violating several international laws in attacking Serbia over Kosovo which is part of a sovereign independent state. American legal specialists have claimed that NATO actions constitute an evolving system of international laws. The reality is that NATO is making up the laws as it goes along to suit their convenience. In essence, NATO has declared that whatever it does is the new international law overriding all past laws. Indeed, the US has declared itself the prosecutor, judge and executioner of whatever laws it chooses to make up to advance its policy agenda. The following are some of the main violations of international laws committed by NATO.

(1) NATO actions constitute a violation of Chapter I, Article 2 (4) of the UN Charter which states: “All Members shall refrain in their international relations from the threat

or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.” Chapter VII, Article 39 states: “The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Efforts to justify these actions through earlier resolutions or Chapter 7 of the Charter are acts of distortion and convenience. Article 51 of Chapter VII states that “Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.” The problem is that Yugoslavia did not attack any neighboring states outside its sovereign borders. Instead, Yugoslavia was attacked by NATO, although no member of NATO was attacked by Yugoslavia. The Security Council did not sanction the use of force here. NATO bypassed the Security Council to illegally attack Yugoslavia because of the certain veto by Russia and China.

(2) The bombing of Yugoslavia is a violation of NATO’s own charter which claims it is a defensive organization and is only committed to force if one of its members is attacked. No member of NATO was attacked. The relevant sections of NATO’s basic purpose reads as follows: “It provides deterrence against any form of aggression against the territory of any NATO member state. It preserves the strategic balance within Europe.” When communist rule ended in Europe and the Warsaw Pact was dismantled, presumably these rationales for NATO’s existence also ended. An alliance usually posits an enemy in advance, and the enemy lies outside of the alliance system. A commonly perceived external enemy is, after all, the main reason for forging an alliance, not for some vague eventuality that a

powerful enemy may arise in some distant future. Without an external enemy there would not be sufficient consensus and motivation to keep the alliance together. There is no strategic balance in Europe to keep. NATO is dominant and international laws have become inconvenient.

No doubt, maintaining an alliance without predetermined external threats may serve notice to non-members that the security interests of the alliance countries will be protected. But a single military alliance without the prevalence of countervailing military power would be perceived as a serious threat to other states and will provoke them to seek appropriate military counterbalancing measures. Already there are moves among Russia, China and India to forge a strategic partnership. Thus, the rationale for NATO's existence would become a self-fulfilling prophecy. As such, NATO constitutes a standing provocation to the rest of the world, an alliance in search of an enemy, or needing to create one, in order to justify its existence. Thus far, NATO has found its mission—as absurd as it may sound to normal people except NATO enthusiasts—in pulverizing 8 million impoverished Serbs into the ground through 24 hour a day aerial bombardment. Hundreds, if not thousands of innocent Serbs have been killed. Meanwhile, it would be dishonest to argue that a weak Russia should not feel threatened by an expanded NATO and the attack on Serbia, a condition which the US will not contemplate in reverse including a similar attack on Canada.

(3) The so-called Rambouillet "Agreement" (Serbia did not agree to it) is a violation of Articles 51 and 52 of the 1980 Vienna Convention on the Law of Treaties. Article 51 entitled "Coercion of a Representative of a State" declares: "The expression of a State's consent to be bound by a treaty which has been procured by the coercion of its representative through acts or threats directed against him shall be without legal effect. Article 52 entitled "Coercion of a State by the Threat or Use of Force" reads: "A treaty is void if its conclusion has been procured by the threat or use of force in violation of the principles of international law

embodied in the Charter of the United Nations.”

First Serbia was threatened with force in order to coerce it to sign the Rambouillet “Agreement,” and when that failed Serbia and its entire population was subjected to massive terror bombing in order to bring about submission to NATO diktats. The Rambouillet “Agreement” was not negotiated with Yugoslavia but presented as a *fait accompli*. There were no discussions between Serbs and Albanians. The Albanians were persuaded to sign only because they were given to understand that once they got immediate *de facto* independence, within three years it would automatically become *de jure*. Yet Serbia accepted the political terms of the diktat only insisting that it will not accept a NATO military presence in Kosovo. Indeed, the military annex of the Rambouillet diktat were far reaching requiring that Yugoslavia allow NATO forces unhindered access to all of its territory at no cost to NATO. The military annex were sneaked in on the last day of the talks without the Russian representative’s knowledge. Milosevic or no Milosevic, no state or statesman could have accepted these humiliating terms. It was a deliberate setup to invite rejection so as to proceed with NATO bombing.

The following exchange between NATO spokesman, Jamie Shea, and a reporter is revealing in the embarrassing terms of the “Agreement” in retrospect to the West.

Question: The Rambouillet Accords, appendix B in particular . . . called for the occupation of all of Yugoslavia. . . . Unrestricted passage throughout [its] air space, territorial waters, rail, airports, roads, bridges, ports without payment, the electromagnetic spectrum and so on. Was not the Rambouillet accord, which [Slobodan] Milosevic refused to sign, in fact, a desire to occupy all of Yugoslavia and not just simply Kosovo?

Jamie Shea: No, absolutely not. . . . We were looking . . . to be able to deploy an international security force, and that means, of course, being able to deploy the assets for that security force. . . . At the moment, all of our predeployed

elements in the former Yugoslav Republic of Macedonia have come in by the Greek port of Thessaloniki. And for that, obviously, one has to have an agreement with the Yugoslav government to be able to have access to those roads, those rail systems, the air space for the business of setting up an international security presence, and therefore NATO personnel who may have had at the time . . . to transit temporarily through Yugoslavia will have had to enjoy those kinds of immunities.

Question: That's simply not the language, sir. It's "free and unrestricted passage," the ability to detain people, for example, . . . and total use of electromagnetic spectrum, sir.

Jamie Shea: I was not a negotiator at Rambouillet . . . but my understanding, sir, is that it refers to, as you say, passage, exactly transit. And that's the point I've made.

(4) NATO's objectives in Kosovo are a violation of Clause IV of the Declaration of Principles Guiding Relations Between Participating States of the Helsinki Accords Final Act of 1975 which guarantees the territorial frontiers of the states of Europe. According to this agreement: "The participating states will respect the territorial integrity of each of the participating states. Accordingly, they will refrain from any action...against the territorial integrity, political independence, or the unity of any participating state..."

The former Yugoslavia was a party to this agreement, not the new states such as Croatia and Bosnia which subsequently invoked the Helsinki territorial principles to preserve their boundaries that were carved out from the old state. Ironically, while attempts by Serbs of Croatia and Bosnia to remain part of Yugoslavia were denied, and their declarations of independence rejected in order to maintain the territorial integrity of Croatia and Bosnia which had never existed under modern international law, the right of the Kosovo Albanians to secede was recognized. What this so-called Rambouillet peace plan offered was (a) the severance of Kosovo through NATO bombing with immedi-

ate effect; or (b) the severance of Kosovo through NATO occupation three years later. The Serbs chose Option A.

(5) If the sequel to the bombing is recognition of Kosovo as an independent state, this will violate international law that prohibits recognition of provinces that unilaterally declare independence against the wishes of the federal authorities. Donald Horowitz, a leading specialist on nationalism and ethnic conflict, noted that the secessions of Slovenia, Croatia, Macedonia, Montenegro, Bosnia, and Serbia followed the violent patterns of state dissolution elsewhere. He pointed out that states with no history of independence such as Bosnia were swiftly recognized without considering the consequences. "Led by Germany, European and American recognition of the former Yugoslav republics was accomplished in disregard of international law doctrine forbidding recognition of secessionist units whose establishment is being resisted forcibly by a central government

The illegality of Unilateral Declarations of Independence was established by the British when Rhodesia's Ian Smith unilaterally declared independence when the British still ruled that state (now Zimbabwe). Donald Horowitz, a leading expert on ethnic conflict and secessions at Duke University reiterated this point when Slovenia, Croatia and Bosnia unilaterally declared independence against the wishes of the federal authorities in Belgrade. No doubt, the policies regarding UDI have been inconsistent. The secession of the Turkish Republic of Northern Cyprus in 1981, a defacto functioning state, has not been recognized although the secession of Bangladesh in 1971 under similar circumstances was recognized. The UDI of Biafra from Nigeria in 1971, Punjab from India in the mid 1980s, Abkhazia from Georgia in 1994, Chechnya from Russia in 1995, have not been recognized. Clearly, Palestinians have a right to declare themselves an independent state because it is not even a part of Israel but illegally occupied territories since the Arab-Israeli war of 1967. Yet Israel has warned that it will not recognize the threatened UDI by Yasir Arafat in May

1999.

In the case of Bosnia-Herzegovina, it was recognized although it did not fulfill any conditions of a defacto functioning state. The 1933 Montevideo Conventions on the Recognition of New States, declared that a state only comes into existence and should be recognized if it fulfills the following conditions: (a). Clearly recognized boundaries. Serbia and Croatia were contesting the boundaries of Bosnia. The Croatian areas wanted to join up with Croatia and already has, the Serbian areas wanted to join up with Serbia but was prevented by the West. (b) It must have a stable and well-defined population. Bosnia did not since refugees were on the move everywhere and what constituted the population of Bosnia was not clear because of Serbian and Croatian demands. Bosnia was a stillborn state and remains so. (c) It must have a government in control. The Muslim government of Sarajevo was not in control anywhere, and even now Sarajevo is not in control of the Croatian and Serbian areas.

(6) If the bombing of Yugoslavia results in the destruction of Serbian religious and historical sites, this will be in violation of the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. This Convention was adopted in the light of experience during two world wars when there was an unwanton destruction of cultural and historical property in Europe. It was first mooted during the First World War by President Woodrow Wilson and British Prime Minister Asquith. Keith Eirinberg noted that "Some 80 years later, the destruction of cultural property, this time on the territory of the former Yugoslavia [by the former Yugoslavs themselves], again shocks the world." But the United States could do little to protest these actions by Serbs and Croats because it had failed to ratify the 1954 Geneva Convention. Perhaps with good reason since it has engaged in such actions from the air itself in Iraq and now Yugoslavia.

Although it has been the practice for the United States to excuse itself without remorse for the millions of inno-

cent civilians it has killed in Korea and Vietnam, and the devastation of their lands through bombardment and use of herbicidal and defoliant chemical weapons as collateral damage, it is time to reconsider this excuse. Only in the aftermath of the intense bombing will we see the extent of the damage caused to the hundreds and even thousands of Serbian and Byzantine cultural and religious sites in Kosovo. But we do know that NATO deliberately targeted military and civilian buildings in Serbia. Historic bridges over the Danube have been destroyed. The presidential palace, a place of historic value as the residence of the historical figure, Josip Broz Tito, and previously the royal residence of the Serbian monarchy, was deliberately destroyed. Because there were some telephones in there, it was declared a military communication center. NATO arrogated to itself the role of determining what is or what is not a military site. Given the fact that it had run out of military targets, its definitions have become pretty lax.

(7) The 1949 Geneva Convention (IV) Relative to the Protection of Civilian Persons in time of War specifically prohibits deliberate attacks on civilians. Part II, Article 13 states: "The Provisions of Part II cover the whole populations of the countries in conflict, without any adverse distinction based, in particular, on race, nationality, religion or political opinion, and are intended to alleviate the sufferings caused by war." The Geneva Conventions Act (amended 1995) of the United Kingdom specifically states that "civilians shall not be the object of attack" (Schedule 5, Article 52.1) and that "civilians shall enjoy protection unless they take a direct part in hostilities" (Schedule 6, Article 13.3). The attack on the Serbian TV station at night when it was inhabited only by civilians leading to the deaths of at least 20 civilians and serious injury to many more, constituted an intentional and premeditated attack on civilians. This was mass murder, not collateral damage.

(8) Beyond the above, there may be several other international regulations about the environment that is being violated by the attacks on chemical plants, fuel storage,

and refineries. The 1976 Convention on the Prohibition of Military or Other Hostile Use of Environmental Modification Techniques, and the 1977 Protocol I Additional to the Geneva Conventions. Article 55 states:

“Care shall be taken in warfare to protect the natural environment against widespread, long-term and severe damage. This protection includes a prohibition of the use of methods or means of warfare which are intended or may be expected to cause such damage to the natural environment and thereby to prejudice the health or survival of the population.”

Other conventions include the Vienna Convention for the Protection of the Ozone Layer (1985, UNEP), the Montreal Protocol on Substances that Deplete the Ozone Layer (1987), and the United Nations Framework Convention on Climate Change (1992). A Times of India editorial noted:

‘In Yugoslavia, oil refineries and chemical plants have been attacked... Every attack on a chemical plant is likely to produce a Bhopal, big or small. While NATO authorities claim to have successfully attacked and destroyed chemical plants, they do not enlighten the world about the ecological consequences of such assaults, on the long-term impact on human beings and unborn children. The so-called ‘Gulf War Syndrome’ focussed much concern on the US veterans exposed to the chemicals released during the last days of the war against Iraq in 1991. But there is ominous silence about the ecological impact of bombing oil refineries and storages, chemical plants and high rise buildings employing highly inflammable synthetic materials. It is cynical in the extreme to pretend that the air strikes against Yugoslavia have exclusively targeted military installations and the civil population has not been affected. This is sheer propaganda and undermines the credibility of NATO authorities in other statements they make.’

The International Action Center of New York, among others in Britain and elsewhere, have claimed that many of the American weapons used against Iraq, Bosnian Serbs, and

now Yugoslavia utilize radioactive depleted uranium for more efficient penetrating effect. John Catalinotto, contributing editor of the book, *Metal of Dishonor* "Depleted Uranium, pointed out that the use of DU weapons in Yugoslavia "adds a new dimension to the crime NATO is perpetuating against the Yugoslav people, including those in Kosovo... DU is used in alloy form in shells to make them penetrate targets better. As the shell hits the target, it burns and releases uranium oxide into the air. The poisonous and radioactive uranium is most dangerous when inhaled into the body, where it will release radiation during the life of the person who inhaled it." The accumulated fall-out here could produce a Hiroshima aftermath effect on the people of Yugoslavia.

II. Humanitarian Law and the Territorial Integrity of States

United States and Great Britain have argued that the attack on Serbia was justified under the 1948 Genocide Convention and/or other general humanitarian principles. Claims have also been made that Article 2(4) of the UN Charter which upholds the territorial integrity of states against external military attacks, is countered by Articles 1(2) and 55 of the Charter, which speak of self-determination of peoples.

However, these articles, including Articles 73 to 91 which deal with "Non-Self Governing Territories" and the "Trusteeship System," pertain to decolonization and not the right to secede from existing sovereign independent states. Article 1 of International Covenant on Civil and Political Rights passed in 1976 referred to the rights of minorities to self-determination but did not include the right to secede. It implied the right of peoples in all states "to free, fair and open participation in the democratic process of governance freely chosen by each state." A 1990 meeting of the then Conference on Security and Cooperation in Europe in Co-

penhagen went far in affirming democratic rights and human rights of peoples but did not go as far as to endorse the right to secede.

In any case, the internal Yugoslav republics of Slovenia, Croatia and Bosnia declared their independence before any human rights violations or violence had occurred and were recognized. Those unilateral declarations of independence produced the subsequent violence. Before the NATO attack, the deaths of 2000 on all sides and the internal displacement of 300,000 people in Kosovo did not constitute genocide. In Kosovo, a province no different from Krajina of Croatia from where all Serbs were driven out, NATO bombing led to the human catastrophe.

Much has been made about “Serbian genocide” in Bosnia which has become the pretext for the illegal NATO assault on Yugoslavia. Like the Kosovo “genocide, this is almost exclusively propaganda rather than fact. Former State Department official, George Kenney, determined that between 35,000 and 50,000 people died in Bosnia on all sides. This is not an unusual casualty figure during civil wars, Bosnia being among the least tragic compared to conditions in Tibet (1950s), East Pakistan (1971) and post 1980 Afghanistan, Kashmir, Punjab, Sri Lanka, Kurdistan, East Timor, and Rwanda, to mention just a few. The American civil war resulted in the deaths of almost a million people. Another measure of the Bosnian tragedy would be to compare it to the average of 20,000 people who are victims of homicide in the US every year. While the investigators for the Hague Tribunal have interviewed only 223 women claiming to be raped, and have collected 575 affidavits from women claiming to be raped, compare this with an average of 100,000 women who file rape complaints with the police every year in the US, and an estimated 400,000 unreported rapes annually.

NATO’s unqualified and unrestrained bombing campaign that includes the infrastructure is more likely to kill hundreds of thousands of Yugoslav citizens in the long run, through lack of proper medical facilities, polluted water

supply, atmospheric poisoning, ozone depletion, and climatic change. If NATO committed ecocide in Yugoslavia, then it is also likely that it will have committed genocide in the long term.

The moral justification for NATO's military assault is a retroactive post hoc rationalization, viz., that President Milosevic had planned the total expulsions of the Albanians from Kosovo. Dr. Jan Oberg of the Transnational Foundation in Sweden has argued that Madeleine Albright's and NATO's claims are downright falsehoods. First, there was no such talk before the bombing began. Second the bombing was tied to the Rambouillet ultimatum to Yugoslavia that it either sign the Western diktat or get bombed severely. It had nothing to do with the post bombing humanitarian catastrophe.. (Indeed, what other excuse could Clinton, Blair and Albright have given other than blaming Milosevic once the human catastrophe took place. Could they have said "We are guilty for generating this bloody mess?") Third, if such a plan existed how could the West have negotiated with the Serbs knowing this? Fourth, why did the West not plan for this contingency if it knew of such a plan? Fifth, how could Milosevic have got rid of all Albanians from Kosovo when some 1,800 OSCE monitors and several more UNHCR and International Red Cross personnel, not to mention journalists, were in Kosovo before the ultimatum was issued? It was NATO that pulled them out although Yugoslavia had agreed to nearly all of the provisions of the political terms of Rambouillet. Sixth, how was it that OSCE, UNHCR and other international agencies never knew or sensed any such plan? Finally, if NATO knew of such an ethnic cleansing plan, why did it not plan its bombing campaign more carefully?

If NATO had the right to intervene in Kosovo, does it now have the right to intervene in Palestine, Kashmir, Tibet and "Kurdistan where human rights violations are also taking place? Can any state now bypass the UN Security Council and attack another state by invoking humanitarian considerations? There are some serious double standards, nay

dishonesty, in the American policy of humanitarian intervention.

(1) NATO cannot unilaterally invoke the 1948 Genocide Convention, the 1948 Universal Declaration of Human Rights, and other humanitarian laws, and proceed to attack independent states. Only the Security Council can do so which was deliberately bypassed by NATO knowing that Russia and China would veto such an attack.

(2) There was no humanitarian intervention by the US and the West when the Nigerian authorities crushed the Biafra separatist movement between 1967 and 1970 causing the deaths of one million Ibos, when Pakistani forces killed one million and drove out 10 million Bengalis during the East Pakistani secessionist struggle in 1971, when the Pol Pot regime killed one million Cambodians, to name just a few cases. In the latter two cases, the US condemned India and Vietnam for their military interventions and threatened military action against them. However, both India and Vietnam intervened AFTER the human catastrophes had taken place. On the other hand, NATO's rush to bomb CAUSED the human catastrophe in Kosovo, as did Western interventions earlier in Croatia and Bosnia by promoting and rushing to recognize Croatia and Bosnia as independent states against the wishes of the Serbian populations.

(3) Ethnic cleansing is not genocide. If it were, the Allied powers were guilty of genocide for endorsing the expulsion of some 12 million Germans from Poland, Czechoslovakia and elsewhere at the end of the Second World War, and surely European Jews committed genocide when it drove out nearly a million Palestinians to carve out the state of Israel in 1948. Many of those Palestinian refugees still remain more than 50 years later. What was definitely genocide was the European invasion of North America in earlier centuries and the near extermination of the native Indian population. There is a difference between driving populations out of a territory and of destroying them physically, although the Turkish expulsions of Armenians in 1914 led to their destruction and thereby their

extermination which the Turkish authorities knew would happen.

(4) There is now an ethnically pure Greater Croatia, something that the Nazis were unable to achieve for their Croatian fascist collaborators during the Second World War. At the end of the Bosnian and Croatian wars, almost 900,000 Serbian refugees have been ethnically cleansed from Croatia and the federation, 300,000 in Republika Srpska and 600,000 in Serbia. This is more than any other ethnic group, including Albanians, but not counting internally displaced people.. Croatia conducted the largest single ethnic cleansing of the war with American military support. Yet there have been no cries for NATO military action against Croatia, obviously because of American political and military complicity in these expulsions.

III. The Question of NATO Aggression and War Crimes

Russia, China and India assessed NATO actions correctly. NATO, the only alliance left after the Cold War, committed aggression on Serbia. This illegal act by NATO, bypassing the United Nations Security Council, was all about saving NATO's face at a very heavy physical, mental, economic and ecological price for the Serbs. Washington's determination to achieve military victory against Serbia at any price is a display of revenge, retaliation, fanaticism and megalomania; not reason, prudence, fairness and wisdom.

In Eugene Davidson's account of the Nuremberg Trials of 1945-46, Mr. Justice Jackson's clause on aggression defined the chief "Crime Against Peace" for which indictments against the Nazi political leaders were prepared: (a) Planning, preparation, initiation, or waging war of aggression, or war in violation of international treaties, agreements, or assurances; or (b) Participation in a Common Plan or Conspiracy for the accomplishment of any of the foregoing. An application of this definition to NATO's actions against Serbia shows criminal culpability that calls for its own.

Seven Major Items of Disinformation About Kosovo

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A War that is not a war. A War against one man. Not a War against a people with devastated properties, civilized infrastructure taken out, an ecological nightmare of the future from poisons released by relentless bombings. Not a War as destruction and killings from the skies rest on humanitarian grounds. A War with pilots full of compassion at 35,000 feet, "limiting ""collateral damage." A conflict in which ground-generated "collateral damage" in civil strife becomes always a one-sided "massacre." A War to enshrine a killing, murderous force as pillar of a novel Global Law in which War becomes antiseptic, almost an immaculate conception, as hi-tech hardware is tested for future applications. A harbinger of a future without mercy, without pity, incapable of compassion for the "designated targets." A future in which ordinary citizens become imbeciles to be manipulated through endless TV images, in the present case of Kosovo with footage of fleeing children with blond hair and blue eyes. The medium must not be allowed to be the only message, reified in bold colours and removed from its contextual realities To this end, the following text presents seven major disinformation items constantly repeated in the Western governments and media. Specific attributions are omitted due to their general nature.

D) "Since Milosevich took away Kosovo's autonomy, the "Kosovars" have lived under "brutal oppression." They have hence been "forced" into a war for "liberation."

A completely different story emerges from facts.

The Kosovo Albanians no longer paid Yugoslavia their taxes. Any government that does not impose and collect taxes from its citizens is automatically limited. All education below the university level has since been in the Albanian language, radically different from the Serbo-Croat. This further limits the Yugoslav state's control. Only at the University level the State contested the use of Albanian texts and language of instruction but not the study of Albanian history and society. The University was paid for and sustained by the Yugoslav tax payers with a very minor input from the Kosovo Albanians who used it as the only University the Albanians had anywhere. Tensions which existed before the lifting of full autonomy did not increase. On the contrary, the Kosovo Albanian leadership opted for moderation under the guidance of Ibrahim Rugova. It should be noted in passing that Belgrade has had about 60,000 Albanian residents who are still there. Some of them may well have been killed by NATO bombs and more may die and be maimed. Just about a year ago, a change took place at Kosovo and it was almost certainly induced by the Albanian nationalists in Albania and in the diaspora spanning Western Europe and northeastern United States. This change was implemented by members of the Adam and Hamza Jashiri clan. They ambushed and killed several Serb policemen in an effort to provoke reprisals and start a civil war to radicalize the Kosovo Albanians and complete what had been a gradual expulsion of local Serbs, lasting since after the Second World War. Adam and Hamza are the real founders of the "Kosovo Liberation Army," the K.L.A. which began as a run-of-the-mill terrorist grouplet. The Serb police surrounded the clan area at Prekaz, killing not only the two

caids but also women and children of the same clan in what would become a pattern. The K.L.A would invariably "merge" with non-fighting clan members and the ensuing reprisals would serve to radicalize Albanians everywhere and provoke initially wide sympathy for the "Kosovars." Inspired by the example of the Bosnian Muslims and their strong U.S. support, seconded by countries in which Islam is the national religion, the K.L.A. timing cannot be faulted. Members of the K.L.A. did not wear uniforms and could readily switch from civilian occupations to guerilla combat. This is why men of fighting age in mufti have been separated from the rest by all the co-belligerent of the wars inside the former Yugoslav space. To insure the radicalization of all the "Kosovars" the K.L.A also executed local men who refused to join it on demand while, increasingly, women, children and older men fled from the violence into the nearby woods, without leaving Kosovo itself. During a lull, many even returned to habitations only to flee again .

II) "The United States does not favour independence for Kosovo but strongly supports its return to the previous autonomy."

It did not take long for the Serbs to discover that other real purposes are behind this disclaimer. Invited to "negotiate" in France, without any contact with the Albanians themselves, the Serbs were simply given a polite ultimatum. Milosevich would either sign on the dotted line of another Dayton-like agreement or else NATO would destroy "his" war capabilities. The new agreement would "table" the shooting for three years. Thereafter, the Yugoslav Army would be out of Kosovo and the NATO troops would be in, commanded by a U.S. general. The "Kosovars" would then vote for the future status of Kosovo and there would be a Muslim state on the soil of Europe, under another U.S. protectorate. The plan was so transparent and revealing in its contempt for any

Serb claims to Kosovo that it gave a clear warning. If the Serbs are not willing to yield it peacefully, NATO would take Kosovo by force. This is why Belgrade broke off the non-negotiations and posted immediately two divisions into Kosovo. One can also advance an educated guess. The Albanian side was persuaded to sign so that NATO could actually bomb Serbia and provide the K.L.A. with its air force. Until this point, there was no "ethnic cleansing" as refugees from local violence -on both sides- fled only within Kosovo. As the expanded Yugoslav army began to move in a major way to eliminate the K.L.A altogether, the Clinton Administration ordered NATO to start bombing Serbia. It was this aggression on a sovereign state that led directly (*) the Serbs to expel the Albanian population out of Kosovo while absorbing increasingly relentless bombings and thus defeat the real purposes of the bombing campaign.

III) When the human and political catastrophe exploded all around, the Clinton Administration exculpated itself with the following declaration ; "the insertion of 40,000 soldiers from Serbia into Kosovo is aimed at "extending" the "ethnic cleansing " beyond the earlier scope."

After all the rhetoric is scraped away two glaring facts remain. First, there was no "ethnic cleansing" from Kosovo before the bombing raids, as noted above. The mass exodus of the Kosovo Albanians into contiguous states did not take place until the bombing of Serbia was well on the way. Counter-propaganda from Belgrade which holds that the "Kosovars " are fleeing NATO bombings is no better than the "explanation " that the Serbs simply escalated an ongoing "ethnic cleansing. " In any civil war civilians, mostly women and children, are almost always refugees from violence perpetrated by the warring sides. If there is no longer any doubt that the Serb riposte to the NATO bombings resides in an unexpected move to hold on to Kosovo at any cost,

logic alone would require a reassessment in Washington and the Western European capitals . Two wrongs do not make one right. No public relations hype can transform any longer NATO into a force for "humanitarian " missions. It has not made Kosovo safe for its ethnic Albanians. It is responsible for the miseries and pain inflicted on them as well as on the Serb people. The real architects of this catastrophic outcome reside in Washington, D.C. It is equally untrue that the Clinton Administration did not have a clue as to the unexpected. There was apparently a Central Intelligence Agency report which took it into account. This report was disregarded in the Clinton Cabinet as an accumulated desire to "punish the Serbs " spun out of control. Private groups in the U.S. and individual citizens also pleaded with the White House not to seek a military resolution of a far more complex political, social and economic problem. No one in the Cabinet listened to the "Serb apologists " in the U.S. Yet, the White House and its numerous foreign-policy advisers knew that the Serbs are a proud people for whom Kosovo, with its old monasteries and battlefield, represents a merger of the Alamo and Jerusalem. Instead, the deep strategists who surround Washington in search of sinecures ridiculed the Serbs for their "atavistic nationalism. "

IV) In addition to the "humanitarian mission " it has been said and restated ad nuseam that NATO "credibility is at stake. The "credibility " factor has "surfaced " many times before, usually when other arguments are not working too well.

There is hardly a literate person in the world who does not know that the U.S. alone could pulverize the globe in a matter of days , let alone bomb some lesser state and people into the Stone Age. But, the old American tradition to speak Softly and carry a Big Stick has been turned upside down and mutilated in the current White House. Its Cabinet members are talking ever harsher and using the Big Stick even at the

risk of producing results which are only to be feared. NATO was subtly transformed -without a discussed international revision of its Charter- from a defensive military adjunct into an aggressive instrument of interventionism without clear vision, a cure for impotent tantrums of the "we-must-do-something " men and women of influence where it counts. The transformation ran into an immediate problem. The Evil Empire was gone. The "new " NATO needed badly a new enemy , too minor to pose any serious threat to the U.S. and Western Europe yet "militarily interesting " enough. Thus, NATO could be unleashed to confirm its "credibility. " If the bombing of a sovereign state facing a civil war at home violated the NATO charter and sent International Law into prehistory, the power brokers in government and the media could not care less. One is forced to suspect that the U.S. is already declining, like the Roman Empire, as the Clinton Administration and its supporters in Congress and the media profess humanism so selectively that it becomes an obvious parlour-room catharsis. An Administration that places gruesome economic sanctions, which have already killed thousands of children in Iraq and in Serbia, cannot hold any moral ground. The only credo in Washington and, by extension, in NATO is that "Might makes Right. " It is reminiscent of the Third Reich, with a caricature of the caricature that the late Stanley Kubrick created in Dr. Strangelove.

V) It is almost a banality to hear that the U.S. "is not at war with the Serbian people, " and that it only seeks to obtain a "signature " from "Milosevich. " The record of the past eight years is long and shows the very opposite of this Big Lie.

In the dismemberment of Tito's Yugoslavia (also known as "second Yugoslavia ") the U.S. has supported everyone's right to self-determination and self-defence. Everyone was included except the Serbs. They became invisible as a people despite all the miseries, victims dead and alive, with

over a million of their own refugees. Instead of supporting the attempt to prevent the disintegration of Yugoslavia and avoid the subsequent tragedies, the Clinton Administration threw its weight behind the sons of rabid anti-Serb nationalists in Croatia and Bosnia. It is again supporting an anti-Serb guerilla at Kosovo both with its air power and intense anti-Serb propaganda, merely using " Milosevich " as an abbreviation. Any act against the K.L.A. at Kosovo becomes a "barbarism. " In August of 1995, the Clinton Administration took part both indirectly and directly in the "ethnic cleansing " of some 200,000 Serbs from Krajina, carried out by the U.S. trained Croatian army. Until Kosovo, it was the greatest single human tragedy in all of the civil strife in "old Yugoslavia." This event was taken out of the media within a couple of days.

Back in Lisbon, in 1992, a viable and sustainable peace treaty was hammered out by Lord David Owen and Cyrus Vance. It was accepted by the Serbs, Croats and the Bosnian Muslims. The Clinton Administration killed it through its Ambassador to Yugoslavia. The reason given was that the "United States would not reward "Serb aggression." "

The truth is that the treaty reduced legitimate Serb land holdings in Bosnia from 65 to 43 percent. There simply was no question of any "reward " for the Serb side. The increasing demonization of Milosevich reappears because he is not "delivering " Kosovo as he "delivered " Bosnia and Krajina beforehand. After Dayton, he became "the man " to deal with. The Clinton Administration assumed that a government of "unruly Serb parties " would pose greater difficulties for the U.S. plans regarding the BALKANS. This is why Washington did not lift a finger to help some 100,000 Serbs marching peacefully through the streets of Belgrade for some three months to protest a stolen election. What the Clinton Administration does not seem to comprehend is that Milosevich cannot deliver Kosovo without signing his own death warrant. No Serbian government of any hue could

make such a delivery. It is not a matter of political regime but of national patrimony. Support for the Albanian secessionists at Kosovo has been and is a war against the Serbian people whose current leader happens to be Milosevich. The plain fact is that the Clinton Administration has driven itself into an oxymoron to be resolved with ever-greater punishment of the Serbs. It does not seem capable of grasping that precisely this punishment, accompanied by floods of Kosovo Albanian refugees, at great expense to the American people, will create a long-lasting and probably most dangerous anti-Americanism around the globe.

VI) Disinformation is rampant in the West and especially the U.S. Uniformly, the Serbs are depicted as neo-Nazi "butchers, " the "Kosovars " as the sole "victims, " and the Clinton Administration as the "champion of Twentieth-century humanism."

An endless barrage of TV images showing the refugee flood out of Kosovo makes the K.L.A. inexistent. In one recent "report " it was claimed that Serb tanks have surrounded a large number of fleeing Kosovars and are firing at them, point-blank. The report was later amended , revealing that K.L.A units were surrounded by Serb armour but it was psychologically too late to make an effective correction. No one has mastered the art of wartime smear better than the CNN reporter Amanpour. She recently depicted men "with slashed throats and others hanging from trees. " The source ? A single Albanian man. Even if one grants credence in this case, the civilian garb of the dead men does not prove that they have not been soldiers of the K.L.A. killed in a fight with the Serb troops. Could they have been Serb civilians killed by the K.L.A. ? Or, yet, Albanians killed by the K.L.A. as they did not wish to be pushed into the civil war fighting. Old clan rivalities also exist at Kosovo as they do in Albania and settlements have often been violent. Such questions need to be asked also of another recent report by the CBS showing a TV tape taken by an Albanian and delivered to a

British TV crew. The images showed men in mufti lying dead on the ground and were meant as incontrovertible "proof" of Serb atrocities. It is not difficult to perceive that the American media and the Clinton Administration are manipulating the American people to "set them up" for a much greater military effort at Kosovo, even with American troops. By now, Kosovo equals the 'killing fields' of Asia with the Serbs as the Khmer Rouge inflicting "genocide" on the "innocent Albanians."

VII) The seventh disinformation involves the "National Interest and what represents "success."

The terms in reality mask an aggression against another state and its people without the declaration of war, which would have to be approved by Congress. It is an aggression from the air topped only by the Allied bombings of Germany in World War II. "Success" is now measured through the sheer destruction on the ground of inanimate objects, as if no human casualties are ever involved, except by "accident" or regrettable "error." "Success" is further measured in the numbers of sorties, firings, missiles and bombs exploded as if humanity did not exist on the ground, as if it threatened the National Interest. A catastrophic foreign policy is actually defended with bogus claims of a National Interest predicated on "Human Rights". Yet, the means - killings and destruction - hardly match the ends. There is also the old "domino theory" which cost over 40,000 American lives without "winning" the war. "If we do not act now it will cost us more later." "We do have an army, why not use it." "Hesitation in the Balkans is license to kill." Thus spoke the Secretary of State Madeleine Albright. But, the conflict has spread in an unexpected way, with more to come, because she and her Cabinet colleagues created a Problem to fit the New NATO but one that NATO cannot fix. A real and powerful army does not have to be used. As NATO keeps destroying Serbia there is no hesitation any longer but NATO has abrogated for itself the license to kill. The

Clinton Administration does not wish to see a "destabilized Europe. "How is this avoided through bombings and refugees who are already beginning to destabilize some states contiguous to Kosovo ? With the K.L.A. attracting Muslim fighters from abroad. How will fare the European stability with a Muslim state on the soil of Europe ? The K.L.A. *caids* are determined to create a Greater Albania. As the U.S. sides with them it is also "sending a message " to other nationalists in secessionist moods. When the total bill comes to the American people, with ominous consequences, the practitioners of the present foreign policy will be retired on comfortable pensions, writing their self-justificatory memoirs and accountable to no one.

* See **How President, Distracted by Scandal, Entered Balkan War**, *The New York Times*, April 18, 1999, page 1. Belgrade had already sensed that U.S. support for Kosov's "Autonomy" was a semantic sham. It had decided **then** to block the road to Independence through a swift and massive military defeat of the K.L.A. Sometime between 21st February, 14th March, and the Serbe walk-out, Rambouillet altered this plan. More than any other single factor, Madeleine Albright's personal bullying of the Serb delegation, persuaded Belgrade that Serbia would be bombed by NATO sooner or later. How to get rid of the K.L.A., and present the Western European states in NATO as well as the U.S. with the very results they wished to avoid? Western Europe did not wish to absorb any more of the Albanian refugees. The U.S. wanted to prevent a "humanitarian disaster." The answer was to pay back for the bombing of Serbia by the expulsion of women, children and elderly "Kosovars" **from** Kosovo thus leaving only the K.L.A. men to face the Yugoslav 3rd Army and almost certain defeat. The two unwanted results are the direct consequence of Rambouillet coupled with the punitive bombing of Serbia. No one in NATO and its member states believed that the Serbs are capable of exacting a heavy price for attempts to punish them.

NATO's Humanitarian Trigger

By Diana Johnstone

From James Rubin to Christiane Amanpour, the broad range of government and media opinion is totally united in demanding that NATO bomb Serbia. This is necessary, we are told, in order to “avert a humanitarian catastrophe”, and because, “the only language Milosevic understands is force”... which happens to be the language the U.S. wants to speak. Kosovo is presented as the problem, and NATO as the solution. In reality, NATO is the problem, and Kosovo is the solution.

After the collapse of the Soviet Union, NATO needed a new excuse for pumping resources into the military-industrial complex. Thanks to Kosovo, NATO can celebrate its 50th anniversary next month by consecration of its new global mission: to intervene anywhere in the world on humanitarian grounds. The recipe is easy: arm a group of radical secessionists to shoot policemen, describe the inevitable police retaliation as “ethnic cleansing”, promise the rebels that NATO will bomb their enemy if the fighting goes on, and then interpret the resulting mayhem as a challenge to NATO’s “resolve” which must be met by military action.

Thanks to Kosovo, national sovereignty will be a thing of the past — not of course for Great Powers like the U.S. and China, but for weaker States that really need it. National boundaries will be no obstacle to NATO intervention.

Thanks to Kosovo, the U.S. can control eventual Caspian oil pipeline routes between the Black Sea and the

Adriatic, and extend the European influence of favored ally Turkey.

Last February 23, James Hooper, executive director of the Balkan Action Council, one of the many think tanks that have sprung up to justify the ongoing transformation of former Yugoslavia into NATO protectorates, gave a speech at the Holocaust Museum in Washington at the invitation of its "Committee of Conscience". The first item on his list of "things to do next" was this: "Accept that the Balkans are a region of strategic interest for the United States, the new Berlin if you will, the testing ground for NATO's resolve and US leadership. [...] The administration should level with the American people and tell them that we are likely to be in the Balkans militarily indefinitely, at least until there is a democratic government in Belgrade."

In the Middle Ages, the Crusaders launched their conquests from the Church pulpits. Today, NATO does so in the Holocaust Museum. War must be sacred.

This sacralization has been largely facilitated by a post-communist left which has taken refuge in moralism and identity politics to the exclusion of any analysis of the economic and geopolitical factors that continue to determine the macropolicies shaping the world.

Jean-Christophe Rufin, former vice president of "Doctors Without Borders" recently pointed to the responsibility of humanitarian non-governmental organizations in justifying military intervention. "They were the first to deplore the passivity of the political response to dramatic events in the Balkans or Africa. Now they have got what they wanted, or so it seems. For in practice, rubbing elbows with NATO could turn out to be extremely dangerous."

Already the call for United Nations soldiers to intervene on humanitarian missions raised suspicions in the Third World that "the humanitarians could be the Trojan horse of a new armed imperialism", Rufin wrote in "Le Monde". But NATO is something else.

"With NATO, everything has changed. Here we are dealing with a purely military, operational alliance, de-

signed to respond to a threat, that is to an enemy”, wrote Rufin. “NATO defines an enemy, threatens it, then eventually strikes and destroys it.

“Setting such a machine in motion requires a detonator. Today it is no longer military. Nor is it political. The evidence is before us: NATO’s trigger, today, is... humanitarian. It takes blood, a massacre, something that will outrage public opinion so that it will welcome a violent reaction.”

The consequence, he concluded, is that “the civilian populations have never been so potentially threatened as in Kosovo today. Why? Because those potential victims are the key to international reaction. Let’s be clear: the West wants dead bodies. [...] We are waiting for them in Kosovo. We’ll get them.” Who will kill them is a mystery but previous incidents suggest that “the threat comes from all sides.”

In the middle of conflict as in Kosovo, massacres can easily be perpetrated... or “arranged”. There are always television crews looking precisely for that “top story”.

Recently, Croatian officers have admitted that in 1993 they themselves staged a “Serbian bombing” of the Croatian coastal city of Sibenik for the benefit of Croatian television crews. The former Commander of the 113th Croatian brigade headquarters, Davo Skugor, reacted indignantly. “Why so much fuss?” he complained. “There is no city in Croatia in which such tactical tricks were not used. After all, they are an integral part of strategic planning. That’s only one in a series of stratagems we’ve resorted to during the war.”

The fact remains that there really is a very serious Kosovo problem. It has existed for well over a century, habitually exacerbated by outside powers (the Ottoman Empire, the Habsburg Empire, the Axis powers during World War II). The Serbs are essentially a modernized peasant people, who having liberated themselves from arbitrary Turkish Ottoman oppression in the 19th century, are at-

tached to modern state institutions. In contrast, the Albanians in the northern mountains of Albania and Kosovo have never really accepted any law, political or religious, over their own unwritten "Kanun" based on patriarchal obedience to vows, family honor, elaborate obligations, all of which are enforced not by any government but by male family and clan chiefs protecting their honor, eventually in the practice of blood feuds and revenge.

The basic problem of Kosovo is the difficult coexistence on one territory of ethnic communities radically separated by customs, language and historical self-identification. From a humanistic viewpoint, this problem is more fundamental than the problem of State boundaries.

Mutual hatred and fear is the fundamental human catastrophe in Kosovo. It has been going on for a long time. It has got much worse in recent years. Why?

Two factors stand out as paradoxically responsible for this worsening — paradoxically, because presented to the world as factors which should have improved the situation.

1 - The first is the establishment in the autonomous Kosovo of the 1970s and 1980s of separate Albanian cultural institutions, notably the Albanian language faculties in Pristina University. This cultural autonomy, demanded by ethnic Albanian leaders, turned out to be a step not to reconciliation between communities but to their total separation. Drawing on a relatively modest store of past scholarship, largely originating in Austria, Germany or Enver Hoxha's Albania, studies in Albanian history and literature amounted above all to glorifications of Albanian identity. Rather than developing the critical spirit, they developed narrow ethnocentricity. Graduates in these fields were prepared above all for the career of nationalist political leader, and it is striking the number of literati among Kosovo Albanian secessionist leaders. Extreme cultural autonomy has created two populations with no common language.

In retrospect, what should have been done was to combine Serbian and Albanian studies, requiring both languages, and developing original comparative studies of

history and literature. This would have subjected both Serbian and Albanian national myths to the scrutiny of the other, and worked to correct the nationalist bias in both. Bilingual comparative studies could and should have been a way toward mutual understanding as well as an enrichment of universal culture. Instead, culture in the service of identity politics leads to mutual ignorance and contempt.

The lesson of this grave error should be a warning elsewhere, starting in Macedonia, where Albanian nationalists are clamoring to repeat the Pristina experience in Tetova. Other countries with mixed ethnic populations should take note.

2. The second factor has been the support from foreign powers, especially the United States, to the Albanian nationalist cause in Kosovo. By uncritically accepting the version of the tangled Kosovo situation presented by the Albanian lobby, American politicians have greatly exacerbated the conflict by encouraging the armed Albanian rebels and pushing the Serbian authorities into extreme efforts to wipe them out.

The “Kosovo Liberation Army” (UCK) has nothing to lose by provoking deadly clashes, once it is clear that the number of dead and the number of refugees will add to the balance of the “humanitarian catastrophe” that can bring NATO and U.S. air power into the conflict on the Albanian side.

The Serbs have nothing to gain by restraint, once it is clear that they will be blamed anyway for whatever happens.

By identifying the Albanians as “victims” per se, and the Serbs as the villains, the United States and its allies have made any fair and reasonable political situation virtually impossible. The Clinton administration in particular builds its policy on the assumption that what the Kosovar Albanians — including the UCK — really want is “democracy”, American style. In fact, what they want is power over a particular territory, and among the Albanian nationalists, there is a bitter power struggle going on over who will

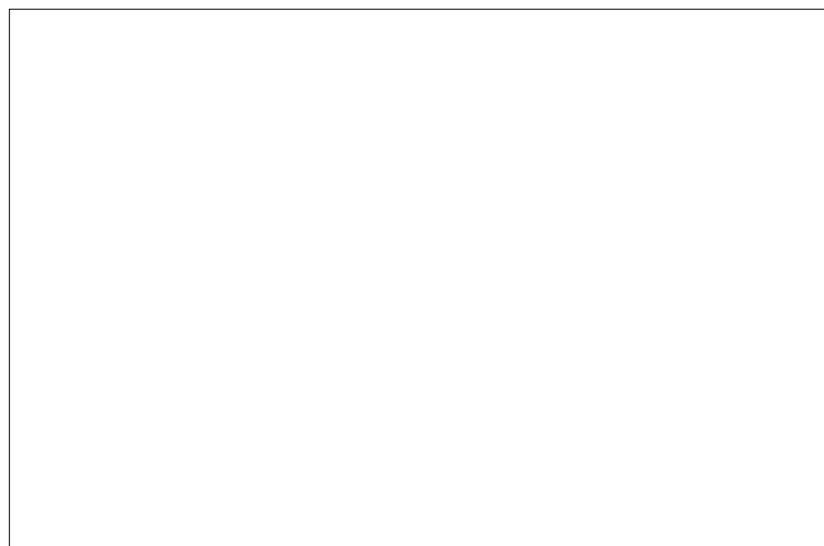
exercise that power.

Thus an American myth of “U.S.-style democracy and free market economy will solve everything” is added to the Serbian and Albanian myths to form a fictional screen making reality almost impossible to discern, much less improve. Underlying the American myth are Brzezinski-style geostrategic designs on potential pipeline routes to Caspian oil and methodology for expanding NATO as an instrument to ensure U.S. hegemony over the Eurasian land mass.

Supposing by some miracle the world suddenly turned upside down, and there were outside powers who really cared about the fate of Kosovo and its inhabitants, one could suggest the following:

- 1 - stop one-sided demonization of the Serbs, recognize the genuine qualities, faults and fears on all sides, and work to promote understanding rather than hatred;
- 2 - stop arming and encouraging rebel groups;
- 3 - allow genuine mediation by parties with no geostrategic or political interests at stake in the region.

Paris, 23 March 1999



Rambouillet Agreement Explained

**Dr. Jan Oberg
(Prepared by Diana Johnstone)**

Press Info # 57
CIVILIAN KOSOVO AGREEMENT
March 17, 1999

“Read the so-called Kosovo Peace Agreement being discussed these very hours in Paris and you are in for a few surprises,” says TFF director Dr. Jan Oberg. “I do not think that any recognised, sovereign state would accept all the CIVILIAN provisions and the MILITARY implementation on its territory of a plan like this. No state likes to receive “sign or be bombed” ultimatums, particularly not when the said plan implies the de facto end of its status as a sovereign state with territorial integrity.

The standard story with CNN, BBC, and leading papers conveys the impression that the Serbs are just stubborn and stall the peace negotiations, whereas the Albanian side is co-operative, as evidenced by a letter from their delegation leader of March 15. Yugoslavia deserves punishment while Albanians are praised for their “courage to compromise for peace.” That’s virtual reality and virtual truth. Real reality is way more complicated,” says Oberg.

“You must have noticed that no one has raised the simple question: Could there be some REASONS why Serbs say no and Albanians indicate that they will say yes? Ask yourself why media and diplomats discuss the game and the blame, not the substance. Did YOU know,” asks Jan Oberg, “that the document on the table, among other things, decides that:

* the self-governing Kosovo can influence Yugoslav

politics while the authorities of FRY, the Federal Republic of Yugoslavia, are barred from influencing Kosovo's internal affairs? The Constitution and laws of Kosovo can not be modified by FRY or by Serbia while Kosovo citizens shall be elected to the Federal and Republican assemblies and governments and to its courts;

- * there is no definition of the term "national communities" - used throughout the document as a basic category - but talks about their "fair representation" and their "additional rights."

- * the Agreement prevails over any other legislation, i.e. of that of FRY?

- * there shall be equal rights and equal access to employment in public services but does not stipulate what that means for the 10-20 per cent of the people in the province who are NOT Albanians;

- * the Implementation Mission, IM, shall have its own radio and television in Kosovo;

- * FRY is prevented from prosecuting crimes related to the conflict and holds that past political and resistance activities shall not be a bar to holding office in Kosovo;

- * the decisions of the Kosovo Supreme Court shall be executed by all FRY authorities;

- * the communal boundaries can be changed - which, in its consequences, will permit gerrymandering to create majority compacts;

- * OSCE will supervise an election program in consultation with the Parties; FRY is not considered capable of holding elections;

- * the Chief of the OSCE/EU Implementation Mission, CIM, has the authority to issue binding directives to the Parties on all important matters he sees fit; like in Bosnia he can dismiss public security personnel and he can remove and appoint officials and curtail existing institutions - meaning he can overrule election results; there is no mention of FRY veto in any area; * Kosovo shall function as a free market economy, as laid down in its "constitution;"

* FRY shall give Kosovo an equitable share of benefits derived from international transactions while the economic resources and profits of the province shall be reallocated with “the distribution of powers and responsibilities set forth in this agreement.” This hardly clarifies what to do with the province’s considerable natural resources and industrial facilities;

* substantial economic aid and a donor’s conference shall be arranged while there is no mention of help to normalise the Yugoslav economy, suspend sanctions or otherwise help the 650.000 refugees in FRY, the largest number in Europe;

* three years ahead an international meeting shall be convened “to determine a mechanism for a final settlement for Kosovo, on the basis of the will of the people, opinions of the relevant authorities” etc. It does not state who shall convene this meeting; the Contact Group could have changed or been dissolved or replaced by then. Why is the word “referendum” not used? If 85 per cent of Kosovo’s citizens are Albanians, one may guess that the will of the people means an independent Kosova. The Serbs in Kosovo and FRY of course know this, and the document states nothing about such conditions, e.g. that an independent Kosova can not unite with Albania.

* Finally, the civilian parts of the document lacks every reference to civilian peace-keeping, trust-building, civil society-based reconciliation, conflict-resolution training, support for NGOs, peace education or human rights training etc. So the chances that Albanians, Serbs and other citizens should begin to build trust and learn to live peacefully side by side during these three years is nil.

Concerning these - civilian - provisions, Jan Oberg summarises:

“There are two types of semantic tricks in this text: One is that the sovereign, recognised state of Yugoslavia is treated in terms of language and provisions on an equal footing with the Albanian self-proclaimed, non-recognized Kosova and its military unit, the Kosovo Liberation Army,

KLA. But this is a legal document, so it implies that - in practical terms - 70-80 per cent of the provisions and requirements are directed at the FRY, not at Kosova, since only the former has the institutions, legal means and enforcement capacity to comply. So, in most cases when the document states what "the Parties" shall do, it applies actually only to the FRY.

The second is that the document repeatedly states respect for FRY's sovereignty and integrity while grossly interfering with it in two ways: a) by establishing clearly asymmetric relations of influence and obligations between FRY and the self-governing Kosovo, and b) by making the Civilian Chief of Implementation Mission, CIM, the de facto ruler of the province, modelled upon the Dayton Accords and its Office of the High Representative.

This document is freely available on the Internet. It is the February 23 version that none of the parties would sign at the time in Rambouillet. Why are these provisions not analysed? Why do we not have a qualified debate about whether or not this is a fair, trust- and peace-building settlement? Why only the focus on the game and NOT on the problems and issues? This is not a sports event, what is at stake is the lives of around 10 million people and future generations. So, what is the role of media and intellectuals if not to look into these matters?

According to my best judgment NO state in the West - least of all those of the Contact Group - would even consider granting self-government along these lines or being bullied into it by military threats and a military implementation," says Dr. Oberg who has worked with TFF mitigation-team in this conflict region since 1992. He concludes:

"Chapter 7, the Military Implementation of the Agreement, is most interesting. We are happy to provide you with insights into that, too. Did you know, for instance, that the Agreement does NOT mention the word KLA?"

That it makes NATO the highest military authority on that territory of sovereign Yugoslavia? That FRY is barred from defining its border defence, and that KLA's demilita-

risation is not defined in the agreement? More about that in TFF PressInfo 58.”

P r e s s I n f o # 58

THE MILITARY KOSOVO AGREEMENT

March 18, 1999

“The military provisions in the Kosovo Agreement on the table in Paris have nothing to do with peacekeeping. Neither the civilian nor the military provisions will help bring about peace among Serbs and Albanians.

It will further antagonize the 10 million citizens of Yugoslavia and the international community. There is simply nothing in it for the Yugoslavs and that’s why I am deeply afraid that we are likely to see something very bad happen very soon. This whole affair has nothing to do with violence prevention, the appropriate term would be: peace-prevention.

Leading media, commentators, scholars and diplomats join in condemning the Yugoslav side in the Paris talks on Kosovo and thus legitimate subsequent NATO bombing and de facto NATO control over the territory. Who can be so ungrateful, stubborn or scoundrelly to refuse an offer of peace? However, no one asks: what does the Kosovo Agreement in Paris, the “peace” plan, actually contain?”

“I don’t think this is necessarily deliberate,” says Dr. Jan Oberg, head of TFF’s conflict-mitigation team in ex-Yugoslavia since 1991.

“Rather, it proves that professional knowledge about conflict-resolution, negotiation, mediation and peace politics in general is virtually non-existing in the international discourse and media.

When someone presents an economic plan, econo-

mists can discuss its pros and cons. When a document is presented as a “peace” plan, everyone takes it for granted as such without even asking: What’s in it? What are the weak and the strong aspects? Why seems one side to say yes and the other no? Will its implementation help the parties to live in peace? What kind of peace, if any?

“I have studied the early versions of the Agreement and the version of February 23. The document has undergone remarkable changes over time. My hypothesis is simple: this document has been adapted to be acceptable to the Albanian delegates to such an extent that the Yugoslav side - ready to accept the political parts at an earlier stage - now find the changed document unacceptable both in terms of political and military aspects. Why this change? Because worst case for the international community would be Yugoslavia saying yes and the Albanians saying no.

“Did your media tell you that the document does not even mention KLA, the Kosovo (Albanian) Liberation Army? It is called “Other Forces” throughout the Agreement. You may wonder how parties can be held accountable if they are not mentioned by name or actor in the document. Worse, could it be that there is a KLA, or a fraction of it, that is not represented at Paris and will NOT feel bound by this document?”

Jan Oberg is puzzled: “As you will see below, the text gives plenty of arguments for FRY President Milosevic to say no thanks, and for Yugoslavia to mobilize and feel threatened, humiliated, isolated and misunderstood. It will weld together everybody in Yugoslavia behind President Milosevic policies - which is the opposite of what the international community says it wants. However, could it be that Milosevic anyhow says yes, last minute? In spite of his mastery of brinkmanship, I don’t find that likely anymore. If however he does, he will sell that move to the people by saying that that was needed to save the country from being bombed and then keep most of the provisions of the Agreement secret or reinterpret them via loyal media for the vast majority of citizens in Yugoslavia.

“You see, no state wants to have foreign masters and sign a blind date,” says TFF’s director. “If the international wanted Yugoslavia to say yes, why is the maximum NATO presence in the sovereign state of Yugoslavia not mentioned? Why is the 25.000 to 30.000 troops circulating in the media?

What is this figure based on? It’s way more than is necessary to secure the implementation of this Agreement IF signed by both sides in good faith. In Eastern Slavonia, the United Nations robust military forces of 5.000 disarmed some 17.000 Serb regular troops as well as Serb and Croatian paramilitaries.

“So, either 30.000 NATO troops + 10.000 in Macedonia and some 300 fighter planes around the country is a) a show of force before NATO’s 50th Anniversary, b) a fighting force to secure occupation of Kosovo if Yugoslavia says no, or c) a force that is aimed, sooner or later, to move into other trouble spots such as the Voivodina province and Sanzak, leading to the de facto dissolution of present Yugoslavia.”

Here follows some examples of what I see as highly problematic provisions in the February 23 Agreement text:

* In the document NATO is welcomed by the Parties to help ensure compliance by establishing a force - KFOR - which may be composed of ground, air, and maritime units from NATO and non-NATO countries; neither the maximum number nor the countries is specified; KFOR is headed by a Commander, COMKFOR, and is subject to the direction and political control of the North Atlantic Council.

* The UN plays no role except that the Security Council is “invited” to pass a resolution endorsing the Agreement - which can be seen as a gross humiliation of the classical peacekeeper with much longer experience and a highly successful mission in neighbouring Macedonia.

* NATO shall control the use of airspace over Kosovo.

* All aircraft, radars, surface-to-air missiles and anti-aircraft artillery in Kosovo shall be relocated immediately to Serbia proper; as KLA does not possess aircraft this

provision is aimed to prevent Yugoslavia from threatening NATO forces.

* A 5 kilometer Border Zone shall be set up around Kosovo including with the rest of FRY and the border marked on the ground; apart from border guards there shall be no soldiers on the border.

* Within 180 days "offensive" forces of the Federal Republic of Yugoslavia, FRY, shall be completely withdrawn to other locations in Serbia; the Border Guard is limited to 1500 members and up to 1000 C2 and logistics forces in predetermined cantonment sites. COMKFOR can require further reductions. This means that Yugoslavia can no longer decide for itself how it will defend the Kosovo part of the border around its territory. A maximum of 2500 Ministry of Interior forces shall be disarmed to have only civil police functions.

* Conspicuously, the Agreement holds no provisions as to prevent or reduce military activity in neighbouring countries such as Macedonia or Albania from where the KLA has operated, trained and received its supplies.

* Throughout the document there is no mention of KLA, the Kosovo (Albanian) Liberation Army. It comes under the designation "Other Forces." You may wonder how parties can be held accountable if they are not mentioned by name or actor in the document. Worse, could it be that there is a KLA, or a fraction of it, that is not represented at Paris and will NOT feel bound by this document?

* While there is a very substantial demilitarization of the Yugoslav forces, the KLA, or 'Other Forces,' must at the entry into force of the Agreement "PUBLICLY COMMIT THEMSELVES to demilitarize ON TERMS TO BE DETERMINED by COMKFOR, renounce violence, guarantee security of international personnel, and respect the international borders of FRY." (Our emphasis). In other words, the real commitment of the Albanian side comes AFTER the signature in Paris and what they shall demilitarize and how is a matter between them and the COMKFOR, later.

* It is true that, by signing, they commit themselves to

refrain from hostile action and to complete demilitarization; 30 days after the agreement has entered into force all prohibited weapons shall be stored and they shall stop wearing uniforms. But the difference between demilitarization procedures for the two sides leaves the FRY without what it may reasonably require in terms of guarantees - whereas the Albanian side can be completely safe with the provisions for FRY demilitarization.

* It is emphasized twice: "COMKFOR WILL (our emphasis, in the future, that is) establish procedures for demilitarization and monitoring of Other Forces in Kosovo and for the further regulation of their activities..." Why are the exact procedures not stated in the document?

* While FRY forces and weapons shall be taken out of Kosovo, there is no mention that KLA/Other Forces weapons shall be taken out of the region to where at least some of it may have come from. KLA weapons will be brought to and registered in storage sites on the territory. Only Other Forces personnel 'not of local origin' shall be withdrawn.

* It is characteristic of the KLA that it is a military force and a structure of armed civilians; many Serb civilians have weapons, too. This problem is not addressed in the document which only mentions formal military Forces. Thus, localized violence and terrorist actions - so typical for the region - is outside the scope of the Agreement.

Article VIII of Chapter 7 deals with the Operations and Authority of the KFOR - mind you operating under strict respect for FRY sovereignty and territorial integrity:

* KFOR will "operate without hindrance" and can take "all necessary steps" to ensure compliance by the Parties. Nothing is said about what defines NECESSARY steps and force. That is decided solely by NATO and its commanders.

* FRY, again, has no say over this force on its territory but must accept "that further directives from the North Atlantic Council may establish additional duties and responsibilities for the KFOR in implementing the Agreement." In other words, if the "international community" agrees to expand the authority and military power of NATO,

no one can prevent it from doing so.

* "COMKFOR shall have the authority, without interference or permission of any Party, to do ALL (our emphasis) he judges necessary and proper, including the use of military force, to protect KFOR..." Likewise, he can order or bring about the cessation of any activity he judges to constitute a threat or potential threat to KFOR or any Party.

* NATO's commander furthermore has the sole authority to control the airspace over Kosovo and the airspace within 25 kilometers outward from the boundary of Kosovo with others parts of FRY.

* A Joint Military Commission is set up with Parties "to address any military complaints, questions, or problems that require resolution by the COMKFOR" - that is, not by common decision-making.

* To be sure, when disputes about the interpretation of the Agreement arise, "the KFOR Commander is the final authority in theater" - as is the Chief of Implementation Mission on the civilian side.

* When the document refers to "NATO" it can mean all kinds of forces "whether or not they are from a NATO member country and whether or not they are under NATO or national command and control." For the host country this is not exactly ideal; it's rather a blind date not knowing who is your host or how many "guests" will arrive.

* As to the behaviour or performance of the international military forces: according to the Agreement they are not liable for any damages to public or private property that they may cause in the course of duties; NATO shall be immune from ALL legal process and "under all circumstances and at all times, shall be immune from the Parties jurisdiction." They are ensured free and unrestricted passage and unimpeded access throughout the FRY including airspace and territorial waters."

* In contrast to the UN elsewhere, NATO shall not pay anything to the host country. It is exempt from duties and taxes and shall pay no charges for navigation, landing etc. The Parties shall provide, free of costs, such public facili-

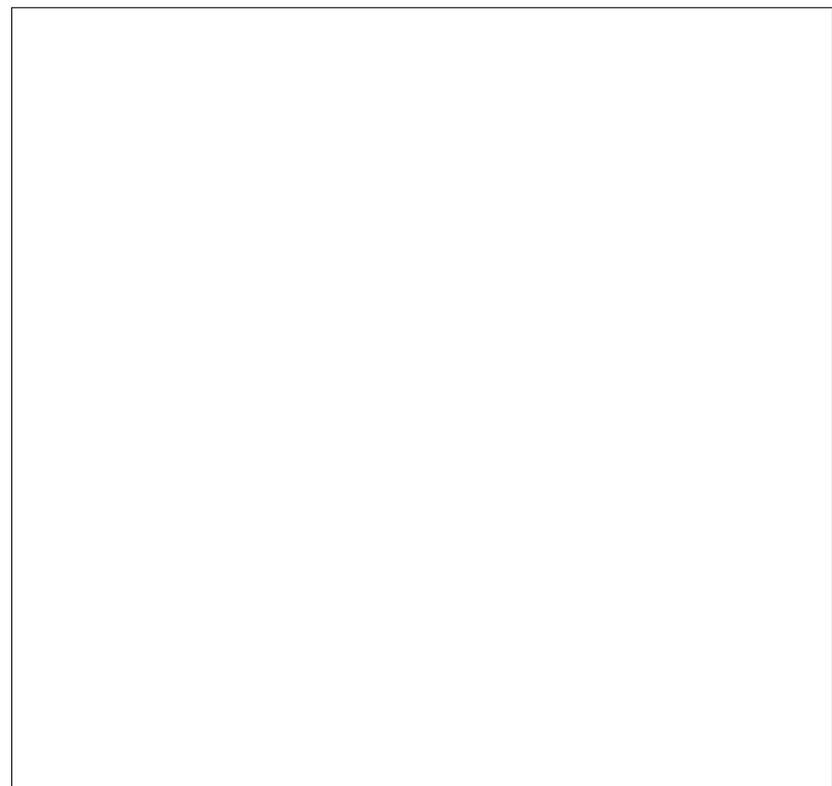


ties as NATO shall require to prepare for and execute the operation.

* Finally, who is supposed to sign this Agreement? A representative for the FRY, for Serbia and “for Kosovo.” Given the composition around the table this means that only civilian and military representatives of the Albanians in Kosovo - and no other communities in that province - will sign this agreement about their future.

Go to <http://www.transnational.org>, “Highlight” or “Links” to find the Kosovo Interim Agreement.

FROM: Transnational Foundation TFF, INTERNET:tff@transnational.org TO: TFF PressInfo #58, INTERNET:tff@transnational.org DATE: 18/03/99 17:53
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Bombings - Incompatible with Humanitarian Concerns

Dr. Jan Oberg on bombing of Yugoslavia

(Prepared by Diana Johnstone)

“NATO’s unwise, counterproductive and non-legal bombing of sovereign Yugoslavia is justified by President Bill Clinton, EU and other Western leaders and media with reference to humanitarian concerns. Supposedly air strikes serve to stop ethnic cleansing, future massacres, refugee flows, and prevent innocent children and women from being killed. Diplomatically expressed, this comes from the marketing department. Bombings will not produce what it purports to prevent,” says Dr. Jan Oberg, TFF’s director, right after the bombing campaign has started. According to Oberg, this argument lacks credibility for the following reasons:

NO VIOLENCE-PREVENTION

Why did the West do absolutely nothing before this crisis became violent? There were many opportunities for a negotiated solutions. TFF, for instance, has suggested a variety of options since 1992 that could have prevented violence and the killing we’ve seen the last year. In no other conflict has there been so many early warnings and so little preventive diplomacy. Kosovo’s catastrophe was among the most predictable of all. It is intellectual nonsense that ‘everything else has been tried and NATO bombings was the only option left.’

HUMANITARIAN WORK MADE IMPOSSIBLE BY NATO

THREATS

The immediate consequence of the threats of NATO air strikes is that OSCE's Verification mission had to be withdrawn and that almost all humanitarian organizations withdrew to protect their staff. More refugees are now running over the border to Macedonia. With fewer ears and eyes on the ground, its free for all sides - NATO included - to step up the killing.

THIS WILL MAKE SERBS AND ALBANIANS HATE EACH OTHER (MORE)

NATO bombings will be perceived as a punishment of Serbs and a clear support to Albanian hardliners. Serbs will feel that it was the Albanian side that called this hell upon them. Thus, the little hope we may have had about Serbs and Albanians living peaceful together or as trustful neighbours in the foreseeable future, is now gone. Producing hate is the opposite of a humanitarian effort.

MANY MORE DIE IN OTHER CONFLICTS, WITHOUT HUMANITARIAN CONCERNS

The Kosovo war has caused the death of about 2.000 people during the last year. This is serious, every human life is sacred. However, the international community has chosen NOT to intervene in the following when: 80.000 have been killed in Algeria; perhaps 10.000 in the Ethiopian-Eritrean war the last couple of weeks; 820,000 in Rwanda the last five years; 1.500,000 in Sudan the last 15 years; more than 1 million people have died because of the Western sanctions against the Iraqi people; perhaps as many as 500,000 have died in Burma since 1948.

THE WORLD'S REAL HUMANITARIAN PROBLEMS

ARE NOT ADDRESSED

An estimated 100.000 people's die PER DAY, around the world - not in wars but because they lack the most basic such as water, clothes, shelter, food, medicine. 100 mill people have no home; there are already some 40 million refugees; 70 Third World countries have lower standards of living today than 30 years ago; at least 800 million people go hungry to bed. In money terms, a fraction of the world's military expenditures could alleviate most of that suffering.

THERE IS ALWAYS MONEY FOR WEAPONS BUT NOT FOR HUMAN BEINGS

The world's military expenditures - NATO making up most of it - equals the combined income of the 50% poorest of the world's population. Pentagon alone spends 20 times more than the entire budget of the United Nations. And the UN - the world's most important humanitarian organization - is completely ignored in the Kosovo conflict and, these very days, forced out of Macedonia. When will the media begin to ask what this type of 'peace'-making costs - and what we could do in terms of real relief and peace for a similar sum?

THERE HAVE LONG BEEN LARGER HUMANITARIAN PROBLEMS IN YUGOSLAVIA

250.000 citizens are now displaced inside Kosovo or refugees in Macedonia - about 10% of the Kosovo-Serbs and 10% of the Kosovo-Albanians. They certainly need help. But so do the 650.000 mostly Serb refugees (according to UNHCR) who have fled from Croatia, Bosnia and elsewhere during the dissolution of ex-Yugoslavia, about half of them ethnically cleansed from Croatia in 1995. from Croatia.

It's Europe's largest refugee problem - largely going unnoticed.

SANCTIONS CREATE HUMANITARIAN PROBLEMS

Why has the West upheld various types of sanctions against the people of Yugoslavia since 1991? The majority of citizens suffer one way or the other from that, not the least the sick and the pensioners. They and everybody else will stand behind President Milosevic in this crisis.

IS THIS RHETORIC AIMED TO CONVINCED WOMEN?

All the 'soft' humanitarian coating of this type of militarist policies is probably an attempt to convince women, soldiers' and pilots' wives and mothers and the general do-good sentiment in the American public. But will they still believe this when the casualty figures rise?

Says Dr. Oberg: "Our thoughts go to all friends and colleagues of the foundation, Serbs, Albanians, Macedonians and others in all of the region, innocent good-hearted people who are again to pay the price for 'politics' and power game by their own leaders and the international community's leaders. Citizens in NATO countries were not heard either. Thus, I draw the following conclusion about this type of B-52 humanitarianism," says Dr. Oberg:

1) Humanitarian concerns is the rhetoric of the smiling Western crocodile. It is either deliberate misinformation or a view based on incomplete analysis. There IS no global political will to do something about humanitarian problems where they really exist. 2) In Kosovo, we risk blowing up a low-casualty war to become a major war and creating a tenfold larger humanitarian catastrophe.

3) It seems the only humanitarian problems in which there is a political will to do something are those which seem fit for 'NATO treatment' - in short, it is faked.

4) What a wonderful world it would be if the world's most

powerful nation, its president and its allies WERE determined TO DO SOMETHING to alleviate suffering around the world.

5) Now the combination of their limited creativity, their unlimited cocksureness and overwhelming military power threatens to only INCREASE the world's humanitarian problems.”

From: PressInfo #60

March 24, 1999 23.00

Dr. Jan Oberg is Director and head of the TFF Conflict-Mitigation team to the
Balkans
and Georgia

TFF, Transnational Foundation for Peace and Future Research

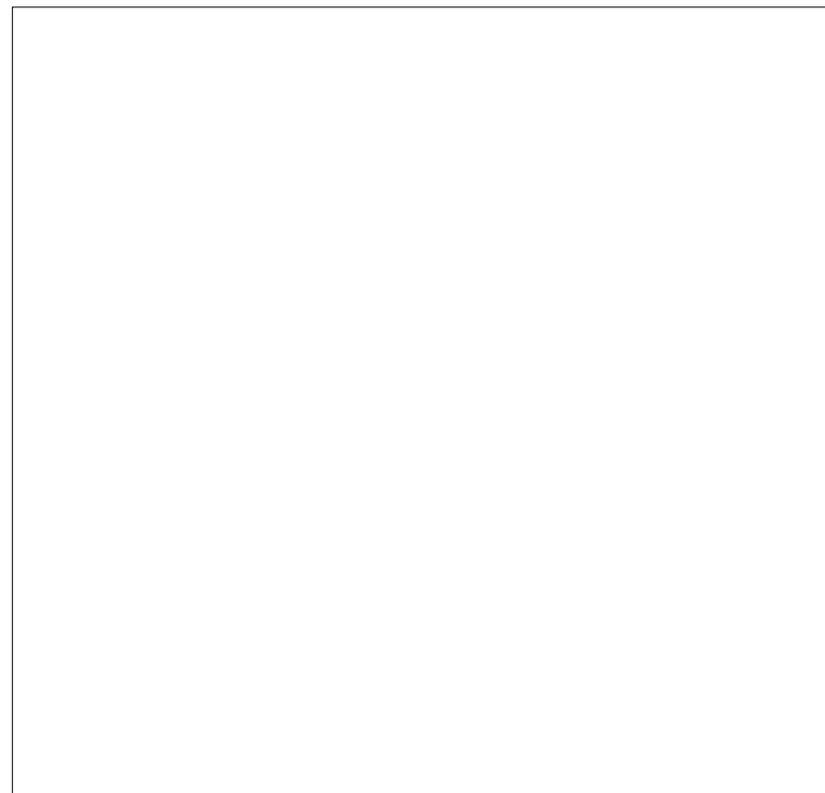
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The Racak Incident

by Diana Johnstone

The “Racak massacre” was an obscure but significant episode leading up to the launching of the NATO air war against Yugoslavia on March 24. On January 16, 1999, the American head of the OSCE Kosovo Verification Mission (KVM), William Walker, was led to a gully on the edge of the village of Racak by local members of the UÇK. The gully contained the bodies of some forty persons. Racak had been the scene of a police action the day before against armed UÇK rebels. Speaking in emotional terms to international media, Walker immediately accused Serbian security forces of having committed a frightful massacre of ethnic Albanian civilians. This was strongly denied by Serbian authorities, who suggested that the UÇK had itself arranged the bodies of their fighters killed in battle the day before in an alignment intended to give the impression that they were victims of a mass execution.

Ignoring Serb protests, Walker’s accusations were quickly taken up by NATO politicians and editorialists. A complex conflict was reduced to a simple opposition between Serbian perpetrators of massacre and innocent Albanian civilian victims. “Racak” became the immediate justification for NATO war against Yugoslavia.

The Chronological Context

In the winter of 1997-98, armed ethnic Albanian irredentists stepped up armed attacks on police and civilians in Kosovo.

On December 4, 1997, the Ushtria Çlirimtare e Kosoves (UÇK/ Kosovo Liberation Army) issued a press release claiming responsibility for a recent series of violent incidents including the crash of a Yugoslav Airlines trainer near Pristina that killed five people. On January 4, 1998, the UÇK issued a statement in Pristina announcing that as the armed force of Kosovo Albanians, it had begun the battle for Kosovo's unification with Albania. Attacks continued both on police and on ethnic Albanians. On February 27, the UÇK ambushed and killed four Serbian policemen.

One week later, in the first major attack against UÇK bases in the Drenica region of central Kosovo, Serbian police killed clan leader Adem Jashari and members of his family in their stronghold in the village of Prekaz. This police action was immediately sanctioned by the Contact Group at its meeting three days later in London.

Nevertheless, in the weeks that followed, no serious move was made to prevent the major summer offensive launched by Serb forces on July 24 with the intention of eliminating the UÇK. U.S. special envoy for Yugoslavia Robert Gelbard publicly described the UÇK as a terrorist organization. This ambiguous attitude on the part of the United States and its NATO followers allowed Milosevic to weaken the UÇK militarily, but also to weaken himself politically, as the numbers of civilian refugees generated by attacks on UÇK villages exposed the Yugoslav government to charges of "ethnic cleansing" and raised the specter of "humanitarian catastrophe".

At the end of the summer, the Yugoslav government announced that its offensive against the UÇK had been successfully completed and invited refugees to return to their homes. This encountered considerable skepticism. On October 12, 1998, under threat of NATO bombing, U.S. envoy Richard Holbrooke obtained a peculiar unilateral cease-fire from Yugoslav President Slobodan Milosevic. The actual terms of this agreement were not made public, but Milosevic agreed to withdraw armed forces from Kosovo and to allow 2,000 foreign "verifiers" full access to Kosovo in order to

monitor the cease-fire.

The Organization for Security and Cooperation in Europe (OSCE) was entrusted with the task of providing the personnel for this Kosovo Verification Mission (KVM). From the start, opinions were divided as to whether this responsibility marked a recognition of the importance of the OSCE as a peace-keeping organization, or whether it was the kiss of death, designed to prove the organization's impotence and thus leave NATO as the uncontested arbiter of conflicts in Europe.

This ambiguity was deepened by the acceptance by the European majority in the OSCE of an American official experienced in Central American "banana republic" management, William Walker, to head the KVM. Under Walker, the KVM lacked coherent purpose and was no more than an umbrella for the cross purposes of its national components. "In the history of international missions it would be hard to find such a chaotic and tragically ambiguous enterprise", concluded an Italian participant writing under the pen name "Ulysses" (1).

The "verifiers" dribbled into Kosovo in late autumn, mostly recruited from the ranks of the military or other intelligence services. Although they never numbered over 1,400, and operated in haphazard fashion, their largely theoretical presence seemed initially to have a calming effect. The much-anticipated "humanitarian catastrophe" evaporated as civilians who had left their villages to escape from the police operations returned to shelter.

At the same time, the supposedly defeated UÇK was taking up its positions again, preparing for renewed fighting and intimidating followers of the non-violent political leader of ethnic Albanians, Ibrahim Rugova. For the UÇK, the purpose of the OSCE mission was not to keep the truce but to prepare for NATO to come in and help drive the Serbs out of Kosovo. There were many indications that this purpose was shared by the mission's American chief.

Der Spiegel reported in early November that only 200 of the agreed-upon 2,000 verifiers were in place, and most of

them were mercenaries. “The US contracted a private firm from Virginia, DynCorp, to send 150 experts. The enterprise, which had already gathered experience in Bosnia, employed primarily veterans of American armed forces — modern mercenaries, whose loyalty is to their employer, not necessarily to the OSCE or NATO” (2).

Altogether over seventy percent of this supposedly civilian mission were professional military, using the mission not to enforce peace but to gather intelligence. Information was filtered through the security section of Pristina OSCE headquarters run by Walker’s British deputy, General John Drewienkiewicz and controlled by the British and Americans, who “cultivated privileged relations with UÇK factions” and “continued to pursue so-called shadow operations, or secret cover operations of Kosovar guerrilla activities, gathering reports and sending rigorously ‘purged’ copies to the OSCE verification mission” (3). While radically discouraging any potentially useful cooperation with local Serbian police, the mission relied on information from local Albanian personnel friendly to the UÇK. The Americans provided advanced technology: to find out where they were in this small province, the “verifiers” were invited to use the U.S. satellite “Geographic positioning system (GPS)” that could fix the geographic coordinates of their position in relation to barracks, munitions depots, police stations and other potential targets for subsequent NATO bombing (4).

According to Swiss verifier Pascal Neuffer, a 32-year-old geologist, “We understood from the start that the information gathered by OSCE patrols during our mission were destined to complete the information that NATO had gathered by satellite. We had the very sharp impression of doing espionage work for the Atlantic Alliance” (5).

The OSCE was supposed to investigate human rights violations by both sides, but reports were selected and treated by Drewienkiewicz’s office, according to Pascal Neuffer. “When the reports were not sufficiently critical of the action of Serb troops, they were altered or simply torn up.

At the end of the mission, while destroying documents before the verifiers' abrupt departure from Kosovo, some of the Italians came across reports drafted by American officials and local Albanian personnel accusing Italian, Russian and Dutch verifiers of being "pro-Serb" for having reported human rights violations by the UÇK (6). Those same verifiers subsequently reported received death threats from a UÇK chief. "The equation OSCE=USA, to the detriment of the Europeans and in general of the other 53 nations that make up the organization, was facilitated by the attitude of Ambassador Walker who the whole time insisted on traveling in an OSCE vehicle flying the American flag" (7). In addition to Drewienkiewicz, Walker was flanked by five other deputies representing other members of the Contact Group plus Norway as current OSCE president. By the end of the year, the way the Anglo-Americans were directing the mission was encountering considerable disapproval from the other European deputies who had hoped that it could contribute to a peaceful solution of the Kosovo conflict. Technically, since only the Serbian side had agreed to the cease-fire, only the Serbian side could violate it. This amounted to an open invitation to the UÇK to engage in actions that would provoke Serbian retaliation, thus escalating the conflict. In early January, while Walker was in Washington, the UÇK undertook various provocative actions, notably kidnapping eight Serb soldiers and demanding the release of captured UÇK infiltrators from Albania in exchange. At this, the deputy heads of the KVM unanimously condemned the UÇK for raising tension, while Walker in Washington blamed the Serbs for violating the cease-fire (8).

So it was that the Racak incident occurred precisely at a point when the Europeans in the KVM were most critical of the way Walker was using the mission to favor the UÇK. By his handling of the Racak affair, Walker took center stage in world media and relegated his European critics to the sidelines.

The Racak Events

On January 15, in the Decani region, two members of the KVM were wounded when a British verifier and his Yugoslav interpreter were wounded by an UÇK sniper. The OSCE protest was drowned out, however, by the sequel to the battle that took place the same day in Racak.

On the morning of January 15, Serbian police encircled the village of Racak in pursuit of armed men responsible for murdering five policemen and two ethnic Albanian civilians, as well as for a number of kidnappings. The police action was announced in advance to the Kosovo Verification Mission. It was even accompanied by a local Associated Press television team which filmed the operation from the Serbian side. According to a Serbian Interior Ministry communiqué, “terrorist groups attacked the police from trenches bunkers and fortifications using automatic weapons and portable grenade launchers”. In the ensuing fire fight, “several dozen terrorists were killed”, most of them wearing UÇK insignia, according to the official communiqué.

A judicial investigating team headed by Pristina magistrate Danica Marinkovic was sent to inspect the scene of the police action at Racak but complained that it was turned back by the OSCE KVM, which would not let Serbian police through.

The next day, January 16, Racak was again in the hands of the UÇK. Accompanied by selected Western and ethnic Albanian media, Walker allowed himself to be led by local UÇK to the scene of what he immediately described in highly emotional terms as a “massacre, a crime against humanity” committed by Serbian government security forces.

A day had passed since Serbian forces had engaged UÇK fighters in Racak. The Serbian government contended that the UÇK had had time to gather their battlefield dead overnight and line them up in the gully to give the appearance of a mass execution. This contention was ignored by Western media which gave ample echo to Walker’s expressions of

indignation.

“I see bodies like this with their faces blown away at close range in execution fashion and it’s obvious people with no value for human life have done this,” Walker told journalists. “Unfortunately, I do not have the words to describe my personal revulsion at the sight of what can only be described as an unspeakable atrocity”.

“I have been in other war zones, and I have seen pretty horrendous acts, but this is beyond anything I have seen before,” Walker said.

The Contra Specialist

These remarks brought public attention for the first time to the past career of the man chosen by the U.S. government to head the Kosovo Verification Mission. His experience “in other war zones” had taken place in Central America, where the “pretty horrendous acts” were committed for the most part by forces supported by the United States government he represented.

After serving as chief of the US embassy’s political section in El Salvador in the mid-1970, Walker was posted to Honduras in the early 1980s. “The CIA was then collaborating with Argentine military advisors to build the Nicaraguan contra army into a force for attacking leftist-ruled Nicaragua from bases in Honduras”, according to Don North (9). “The contras and the Argentines also were assisting hard-line elements of the Honduran army in forming death squads that ‘disappeared’ about 200 politically suspect students and labor leaders.”

In 1985, Walker was appointed deputy to the assistant secretary of state for Central America, Elliot Abrams, in charge of Reagan administration’s secret operation to overthrow the Sandinista government of Nicaragua. According to charges filed in U.S. District Court by Independent Counsel Lawrence Walsh, as part of the illegal operation run by Lieutenant Colonel Oliver North, Walker was responsible for setting up a fake “humanitarian” operation in

El Salvador as a cover for running guns, ammunition and supplies to Contra mercenaries attacking Nicaragua (10). In 1988, Walker was named ambassador to El Salvador during last three years of civil war there. On November 16, 1989, a group of armed men from El Salvador's U.S.-trained Atlacatl military battalion, most of them graduates of the U.S. School of the Americas specialized in training repressive forces, entered a dormitory at the University of Central America in the early hours of the morning, dragged six Jesuit priests from their beds and blew their brains out with high-powered rifles at short range. They also killed the priests' cook and her 15-year-old daughter in the same way. The priests were considered sympathetic with the poor peasants of El Salvador trying to defend themselves from rapacious landowners.

In response to the massacre, Ambassador Walker defended the killers' commander, Salvadoran army chief of staff Colonel Rene Emilio Ponce, by telling a news conference that "Management control problems exist in a situation like this."

In contrast to his rapid condemnation of Serbian authorities in their fight against armed UÇK guerrillas, Walker had shown considerable indulgence for excesses committed in repression of unarmed priests and nuns in Salvador. "I'm not condoning it, but in times like these of great emotion and great anger, things like this happen," he explained (11). Moreover, years later, Walker insisted that the fact that the Salvador killers wore army uniforms "was not proof that they were military" since "anyone can get uniforms" (12). The Jesuits accused Walker of being a "silent participant" in the massacre. The man's past shows little concern for either human life or the truth. Although while Walker was ambassador, the official story was that there were only 50 military "advisers" in El Salvador, on May 6, 1996, Walker headed a ceremony in Washington to honor 5,000 U.S. soldiers who had secretly fought in El Salvador (13).

Nearing the end of his career under the Clinton administration, Walker spent three years at the National Defense

University, the top US military school, before receiving his first European assignment, in 1996, as transitional administrator for the UN peacekeeping mission in Eastern Slavonia which transferred the Serb-occupied territory to Croatia.

Creation of a Symbol

In response to Walker's emotional accusations at Racak, the Yugoslav government released a widely ignored statement by Serbian President Milan Milutinovic angrily accusing Walker of "a series of lies and fabrications" aimed at "diverting attention from terrorists, murderers and kidnapers and once again protecting them as he has been protecting them all along." The Serbian president complained that Walker failed to recognize the illegality of the UÇK's terrorist attacks. "Even though it is indisputably clear that the police were provoked and compelled to defend themselves from terrorist attacks, Mr. Walker today ignored that fact and proclaimed the event as a conflict with the civilian population. Confronted with the actual facts in today's meeting with the Yugoslav authorities' representatives, Mr. Walker stated astoundingly that the world would anyway believe his version and not arguments and facts." President Milutinovic said that by his visit to the village of Racak, Walker sought "to ensure monopoly on the interpretation of what had actually happened."

Walker's outburst was the beginning of the factual confirmation of what Secretary of State Madeleine Albright had told the White House and Pentagon the day before: that the Holbrooke-Milosevic deal was about to fall apart and that it was time to threaten Milosevic with NATO action (14).

The very next day, the NATO Council held an urgent session recalling that the October 1998 authorization of air strike against Yugoslav military targets was still in place and declaring that events in Racak "represent a flagrant violation of international humanitarian law". Belgrade was ordered to grant immediate access to Louis Arbour, chief prosecutor of the International Criminal Tribunal set up in The Hague,

to investigate Racak. In response, the head of the Kosovo executive council, Zoran Andjelkovic, replied that the government's crackdown on terrorists was not under jurisdiction of the Hague Tribunal and Walker was declared *persona non grata* by the Yugoslav government and asked to leave the country. This order was ignored.

Predictably, Walker's accusations were accepted uncritically throughout NATO countries, despite the fact that many members of his own Kosovo Verification Mission were privately critical of the biased and spectacular way he had handled the matter. In Washington, Clinton described the killings in Racak as "a deliberate and indiscriminate act of murder". British foreign secretary Robin Cook claimed to be "horrified and alarmed". French prime minister Lionel Jospin called the killing of "civilians" in Racak "a barbaric act" which revolted the international community.

Meanwhile, Western media, based on Walker's statements, had transformed "Racak" into "the latest watchword for Serb brutality" (15). More than that, "Racak" was interpreted as the moral imperative for Western military intervention in Yugoslavia.

At the annual Munich Conference for Security Policy in February, German Chancellor Gerhard Schröder presented Racak as the occasion for Germany to become a "normal" NATO ally on the basis of "unquestionable grounds of international law".

As a rule that would be a mandate from the Security Council or the OSCE. But there could be a "departure from this principle" (of a UN or an OSCE mandate) -- and this is the real effect of the Racak massacre — in exceptional cases, as "immediate intervention on humanitarian grounds" (16). And speaking to the Bundestag on February 25, foreign minister Joschka Fischer cited the "Racak massacre" as "obliging the international community" to achieve peace, either against or "hopefully also with" the parties involved. "The killings at Racak," *The Washington Post* recalled two months later (17), "[...] outraged the international commu-

nity and became a turning point in the year-long conflict between security forces and the Kosovo Liberation Army [...]. NATO leaders condemned the killings at the time and renewed their threat to carry out punitive airstrikes against Yugoslav military targets. Days later, both sides in the conflict agreed to take part in peace talks in France sponsored by the United States, Russia and four West European nations.”

Racak thus led directly to Rambouillet, the ultimatum to Serbia and NATO bombing.

The Controversy

Meanwhile, however, two leading French daily newspapers cast doubt on Ambassador Walker’s version of events. On January 20, both *Le Figaro* and *Le Monde* published reports from their correspondents in Kosovo recounting the Racak events as witnessed by journalists who were in Racak on January 15, the day of the alleged massacre. According to the KVM version presented by Walker and based on UÇK sources, “hooded” Serbian police had entered the village in the early afternoon, broken into houses and dragged men from their homes to the edge of the village where they executed them. “The account by two journalists of Associated Press TV (APTV) television who filmed the police operation in Racak contradicts this version,” reported Christophe Châtelet in *le Monde* (18). The village was almost deserted when the cameramen entered the village around 10 a.m. in the wake of a police armored vehicle, while the UÇK fired on them from the woods above. The UÇK had fled the village when the Serbs opened fire at dawn and most of the fighting took place in the woods, where they were cornered by other Serb police. “How were the Serb police able to gather a group of men and lead them calmly to the execution site while they were constantly under fire from UÇK fighters?” Châtelet asked. “How did the ditch on the edge of Racak fail to be noticed by local inhabitants who were there before nightfall? Or by observers present for

over two hours in this tiny village? Why so few cartridges around the bodies, so little blood in the gully where they were supposedly executed at close range[...]? Isn't it, rather, that the bodies of the Albanians killed in battle by Serb police were lined up together in the ditch to create a horror scene that would not fail to horrify public opinion?"

In *Le Figaro*, veteran correspondent Renaud Girard (19) had similar questions. "The police seem to have had nothing to hide, since at 8:30 a.m. they invited a television team (two journalists of AP TV) to film the operation. The OSCE was also warned, and sent two cars with American diplomatic licenses. The observers were posted all day long on a hill from which they could see the village." At 3:30 in the afternoon, the police and the AP TV team left the village. An hour later, a French journalist drove through the village and met three orange OSCE vehicles. The international observers were chatting calmly with three middle-aged Albanians. They were looking for wounded civilians. "Returning to the village at 6 p.m., the journalist saw the observers taking away two very slightly wounded old men and two women. The observers, who didn't seem particularly disturbed, had nothing special to mention to the journalist."

The next morning, around 9 o'clock, journalists and OSCE observers discovered the shocking scene of corpses of Albanians in civilian clothes lined up in a ditch. "The village at that time was invaded by armed UÇK soldiers who led the foreign visitors to the apparent site of the massacre. Toward noon, there was the visit of William Walker in person, expressing his indignation." Girard also pointed to the contradiction between the accounts given by the Albanians and the AP TV footage, showing an empty village under fire from UÇK fighters concealed in trenches dug into the hillside. The fighting intensified on the hill as the UÇK, encircled by Serb police, tried desperately to break out.

"What really happened?" asked Girard. "During the night, couldn't the UÇK have gathered up the bodies, in fact killed by Serb bullets, to create a scene of cold-blooded execution? A disturbing fact: the journalists found very few

cartridges around the ditch [...] Intelligently, did the UÇK seek to transform a military defeat into a political victory?"

The Forensic Investigation

What actually happened at Racak? After being kept from the scene by Walker's men, Serbian authorities persisted in seeking to investigate what had happened in Racak. Three days after the presumed time of death, armed Serbian police took 40 bodies, which up to then had been in UÇK hands, from the Racak mosque to Pristina for forensic tests.

Considering the International Tribunal in The Hague to be biased and without legal authority for Kosovo, the Serbian government refused to allow the Tribunal to investigate. However, a forensic team from Belorussia was invited to examine the Racak bodies. Permission was also granted to a Finnish forensic team which had been contracted by the European Union to investigate alleged massacres in Kosovo. The Serbian and Belorussian reports were completed by the end of January. On February 16, Pristina Medical Center Forensics Institute manager Slavisa Dobricanan said that the pathologists from Finland, Belarussia and Yugoslavia who performed autopsies on the Racak bodies did not find any sign of massacre or abuse. The Finnish pathologists were in agreement but did not sign the report because they wished to perform DNA analysis first. "The Finnish doctors are very professional and ethical," Dr. Dobricanin told Tanjug news agency. "They include the world's foremost forensic medicine expert Anti Pantila, and pathologist Kari Karkola, and our cooperation was at a high professional level."

However, the publication of the Finnish report was repeatedly and inexplicably postponed. Meanwhile, a muted controversy developed within the OSCE.

On March 13, the *Berliner Zeitung* reported from OSCE headquarters in Vienna that several leading OSCE members, including Germany, Italy and Austria, were anxious to fire Walker. "High-ranking OSCE European representatives are

in possession of information according to which the 45 Albanians found in the Kosovo village of Racak in mid-January were not -- as Walker declared -- victims of a Serbian massacre of civilians”, the newspaper said.

Within the OSCE, it had been assumed for some time that the Racak massacre was “staged by the Albanian side”, the newspaper noted. This conclusion was reached on the basis of data gathered in the Kosovo Mission’s headquarters, independently of the Finnish forensic report on Racak whose publication continued to be postponed.

According to the evidence known to the OSCE, most of the dead bodies were carried from outlying areas around Racak and placed together on the spot where they were subsequently shown to Walker and Western media, the newspaper said. In reality, according to OSCE sources, most of the Albanians died in battle with Serbian artillery, and many of the dead were “posthumously dressed in civilian clothing” before being shown to Walker and the media.

In fact, the Finnish findings were never made public. The delivery of the report was postponed until the end of the second “Rambouillet” meeting in Paris, and all that was made public was the personal opinion of Dr. Helena Ranta, the head of the team but by no means its most qualified forensic expert. A dentist, Dr. Ranta’s expertise is limited to dental identification, which has no bearing on the critical issue of the circumstances in which the persons were killed. The full report weighing 21 kilos and accompanied by three thousand photographs was turned over to the judicial authorities in Pristina and to the German government as President of the rotating European Union presidency. Dr. Ranta’s personal five-page summary, made public at a press conference in Pristina, failed to settle the controversy.

“The impossible mission of the Finnish pathologists did not produce the truth about the dead Albanians in Racak”, is the way the *Frankfurter Rundschau* summarized the long-awaited report.

At a press conference in the Pristina headquarters of the Organization for Security and Cooperation in Europe

(OSCE), Dr. Ranta went out of her way to stress the limited significance of the forensic findings. Neither the Finns nor even the Serbian investigators were able to examine the bodies on the site where they were found. The Serbs complained that Walker had blocked judicial investigators from the site until after it had already been trampled by journalists and photographers. Serbian and Belorussian forensic experts began post mortem examinations on the 19th and the Finnish forensic team only on January 22. Normally, observed Dr. Ranta in her summary, the first crucial step is to block off the scene of a presumed crime and take steps to preserve evidence. None of the usual procedures were followed in Racak and thus important evidence may have been lost, she noted.

Dr. Ranta said it would be difficult to be sure what had happened to the bodies in the meantime. "Concerning the site of the events and circumstances of death, the team must rely entirely on information from the OSCE KVM and European Union observers who visited the site on January 16, as well as on information in the media", the summary states. It thus cannot be said that the Finns "confirmed" what Walker and the media said about the Racak scene. They simply noted it, and had no way to check it out.

The report cites KVM and EU observers as saying that 22 men were found in a gully near the village of Racak, and that they were in all probability shot in the place where they were found. But the report itself neither confirms nor denies this. The day before Dr. Ranta presented her conclusions in Pristina, *The Washington Post*, in an article datelined Rome, jumped the gun and reported that the Finnish experts called the Racak deaths a "massacre" by Serbs. Copiously citing "Western sources familiar with the report", "Western officials", "Western sources", all unidentified, *The Washington Post* said the Finnish team had "concluded that the victims were unarmed civilians executed in an organized massacre, some of them forced to kneel before being sprayed with bullets".

The Washington Post is a newspaper which is probably

second to none in its access to the CIA and other official but habitually unidentified U.S. sources. The veracity of their anonymous statements is not open to debate. The *Berliner Zeitung* suggested a connection between *The Washington Post* article and the hard US negotiating position at the Kosovo talks in Paris, and recalled the newspaper's "role in propagandistic preparations for the Gulf War of 1991".

The Washington Post article was widely reprinted in American newspapers, and may have had a greater impact than more cautious reports from Pristina the next day.

In fact, the term "massacre" was carefully avoided by Dr. Ranta. Her summary noted that the events of Racak had been described as a "massacre", but such a term went beyond the realm of legal medicine. "Moreover, forensic investigations provide no conclusive answer to the question as to whether a battle took place or whether the victims died under other circumstances."

At the Pristina press conference, under persistent questioning of journalists, Dr. Ranta acknowledged that a "crime against humanity" had been committed, but quickly added that in her view, the death of any person was a crime against humanity. Many media reports snapped up only the first part of the statement, which in its entirety was virtually meaningless.

The few details offered by Dr. Ranta failed to prove or disprove the Serbian claim that the victims had been slain in a firefight in the village between UCK rebels and police. Dr. Ranta agreed with the Yugoslav and Belorussian conclusions denying early reports that the corpses had been "savagely mutilated" -- an allegation that was crucial in portraying the Serbs as bestial killers. All agreed that disfiguring of the corpses was due to animal bites (probably stray dogs, numerous in Kosovo). Finally, the Ranta summary stressed the good professional cooperation between the Finnish experts and their Serbian and Belorussian colleagues. It noted that the Finns' failure to sign the earlier Serbian and Belorussian report was a matter of timing, not of disagreement.

Belgrade University forensic expert Branimir Aleksandric commented that “from the deliberate medical vagueness of Dr.Ranta’s statements, it would appear that a direct effort was made to whitewash William Walker”.

“The text Ranta distributed to the reporters in Pristina absolutely does not reflect the positions of the Finnish pathologists, headed by the world’s greatest authority on forensic medicine Anti Pentila”, Dr. Aleksandric told Tanjug news agency. He said the individual documents on each of the 40 Racak bodies tallied completely with the Yugoslav and Belorussian findings, showing that all injuries to the bodies were clearly inflicted by firearms from a distance, consistent with wounds sustained in battle. He added that thirty-seven of the forty bodies were found to have gun-powder residue on their hands, indicating that they had been handling firearms and thus were not civilians but UÇK fighters.

All this was to be quickly forgotten. The day after Dr.Ranta’s inconclusive press conference in Pristina, the Albanian delegation in Paris, led by UÇK commander Hashim Thaqi, signed the “Rambouillet peace accord”, thus providing the pretext for the NATO bombing that began six days later on March 24. Hastily, Walker led the 1,381 members of the ill-starred “Kosovo Verification Mission” out of Kosovo into Macedonia on March 20. Many were sorry to go. “The situation on the ground, on the eve of the bombing, did not justify a military intervention”, said Pascal Neuffer (20). “We could certainly have continued our work. And the explanations given in the press, saying the mission was compromised by Serb threats, did not correspond to what I saw. Let’s say rather that we were evacuated because NATO had decided to bomb.”

Some of the verifiers had sincerely hoped to contribute to peace. Others had “verified” a certain number of targets for the NATO bombing raids. Under the leadership of a veteran of “dirty wars” in Central America, the Kosovo Verification Mission had prepared for more dirty war and left its ethnic Albanian contacts in jeopardy as a potential fifth column

helping NATO target its attack on Yugoslavia. The way was open to violence, lies, mystifications and massacres that would leave Racak far, far behind.

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1. Ulisse, "Come gli Americani hanno sabotato la missione dell'Osce", *Limes*, supplemento al n.1/99, p.113, L'Espresso, Rome, 1999.
 2. *Der Spiegel* 46/1998, 9 November 1998, "Wehrlose Aufpasser", p.210.
 3. *Limes*, ibid.
 4. *Limes*, ibid.
 5. *La Liberté*, Genève, 22 April 1999, and *Balkan-Infos* No.33, Paris, May 1999: the French translation of an article by Sarah d'Adda in the *Giornale del Popolo*.
 6. Incident reported by both *Limes* and *La Liberté*, articles cited.
 7. *Limes*, p.114.
 8. *Limes*.
 9. "Irony at Racak: Tainted Diplomat", *The Consortium*, Arlington, Virginia, p. 2, February 8, 1999.
 10. The Agence France Presse reported on 18 January 1999 that one of Walker's sons currently works for a non-governmental organization in Kosovo.
 11. Associated Press, 5 December 1989, cited by North, op.cit.
 12. Don North, ibid.
 13. *Washington Post*, 6 May 1996.
 14. Jane Perlez in *The New York Times*, 19 January 1999.
 15. Don North, op.cit.
 16. Otto Köhler, "Mass Murder Inc.", *Konkret* 3/99, p.32.
 17. R.Jeffrey Smith, "Kosovo Attack Called a Massacre", *The Washington Post*, 17 March 1999, p.1.
 18. "Les morts de Racak ont-ils vraiment été massacré froidement?", *Le Monde*, 21 janvier 1999, p.2.
 19. "Kosovo: zones d'ombre sur un massacre", *Le Figaro*, 20 janvier 1999, p.3.
 20. *La Liberté*, op.cit.

Monitor

This article by a monitor, Rollie Keith, who was working with the OSCE Kosovo Verification Mission (KVM) near Pristina, the capital city of Kosovo right up to March 20, four days before NATO launched its ferocious attack deserves careful study. It is a convincing rebuttal of the apologia offered by the Secretary-General of NATO, Javier Solana of Spain, in to-day's Globe and Mail, under the title, "NATO is responding to the humanitarian crisis". An APPENDIX describes the sordid career of William Walker, American leader of an OSCE war crimes verification team that reported the notorious Racak massacre - read on and make up your own mind about the veracity of this report, the prelude to the NATO attack on Serbia.

From "The Democrat", May 1999

Failure of Diplomacy

**Returning OSCE human rights monitor offers a view
from the ground in Kosovo**

by Rollie Keith

Canada is currently participating in the NATO coalition air bombardment of the Federal Republic of Yugoslavia, ostensibly to force compliance with the terms of the Rambouillet and subsequent Paris "Interim Agreement for Peace and Self-Government in Kosovo". The justification for this aggressive action was to force Yugoslavian compliance and acceptance to the so-called "agreement" and to end the alleged humanitarian and human rights abuses being perpetrated on the ethnic majority Kosovar Albanian residents of the Serbian province of Kosovo. The bombardment then is rationalized on the basis of the UN Declaration of Human Rights taking precedence over the UN Charter that states the inviolability of national sovereignty. While I am con-

cerned with human rights abuse, I also believe many nations, if not all, would clearly be vulnerable to this criticism; therefore, we require a better mechanism to counter national human rights violations than bombing.

What, however, was the situation within Kosovo before March 20, and are we now being misled with biased media information? Is this aggressive war really justified to counter alleged humanitarian violations, or are there problematical premises being applied to justify the hostilities? Either way, diplomacy has failed and the ongoing air bombardment has greatly exacerbated an internal humanitarian problem into a disaster. There were no international refugees over the last five months of the Organization for Security and Co-operation in Europe's (OSCE) presence within Kosovo and Internal Displaced Persons only numbered a few thousand in the weeks before the air bombardment commenced.

As an OSCE Kosovo Verification Mission (KVM) monitor during February and March of this year, I was assigned as the Director of the Kosovo Polje Field Office, just west of the provincial capital of Pristina. The role of the 1380 monitors of the KVM, from some 38 of the OSCE's 55 nations, including 64 Canadians, was authorized under UN Security Council Resolution 1199 to monitor and verify cease-fire compliance, or non-compliance, investigate cease-fire violations and unwarranted road blocks, assist humanitarian agencies in facilitating the resettlement of displaced persons and assist in democratization measures eventually leading to elections. The agreement which was the basis of the KVM (I refer to it as the "Holbrooke-Milosevic agreement") was signed on October 16, 1998, ending the previous eight months of internal conflict. Given its international composition, the KVM was organized and deployed quite slowly and was not fully operational on a partial basis until early in 1999. By the time I arrived, vehicles and other resources along with the majority of international monitors were arriving, but the cease-fire situation was deteriorating with an increasing incidence of Kosovo Liberation Army

(KLA) provocative attacks on the Yugoslavian security forces. In response the security forces of the Ministry of Internal Security police supported by the army were establishing random roadblocks that resulted in some harassment of movement of the majority Albanian Kosovars. The general situation was, though, that the bulk of the population had settled down after the previous year's hostilities, but the KLA was building its strength and was attempting to reorganize in preparation for a military solution, hopeful of NATO or western military support. Consequently the October Holbrooke-Milosevic agreement restraining the Internal Security police and army was not strictly adhered to, as unauthorized forces were deployed to maintain security within the major communities and internal lines of communication. In my estimation, however, the KLA was left in control of much of the hinterland unchallenged, comprising at least some fifty per cent of the province. In addition the parallel Albanian government of the Kosovo Democratic League (KDL) continued to provide some leadership to the majority of the Albanian Kosovars.

This low intensity war since the end of 1998 had resulted in a series of incidents against the security forces, which in turn led to some heavy-handed security operations, one being the alleged "massacre" at Racak of some 45 Albanian Kosovars in mid-January. [NOTE; the "Racak massacre" was so identified by William Walker, an American diplomat leading an OSCE war crimes verification team. Walker's sordid career, described in the APPENDIX to the present article, throws considerable doubt on the veracity of his account of this event, which Solana himself identifies as a turning point in the development of the Kosovo crisis.]

Upon my arrival the war increasingly evolved into a mid intensity conflict as ambushes, the encroachment of critical lines of communication and the kidnapping of security forces resulted in a significant increase in government casualties which in turn led to major Yugoslavian reprisal security operations that included armour, mechanized forces

and artillery to secure these same lines of communication. By the beginning of March these terror and counter-terror operations led to the inhabitants of numerous villages fleeing, or being dispersed to either other villages, cities or the hills to seek refuge. As monitors we attempted to follow and report on these cease-fire violations, but I and my fellow monitors also continued to work with both Kosovo factions and the internally-displaced population to promote the other aspects of our mission. In particular within our field office area of responsibility, we were making progress to facilitate the resettlement of an unoccupied village from the previous summer, while six other villages were about to be abandoned due to the increasing hostilities. As an example of this humanitarian work, we had conducted some dozen negotiating sessions with both belligerents as well as displaced villagers. Our objective was to create conditions of confidence and stability and commence the resettlement of the village of Donje Grabovac. This village of some 700 former inhabitants sits next to a major coal mine guarded by security forces, which fuels an adjacent thermal generating plant. On the other side of the village, less than a kilometre away, the KLA also occupied another village. Donje Grobovac was the scene of daily shooting incidents and in this case most were probably initiated by the mine guards. Regardless, tensions were high and fatal casualties and kidnapping of mine and security forces by the KLA had occurred prior to our arrival. After our lengthy series of negotiations, all participants agreed not to provoke their opponents and we were about to escort former village delegations back to commence resettlement. If this kind of program could have been expanded and built upon throughout Kosovo, perhaps supported by an enlarged international monitoring mission to better reduce the cease-fire violations, I believe both the international air bombardment and intensified civil war would have been avoided. But western diplomacy would have to be more flexible for this to occur. The situation was clearly that KLA provocations, as personally witnessed in ambushes of security patrols which in-

flicted fatal and other casualties, were clear violations of the previous October's agreement. The security forces responded and the consequent security harassment and counter-operations led to an intensified insurrectionary war, but as I have stated elsewhere, I did not witness, nor did I have knowledge of any incidents of so-called "ethnic cleansing" and there certainly were no occurrences of "genocidal policies" while I was with the KVM in Kosovo. What has transpired since the OSCE monitors were evacuated on March 20, in order to deliver the penultimate warning to force Yugoslavian compliance with the Rambouillet and subsequent Paris documents and the commencement of the NATO air bombardment of March 24, obviously has resulted in human rights abuses and a very significant humanitarian disaster as some 600,000 Albanian Kosovars have fled or been expelled from the province. This did not occur, though, before March 20, so I would attribute the humanitarian disaster directly or indirectly to the NATO air bombardment and resulting anti-terrorist campaign.

So what led to this breakdown of the peace process and the air bombardment? The Rambouillet and subsequent amended Paris ultimatum "Interim Agreement for Peace and Self-Government in Kosovo" was divided into both political and military implementation accords. The political accord called for a return of political, cultural and judicial autonomy for Kosovo Province as previously provided in the 1974 constitution and was generally acceptable to both factions. The stumbling block was that the Serbian delegation insisted on the long-term territorial integrity of Yugoslavia and the supremacy of federal law. With the KLA desiring total independence, however, and American compliance, the Albanian Kosovars were given the incentive of a referendum in three years time to determine the ultimate political future of Yugoslavia. On the military accord, the Contact Group, less Russia, and the Ambassador Chris Hill's demand that a NATO force be employed to secure the Kosovo Implementation Mission of the proposed plan was also completely unacceptable to Yugoslavia, since it constituted foreign

occupation of their sovereign territory by the western alliance. In turn, the acceptance by the KLA of their supervised disarmament was only accepted after American political inducements of obvious independence were offered. The result then is that proposed agreements were in fact ultimatums, unacceptable to Russia as well as Yugoslavia, as they left that nation with the clear alternative of surrender or bombardment.

Was there a diplomatic alternative? I believe there always has to be political alternatives to war, although I am not a pacifist and I do believe that defensive hostilities may be justifiable for the right cause.

The western members of the Contact Group, the European Union and the United States and the Russian Federation could have worked within the United Nations and kept the Russians on side. As an inducement to an enhanced OSCE or UN monitoring presence within Kosovo, Yugoslavia could have had its 1991 economic sanctions cancelled and economic restructuring funds offered to promote its integration within the new Europe, with a guarantee, in return, to eliminate human rights concerns within Kosovo. This proposed enhanced OSCE presence, perhaps supported by a limited armed UN presence, may well have been acceptable to the western power, in order to monitor a fair and genuine Kosovo agreement. However, the NATO bombardment has been counterproductive, as it has created a significant European humanitarian problem of more than 600,000 external refugees that threaten to destabilize the surrounding vulnerable nations, exacerbating regional security. Another estimated 600,000 plus internally-displaced Kosovars are also being subjected to the deprivations of the full-scale civil war. Then in the end the international community will also have to rebuild not only Kosovo, but the rest of Yugoslavian to ensure their future participation in the new Europe of the 21st century, This is what the failure of diplomacy with its consequent ill-prepared and ill-conceived air bombardment has accomplished.

What is crucial to have happen then, is that the unjustified

moral certitude that that has resulted in the demonization and vilification of Yugoslavia and its nationalist President Milosevic cease, and be replaced by a rational discourse to enable a fair and just solution to be agreed to.

NATO has gone to war to prevent the humanitarian expulsion of an ethnic minority and has caused the catastrophic Kosovo population displacement to occur. The western government, led by inept diplomats and politicians, have failed to provide a rational and diplomatic alternative, and instead have incited an irresponsible public opinion, whose conscience has led it to demand actions to solve problems that it does not comprehend. NATO is now in a war that it cannot win. Its objective of liberating the Kosovo Albanians from Serbian misrule has been counterproductive, and has resulted in their expulsion. The war has broken international law, disregarded the UN Charter, and violated the NATO mandate. This has arguably irrevocably damaged the dreams and aspirations for rational diplomacy and the rule of law, meant to establish an international system with limits on great power ambitions.

There were political alternatives to this war, but we also should have known what would happen. And it did happen. The pointless and degrading bombing must stop and rational international negotiations must commence. The alternative is incomprehensible.

Rollie Keith lives in Chilliwack.

APPENDIX: William Walker's Background

According to various newspaper reports, Walker began his diplomatic career in 1961 in Peru. He then reportedly spent most of his long career in the foreign service in Central and South America, including a highly controversial posting as Deputy Chief of Mission in Honduras in the early 1980s, exactly the time and place where the Contra rebel force was formed. The Contra force was the cornerstone of then-CIA Director William Casey's hardline anti-Communist directive, and Honduras was considered, along with El Salvador,

the front line in the war with the Soviet Union. From there, Walker was promoted, in 1985, to the post of Deputy Assistant Secretary of State for Central America. This promotion made him a special assistant to Assistant Secretary of State Elliot Abrams, a figure whose name would soon be making its way into the headlines on a daily basis in connection with a new scandal the press was calling the “Iran-Contra” affair.

Walker would soon briefly join his boss under the public microscope. According to information contained in Independent Counsel Lawrence Walsh’s lengthy indictment of Abrams and Oliver North, Walker was responsible for setting up a phony humanitarian operation at an airbase in Ilopango, El Salvador. This shell organization was used to funnel guns, ammunition and supplies to the Contra rebels in Nicaragua.

Despite having been named in Walsh’s indictment (although he was never charged himself) and outed in the international press as a gunrunner, Walker’s diplomatic career did not, as one might have expected, take a turn for the worse. Oddly enough, it kept on advancing. In 1988, he was named ambassador to El Salvador, a state which at the time was still in the grip of U.S.-sponsored state terror.

Walker’s record as Ambassador to El Salvador is startling upon review today, in light of his recent re-emergence into the world spotlight as an outraged documenter of racist hate-crimes. His current posture of moral disgust toward Serbian ethnic cleansing may seem convincing today, but it is hard to square with the almost comically callous indifference he consistently exhibited toward exactly the same kinds of hate crimes while serving in El Salvador.

In late 1989, when Salvadoran soldiers executed six Jesuit priests, their housekeeper, and her 15 year-old daughter, blowing their heads off with shotguns, Walker scarcely batted an eyelid. When asked at a press conference about evidence linking the killings to the Salvadoran High Command, he went out of his way to apologize for chief of staff Rene Emilio Ponce, dismissing the murders as a sort of

forgiveable corporate glitch, like running out of Xerox toner. "Management control problems can exist in these kinds of situations," he said.

In discussing the wider problem of state violence and repression—which in El Salvador then was at least no less widespread than in the Serbia he monitored from October of last year until March of this year—Walker was remarkably circumspect. "I'm not condoning it, but in times like this of great emotion and great anger, things like this happen," he said, apparently having not yet decided to audition for the OSCE job.

Finally, in what may be the most amazing statement of all, given his current occupation, Walker questioned the ability of any person or organization to assign blame in hate crime cases. Shrugging off news of eyewitness reports that the Jesuit murders had been committed by men in Salvadoran army uniforms, Walker told Massachusetts congressman Joe Moakley that "anyone can get uniforms. The fact that they were dressed in military uniforms was not proof that they were military."

Later, Walker would recommend to Secretary of State James Baker that the United States "not jeopardize" its relationship with El Salvador by investigating "past deaths, however heinous."

This is certainly an ironic comment, coming from a man who would later recommend that the United States go to war over...heinous deaths.

One final intriguing biographical note: Walker in 1996 hosted a ceremony in Washington held in honor of 5,000 American soldiers who fought secretly in El Salvador. While Walker was Ambassador of El Salvador, the U.S. government's official story was that there were only 50 military advisors in the country (Washington Post, May 6, 1996).

A Spooky Choice

With a background like this, it seems implausible that

Walker would be chosen by the United States to head the Kosovar verification team on the basis of any established commitment to the cause of human rights. What seems more likely, given Walker's background, is that he was chosen because of his proven willingness to say whatever his government wants him to say, and to keep quiet when he is told to keep quiet— about things like a gunrunning operation, or the presence of 4,950 undercover mercenaries (whose existence he regularly denied with a straight face) in the banana republic where you are Ambassador.

The Iran-Contra incident isn't the only thing in Walker's background which gives reason for pause. Another is his curious ability to remain in Central and South America throughout virtually his entire diplomatic career.

Not since before the fall of China has the State Department allowed its career people to remain in one place for any significant length of time.

After the Chinese Revolution, the State Department enacted what has come to be known as the Wriston reform, which dictated that Department employees be rotated out of their posts every few years. With this reform, the government was hoping to put an end to a problem which they termed "quiet-itis"—the development of "excessive" sympathies towards the culture of one's host countries.

With the Wriston act, the U.S. government eventually got exactly what it wanted—a State Department characterized by fortress-like embassy compounds, in or around which Americans live amongst themselves in monolingual, isolationist bliss, counting the hours until they're rotated out to their next job in Liberia, or Peru, or wherever. As a result, most State employees see three or four different posts in different corners of the world every ten years. It is well-known among career foreign service people, though, that one of the few exceptions to this rule are the CIA agents in the embassies. Our intelligence people take longer to develop their contacts, and in order to preserve these "personal relationships" (bribe-takers don't like to change bagmen), they tend to hang around longer.

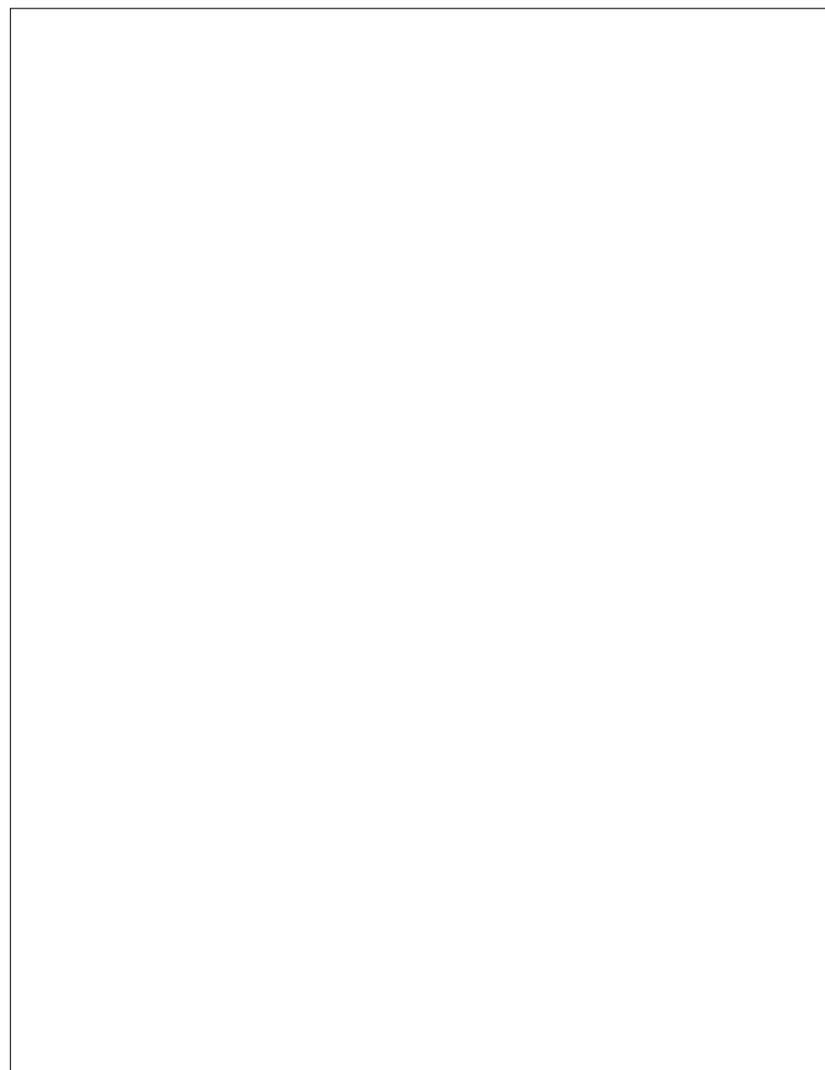
Walker was in Latin America virtually throughout his entire career, until he arrived in Kosovo. He had no experience in the region which qualified him to head the verification team in Yugoslavia. Furthermore, he spent the entire 1980s occupying high-level State positions in Central America, under the Reagan and Bush White Houses, when the region was the source of more East-West tension than in any other place in the world, and Central American embassies were the most notoriously CIA-penetrated embassies we had. You can draw your own conclusions.

Nonetheless, one need not prove that Walker is a CIA agent to make the case that the United States made a serious error in judgement in appointing him. Whether or not he was sent to Kosovo to guarantee that evidence of ethnic cleansing would be “discovered”, and whether there even exists a covert plan, of which Walker might be part, to install a semi-permanent U.S. military force in the Balkans, it is bad enough that other countries might identify Walker according to their own criteria and assume the worst. And assume they will, according to political analysts familiar with the story.

“Ambassador Walker’s record in El Salvador does not a priori invalidate his testimony on the massacres in Kosovo, but it certainly does compromise his reliability as an objective witness,” said James Morrell, research director for the Washington-based Center for International Policy.

There is a widespread belief not only in Russia, but in other countries, that Walker’s role in Racak was to assist the KLA in fabricating a Serb massacre that could be used as an excuse for military action. Already, two major mainstream French newspapers—Le Monde and Le Figaro—as well as French national television have run exposes on the Racak incident. These stories cited a number of inconsistencies in Walker’s version of events, including an absence of shell casings and blood in the trench where the bodies were found, and the absence of eyewitnesses despite the presence of journalists and observers in the town during the KLA-Serb fighting.

Eventually, even the Los Angeles Times joined in, running a story entitled “Racak Massacre Questions: Were Atrocities Faked?” The theory behind all these exposes was that the KLA had gathered their own dead after the battle, removed their uniforms, put them in civilian clothes, and then called in the observers. Walker, significantly, did not see the bodies until 12 hours after Serb police had left the town. As Walker knows, not only can “anybody have uniforms”, but anyone can have them taken off, too.



Petition Not to Confirm Either Nominee

By R. K. Kent

This petition was submitted to the US Congress at the occasion of candidature of Anthony Lake as the Director of the Central Intelligence Agency (CIA) and Madeleine Albright as the Secretary of State in 1997. Disastrous results of the American policy in Balkans: humanitarian catastrophe in Yugoslavia affecting Albanian and Serbian population, and NATO violation of International Law illustrates the predictive power of Professor Kent.

To the Chairs and Members of the Congressional Confirmation Review Committees ruling on the nominations Of the next Director of the Central Intelligence Agency and the Next Secretary of State, respectively Anthony Lake and Madeleine Albright.

Petition Not to Confirm Either Nominee

In an advanced publicity and some public discussion each of the nominees has received generally favourable mention with occasional objections. Of the two, Anthony Lake has come under two types of criticism and Madeleine Albright of only one, less specific in nature. Thus , Anthony Lake has apparently failed to sell some 280,000 dollars worth of stocks which create a potential conflict of interest. This has been explained as a simple broker's error and nothing more sinister. The second and far more serious objection

comes in two parts. He had approved a shipment of Iranian weapons to the Bosnian Muslim Government giving Iran an important foothold on the soil of Europe. Moreover, he failed to inform Congress of the decision itself. He has already apologized to Congress for the omission, with as yet uncertain effect. As for Madeleine Albright the sole objection surfacing so far is her marked tendency to be blunt and though in dealing with foreign policy issues. This has created some worries but certain members of Congress have perceived this tendency as an asset in the present world.

Their personal views on foreign policy, even more important now, have hardly been touched upon. Both are sufficiently public, neither has been discussed critically and both are in need of analyses. This is provided below in the petition. At this point it must be brought to the Congressional attention that Anthony Lake and Madeleine Albright took part in an act which cannot be defined as anything else but a crime against humanity. Herewith the details.

Of all the human tragedies that have taken place since 1991 in what used to be the Federal Republic of Yugoslavia none can surpass the massive ethnic cleansing of the Krajina region. In August 1995 almost 200,000 ethnic Serbs were expelled through the blitz of the Croat army from the region, several thousand older Serbs who could not run were killed and virtually all possessions left behind were systematically destroyed, often by torching. All of this is documented through impartial sources. As one American observer put it, he was stunned by the brutal efficiency of the blitz which left only one chicken alive in an area of about one hundred square kilometres. It is worth mentioning here that the once uninhabited region of Krajina or "borderland" received its first Serb settlers not too far from the time when the Mayflower reached America's eastern shore.

Before launching its attack on the Krajina Serbs the Croat government was particularly careful not to act without the U.S. permission and for some very good reasons. "Retired" high-ranking U.S. officers had trained and mod-

ernized the Croat army and there was an informal U.S. - Croat alliance which included intelligence cooperation in respect to both Krajina and Bosnia. It should be added at once that at least two U.S. jets strafed the hills around Knin : the capital of Krajina during an ongoing artillery bombardment of such scope and intensity that a parallel can only be found in World War II. According to the New York Times reports the green light to attack Krajina was given personally by Anthony Lake and Madeleine Albright. This was done despite warnings from the Pentagon that such an attack would invariably produce large-scale ethnic cleansing to which the United States was universally opposed. In other words , both of our top officials knew what would be the consequences of the green-light act. Yet, there is a significant difference in the background of each nominee. It comes under the heading of motivation and purpose.

ANTHONY LAKE

Publicly-shy on the whole, Anthony Lake had field exposure to the dirty aspects of interlocking conflicts of the Vietnam war. In turn , this induced him to believe that playing dirty in ethnic conflicts is not only permissible but desirable in order to attain some desired advantage. He saw the Krajina Serbs as a "Problem" that the U.S. might be called upon to "solve" under less than palatable conditions, say as the guarantor of the Krajina Serb minority rights within Croatia. In a purely "technocratic" sense the expulsion of Serbs from Krajina would prevent the Clinton Administration from having to face the "problem." This is perfectly consonant with his world-view , stated succinctly in the New York Times (Op-ed, 9-24-1994).

In it, he divided the world into a moiety with its unruly and disorderly segment facing its civilized counterpart. The purpose of our foreign policy should hence be to do virtually anything we can to expand the civilized part of the moiety while shrinking the other one until internal conflicts

would not be able to start , let alone endanger the outside world. The concepts of declared wars , respect for borders and sovereignty, non--interference in internal affairs of other countries and populations - all of them - have become obsolete, except for a number of powerful nations. We can thus bomb, preferably under the fig-leaf of NATO, anyone deemed in need of a "lesson or "message, "side with any faction anywhere regardless of its earlier opposition to and even war against the U.S., go against any faction even with a history of alliances with the U.S. in two World Wars, we can tell other people which of their leaders are acceptable to us and for whom they should vote, where they must live, how they must behave, and who will be punished with economic sanctions and isolation" from the West. In all of this, one can readily find the threads of a preppy mish-mash rooted in historical borrowings while rejecting history as something that needs to define the present. Thus, from Islam, there comes the division of the world into the area of Peace (Dar es-Salaam) and War (Dar es-Harb) with the need to constantly increase the area of Peace at the expense of the area of War, by any means, including force if necessary. From France we have the idea of "Mission Civilisatrice. "In its modern version, our globally-dominant material culture is to be gradually joined by political and social institutions like our own under the dangerous assumption that culture and politics march together. Finally, there is the British example of Imperialism of Free Trade imposed across the oceans by the Nineteenth-century superpower over Africa, Asia and Latin America. The central question now becomes obvious : given the substance and framework of Anthony Lake's mission, should he be really given the directorship of our main Intelligence Agency ?

MADELEINE ALBRIGHT

When it comes to violations of human rights and commission of war crimes in ex-Yugoslavia almost no one in this

country —and certainly within the U.S. Executive Branch— has been more vocal and active than Madeleine Albright. Given this basic fact, how could she have given the green light for a military attack that would kill civilians and result in the single greatest ethnic cleansing of the post-World War II era ? This is an insurmountable contradiction which does tarnish a would-be all-inclusive devotion to the defence and protection of human rights. Yet, a closer look reveals with absolute clarity that Madeleine Albright's intense concern for the human rights has manifested itself time and time again only when the alleged violators happen to be Serbs. Over her years at the United Nations she has gone out of her way to suppress anything that might favour or exculpate "the Serbs" collectively as well as deflect from widely reported violations against the Serbs. Instances are hardly lacking.

As the ethnic cleansing of Krajina's Serbs could not be entirely blocked off on our TV screens (the reports disappeared just after a couple of days anyway), our U.S Ambassador hardly noted the event. Instead, she immediately showed in the U.N. somewhat dated CIA aerial photographs of a large field near Srebrenica, with its soil freshly turned over. She then juxtaposed the claim of the Sarajevo government that some 8,000 Bosnian Muslim men (later the figure was downsized to 4,000) were missing after the Serbs took Srebrenica. The U.N. audience was hence looking at a mass-grave of huge proportions undoubtedly containing thousands of Bosnian Muslims slaughtered by the Serbs. It can now be reported that some sixteen months later, as the NATO-protected investigators have been doing the excavations, no such huge mass grave has been found while the bodies recovered do not even come close to the downsized figure. There is a lot more to be said about Srebrenica that would not favour the Bosnian Muslims but this is passed-up here for the sake of brevity. Similarly, when the U.N. field reports pointedly accused the Sarajevo government of being behind the third urban marketplace massacre our Ambassador to the U.N. used all of the U.S. clout to keep the

reports secret (as these remain secret to this day). She did this for the same purpose involved in the green-light given by her to the government of Croatia, namely to punish the Serbs, guilty or not. The importance of suppressing the U.N. reports can be grasped at once when it is recalled that the third marketplaces massacre at Sarajevo, shown on our TV screens in vivid colours, provided the pretext for an almost immediate (within hours) and protracted (for some three weeks) attack by the NATO (read U.S.) warplanes and other long-range weapons upon the Bosnian Serbs. As an aside, in the process, the number of civilians killed and maimed through the NATO raids exceeded by far the victims of the latest marketplace massacre at Sarajevo but this could not be called a war crime since damage was inflicted from some 35,000 feet with the humane effort to keep the "collateral damage" to a "minimum".

Shortly after the Serbs captured the Slavonian town of Vukovar, after a long siege, Madeleine Albright paid it a well-publicized visit. During the siege, an entire and fairly important Serb population of Vukovar had disappeared without a record of any flights. Serb soldiers found in the old Austrian catacombs under Vukovar many signs of recent tortures while several mass-graves were reported in the vicinity of Vukovar. Did Madeleine Albright come to find the mass-graves with dead Serbs, to look at the torture chambers ? No, she was there in search of an alleged mass-grave containing the bodies of exactly 280 dead Croats allegedly yanked-out of a hospital and shot *en masse*. In yet another telltale instance she demanded that none of the U.N. Security Council Ambassadors be allowed to meet with a visiting Yugoslav (Serb) Prime Minister or else face the severance of all future contacts with the U.S. Delegation. This could have led to an irreparable embarrassment to the United States had any of the Ambassadors proposed to halt the Security Council proceedings pending apologies and or resignation. Fortunately, the French and the Chinese Ambassadors simply disregarded the command.

Although this is as yet not well and widely understood,

the International Tribunal at the Hague looking into war crimes and crimes against humanity in ex-Yugoslavia since 1991 has been doing incalculable damage to International Law itself as it has evolved through the Hague's World Court since 1907 . Unlike any court of law in the U.S., it indicts, prosecutes and renders sentence while engaging in repeated cases of advocacy through the use of media. The Tribunal has the distinct imprimatur of Madeleine Albright. She had personally hand-picked the initial 25 jurists and it should not come as a surprise that until March 1996, after some two years in operation (it was founded in 1993), the Tribunal failed to indict anyone for a crime against a single Serb despite the overwhelming evidence of violations against the Serbs by both the Croats and Bosnian Muslims. With few exceptions, only Serbs have been indicted until a few months ago. Another contribution of Madeleine Albright to this Tribunal has been to lend it the services of our Federal Bureau of Investigation to act as political police. Thus, a team of FBI investigators was sent to the Hague to extract a specific type of information from two Bosnian Serb army's high-ranking officers. In violation of Dayton Accords, they were delivered to the Tribunal at the Hague without any charges against them or any demands for their arrest and delivery to the Tribunal. The sole purpose of the interrogation was to have the two officers implicate other leading Serbs in both Bosnia and Serbia in alleged war crimes. One of the two officers died from cancer, the other was returned to the Bosnian Muslim captors when nothing could be found to indict him on.

In view of the foregoing record it is impossible to avoid the conclusion that Madeleine Albright has used the prestige and the power of the American people and the United States Government to carry out a personal vendetta against a particular South European ethnicity which has also contributed about a million Americans of Serb origin. Many of them, probably most, have resented Madeleine Albright's Serbophobia and the actions she took through her high position in which she was supposed to represent all of the

American people. If there is an individual from Bosnia on the Hague Tribunal's « most wanted » list it would surely be Radovan Karadzich. He is not wanted for the specific personal commission of a crime but rather for allowing - as a leader of the Bosnian Serbs - for the ethnic cleansing of Bosnian Muslims. Is there a significant difference with Madeleine Albright's (and Anthony Lake's) green light which allowed the Croat army to do the work of the ethnic cleansing of Krajina (in 1995) so that not a single Serb remains alive today? To be sure, American citizens are not deemed to be under the jurisdiction of the Hague's Tribunal. Our Law of the Land can not be pre-empted by the International Law. Still, the question remains and it should singe the conscience of any member of the Congressional Review Committees who has made in advance his or her mind to support the White House nominations for the Director of the CIA and the Secretary of State.

A Matter of What Foreign Policy

Madelaine Albright has said herself that she has no intellectual pretensions. Accordingly, she has not spelled in any detail her over-arching view of foreign policy, in contrast to Anthony Lake. She has served as a foreign policy adviser to such presidential candidates as Ed Muskie, Jimmy Carter (in bid for a second term) and Geraldine Fararo as Walter Mondale's Vice-Presidential candidate. All three lost. Madelaine Albright does have longevity in the foreign policy field but not prominence. Her appointments to the UN and the prospective replacement of Warren Christopher derive from a President with slight experience in foreign relations and policy. Her principal asset seems to have been the image of a self-assured « hawk » among a flock of hesitant, even timid, beltway birds, plus an ability to get things done despite the many and the usual bureaucratic impediments. She plans, according to her televised statements, to conduct an aggressive and assertive foreign policy suited to Presi-

dent Clinton's new quest for leadership in this domain deemed essential in order to control events so as not to be controlled by them.

This may sound promising. The only real difficulty is that in just a few short years the nature of international conflict, force and repercussions have undergone a dramatic change while no one, so far, has been able to micro-manage the future throughout various parts of the world. A single vial of ultra-toxic substance could come to wipe out a city and hand-carried, miniaturized atomic explosive devices are just around the corner. An aggressive foreign policy captained by an assertive, blunt and tough Secretary of State and a CIA Director ready to engage in clandestine US interventions will only serve to entice terrorism against Americans at home and abroad. A «techno-defence» against terrorist acts is being prepared, as it well should be, and FBI offices are being opened abroad in quest for close international cooperation against terrorism. Yet, the Clinton Administration will be duping the American people first by its propaganda that its « policy » in Bosnia is a certified success and, secondly, by replicating the same type of US involvement elsewhere. An absence of shooting war, after four years of bloodshed, is not much to brag about, with billions already spent, with large number of American soldiers on the ground and the lack of popular support for a minimal US stay of a decade and even larger sums of dollars to spend in Bosnia alone.

If the US foreign policy is to register future successes its makers will need to shift from an aggressive model to what could be called a preventive one. This implies a great deal more than just sending diplomats to mediate in various regional conflicts, to threaten with sanctions and military interventions. It would require a reorientation in both thinking and behaviour. If Islamic « Fundamentalism » is perceived as one of the principal threats to the US and the « West » as a whole, the best weapons against it are the 101 Suras of the Koran, Muhammad's Oral Traditions and the Maliki Law. « Jihad » is but a twisted perversion of the noun

and the verb which demand application is the Lord's path without any reference to use the sword in this moral endeavour. While fellow-Americans are not accustomed to believe that there is around a strong American nationalism, it does exist. A version to which most would subscribe comes under the heading of patriotism. Yet, both the media and the US Government, tell us that other people's patriotism is wrong, that Serb Nationalism is « virulent » in need to being put down, humiliated and punished, along with other nationalisms declared to be also « virulent ». This kind of sophomoric rationalisation shuts the door to treating those slated to be despised with any dignity at all. Is there nothing to be learned from Alexander Lebed's recent performance in Chechniya? Or, from Jimmy Carter's visit to Pale when no one would even speak to the disposed Serbs, demonized in the media for at least two years even prior to the Bosnian civil war? In short, marriage between a neurotic media in constant need for sensationalism, and an aggressive foreign policy is a prescription for disaster.

The two nominees are headed in the wrong directions, one overt and the other one covert, where the end justifies the means. Both demean the man's noblest experiment in cohabitation, resulting in the American people. As an African diplomat said recently, Madeleine Albright is the only foreign policy official who managed to unite 180 countries against Unites States. It is unlikely that she will attain the same score again but it is hardly unreasonable to predict that, sooner or later, the American people will pay the price for this misguided appointment. Not much less can be expected of Anthony Lake as well. There is a vast pool of talents of all sorts in America. If President Clinton can not find at least two more desirable nominees, it should be the duty of Congress to recommend substitutes. In the last presidential elections 3 out of 4 eligible Americans did not even bother to vote.

Raymond K. Kent
Emeritus Professor of History
University of California at Berkeley

**OPEN LETTER
to Mr Josef Fischer**

Vice Chancellor, Foreign Minister
Federal Republic of Germany

April 16, 1999

Last February 27, we took the opportunity of your presence at the European Green Congress in Paris to deliver a letter approving your stated opposition to the first use of nuclear weapons, and calling on you to take a similar principled position against the first use of NATO missiles and air strikes against Serbia. We pointed out at the time, that: "Since the United States includes depleted uranium weapons in its arsenal of weapons used in air strikes, NATO attacks on Serbia would constitute not only a flagrant violation of international law but also a step toward first use of nuclear weapons."

The only answer we received was indirect, in the form of your hearty approval of NATO air strikes.

At the European Green Congress, we listened carefully to what you had to say, and we are familiar also with other statements you have made before and after that occasion.

In Paris, we were particularly struck by your use of double standards was particularly striking in regard to Turkey and Yugoslavia. In regard to Turkey and the Kurdish problem, you stressed the need to "understand both sides". You pointed out that it will take time to solve this very difficult and emotion-charged problem. You advised Kurdish nationalists to "go back to politics".

Why have you never applied the same reasoning to Serbia and the ethnic Albanians? Under pressure from nationalist leaders, the majority of ethnic Albanians have for

many years boycotted all possibilities to exercise their democratic rights as Yugoslav citizens, including notably the right to vote. And in contrast to the Kurds of Turkey, the Albanians of Kosovo are guaranteed not only citizens' rights but extensive cultural rights as well, notably unimpeded public use of their language. Their non-violent political leaders have for years been openly active in Kosovo and have traveled freely abroad drumming up international support against the Serbian State. Where else in the world does an irredentist or separatist movement operate so freely? Certainly not in Turkey. Yet Turkey is supported, and Serbia is condemned.

The obvious reason for this flagrant double standard concerns not principles but rather the fact that Turkey is a member of NATO, and Yugoslavia is not. Nevertheless, in view of the large and militant Kurdish diaspora in the European Union, some apparent effort must be made to "understand both sides".

In contrast, the militant ethnic Albanian diaspora has been actively seeking NATO's support in pursuit of its separatist goals. Yugoslavia itself has been deprived of any voice in international organizations — whether NATO, the OSCE, or the United Nations and its agencies — and has no militant diaspora threatening to bring civil war into the streets of Berlin or Paris. Therefore, it seems, there is no need to "understand both sides".

In Paris, we were struck by the way in which you exploited the Jewish background of your friend Daniel Cohn-Bendit to justify accusations of "genocide" against Yugoslavia. Dany, you said, patting him on the back, because of his personal history, "sniffed something".

Instead of relying on Daniel Cohn-Bendit's special nose, it would have been more serious to consult, for instance, Mr. Aca Singer, a survivor of Auschwitz and today a leader of the Jewish community in Belgrade. He could have explained to you the difference between Auschwitz and Belgrade. Instead, you sent German bombers which have forced Mr. Singer and his wife, now in their seventies, to

sleep on cots away from their home. Or you could have sought enlightenment from Auschwitz survivors Esther Bejarano and Kurt Goldstein, who remember what you conveniently forget, that the Slavs in general, and the Serbs in particular, were also targeted by the Nazi racists for genocide.

You also expressed the kindly intention to “bring the Serbian people back to Europe”. Mr. Fischer, you may be unaware that the Serbian people have been in Europe for well over a thousand years. In recent years they have been excluded from international organizations and expelled from their homes in Croatia largely as a result of the insistence on the part of the German government to accord diplomatic recognition to the unnegotiated secession of Croatia. The isolation of the Serbian people to which you referred is not a “self-isolation”, but a deliberate isolation led by Germany in collaboration with Croatian and Albanian lobbies which have had a strong influence on the media and policies in both Germany and the United States.

So having isolated the Serbs, you generously offer to bring them back into Europe. How? By destroying the country’s infrastructure, bombing its bridges, smashing its industry, robbing its people of a half century of economic development needed to pull the country from the ruins caused by the last German attack? You called for a “stability pact” for the Southern Balkans. Is this the new edition of Hitler’s “New World Order”, which also promised stability and wrought death and destruction? Is your method for “bringing the Southern Balkans into the European Union” to reduce them to ashes and then occupy what is left as little NATO protectorates?

At different times, we have both lived and worked in Germany, we have admired the German peace movement, and we are convinced that most Germans, most of all precisely those who voted for you, would never have approved launching a war against a sovereign European country in violation of all relevant international treaties, had they not been told repeatedly that the only choice available was

between war and genocide. This is the line which you have pursued since the December 6, 1995 Bundestag debate on German participation in military operations in Bosnia-Herzegovina. You found the sophistic trick to bring the Greens into line with future NATO war planning and thus make them — or make yourself — *regierungsfähig*. The trick was to reduce the complex question of German relations with former Yugoslavia to a simplistic moral dilemma between two opposing “basic Green values”: peace versus the need to help people survive against a “new fascism”. This was a false dilemma, designed to lead the Greens into acceptance of war.

Armed with this sophistry, and with the media notoriety of your friend Cohn-Bendit, you played the role of pied piper of Frankfurt to lead the Green children off the cliff and into the chasm of aggressive war.

You have had your reward: Foreign minister of the Federal Republic of Germany. You have come a long way. And Richard Holbrooke himself has predicted that you will make “a great foreign minister”.

He foresaw, perhaps, that your historic role would be to transform German guilt for the Holocaust into a moral pretext to resume the *Drang nach Osten* pursued unsuccessfully by the Third Reich.

Thus you deceived the members of your own party by not informing them that the Rambouillet “peace agreement” was actually a war agreement between NATO and the “Kosovo Liberation Army” (whose notorious connections to the heroin trade cannot be unknown to your government) in the form of an ultimatum to Belgrade much worse than the one delivered by Vienna in 1914, setting off the first World War.

Faced with the lack of success of NATO’s bombing assault on Yugoslavia, you have been joining your NATO colleagues in escalating the war propaganda. Milosevic is now “the new Hitler” who must be stopped in the way the Allies stopped the first one: by reducing the country to rubble and demanding “unconditional surrender” and mili-

tary occupation. How enjoyable to be on the winning side this time!

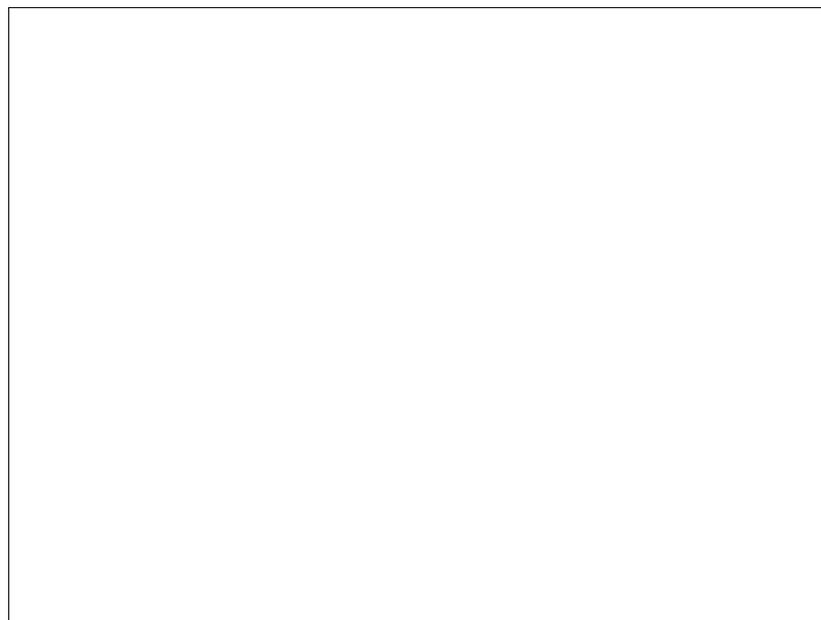
No, Mr. Fischer, Mr. Milosevic is not Hitler. He is a wily, dishonest politician who promised his people peace and harmony, and delivered strife and war. A disastrous politician like so many others in the world, some of them not a million miles from where you are standing.

There is a lot of role-playing and identity confusion in this war. Bill Clinton is not Franklin D. Roosevelt. Tony Blair is not Winston Churchill. Jacques Chirac is not Charles de Gaulle.

But the question that remains is: WHO ARE YOU, Mr. Fischer?

Dragan Pavlovic, M.D.
Scientific researcher, University of Paris VII
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(1990-1996)



Cantonization of Kosovo - Metohija

a proposal

Du{an T. Batakovi}

The solution of the Kosovo-Metohija question in a way that would be consistent with the functioning of Serbia as a state, even as the question is internationalized, requires a new approach. The cessation of military conflicts will enable political negotiations and the identification of a mutually acceptable solution which will harmonize both the interests of the state and the interests of the various ethnic communities in Kosovo-Metohija. In light of the fact that international guarantees completely protect the interests of the Albanian minority in Kosovo and Metohija, what is needed now are additional guarantees for the protection of the Serbian population. Likewise, it is extremely important that in Serbian province of Kosovo-Metohija, just as in Bosnia-Herzegovina and in other Balkan countries, a multiethnic and multireligious society is fully preserved. That is particularly consistent with the OSCE's Declaration Regarding the Protection of Minorities.

The model of cantonization is an obvious answer with which, on the one hand, the existing ethnic proportions of the province as well as its multiethnic composition will be preserved, but with distinct rights for cantons with a Serbian majority. The cantons would consist mainly of rural areas,

without large cities. In the cities there would be a special, mixed regime of administration. Cantons with a Serbian majority do not necessarily have to, but may, be territorially linked as well. In any case, they could — if they themselves decide so — be more closely linked with Serbia. The territories that would be under Albanian administration, which would also be divided into cantons, could, in accordance with a decision by the Albanian ethnic population, receive a somewhat broader autonomous status within Serbia. That solution resembles the multi-layered autonomy that exists in Spain today.

Cantons: To be Created only in Rural Areas

Cantons with a Serbian majority which encompass mainly rural areas (according to new cantonal borders that will be drawn in the near future, not to the existing municipal borders) would also consist of all Serbian monasteries with their properties. Prior to that, all properties that the monasteries owned before the outbreak of war in 1941 would be returned to the monasteries. Therefore, the areas where Serbs form a majority will not be dependent on local Albanian authorities due to gerrymandering. Serbian-majority cantons would encompass around 30 percent of the territory of Kosovo-Metohija.

The first and largest Serbian-majority canton would encompass the area of Ibarski Kolasin, in the borders of the current municipalities of Leposavic, Zubin Potok, and Zvecan, in which there is a clear Serbian majority population.

The second canton would encompass the area between Kosovo Polje and Lipljan with the Serbian villages in that area (Caglavica, Gračanica, Laplje Selo, etc.) The current borders of the municipalities would be modified, making it possible to group together towns and villages with a major-

ity Serbian population, forming one whole.

The third canton would encompass the area between the current municipalities of Kosovska Kamenica, Kosovska Vitina, and Gnjilane where, as in the second canton, marginal modifications of the current municipal borders are required to form one whole.

The fourth canton would encompass Sirinicka Zupa with its capital in Strpce (which today is a separate municipality); to it would probably also be joined Sredacka Zupa, as well as the areas of Opolje and Gora, which are mostly inhabited by Muslim Slavs whose native language is Serbian.

The fifth canton would consist of the Serbian rural areas from Pec to Istok and Klina, where there are a number of territorially linked Serbian villages. The properties of the monasteries of Decani and the Pec Patriarchy would also be adjoined to this canton, including of course all the property that these monasteries owned until the outbreak of war in 1941. Similarly, the properties of all other Serbian monasteries (Gracanica, Devic, Gorioc, Sv. Arhandjeli, Zociste, Banjska, Draganac, Sokolica, etc.), depending on their territorial proximity, would be adjoined to the other cantons.

The cantons with a Serb majority would have their own local administration with Serbian courts and law enforcement. That is the basic precondition to avoid the mass exodus of the Serbian population from territories which revert to the administrative, judicial, and police administration of another ethnic group, such as in Baranja and Western Srem (the so-called Eastern Slavonia). As it turned out there, to stop the mass exodus of Serbs it was not sufficient for them to be a minority in those administrative organs, since there is no way to prevent the ethnic majority from outvoting the minority. Only a guaranteed Serbian majority in administrative, judicial, and law enforcement structures

in cantons with a Serbian majority will guarantee that they continue to live in those predominantly rural areas.

Each cantonal assembly would consist of one chamber. The same would be true for Albanian majority cantons (whose number shall be determined in the future, in compliance with the wishes of the ethnic Albanian population) in the mostly rural areas. Neither Albanian nor Serbian cantons would be without a certain number of citizens of other ethnic backgrounds; the protection of their interests would be guaranteed by equal treatment of minority groups in each canton. In that sense, the cantons of Switzerland provide a good example.

Large Cities: Mixed Administration

In large urban zones there would be a special regime of mixed administration, distinct from that envisaged for the cantons. Mixed, Serbian-Albanian administration would be established in larger cities (Kosovska Mitrovica, Pristina, Gnjilane, Urosevac, Pec, Prizren, Vucitrn, Orahovac), as well as a special form of Kosovo-Metohija autonomy, with mixed administration and parity of representation in the judiciary and law enforcement. Ethnic majority dominance would thus be prevented in urban centers — dominance which ethnic Albanian abused between 1968 and 1981 in their effort to force Serbs to flee Kosovo and Metohija.

Cities in these urban zones would, because of that, have bicameral municipal assemblies. The Lower House would represent the will of the people expressed at municipal elections, while the Upper House would be composed of 50 percent Serbs and 50 percent Albanians, where each ethnic group would have the right to veto.

The support of the international community would be

of great importance for the implementation of the model of cantonization and mixed administration in large cities. The project of maintaining multiethnic cities would use the cities of Bosnia-Herzegovina as a model, in that it would receive financial credits, with which economic reconstruction and private enterprise would be fostered, as the sound basis for a multiethnic, democratic society. Kosovo-Metohija would remain a province under the jurisdiction of Serbia, and a multiethnic police force would be created as a part of the state police, in order to avoid the possibility that the "Kosovo Liberation Army" will take over police duties and form the basis for the creation of an Albanian military force on an ethnic basis which would certainly exploit the situation of a conflict breaking out in the Former Yugoslav Republic of Macedonia to fight another war for secession from Serbia and Yugoslavia.

Provincial Administrative Bodies

The Assembly of the Province would consist of representatives from all the cities with mixed administration and all the cantons; it would also be bicameral, where the Upper House, made up based on ethnic parity, would allow mutual veto powers to each ethnic group, in order to avoid outvoting by the majority.

The levels of decision-making would in that case be four-tiered: cantonal, provincial, republic, and federal. The tiered structure would protect human and civil rights of all ethnic groups in Kosovo and Metohija, and would also prevent the change by force of existing borders. The complete ethnic-based split-up of the two conflicting sides would thus be avoided: Serbia would transfer a part of its administrative authority to the Albanian cantons (in the spheres of education, culture, health care, social security, transportation, communications, industry, the protection of cultural monuments, and local judiciary), and authority

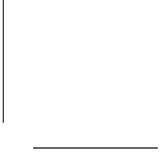
would remain vested in the state for appellate courts, foreign affairs, customs, police, and the army. Ethnic Albanians would have the right to complete their military training in civilian institutions. Serbian cantons would have the option to vest some of their administrative authority with the central government in Belgrade.

The Authority of Serbia and Guarantees of the International Community

The Parliament of Serbia and the international community would be the guarantors of this Agreement. The cantonal administration of Kosovo and Metohija would be regulated by a special law of the Parliament of Serbia. The Agreement on Cantonization would be in effect for a minimum of 15 to 20 years. The status of the province could be re-evaluated only after that period. At that time, the future generation, which will not be encumbered with the current hostilities and tensions, will be making the decisions, consistent with an atmosphere of broader European integration, democratic institutions, and the efficient protection of human rights.

All regulations of cantonal administration that are proposed by the Assembly of the Province would be approved and voted into law by the Parliament of Serbia. The President of Serbia would have the right to veto in the following spheres: 1) internal and foreign security; 2) in case the Assembly of the Province attempts to assume rights or duties which have not been delegated to it by this Agreement. The President of Serbia would also have the right to act as arbitrator if there is any dispute between the Parliament of Serbia and the Assembly of the Province.

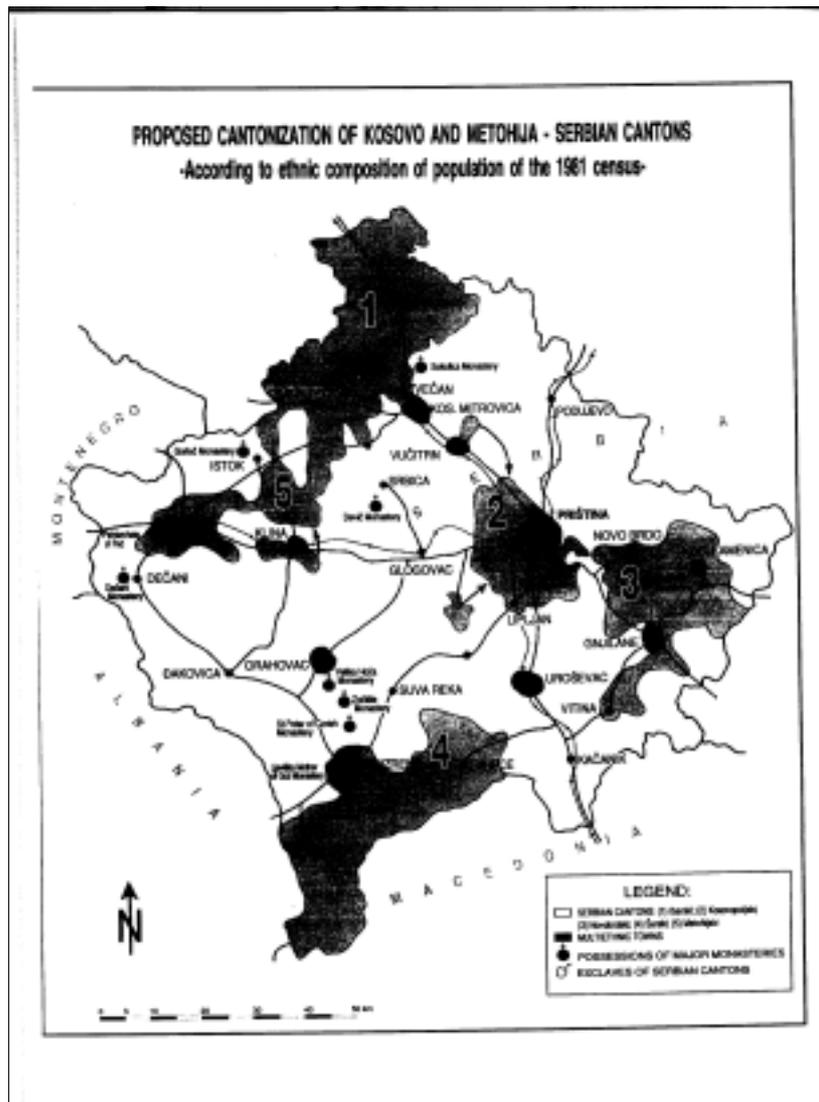
The election of deputies from Kosovo and Metohija



for the Parliament of Serbia would be conducted by canton and by city, where each of those territorial units would be separate electoral districts. The principle of affirmative action would be built into the electoral law, so that, for example, there would be at least 10 Serbian deputies from a delegation of 33 deputies from Kosovo-Metohija (a majority of whom would be ethnic Albanians). In European practice, that is an accepted principle of affirmative action.

European experiences indicate that a complex, multi-layered structure of regulating multiethnic provinces or regions is the best way to overcome ethnic tensions caused by contemporary or historical enmities between different national groups or minorities. With the application of those experiences in the southern province of Serbia, there will be conditions for the protection and safeguarding of all ethnic communities there, and at the same time, with the guarantees of the international community, the territorial integrity of the Republic of Serbia will be preserved.

Belgrade, September 1998



L'évolution démographique au Kosovo

Bogoljub Kochovich

Il faut immédiatement préciser que je ne me suis pas donné comme tâche de discuter si la situation démographique au Kosovo est un argument qui puisse jouer un rôle dans la solution de la crise du Kosovo. Pas davantage, dans le cas où il jouerait un rôle quelconque, de décider s'il faut lui donner la préférence aux arguments historiques. Je ne désire pas non plus discuter si l'attitude de la communauté internationale selon lequel les frontières étatiques ne peuvent subir de changement sans le consentement des parties en cause est sincère - ce qui aurait été à l'avantage de la thèse serbe - mais je peux en douter après l'expérience de la destruction de la Yougoslavie par cette même communauté internationale. Enfin je ne désire pas discuter, dans le cas du Kosovo, la validité de l'argument de ceux qui prétendent que rien dans la vie, et surtout sur le plan politique et national, ne reste figé, ou plus exactement enterré, ce qui est indiscutable, et que certains changements s'imposent donc, à un moment donné, soit pacifiquement soit par la force.

Je me suis, par contre, donné comme tâche de consacrer cet article uniquement à l'analyse des principales données de l'évolution démographique au Kosovo.

Il n'est pas facile d'analyser cette évolution où il y avait, à travers l'histoire, tant de mouvements des populations, de migrations des peuples, d'invasions, de terrorisme et d'assimilations. Il est vrai, il y a des phénomènes que nous pouvons expliquer, mais il y en a également qui ne font que brouiller la perception des problèmes. Si, d'un côté, nous pouvons répondre à certaines questions, de l'autre côté, dans d'autres cas, nous ne pouvons faire que des suppositions ou alors offrir plusieurs interprétations possibles.

Avant de présenter les données statistiques les plus essentiels, il est primordiale de faire certaines remarques qui, malheureusement, trop souvent, apportent davantage de questions supplémentaires que de réponses. Mais ces remarques s'imposent afin de comprendre mieux la complexité du problème.

A travers la vallée du Kosovo, noeud de communication entre l'Europe du nord-ouest et du sud-est, bien des peuples ont passé, certains en traversant, d'autres en se fixant, et puis en disparaissant comme les Trachéens, Illyriens, Grecques, Romains ...

Les Serbes sont arrivés sur ces territoires au courant du VI siècle, repoussant les tribus et les peuples trouvés sur place.

Si les Serbes sont devenus très vite majoritaires dans ce région, nous notons le long de l'histoire des mouvements des peuples: les Serbes partaient vers le nord ou l'ouest, les Albanais islamisés s'installant sur les territoires délaissés par les Serbes. Les Serbes émigraient afin de ne pas être soumis au statut du peuple conquis, aux impôts qui étaient insupportables pour les peuples non-musulmans, aux enlèvements très fréquents de jeunes garçons pour les enrôler dans l'armée d'élite ottoman janissaire, aux vengeances après les nombreux révoltes et soulèvements de la part des Serbes. Une partie de la population serbe qui ne s'est pas résolue à l'émigration, afin d'éviter les méfaits que nous venons de mentionner, s'est convertie à la religion musulmane pour perdre, avec le temps, tout sentiment national originaire.

Malgré l'émigration, la conversion religieuse, l'assimilation et le massacre, les Serbes sont restés majoritaires presque jusqu'à la fin du XIX siècle. De nombreux documents turcs ainsi que les compte-rendus des voyageurs le confirment. Toutefois, au moment où la région du Kosovo a été rattachée, après les guerres balkaniques de 1912 et 1913, à la Serbie, les Serbes étaient devenus minoritaires dans cette région.

Après la Première guerre mondiale, les deux

recensements, celui de 1921 et 1931, ont été effectués sur les bases de l'appartenance religieuse et de langue maternelle. Toutefois ces données pouvaient être facilement transformées en données par nationalité: les personnes recensées dont la religion est orthodoxe et la langue maternelle serbo-croate pouvaient être sans difficulté considérées comme Serbes/Monténégrins; et les personnes recensées dont la religion est musulmane et la langue maternelle albanais sont sans aucun doute Albanais.

Une fois les données des deux premiers recensements ayant été ainsi transformées, il devient alors possible de les comparer avec celles des recensements de la Deuxième Yougoslavie. Mais ces recensements de 1948 à 1991 n'étaient pas pour autant sans problèmes. Certains phénomènes ne font qu'embrouiller les résultats des recensements. Le lecteur le remarquera en analysant les chiffres des tableaux que nous publions ci-après, que, dans certains cas, surtout parmi les peuples où prédomine la religion musulmane, nous sommes en présence de grandes variations.

Comment expliquer les chiffres qui indiquent que le nombre des Tziganes se situait entre 3 et 15.000 aux recensements de 1948 à 1961, avant de sauter jusqu'à 34.000 en 1981 et à 46.000 en 1991?. Je ne peux que supposer qu'une bonne partie des Tziganes se déclaraient dans les premiers temps comme Albanais. Je n'ai pas de réponse plus certain, car il ne faut pas exclure la possibilité que dans de nombreux cas une partie s'inscrivait comme Serbe ou Musulman-yougoslave.

Question similaire se pose pour le nombre des Turcs: en 1948 il n'y avait que 1.000 Turcs déclarés, et cinq ans plus tard, en 1953, ils étaient 35.000. Dans le cas des Turcs la réponse ne doit pas nécessairement être la même que pour les Tziganes. Nous pouvons supposer avec plus de probabilité, mais sans être complètement sûrs, que parmi les 35.000 personnes nous avons un certain nombre de Turcs qui s'étaient, sous forte pression, d'abord déclarés Albanais en 1948, mais également un certain nombre

d'Albanais qui se déclarent cette fois-ci être Turcs. Pourquoi cette tendance? Après le conflit avec le Cominform, l'Albanie s'est rangé du côté de Moscou et les autorités yougoslaves ont alors favorisé la minorité turque plutôt que la partie albanaise. Il y avait également parmi les 35.000 Turcs un assez grand nombre de personnes, Albanais ou Musulmans-yougoslaves, qui voulaient profiter de l'accord entre la Turquie et la Yougoslavie pour quitter légalement la Yougoslavie. La diminution du nombre de ces 35.000 Turcs ("purs" ou "turquisés") qui se sont ainsi déclarés en 1953 à seulement 12.000 au recensement de 1971 est probablement le reflet des départs légaux pour la Turquie.

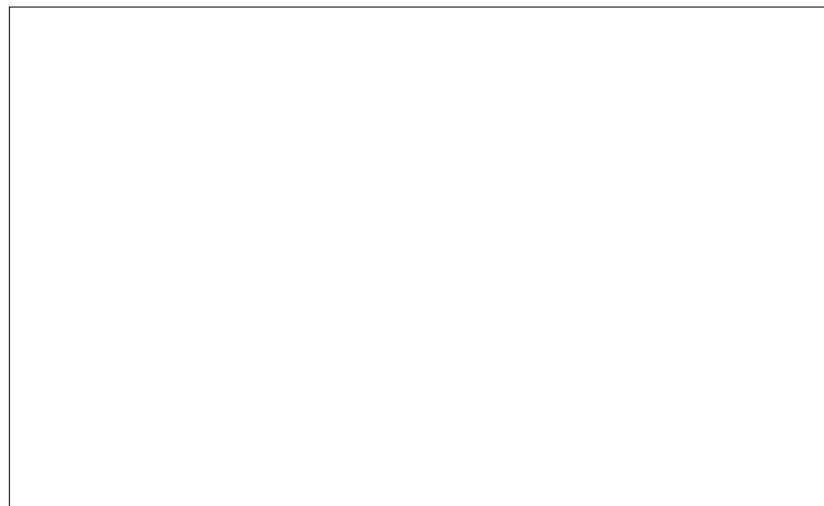
Il est encore plus difficile d'analyser l'attitude des Musulmans-yougoslaves. Comment expliquer que le nombre de ce groupe oscille de 1948 à 1961 entre 6 et 10.000 pour se trouver en 1981 et 1991 au nombre de 59.000 et 66.000? Est-ce que le plus grand nombre des Musulmans-yougoslaves ne s'est pas déclaré dans les premiers temps, pour des raisons politiques ou sous pression physique, comme étant Albanais (sur la base religieuse) ou Serbe (sur la base ethnique)?

Il faut également tenir compte du fait que lors du dernier recensement (1991), les Albanais, surtout ceux du Kosovo, ont boycotté le recensement rendant leurs données statistiques plutôt approximatives.

Ces quelques remarques essentiels illustrent suffisamment la complexité de la tâche que nous avons entreprise pour analyser l'évolution démographique au Kosovo. Le fait que nous avons trop souvent employé des termes comme "un certain nombre", "un grand nombre", "la grande partie", "la majorité" sans pouvoir être plus précis, laissant des questions sans réponse, montre qu'il faut prendre les chiffres et leurs interprétations, y compris les miens, avec toute précaution et réserve. Il va de soi que j'aurais aimé pouvoir offrir aux lecteurs des données plus fiables, je n'apprécie pas moi-même cette méthode d'imprécision - mais, malheureusement, nous ne possédons pas de données statistiques qui ne puissent pas être

contestées.

Pour que le problème soit encore plus compliqué, il ne faut pas oublier qu'à partir des années 1960, nous enregistrons des grands mouvements des citoyens yougoslaves, parmi lesquels de nombreux Albanais, vers l'Europe de l'Ouest sous la dénomination commune: travail temporaire à l'étranger. A ce propos la question qui se pose est la suivante: est-ce que ces Albanais, partis travailler "temporairement" à l'étranger, ont été (ou non) inclus par sa famille, pour une raison quelconque, sur les formulaires des recensements de 1971 à 1981? En principe, un recensement ne tient compte que des personnes qui se trouvent le jour de recensement dans le pays, mais il n'est pas exclu qu'il y avait des irrégularités pour nombre de raisons. La réponse à cette question est toutefois d'une très grande importance, car elle nous amène alors à répondre à une autre question: quel est le nombre d'Albanais qui se seraient introduits illégalement en Yougoslavie et ensuite auraient pu être illégalement enregistrés dans les livres d'état-civil comme citoyens yougoslaves. Est-ce qu'il s'agit de plusieurs dizaines ou même centaines de mille, comme prétendent certains milieux serbes? Il n'est pas facile de répondre à cette question comme nous aurons l'occasion le voir en analysant les tableaux qui suivent.



Le Tableau 1 nous offre l'évolution démographique (en mille) au Kosovo de 1921 à 1991 telle qu'elle figure suivant les données des recensements:

	estimation		1948	1953	1961	1971	1981	1991
	1921	1931						
Serbes*	92	149	200	221	270	261	239	218
Musulmans [°]	14	25	10	6	8	27	59	66
Croates	3	5	5	6	7	8	9	8
Autres ^{°°}	-	2	1	2	2	2	1	1
Yougoslaves	109	181	216	235	287	298	308	293
Albanais	289	331	498	525	647	916	1,227	1,596
Turques	28	24	1	35	26	12	12	10
Tziganes	11	14	11	12	3	15	34	46
Divers	2	2	2	1	1	3	3	11
KOSOVO	439	552	728	808	964	1,244	1,584	1,956

Remarque:

* Dans ce tableau comme dans les autres qui suivent, nous avons inclus avec les Serbes: les Monténégrins et à partir de 1961 ceux qui se sont déclarés comme Yougoslaves (dont le nombre n'a toutefois jamais dépassé 5.000).

[°] Ce sont les Musulmans Slaves-du-Sud (de langue serbe)

^{°°} Slovènes et Macédoines.

Le Tableau 2 nous donne la répartition des nationalités du Tableau 1 exprime en pourcentage leur présence dans le total de la population de Kosovo:

	estimation		1948	1953	1961	1971	1981	1991
	1921	1931						
Serbes	20,9	27,0	27,5	27,4	28,0	21,0	15,1	11,1
Musulmans	3,2	4,5	1,4	0,8	0,9	2,2	3,7	3,4
Croates	0,7	0,9	0,7	0,7	0,7	0,6	0,5	0,4
Autres -	0,4	0,1	0,2	0,2	0,2	0,1	0,1	
Yougosl.	24,8	32,8	29,7	29,1	29,8	24,0	19,4	15,0
Albanais	65,8	60,0	68,4	65,0	67,1	73,6	77,5	81,6
Turcs	6,4	4,3	0,1	4,3	2,7	1,0	0,8	0,5
Tziganes	2,5	2,5	1,5	1,5	0,3	1,2	2,1	2,3
Divers	0,5	0,4	0,3	0,1	0,1	0,2	0,2	0,6
KOSOVO	100,0							

Remarque: Comme nous pouvons le voir, l'assertion que les Albanais étaient en 1991 majoritaire à 90% n'est pas exacte.

Le Tableau 3 démontre les fortes variations (diminution ou accroissement) au Kosovo d'un recensement à l'autre de l'évolution démographique, exprimé en pourcentage:

	estimation		48-53	53-61	61-71	71-81	81-91	21-91
	1921-31	31-48						
Serbes	62,0	34,2	10,5	22,2	-3,3	-8,4	-8,8	137,0
Musulm.	78,6	-60,0	-60,0	33,3	237,5	118,5	11,9	371,4
Croates	6,7	-	20,0	16,7	14,3	12,5	-11,1	167,7
Autres	les variations statistiques sans signification							
Yougosl.	66,1	19,3	8,8	22,1	3,8	3,4	-4,9	168,8
Albanais	14,5	50,5	5,4	23,2	41,6	34,0	30,1	452,3
Turcs	-14,3	-316,7	250,0	-25,7	-233,3	0,0	-16,7	-64,3
Tziganes	27,3	-21,4	9,1	-75,0	400,0	126,7	35,3	318,2
Divers	les variations statistiques sans signification							
KOSOVO	25,7	31,9	11,1	19,3	29,0	27,3	23,5	345,6

Remarque: Il faut garder à l'esprit qu'entre les recensements de 1931 et 1948 se sont écoulés 17 ans, entre les recensements de 1948 et 1953: 5 ans et entre 1953 et 1961: 8 ans. Pour le reste, la période de temps est de 10 ans, comme s'est la coutume dans ce genre de recensement de la population.

Les variations très grandes de l'accroissement ou de diminution dans l'évolution démographique résultent non seulement du facteur de "l'accroissement naturel net" (nombre de naissances moins nombre de décès sur 1.000 habitants), de l'influence de l'immigration (légal ou non), de l'émigration, de l'assimilation, ou de la naturalisation, entre autres facteurs, mais également d'une instabilité dans les déclarations de l'appartenance nationale, surtout parmi les peuples de religion musulmane, celle-ci résultant à son tour de différents facteurs: intérêt politique, pression, opportunité légale d'émigrer, entre autres.

Enfin le **Tableau 4** nous offre la possibilité de pouvoir comparer les chiffres des "facteurs d'accroissement naturel" (nombre de naissances moins le nombre de décès sur 1.000 habitants) du Kosovo de 1951 à 1981 avec ceux qui ont été enregistrés par les données officielles en Serbie Intérieure, Monténégro, Voïvodine, Bosnie-Herzégovine et

Macédoine. Cette dernière est très intéressante car dans cette République les Albanais présentent une forte minorité. Malheureusement, nous ne possédons pas les données sur les facteurs pour chaque nationalité à l'intérieur de chaque territoire. Pour ne pas reproduire les facteurs par année, nous avons considéré suffisant de calculer la moyenne annuelle pour les périodes de cinq années:

Période	Kosovo	Monté- négro	Voïvo- dine	Serbie Intér.	B-H	Macé- doine
1950-1954	25,5	22,1	10,9	14,8	24,3	23,5
1955-1959	26,6	21,6	8,1	10,3	23,7	22,4
1960-1964	28,5	19,6	6,6	7,9	22,6	19,7
1965-1969	29,4	16,3	4,8	6,7	18,8	18,2
1970-1974	28,6	13,3	3,0	6,2	14,3	15,1
1975-1979	26,7	12,3	3,9	6,2	12,3	14,8
1980	28,5	11,8	2,7	5,0	10,9	13,9
1981	25,5	12,1	2,0	4,5	10,7	13,6

De ce Tableau ci-dessus nous pouvons faire les commentaires suivants:

- Kosovo avait un "accroissement naturel net" toujours supérieur aux autres unités territoriales. Nous pouvons seulement émettre une supposition que l'accroissement au Kosovo chez les Albanais (qui représentaient, comme nous l'avons vu sur le Tableau 2, entre 60 et 82% de la population totale) se situait entre 30 et 33 per mille, tandis que chez les Serbes cet accroissement devrait se situer un peu en dessous des données pour le Monténégro (Voir le Tableau 5 pour les facteurs que nous avons utilisés pour les Albanais et les Serbes de Kosovo).

- Tandis que le facteur "d'accroissement naturel net" au Kosovo augmentait régulièrement de 1950/54 à 1965/69, toutes les autres unités enregistraient régulièrement, dès le début, des diminutions.

- Si le chiffre d'accroissement du Kosovo pour la période de 1950-54 est assez proche de ceux pour le Monténégro,

B-H et la Macédoine, plus nous nous approchons de nos jours, plus les différences s'accroissent. Ceci est tout de même une preuve que l'augmentation de la population des Albanais est pour l'essentiel due au facteur de "l'accroissement naturel net".

- Toutefois, la question reste ouverte à savoir si une immigration illégale de l'Albanie même n'a pas également contribué à cette augmentation des Albanais. Et si la réponse est positive il reste à savoir: dans quelle proportion. Cette question est étroitement liée à une autre: quel serait le nombre d'Albanais de Kosovo à avoir quitté le Kosovo. Ce qui nous amènerait à la troisième question: est-ce que ces Albanais qui sont partis pour "travailler temporairement à l'étranger" ont été inclus lors des recensements, et si c'est le cas quel serait leur nombre. Nous ne possédons pas des informations nécessaires qui permettraient de donner des réponses plus précises. Malgré cela nous allons tout de même essayer de procéder à certains calculs afin de pouvoir arriver à une évaluation au moins approximative.

C'est justement ce que nous essayons de faire sur le Tableau 5 en calculant ce qui aurait pu être l'évolution démographique chez les Serbes et les Albanais, basée uniquement sur le facteur de "l'accroissement naturel net", en ignorant, pour le moment, les problèmes de l'immigration (des Albanais d'Albanie) et les départs du Kosovo (des Serbes vers la Serbie Intérieure ou la Voïvodine et des Albanais vers l'étranger). A la fin de nos calculs nous pourrions éventuellement estimer les gains ou les pertes en comparant les résultats obtenus avec ceux des recensements officiels, où, comme nous avons déjà signalé, à "l'accroissement naturel net" s'ajoutent également les effets de l'immigration, de l'émigration, la naturalisation, ou l'assimilation (résultant en premier lieu des mariages mixtes, principalement parmi les peuples de la confession musulmane). L'importance des populations est chiffré en mille:

	1948	1953	1961	1971	1981	1991
Serbes	200x1.15=230	x1.175=270	x1.165=315	x1.12=353	x1.10=388	
Recen. 200	221	270	261	239	218	
						Perte: 170
Alban.	498x1.21=603	x1.265=753	x1.295=988	x1.29=1,275	x1.27=1,619	
Recen. 498	525	647	916	1,227	1,596	
						Perte: 23

Remarque: comment lire les chiffres de ce Tableau? Prenons un seul exemple: en 1948 il y avait (en mille) 200 Serbes, donc 200.000. En multipliant ce chiffre avec le facteur multiplicateur "d'accroissement naturel net" de 1.15 nous arrivons au chiffre de 230 (en mille), c'est-à-dire le nombre de Serbes que nous aurions dû avoir en 1953. Ce chiffre doit être comparé avec celui du recensement de 1953: 221.000. Il y a une différence de 9.000, ce qui peut s'expliquer soit par le retour de certains Serbes expulsés en 1941, ou par le fait que mon facteur d'accroissement présumé était un peu trop fort.

Toutefois ce qui est important c'est la différence entre nos calculs pour 1991 comparés à ceux du dernier recensement. Si les Serbes/Monténégrins n'avaient pas quitté le Kosovo à partir de 1961, il est probable que leur nombre atteindrait en 1991 quelques 388.000 plus ou moins. Mais pour des raisons divers, dont les principales sont sans aucun doute la pression de toute sorte et la terreur exercées par les Albanais contre les Serbes, nous pouvons conclure que la perte démographique des Serbes au Kosovo se situe aux environs de 170.000.

Par contre, chez les Albanais, s'il y a eu des immigrations frauduleuses depuis le territoire de l'Etat albanais, leur nombre ne devrait pas dépasser deux dizaines de milliers, c'est-à-dire un chiffre qui n'a pas une grande importance dans le nombre total d'Albanais du Kosovo. Toutefois, leur nombre pourrait être encore beaucoup plus grand, allant peut-être jusqu'à 200.000, si les Albanais du Kosovo partis pour un "travail temporaire" à l'étranger ne figurent pas dans les chiffres établis lors des recensements de 1961 à 1991. (**voir Editor's note**)

Il faut également se poser la question, à laquelle je ne peux malheureusement pas répondre, à savoir s'il y avait une immigration significative d'Albanais de la Macédoine

vers le Kosovo.

Cette dernière question m'amène à offrir au moins aux lecteurs, dans le Tableau 6, l'évolution démographique comparée, sur la base des recensements officiels, pour les peuples musulmans autres que yougoslaves du Kosovo et de la Macédoine. Pour les Albanais et pour les totaux nous avons calculé les pourcentages de "l'accroissement démographique" (et non de "l'accroissement naturel net"):

	1948	1951	1961	1971	1981	1991	1948-91
Kosovo							
Albanais	498	525	647	916	1,227	1,597	
"Accroiss."	10,5%	23,2	41,6	34,0	30,2		320,7%
Turcs	1	35	26	12	12	10	
Tziganes	11	12	3	15	34	46	
TOTAL	510	572	676	943	1,273	1,653	
"Accroiss."	12,2%	18,2	39,5	35,0	30,0		324,1
<hr/>							
Macédoine							
Albanais	197	162	183	280	378	442	
"Accroiss."	-17,8	13,0	53,0	35,0	16,9		224,4
Turcs	96	204	132	109	87	77	
Tziganes	19	20	21	24	43	52	
Total	312	386	346	413	508	571	
"Accroiss."	23,7%	-10,4	19,4	23,0	12,4		183,0
<hr/>							

Ce tableau permet les commentaires suivants:

- La diminution du nombre d'Albanais en Macédoine de 1948 à 1953, ainsi que l'accroissement très sensible des Turcs à cette même période démontre très clairement un phénomène que nous avons déjà mentionné pour le Kosovo, c'est-à-dire qu'il y avait des Albanais qui se sont déclarés Turcs afin de pouvoir quitter légalement la Yougoslavie pour la Turquie, et de là pour d'autres pays européens et encore plus fréquemment pour les pays d'outre-mer.

- Le grand bond en avant entre 1961 et 1971 du nombre des

Albanais en Macédoine pourrait s'expliquer de deux façons: soit par le retour d'un certain nombre des "Albanais turquisés" au sein de leur nationalité; soit, éventuellement, par l'immigration clandestine de l'Albanie.

- Il existe une grande différence entre "l'accroissement démographique" des Albanais du Kosovo et de ceux de la Macédoine pour la période de 1948 à 1991. Le taux d'accroissement des Albanais du Kosovo est de 320,4%, tandis que pour ceux de la Macédoine il est de 224,4%. D'après mes estimations il se peut que quelques 70.000 Albanais macédoniens ont pu, du fait de leur "déclaration turque", partir pour la Turquie entre 1953 et 1971. Sans cette émigration, au lieu de 442.000 en 1991 il y aurait eu 560.000. Dans ce cas l'accroissement des Albanais en Macédoine aurait été de 284,3%, ce qui s'approche du taux d'accroissement des Albanais de Kosovo.

En ce qui concerne la question de l'évolution démographique au Kosovo, on peut, en analysant les six tableaux ci-dessus, arriver aux conclusions provisoires suivantes:

- Il n'est vraiment pas facile d'analyser cette évolution si nous nous limitons uniquement aux chiffres des recensements officiels. Les chiffres avancés par les nationalistes des deux côtés ne sont que le fruit de la propagande, en principe il faut les rejeter. Toutefois, même procédant à certaines rectifications, il reste encore trop de questions auxquelles nous ne pouvons pas donner de réponse plus précise.

- Il n'y a aucun doute que "l'accroissement naturel net" est très fort chez les Albanais de Kosovo, le plus fort de toute l'Europe. Ce fait suffit d'expliquer le pourcentage toujours plus fort des Albanais dans le total de la population de Kosovo. Ce taux d'accroissement, il faut ici le souligner, est d'autre part source de problèmes économiques et sociaux pour un territoire qui, à part certaines richesses minières, n'offre pas suffisamment de travail et de moyens d'existence pour répondre à un tel développement démographique.

- Il est très probable qu'il y avait de l'émigration clandestine provenant de l'Albanie. Toutefois sa grandeur reste inconnue. Est-ce que le Kosovo n'était que le passage pour des pays plus lointains et plus riches? Où était-il un territoire où la vie était tout de même plus facile en comparaison avec celle en Albanie même?

- Il reste un question à laquelle nous aimerions avoir une réponse précise: est-ce que les Albanais du Kosovo qui sont partis pour "un travail temporaire" à l'étranger ont été, oui ou non, inclus dans les chiffres lors des recensements décennaux de 1961 à 1991?

- Il faut prendre avec réserve le nombre officiel du recensement de 1991 pour les Albanais de Kosovo car ils l'avaient fortement boycotté.

- Enfin il n'y a aucun doute sur le départ, en grand nombre, au moins 170.000, de Serbes/Monténégrins de Kosovo. Cet exode peut s'expliquer en partie par des raisons économiques, mais dans la grande majorité des cas ces départs étaient provoqués par les pressions et la terreur albanaises contre les Serbes/Monténégrins. Cela est aussi un fait important et une des causes de la crise dont il faudra tenir compte quand on cherche les moyens de la résoudre.

Editor's note

The arbitrary number of immigrants from Albania to Kosovo and Metohia of 200 000 (p. 118) is, probably, an underestimation. The very well founded estimations of K. Kinkel and Van Den Bruck (as reported in Politika, Oct. 9, 1998), probably based on data from immigration offices, are that the number of Albanians from Kosovo and Metohia being now in Western countries is close to 1 million. Quite obviously it would follow that the number of immigrants from Albania to Kosovo and Metohia, arrived over the last 30-50 years, should closely match exactly that number, i.e. be close to 1 million. This being probably also inaccurate, would illustrate difficulties in determining the size of population when using deductions from indirect measurements.

To Intervene or Not to Intervene: A Legal Question

by Tomas Valasek
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(Weekly Defense Monitor, June 18, 1988, Vol. 2, N° 24)

NATO is stepping up plans for a military operation in Kosovo after most allies rejected the Moscow-brokered peace agreement with Yugoslavia's Slobodan Milosevic. But apart from logistical issues, NATO has yet to reach an agreement on whether the alliance needs a UN Security Council resolution to intervene. Secretary of Defense Cohen and Secretary of State Albright maintain that a UN Security Council blessing is "desirable but not necessary."

A NATO offensive in Yugoslavia without UN authorization would be unprecedented. To date NATO has never violated the borders of a sovereign country based on nothing more than the decision of its own political superstructure. Most NATO allies are reluctant to cross this line. The European Union, which includes 13 of NATO's 16 countries, affirmed Wednesday that an intervention would "require an authorisation by the UN Security Council under Chapter VII of the UN Charter."

U.S. officials cite Article 51 of the United Nations Charter as legal justification for a Kosovo intervention. Application of this article may require more than a little creativity. Article 51 gives all UN members the "right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security." But Kosovo can hardly evoke this provision. It is neither a member of the United Nations nor an independent country. Even the Clinton Ad-

ministration has specifically rejected the option of granting independence to Kosovo, suggesting a “higher degree” of autonomy for the province within the Yugoslav Federation.

U.S. officials may be looking for a way around this hurdle, in both a legal and a geographic sense. On several occasions, fighting in Kosovo spilled into Albania. An Albanian citizen was allegedly shot on Albanian territory, and a Serb helicopter was reported to have violated Albania airspace. NATO thus conceivably could claim the right to enter Kosovo in order to defend Albania. Secretary Albright has already warned against “internationalization” of the Kosovo conflict, to which U.S. Balkans envoy Robert Gelbard added, “we would regard it as extremely grave if there are cross-border operations.”

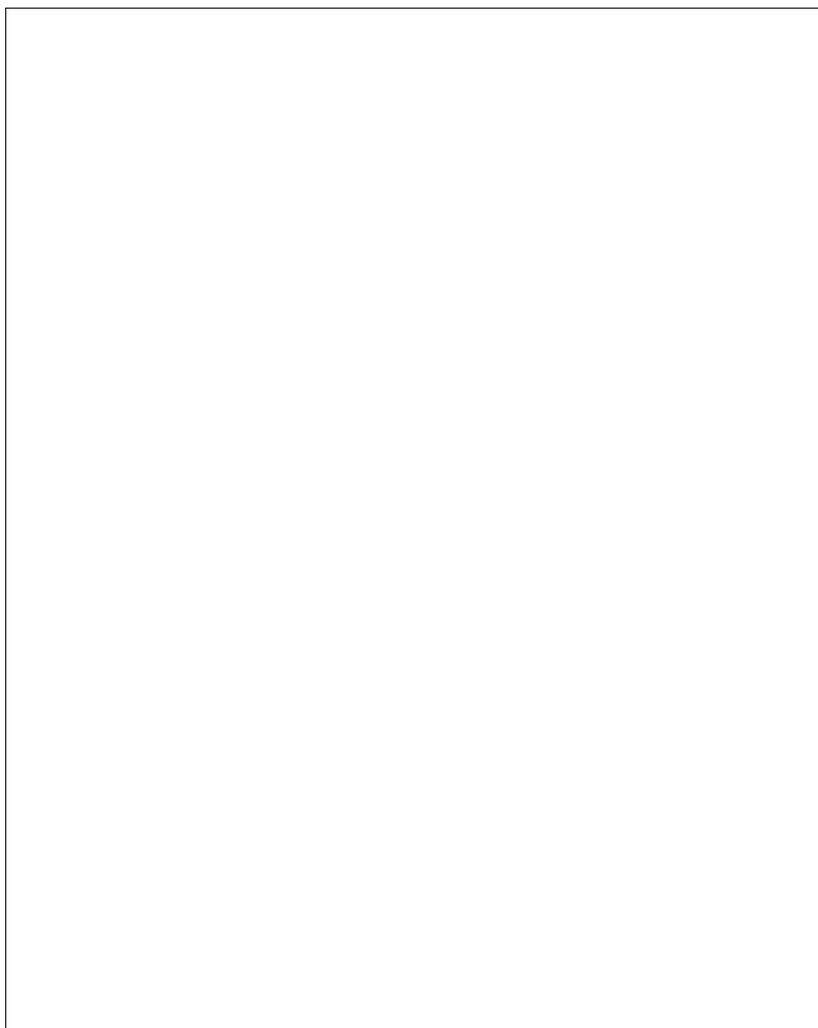
Ultimately, of course, Article 51 shifts responsibility for “defense” to the UN Security Council. “Measures taken by Members in the exercise of this right of self-defence...shall not in any way affect the authority and the responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.” Given this language, it seems clear that no amount of legal creativity would justify a NATO intervention without a Security Council Resolution.

More so than in Bosnia, the conditions under which NATO conceivably might act in Kosovo will have far reaching implications for the future of the alliance in post-Cold War Europe. At stake is the extent to which the Alliance can actively intervene to maintain “stability” in and around NATO territory without losing its cohesiveness or engendering opposition among non-NATO countries. A Kosovo operation without UN Security Council approval would cross the line between peacemaking and interventionism. Not only is this a step many NATO members are reluctant to take, such Alliance intervention without prior UN approval would be a red flag for Russia and other countries concerned with NATO expansion.

These technical disputes may seem mundane in the



face of the violence and ethnic cleansing in Kosovo. In the end, it may well be necessary to undertake military intervention to stop the killing, and NATO may be the organization best situated to carry out such an operation. But a unilateral NATO military operation can only give credence to the charge that NATO is an offensive alliance out to impose its will on those that do not toe its line. In this possibility lies the seeds of new discord and division in Europe - something neither the Europeans nor the U.S. need or can afford.



Question of the Violation of Human Rights and Fundamental Freedoms in Any Part of the World

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Original: ENGLISH
COMMISSION ON HUMAN RIGHTS
Fifty-fifth session. Item 9 of the provisional agenda.

Situation of human rights in the former Yugoslavia

Report of Mr. Jiri Dienstbier, Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia

(...)

E. Kosovo

83. The ongoing crisis in the province of Kosovo has dominated international attention to the situation of human rights in the FRY, and the Special Rapporteur has devoted special attention to its nature and consequences. He stresses that the crisis in Kosovo is not new or isolated. The immediate crisis of politics, diplomacy and human rights engendered by the violence in Kosovo is based on long-standing systemic causes within the FRY which, if not addressed throughout the country, threaten national and regional security.

84. Though violence in Kosovo decreased since the Special Rapporteur's October mission, no political agreement had been reached by late 1998 to implement the general framework set out in the 13 October accord. Representatives of an enlarged Kosovo Diplomatic Observer Mission (KDOM) continued to monitor events and, at this writing, the OSCE announced that the Kosovo Verification Mission (KVM), which had deployed its advance team, was to begin operations in mid-January 1999. In this environment, violations of human rights that had characterized the crisis in Kosovo for many months were continuing to occur. Violations threatening security of the person continued unchecked in detention and arbitrary detention. There were new allegations and reports of summary execution. Other serious

violations assumed a pattern of attack and retaliation resembling events in February, March and early April 1998. Violations were attributed to Serbian security forces, the Kosovo Liberation Army and armed persons representing paramilitary groups and village defence units.

85. Accurate information about the statistical scope of conflict in Kosovo has been difficult to obtain. The elusive nature of the numbers has affected events on the ground and attempts to defuse them. New and often conflicting numbers of persons killed, wounded, abducted, arrested and alleged missing, as well as those displaced from the areas of conflict or returning to the region, have appeared every day. The numbers in any category cannot be exhaustively confirmed, and security considerations have often prevented access to areas of concern. After the 16 June "Moscow declaration", diplomatic missions accredited in the FRY increased their presence in Kosovo. Diplomatic monitors concentrated on patrolling conflict areas and gathering general information on the scope and nature of armed activity, but have had no single mandate and no specific human rights monitoring responsibilities. At this writing, the OSCE verification mission was defining an understanding of the "human dimension" of the 16 October agreement, to include democratization and the organization and conduct of elections. As a result, specialized information from intergovernmental sources on the situation of human rights in Kosovo was coming principally from United Nations field presences.

86. In his letter of 8 April, the Special Rapporteur focused on human rights concerns related to operations carried out by the Serbian Ministry of Internal Affairs in the Drenica region during late February and March 1998 and to the activity of armed Kosovo Albanians during that same period. In the following months, the increased intensity of armed hostilities between government forces and armed groups of the "Kosovo Liberation Army" (KLA) and gross violations attributed to all sides lessened only in October after days of negotiations under threat of NATO intervention. In the first week of December, violence reached its highest level since the 13 October accord. After a long period of sustained armed confrontation along fluid front lines, the nature of the conflict had returned to a stage of isolated attacks and retaliations, dramatically illustrated by cases of abduction, arbitrary detention, and reports of summary executions. Testimonies gathered by the Special Rapporteur in the field suggest that, throughout the conflict, government forces have used excessive force, including deliberate destruction of property, leading to extensive civilian casualties. Concerns raised in the Special Rapporteur's 8 April letter, as well as in his report to the fifty-third session of the General Assembly, remain unaddressed.

87. Recent months have been marked by more discoveries of concentra-

tions of corpses and evidence of massacres, including the massacre of civilians. Serbian authorities announced that, on 27 August, in the village of Klecka, they discovered in a makeshift crematorium what they believed to be the remains of civilians abducted and then killed by the KLA. The exact number, identity, age, and sex of the persons who died at Klecka has yet to be determined. Shortly after the discovery of the Klecka site, the remains of at least 39 persons were discovered in nearby Glodjane where exhumation was continuing at year's end. On 29 September, the badly mutilated bodies of 14 Kosovo Albanians, including six women, six children and two elderly men, were found in a forest near Gornje Obrinje in the Drenica region. There are reports that on 26 September 1998 another 14 Kosovo Albanian men were killed in Golubovac, near Gornje Obrinje. In early October, police discovered the remains of four persons, believed to have been abducted by the KLA, in a pit close to the copper mine in Volujak near Klina. Two more bodies were found on 4 October near Gremnik, and returning displaced persons continue to report coming upon human remains.

88. As a result of efforts by the European Union and other international organizations, including OHCHR and ICTY, and the Government of the FRY, some progress has been made in initiating independent investigations into these alleged arbitrary killings. On 20 October, a team of experts from the Institute of Forensic Medicine at Helsinki University arrived in Belgrade, following clarification of the experts' terms of reference in contacts between the Finnish and FRY ministries for foreign affairs. The team has authorization from government authorities to investigate grave sites in Glodjane, Golubovac, Gornje Obrinje, Volujak, Klecka and Orahovac; it began work at Gornje Obrinje on 10 December. Information gathered by the team will be shared with the Serbian Government and the European Union. The team has also been asked by both Kosovo Albanian and Serb non-governmental sources to investigate perhaps as many as a dozen other sites. Despite official authorization, the team has encountered delays and obstacles in its cooperation with authorities and found its investigations complicated by ongoing Serbian forensic examinations in certain cases. Preliminary examinations, as well as contemporary media reports and first-hand observations, suggest that some sites have been tampered with, compromising and complicating forensic investigation. Considering the nature of these crimes, the Special Rapporteur stresses the importance of full cooperation with the International Criminal Tribunal for the Former Yugoslavia.

89. The Special Rapporteur remains concerned about the fate of the Serb, Kosovo Albanian and Roma civilians and Serbian police officers abducted by armed Kosovo Albanians, believed to be KLA. He has appealed directly for their release. Efforts continue to determine whether any newly discovered grave sites contain the remains of those believed abducted. According

to information received from the FRY authorities, as of 7 December 1998, 282 civilians and police had been abducted by Kosovo Albanians. Of these, the fate and whereabouts of 136 persons were still unknown; others were released, escaped, or had been identified as killed.

90. Information on the activity of Kosovo Albanian paramilitary "tribunals" has become public since the 13 October accord. The activity of the "tribunals" suggests a pattern of arbitrary arrest. On 30 October, two Kosovo Albanian activists associated with the Democratic League of Kosovo were arrested by the KLA in Malisevo and placed under interrogation before being released on 1 December. A KLA communiqué also acknowledged that two additional individuals had been executed. On 31 October, according to a communiqué, the KLA arrested three men and killed a fourth near Podujevo for "alleged criminal activity". On 1 November, a KLA "military court" sentenced two abducted Tanjug journalists to 60 days of detention for having committed violations of KLA regulations, respectively "the military police book of regulations, chapter VIII, item 5, page 27". Representatives of international agencies, including ICRC and OHCHR, were not allowed to visit the abductees who were released to the KVM after 41 days of arbitrary detention. On 9 November, in Srbica, KLA forces abducted the third and fourth Serb civilians taken since mid-October. Family members of the victims and villagers from Leposavic organized the arbitrary detention of roughly 25 Kosovo Albanian passengers from an intercity bus. All of them were released on 11 and 12 November in exchange for the two abducted Serbs. On 17 November, near Podujevo, KLA members abducted a Serbian police officer. On 23 November, the KLA issued a communiqué stating that it had "arrested" the police officer and other Albanian "collaborators". On 24 November, through the actions of the United States element of the Kosovo Diplomatic Observer Mission, the officer was released. The Special Rapporteur denounces these abductions as grave violations of basic principles of international human rights and humanitarian law.

91. The Serbian Ministry of Justice has confirmed to the Special Rapporteur that more than 1,500 persons, including 500 in absentia, are currently being investigated under suspicion of involvement in anti-State activities and in activities of the KLA. The number of persons in actual custody is difficult to obtain, as "custody" includes persons in pre-arraignment police detention, under the auspices of the Ministry of Interior and in investigative or post-sentencing detention, under the auspices of the Ministry of Justice. Serbian security officials in Kosovo have arrested and held in police detention large numbers of individuals for periods ranging from several hours to several days. The routine police "screening" of male returnees, however, had abated in the aftermath of the 13 October accord. Persons in police detention are routinely held incommunicado, without access to

attorneys, longer than the three-plus-one days of pre-arraignment detention allowed by law. Their families are not informed of their arrest or of their release from police detention. The number of persons subsequently arraigned and held in investigative detention is unclear, as the ICRC is not routinely and regularly informed of arraignments by the Ministry of Justice. As a result, the Special Rapporteur can only estimate, as have the Serbian Minister of Justice and defence attorneys, that from 1,500 to 1,900 cases were pending in late 1998 on charges related to terrorism, anti-State activity or aiding and abetting such activity. This does not include persons in police detention or persons called for "informative talks" by the police, whose number is absolutely unknown and whose names are known only anecdotally or when reported on a case-by-case basis by NGOs or family members.

92. The Special Rapporteur notes that, two months after the 13 October accord, implementation of the last two points of the accord, which concern prosecution in State courts, remained unclear. The Serbian Minister of Justice had sent teams of prosecutors to district courts in Kosovo to examine individual cases, and court officials confirmed to the Special Rapporteur that they had participated in working sessions with representatives of the Serbian Ministry of Justice and the office of the President of Serbia. The Ministry of Justice, together with the federal Ministry for Foreign Affairs and the office of the President of Serbia, have solicited OHCHR's cooperation in resolution of individual cases and categories of cases pending in Kosovo to which OHCHR or the Special Rapporteur have drawn particular attention. These efforts resulted in the release of several individuals from pre-trial detention and/or pending appeal. Those released include some medical and humanitarian workers and juveniles on whose behalf the Special Rapporteur had appealed. New arrests, trials, and sentencing continued. The Special Rapporteur and OHCHR continue to raise individual cases of alleged human rights violations of detainees and, in early December alone, submitted to the Serbian Ministry of Justice over 50 requests for clarification of alleged violations regarding persons in Ministry custody, including elderly and infirm detainees.

93. Arrests, trials and sentencing are most numerous in the districts of Prizren and Pec, in which the bulk of armed activity has occurred and where a total of approximately 1,350 cases were pending at the end of the year, far exceeding the number of cases in the courts of Kosovska Mitrovica, Pristina, Prokuplje and Gnjilane combined. The district court in Prizren, which had been holding trials related to allegations of terrorism and anti-State activity on a regular daily basis, suspended trials from 31 October through 9 November so that, according to the court president, case review could be conducted. The district court in Pec, however, continued to hold up to four trials a day, except when weather or security conditions prevented transport

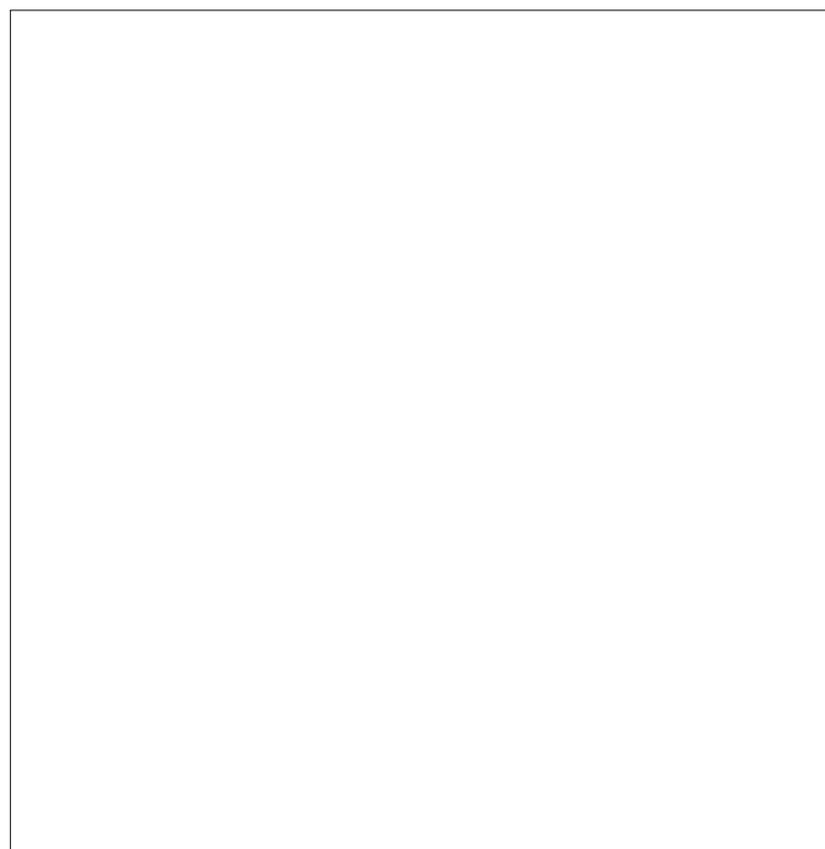
of defendants to court. At this writing, the Special Rapporteur had recorded 92 completed decisions of courts of first instance throughout Kosovo, but that figure was by no means comprehensive and only included court documents at hand. Of that number, nearly all decisions had been convictions, with only eight acquittals. Sentences ranged from 60 days to 13 years, with the majority of sentences from two to five years. For sentences of less than five years, until they have been confirmed by a court of final instance, detention is not mandatory during the appeals process, but most so sentenced have been detained nonetheless.

94. The Special Rapporteur is alarmed at consistent disregard by Serbian State security forces of both domestic and international standards pertaining to police conduct and treatment of detainees, illustrated by a growing number of cases of arbitrary detention and systematic ill-treatment, abuse and torture, including five deaths in custody. Throughout Serbia, persons are arbitrarily detained by the police for questioning or held in pre-trial detention longer than the period mandated by law. Their families are not informed of their arrest or of their release from police detention. Lawyers report that they experience serious difficulties in gaining access to their clients and are generally not allowed to consult their clients in private. In practice, pre-trial detainees in police (investigative) and court (post-arraignment) custody are not permitted access to their own physicians, but only to official physicians provided by the police or court. Official physicians do not report injuries sustained by detainees during police interrogations, even when those injuries are obvious, and do not provide adequate medical treatment. These serious violations occur when persons are held in pre-arraignment custody under the auspices of the Ministry of the Interior, or in investigative detention and after court sentencing under the auspices of the Ministry of Justice. In his discussions with the Serbian Minister of Justice, the Serbian Minister of the Interior, and the FRY Foreign Minister, the Special Rapporteur strongly emphasized the urgent need to end impunity for security officials and others responsible for human rights abuses.

95. As an illustrative example of arbitrary process by police and judicial officials, disregard for the rule of law and violation of domestic and international standards, the Special Rapporteur notes the case of attorney Destan Rukiqi, arrested in his office in Pristina on 23 July. The same day Rukiqi was arrested, he was tried and sentenced to the maximum 60 days in prison for "disturbing public order". The Serbian Ministry of Internal Affairs brought charges against Rukiqi based on an investigative judge's claim that Rukiqi had insulted her by saying she had behaved like a policeman. Rukiqi made the remark after the judge had denied him his right as a defence attorney, guaranteed under the Law on Criminal Procedure, to unconditional review of court files relating to a client. Six days after

sentencing, Rukiqi was taken to hospital suffering from kidney injuries allegedly inflicted in the Pristina prison. Rukiqi was finally transferred to the prison hospital in Belgrade, where he stayed till 22 August when he was released by a decision of the Supreme Court of Serbia overturning the sentence on procedural grounds. The court did not enter into the merits of Rukiqi's arrest, conviction, or treatment during detention, but argued that the maximum sentence was unmerited. The Special Rapporteur has spoken with the hospital administrator of the Belgrade prison hospital and with Rukiqi himself; both attested to Rukiqi's medical condition on arrival in Belgrade and adequate medical treatment provided him in the Belgrade prison hospital.

96. The Special Rapporteur is concerned at widespread abuse of the investigative procedure of "informative talks", which has amounted to harassment of targeted or vulnerable populations and individuals. Summons to such talks can by law be issued only in the event of criminal conduct or to gather direct information on criminal activity under investigation.



Kosovo: The moral imperative

(The Florida Times-Union Opinion, Saturday, March 27, 1999)

Story last updated at 8:31 p.m. on Friday, March 26, 1999)

International legal experts agree the air strikes against Serbia are illegal. Or, to be more specific, they flagrantly violate the U.N. charter and are not authorized by international law.

President Clinton says the "humanitarian mission" is a "moral imperative" needed to keep Serbs from attacking rebels in the Serbian province of Kosovo. But it isn't unusual for a government to try to quell an armed uprising.

It isn't clear why the Serbian civil war should be any different.

If NATO wants to spare the rebels from the consequences of waging a war, it could urge them to surrender. If it wants them to win, it should give them arms.

The U.N. charter does permit use of force in self-defense, but only when a country is attacked by an outside force. Kosovo is an internal Serbian struggle.

The U.N. charter recognizes regional organizations such as NATO, and it permits them to use force - but only if the Security Council approves it and the council wasn't consulted.

As the Cato Institute notes, the United States is bombing "a country that has not attacked the United States, a U.S. ally or even a neighboring state."

Secretary of State Madeleine Albright claims NATO had implied U.N. consent because the Security Council expressed concern over the situation in Kosovo.

But both sides were doing things that would cause a reasonable person to be concerned. The rebels, for exam-

ple, were killing innocent civilians in terrorist attacks.

A general statement of concern is not *carte blanche* to make war, as U.N. Secretary-General Kofi Annan pointed out in condemning the attacks.

The Dutch ambassador at least agreed NATO had acted without Security Council permission. But, he said, it had to do that because it knew Russia and China would veto any such resolution.

“If, due to one or two permanent members’ rigid interpretation of the concept of domestic jurisdiction, such a resolution is not attainable, we cannot sit back and simply let the humanitarian catastrophe occur,” he argued.

But there is not a lot of wiggle room in interpreting “domestic jurisdiction.”

Article 2 of the U.N. charter says, “All members shall refrain . . . from . . . use of force against the territorial integrity . . . of any state.”

Russia and China would have been obligated, under Article 2, to veto any resolution to bomb Serbia - as would have the other council members.

Article 53 says, “No enforcement action shall be taken . . . by regional agencies without the authorization of the Security Council.”

Article 25 says U.N. members “agree to accept . . . the decisions of the Security Council . . .”

If countries are to abide by U.N. rules only when they find it convenient, there is little purpose in being a member.

La déclarations de citoyens serbes

Belgrade, 16 Avril 1999

QUE LE CIVISME GAGNE!

En qualité de militants de longue date pour une Serbie démocratique et anti-nationaliste, qui avons choisi de rester en Yougoslavie en ces temps de crise et qui voulons voir notre pays réintégré dans la communauté mondiale des nations, nous déclarons :

1. Nous condamnons fermement les bombardements de l'OTAN qui ont gravement accéléré la violence au Kosovo et ont causé le déplacement de populations à l'extérieur et à l'intérieur de la Yougoslavie. Nous condamnons fermement le nettoyage ethnique de la population albanaise perpétré par les forces yougoslaves, quelles qu'elles soient. Nous condamnons fermement la violence de l'armée de libération du Kosovo (UCK) visant les Serbes, les Albanais modérés et autres communautés ethniques au Kosovo. La catastrophe humanitaire au Kosovo - la mort, la douleur et les souffrances extrêmes de centaines de milliers d'Albanais, de Serbes et de membres d'autres communautés ethniques, doit cesser immédiatement. Tous les réfugiés de Yougoslavie doivent pouvoir retourner immédiatement et sans condition chez eux, leur sécurité et leurs droits devant être garantis, et une aide à la reconstruction devant leur être fournie. Tous les coupables de crimes contre l'humanité, sans exception, doivent être traduits en justice.

2. Le combat entre les forces serbes et l'UCK doit cesser immédiatement, de manière à ce qu'un nouveau round de négociations puisse débiter. Toutes les parties doivent renoncer à leurs prétentions maximalistes. Il n'existe pas de solution rapide et aisée (comme dans les conflits similaires, comme en Irlande du Nord). Nous devons tous nous préparer à un processus de négociations et normalisation long et douloureux.

3. Les bombardements de la Yougoslavie par l'OTAN causent des destructions et un nombre croissant de victimes civiles (à ce jour, peut-être un millier). La conséquence ultime en sera la destruction des fondements économiques et culturels de la société yougoslave. Ils doivent être immédiatement stoppés.

4. La Charte des Nations Unies, l'Acte Final d'Helsinki, la Charte de l'OTAN, ainsi que les constitutions d'Etats tels que l'Allemagne, l'Italie, le Portugal, ont été violés par cette agression. Ayant consacré nos vies à la défense des valeurs démocratiques, nous croyons aux normes de droit universelles, et craignons fortement que la violation par l'OTAN de ces normes déstabilise tous ceux qui combattent pour la légalité et les droits de l'homme dans ce pays et ailleurs dans le monde.

5. Les bombardements de l'OTAN ont déstabilisé le Sud des Balkans. Si ce conflit continue, une escalade au dehors des frontières des Balkans pourra s'ensuivre et, s'il donne lieu à des opérations militaires au sol, il entraînera la mort de milliers de soldats de l'OTAN et yougoslaves, mais aussi de civils albanais et serbes, qui périront dans une guerre aussi futile que celle du Vietnam. Il est donc impératif d'ouvrir immédiatement à nouveau des négociations en faveur d'une solution pacifique.

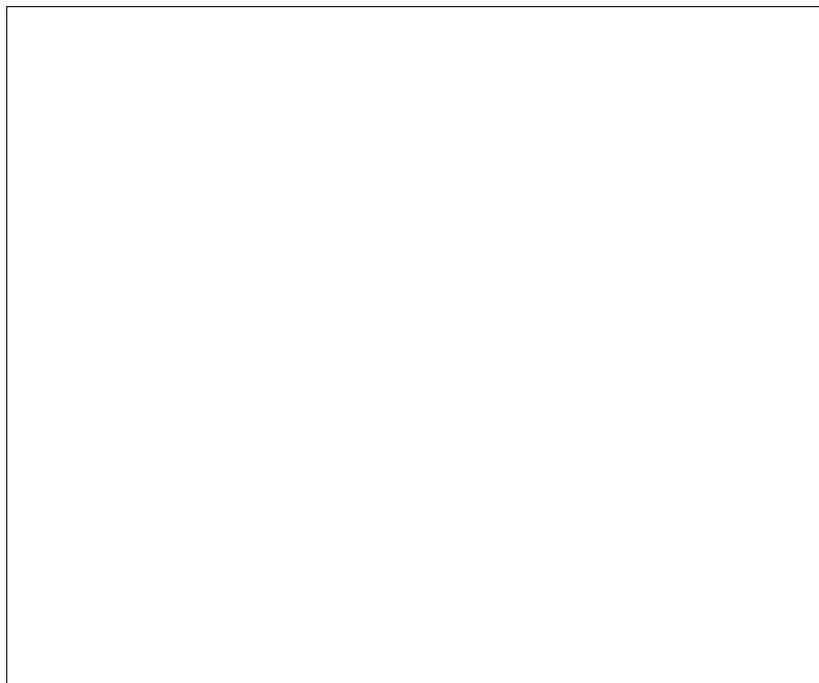
6. Du fait de la réaction naturelle du peuple de se rallier autour du drapeau en temps d'agression étrangère, le régime actuel n'a été que renforcé par les attaques de l'OTAN en Yougoslavie. Nous continuons notre opposition au régime actuel, antidémocratique et autoritaire, mais nous nous opposons également de manière radicale à l'agression de l'OTAN. Les attaques de l'OTAN, et la proclamation consécutive de l'état de guerre par le régime ont affaibli les forces démocratiques en Serbie et menacent le gouvernement réformateur du Monténégro, qui se trouvent maintenant pris en étau entre le marteau de l'OTAN et l'enclume du régime.

7. Dans les conflits de l'ex-Yougoslavie, les leaders de la communauté mondiale ont commis de nombreuses erreurs fatales. De nouvelles erreurs conduisent à l'aggravation du conflit et nous écartent de la recherche de solutions pacifiques.

Nous nous adressons à tous: au Président Milosevic, aux représentants des Albanais du Kosovo, aux leaders de l'OTAN, de l'Union Européenne et des Etats-Unis, pour stopper la violence et les activités militaires immédiatement et s'engager dans la recherche d'une solution pacifique.

Dasa Duhacek, Zagorka Golubovic, Sonja Liht, Jelica Minic, Radmila Nakarada, Vida Ognjenovic, Borka Pavicevic, Jelena Santic, Ljubinka Trgovcevic, Srbijanka Turajlic, Stojan Cerovic, Jovan Cirilov, Sima Cirkovic, Mijat Damjanovic, Vojin Dimitrijevic, Milutin Garasanin, Dejan Janca, Ivan Jankovic, Predrag Koraksic, Mladen Lazic, Ljubomir Madzar, Veran Matic, Andrej Mitrovic, Milan Nikolic, Nikola Tasic, Ivan Vejvoda, Branko Vucicevic.

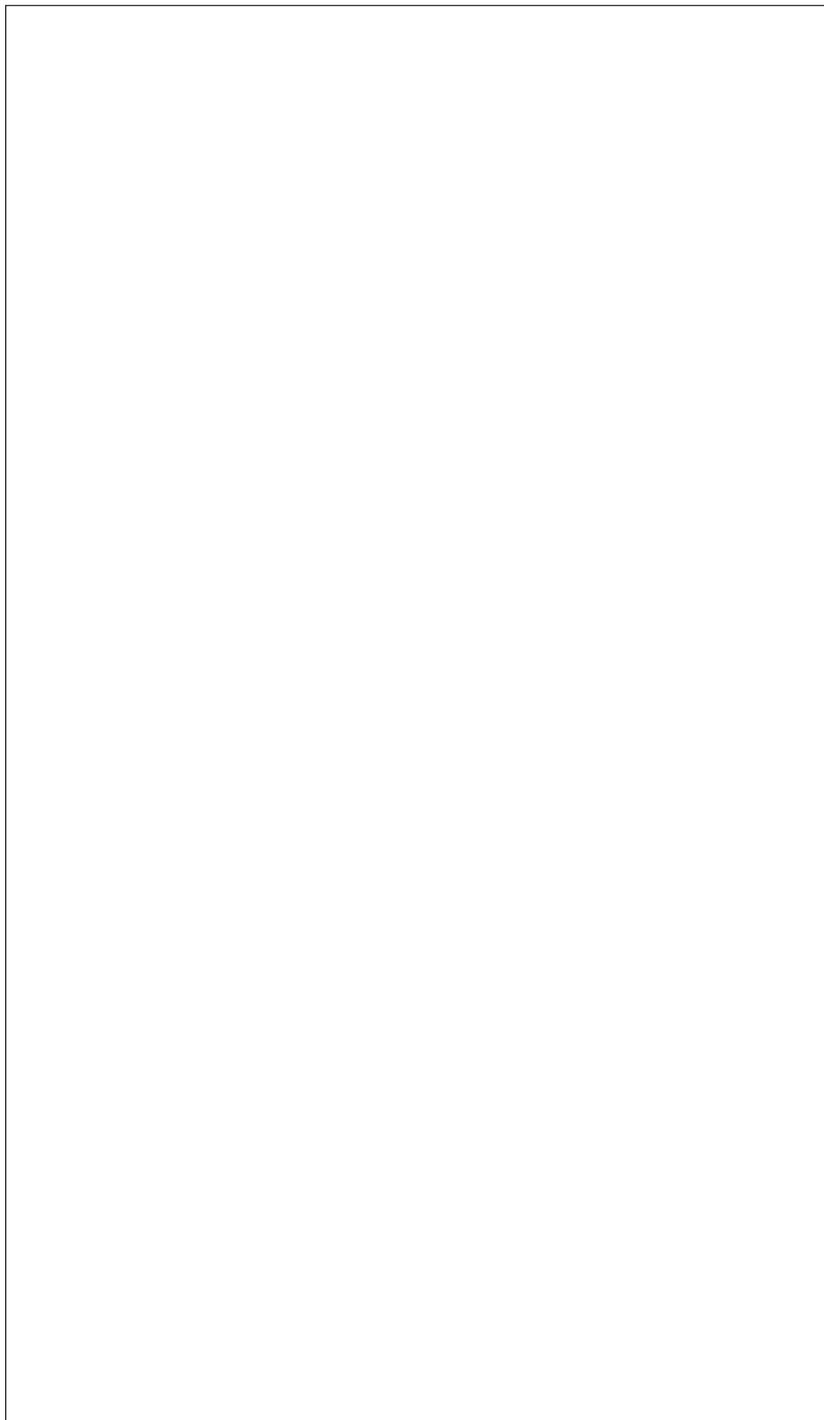
(Traduit par Mila Konikovic)



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Charter of the United Nations

(San Francisco 26th June, 1945)

We the People of the United Nations...
United for the Better World

INTRODUCTORYNOTE

The Charter of the United Nations was signed on 26 June 1945, in San Francisco, at the conclusion of the United Nations Conference on International Organization, and came into force on 24 October 1945. The Statute of the International Court of Justice is an integral part of the Charter.

Amendments to Articles 23, 27 and 61 of the Charter were adopted by the General Assembly on 17 December 1963 and came into force on 31 August 1965. A further amendment to Article 61 was adopted by the General Assembly on 20 December 1971, and came into force on 24 September 1973. An amendment to Article 109, adopted by the General Assembly on 20 December 1965, came into force on 12 June 1968.

The amendment to Article 23 enlarges the membership of the Security Council from eleven to fifteen. The amended Article 27 provides that decisions of the Security Council on procedural matters shall be made by an affirmative vote of nine members (formerly seven) and on all other matters by an affirmative vote of nine members (formerly seven), including the concurring votes of the five permanent members of the Security Council.

The amendment to Article 61, which entered into force on 31 August 1965, enlarged the membership of the Economic and Social Council from eighteen to twenty-seven. The subsequent amendment to that Article, which entered into force on 24 September 1973, further increased the membership of the Council from twenty-seven to fifty-four.

The amendment to Article 109, which relates to the first paragraph of that Article, provides that a General Conference of Member States for the purpose of reviewing the Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any nine members (formerly seven) of the Security Council. Paragraph 3

of Article 109, which deals with the consideration of a possible review conference during the tenth regular session of the General Assembly, has been retained in its original form in its reference to a “vote, of any seven members of the Security Council”, the paragraph having been acted upon in 1955 by the General Assembly, at its tenth regular session, and by the Security Council.

PREAMBLE

WE THE PEOPLES OF THE UNITED NATIONS DETERMINED

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and
to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and
to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and
to promote social progress and better standards of life in larger freedom,

AND FOR THESE ENDS

to practice tolerance and live together in peace with one another as good neighbours, and to unite our strength to maintain international peace and security, and
to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and
to employ international machinery for the promotion of the economic and social advancement of all peoples,

HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

CHAPTER I

PURPOSES AND PRINCIPLES

Article 1

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
4. To be a centre for harmonizing the actions of nations in the attainment of these common ends.

Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.
2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.
3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the

United Nations.

5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

(...)

CHAPTER VII

ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call

upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Article 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

Article 45

In order to enable the United Nations to take urgent military measures,

Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

Article 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Article 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

Article 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies

of which they remembers.

Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

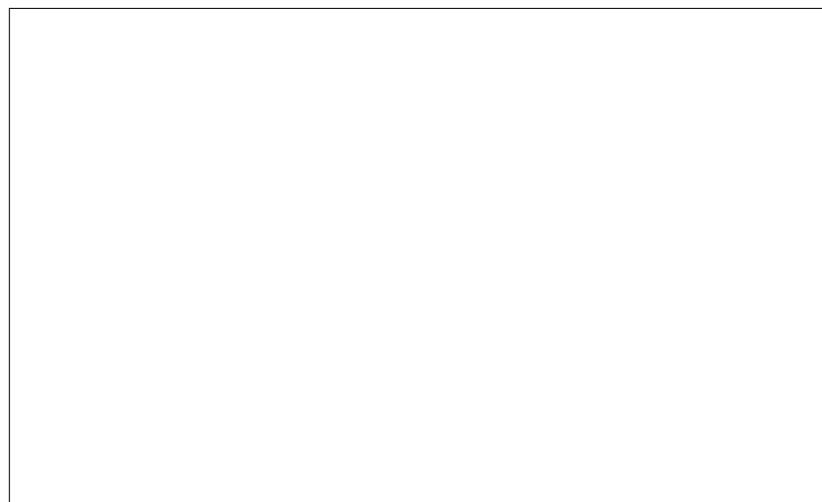
Article 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

(...)



Resolution 1160 (1998)

United Nations, S/RES/1160 (1998). 31 March 1998

Adopted by the Security Council at its 3868th meeting, on 31 March 1998

The Security Council,

Noting with appreciation the statements of the Foreign Ministers of France, Germany, Italy, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America (the Contact Group) of 9 and 25 March 1998 (S/1998/223 and S/1998/272), including the proposal on a comprehensive arms embargo on the Federal Republic of Yugoslavia, including Kosovo,

Welcoming the decision of the Special Session of the Permanent Council of the Organization for Security and Cooperation in Europe (OSCE) of 11 March 1998 (S/1998/246),

Condemning the use of excessive force by Serbian police forces against civilians and peaceful demonstrators in Kosovo, as well as all acts of terrorism by the Kosovo Liberation Army or any other group or individual and all external support for terrorist activity in Kosovo, including finance, arms and training,

Noting the declaration of 18 March 1998 by the President of the Republic of Serbia on the political process in Kosovo and Metohija (S/1998/250),

Noting also the clear commitment of senior representatives of the Kosovar Albanian community to non-violence,

Noting that there has been some progress in implementing the actions indicated in the Contact Group statement of 9 March 1998, but stressing that further progress is required,

Affirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

Acting under Chapter VII of the Charter of the United Nations,

1. Calls upon the Federal Republic of Yugoslavia immediately to take the further necessary steps to achieve a political solution to the issue of Kosovo through dialogue and to implement the actions indicated in the Contact Group statements of 9 and 25 March 1998;

2. Calls also upon the Kosovar Albanian leadership to condemn all terrorist action, and emphasizes that all elements in the Kosovar Albanian community should pursue their goals by peaceful means only;

3. Underlines that the way to defeat violence and terrorism in Kosovo is for the authorities in Belgrade to offer the Kosovar Albanian community a genuine political process;

4. Calls upon the authorities in Belgrade and the leadership of the Kosovar Albanian community urgently to enter without preconditions into a meaningful dialogue on political status issues, and notes the readiness of the Contact Group to facilitate such a dialogue;

5. Agrees, without prejudging the outcome of that dialogue, with the proposal in the Contact Group statements of 9 and 25 March 1998 that the principles for a solution of the Kosovo problem should be based on the territorial integrity of the Federal Republic of Yugoslavia and should be in accordance with OSCE standards, including those set out in the Helsinki Final Act of the Conference on Security and Cooperation in Europe of 1975, and the Charter of the United Nations, and that such a solution must also take into account the rights of the Kosovar Albanians and all who live in Kosovo, and expresses its support for an enhanced status for Kosovo which would include a substantially greater degree of autonomy and meaningful self-administration;

6. Welcomes the signature on 23 March 1998 of an agreement on measures to implement the 1996 Education Agreement, calls upon all parties to ensure that its implementation proceeds smoothly and without delay according to

the agreed timetable and expresses its readiness to consider measures if either party blocks implementation;

7. Expresses its support for the efforts of the OSCE for a peaceful resolution of the crisis in Kosovo, including through the Personal Representative of the Chairman-in-Office for the Federal Republic of Yugoslavia, who is also the Special Representative of the European Union, and the return of the OSCE long-term missions;

8. Decides that all States shall, for the purposes of fostering peace and stability in Kosovo, prevent the sale or supply to the Federal Republic of Yugoslavia, including Kosovo, by their nationals or from their territories or using their flag vessels and aircraft, of arms and related matériel of all types, such as weapons and ammunition, military vehicles and equipment and spare parts for the aforementioned, and shall prevent arming and training for terrorist activities there;

9. Decides to establish, in accordance with rule 28 of its provisional rules of procedure, a committee of the Security Council, consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) to seek from all States information regarding the action taken by them concerning the effective implementation of the prohibitions imposed by this resolution;

(b) to consider any information brought to its attention by any State concerning violations of the prohibitions imposed by this resolution and to recommend appropriate measures in response thereto;

(c) to make periodic reports to the Security Council on information submitted to it regarding alleged violations of the prohibitions imposed by this resolution;

(d) to promulgate such guidelines as may be necessary to facilitate the implementation of the prohibitions imposed by this resolution;

(e) to examine the reports submitted pursuant to paragraph 12 below;

10. Calls upon all States and all international and regional organizations to act strictly in conformity with this resolution, notwithstanding the existence of any rights granted or obligations conferred or imposed by any international agreement or of any contract entered into or any license or permit granted prior to the entry into force of the prohibitions imposed by this resolution, and stresses in this context the importance of continuing implementation of the Agreement on Subregional Arms Control signed in Florence on 14 June 1996;

11. Requests the Secretary-General to provide all necessary assistance to the committee established by paragraph 9 above and to make the necessary arrangements in the Secretariat for this purpose;

12. Requests States to report to the committee established by paragraph 9 above within 30 days of adoption of this resolution on the steps they have taken to give effect to the prohibitions imposed by this resolution;

13. Invites the OSCE to keep the Secretary-General informed on the situation in Kosovo and on measures taken by that organization in this regard;

14. Requests the Secretary-General to keep the Council regularly informed and to report on the situation in Kosovo and the implementation of this resolution no later than 30 days following the adoption of this resolution and every 30 days thereafter;

15. Further requests that the Secretary-General, in consultation with appropriate regional organizations, include in his first report recommendations for the establishment of a comprehensive regime to monitor the implementation of the prohibitions imposed by this resolution, and calls upon all States, in particular neighbouring States, to extend full cooperation in this regard;

16. Decides to review the situation on the basis of the reports of the Secretary-General, which will take into account the assessments of, *inter alia*, the Contact Group, the OSCE and the European Union, and decides also to reconsider the prohibitions imposed by this resolution, including action to terminate them, following receipt of the assessment of the Secretary-General that the Government of the Federal Republic of Yugoslavia, coop-

erating in a constructive manner with the Contact Group, have:

(a) begun a substantive dialogue in accordance with paragraph 4 above, including the participation of an outside representative or representatives, unless any failure to do so is not because of the position of the Federal Republic of Yugoslavia or Serbian authorities;

(b) withdrawn the special police units and ceased action by the security forces affecting the civilian population;

(c) allowed access to Kosovo by humanitarian organizations as well as representatives of Contact Group and other embassies;

(d) accepted a mission by the Personal Representative of the OSCE Chairman-in-Office for the Federal Republic of Yugoslavia that would include a new and specific mandate for addressing the problems in Kosovo, as well as the return of the OSCE long-term missions;

(e) facilitated a mission to Kosovo by the United Nations High Commissioner for Human Rights;

17. Urges the Office of the Prosecutor of the International Tribunal established pursuant to resolution 827 (1993) of 25 May 1993 to begin gathering information related to the violence in Kosovo that may fall within its jurisdiction, and notes that the authorities of the Federal Republic of Yugoslavia have an obligation to cooperate with the Tribunal and that the Contact Group countries will make available to the Tribunal substantiated relevant information in their possession;

18. Affirms that concrete progress to resolve the serious political and human rights issues in Kosovo will improve the international position of the Federal Republic of Yugoslavia and prospects for normalization of its international relationships and full participation in international institutions;

19. Emphasizes that failure to make constructive progress towards the peaceful resolution of the situation in Kosovo will lead to the consideration of additional measures;

Resolution 1199 (1998)

United Nations
S/RES/1199(1998), 23 September 1998

Adopted by the Security Council at its 3930th meeting on 23 September 1998

The Security Council,
Recalling its resolution 1160 (1998) of 31 March 1998,

Having considered the reports of the Secretary-General pursuant to that resolution, and in particular his report of 4 September 1998 (S/1998/834 and Add.1),

Noting with appreciation the statement of the Foreign Ministers of France, Germany, Italy, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America (the Contact Group) of 12 June 1998 at the conclusion of the Contact Group's meeting with the Foreign Ministers of Canada and Japan (S/1998/567, annex), and the further statement of the Contact Group made in Bonn on 8 July 1998 (S/1998/657),

Noting also with appreciation the joint statement by the Presidents of the Russian Federation and the Federal Republic of Yugoslavia of 16 June 1998 (S/1998/526),

Noting further the communication by the Prosecutor of the International Tribunal for the Former Yugoslavia to the Contact Group on 7 July 1998, expressing the view that the situation in Kosovo represents an armed conflict within the terms of the mandate of the Tribunal,

Gravely concerned at the recent intense fighting in Kosovo and in particular the excessive and indiscriminate use of force by Serbian security forces and the Yugoslav Army which have resulted in numerous civilian casualties and, according to the estimate of the Secretary-General, the displacement of over

230,000 persons from their homes,

Deeply concerned by the flow of refugees into northern Albania, Bosnia and Herzegovina and other European countries as a result of the use of force in Kosovo, as well as by the increasing numbers of displaced persons within Kosovo, and other parts of the Federal Republic of Yugoslavia, up to 50,000 of whom the United Nations High Commissioner for Refugees has estimated are without shelter and other basic necessities,

Reaffirming the right of all refugees and displaced persons to return to their homes in safety, and underlining the responsibility of the Federal Republic of Yugoslavia for creating the conditions which allow them to do so,

Condemning all acts of violence by any party, as well as terrorism in pursuit of political goals by any group or individual, and all external support for such activities in Kosovo, including the supply of arms and training for terrorist activities in Kosovo and expressing concern at the reports of continuing violations of the prohibitions imposed by resolution 1160 (1998),

Deeply concerned by the rapid deterioration in the humanitarian situation throughout Kosovo, alarmed at the impending humanitarian catastrophe as described in the report of the Secretary-General, and emphasizing the need to prevent this from happening,

Deeply concerned also by reports of increasing violations of human rights and of international humanitarian law, and emphasizing the need to ensure that the rights of all inhabitants of Kosovo are respected,

Reaffirming the objectives of resolution 1160 (1998), in which the Council expressed support for a peaceful resolution of the Kosovo problem which would include an enhanced status for Kosovo, a substantially greater degree of autonomy, and meaningful self-administration,

Reaffirming also the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

Affirming that the deterioration of the situation in Kosovo, Federal Republic of Yugoslavia, constitutes a threat to peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. Demands that all parties, groups and individuals immediately cease hostilities and maintain a ceasefire in Kosovo, Federal Republic of Yugoslavia, which would enhance the prospects for a meaningful dialogue between the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanian leadership and reduce the risks of a humanitarian catastrophe;

2. Demands also that the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanian leadership take immediate steps to improve the humanitarian situation and to avert the impending humanitarian catastrophe;

3. Calls upon the authorities in the Federal Republic of Yugoslavia and the Kosovo Albanian leadership to enter immediately into a meaningful dialogue without preconditions and with international involvement, and to a clear timetable, leading to an end of the crisis and to a negotiated political solution to the issue of Kosovo, and welcomes the current efforts aimed at facilitating such a dialogue;

4. Demands further that the Federal Republic of Yugoslavia, in addition to the measures called for under resolution 1160 (1998), implement immediately the following concrete measures towards achieving a political solution to the situation in Kosovo as contained in the Contact Group statement of 12 June 1998:

(a) cease all action by the security forces affecting the civilian population and order the withdrawal of security units used for civilian repression;

(b) enable effective and continuous international monitoring in Kosovo by the European Community Monitoring Mission and diplomatic missions accredited to the Federal Republic of Yugoslavia, including access and complete freedom of movement of such monitors to, from and within Kosovo unimpeded by government authorities, and expeditious issuance of appropriate travel documents to international personnel contributing to

the monitoring;

(c) facilitate, in agreement with the UNHCR and the International Committee of the Red Cross (ICRC), the safe return of refugees and displaced persons to their homes and allow free and unimpeded access for humanitarian organizations and supplies to Kosovo;

(d) make rapid progress to a clear timetable, in the dialogue referred to in paragraph 3 with the Kosovo Albanian community called for in resolution 1160 (1998), with the aim of agreeing confidence-building measures and finding a political solution to the problems of Kosovo;

5. Notes, in this connection, the commitments of the President of the Federal Republic of Yugoslavia, in his joint statement with the President of the Russian Federation of 16 June 1998:

(a) to resolve existing problems by political means on the basis of equality for all citizens and ethnic communities in Kosovo;

(b) not to carry out any repressive actions against the peaceful population;

(c) to provide full freedom of movement for and ensure that there will be no restrictions on representatives of foreign States and international institutions accredited to the Federal Republic of Yugoslavia monitoring the situation in Kosovo;

(d) to ensure full and unimpeded access for humanitarian organizations, the ICRC and the UNHCR, and delivery of humanitarian supplies;

(e) to facilitate the unimpeded return of refugees and displaced persons under programmes agreed with the UNHCR and the ICRC, providing State aid for the reconstruction of destroyed homes,

and calls for the full implementation of these commitments;

6. Insists that the Kosovo Albanian leadership condemn all terrorist action, and emphasizes that all elements in the Kosovo Albanian community should pursue their goals by peaceful means only;

7. Recalls the obligations of all States to implement fully the prohibitions imposed by resolution 1160 (1998);

8. Endorses the steps taken to establish effective international monitoring of the situation in Kosovo, and in this connection welcomes the establishment of the Kosovo Diplomatic Observer Mission;

9. Urges States and international organizations represented in the Federal Republic of Yugoslavia to make available personnel to fulfil the responsibility of carrying out effective and continuous international monitoring in Kosovo until the objectives of this resolution and those of resolution 1160 (1998) are achieved;

10. Reminds the Federal Republic of Yugoslavia that it has the primary responsibility for the security of all diplomatic personnel accredited to the Federal Republic of Yugoslavia as well as the safety and security of all international and non-governmental humanitarian personnel in the Federal Republic of Yugoslavia and calls upon the authorities of the Federal Republic of Yugoslavia and all others concerned in the Federal Republic of Yugoslavia to take all appropriate steps to ensure that monitoring personnel performing functions under this resolution are not subject to the threat or use of force or interference of any kind;

11. Requests States to pursue all means consistent with their domestic legislation and relevant international law to prevent funds collected on their territory being used to contravene resolution 1160 (1998);

12. Calls upon Member States and others concerned to provide adequate resources for humanitarian assistance in the region and to respond promptly and generously to the United Nations Consolidated Inter-Agency Appeal for Humanitarian Assistance Related to the Kosovo Crisis;

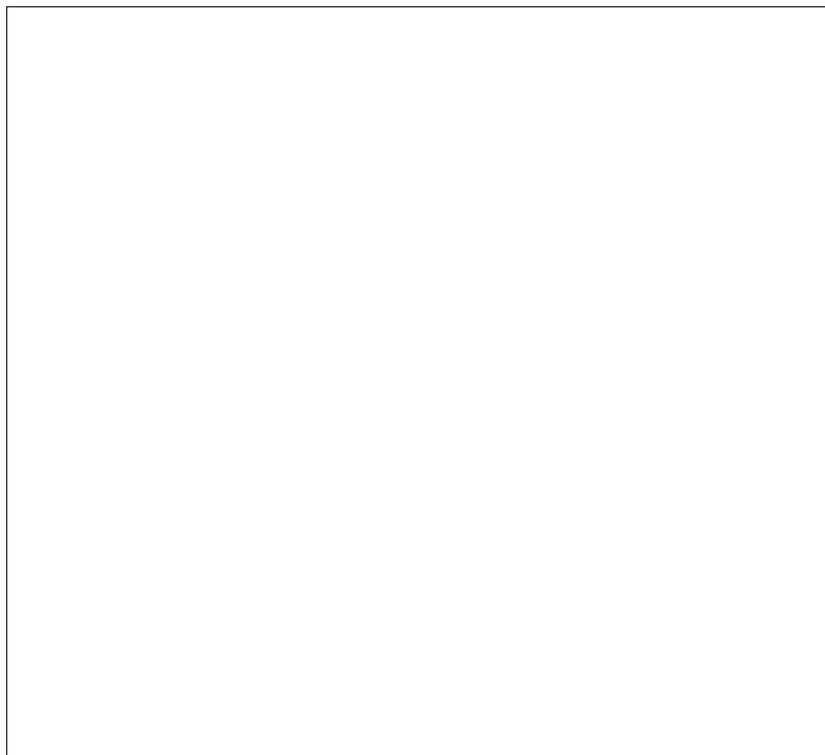
13. Calls upon the authorities of the Federal Republic of Yugoslavia, the leaders of the Kosovo Albanian community and all others concerned to cooperate fully with the Prosecutor of the International Tribunal for the Former Yugoslavia in the investigation of possible violations within the jurisdiction of the Tribunal;

14. Underlines also the need for the authorities of the Federal Republic of Yugoslavia to bring to justice those members of the security forces who have been involved in the mistreatment of civilians and the deliberate destruction of property;

15. Requests the Secretary-General to provide regular reports to the Council as necessary on his assessment of compliance with this resolution by the authorities of the Federal Republic of Yugoslavia and all elements in the Kosovo Albanian community, including through his regular reports on compliance with resolution 1160(1998);

16. Decides, should the concrete measures demanded in this resolution and resolution 1160(1998) not be taken, to consider further action and additional measures to maintain or restore peace and stability in the region;

17. Decides to remain seized of the matter.



Resolution 1203 (1998)

Adopted by the Security Council at its 3937th meeting, on 24 October 1998

The Security Council,

Recalling its resolutions 1160 (1998) of 31 March 1998 and 1199 (1998) of 23 September 1998, and the importance of the peaceful resolution of the problem of Kosovo, Federal Republic of Yugoslavia,

Having considered the reports of the Secretary-General pursuant to those resolutions, in particular his report of 5 October 1998 (S/1998/912),

Welcoming the agreement signed in Belgrade on 16 October 1998 by the Minister of Foreign Affairs of the Federal Republic of Yugoslavia and the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE) providing for the OSCE to establish a verification mission in Kosovo (S/1998/978), including the undertaking of the Federal Republic of Yugoslavia to comply with resolutions 1160 (1998) and 1199 (1998),

Welcoming also the agreement signed in Belgrade on 15 October 1998 by the Chief of General Staff of the Federal Republic of Yugoslavia and the Supreme Allied Commander, Europe, of the North Atlantic Treaty Organization (NATO) providing for the establishment of an air verification mission over Kosovo (S/1998/991, annex), complementing the OSCE Verification Mission,

Welcoming also the decision of the Permanent Council of the OSCE of 15 October 1998 (S/1998/959, annex),

Welcoming the decision of the Secretary-General to send a mission to the Federal Republic of Yugoslavia to establish a first-hand capacity to assess developments on the ground in Kosovo,

Reaffirming that, under the Charter of the United Nations, primary responsibility for the maintenance of international peace and security is conferred on the Security Council,

Recalling the objectives of resolution 1160 (1998), in which the Council expressed support for a peaceful resolution of the Kosovo problem which would include an enhanced status for Kosovo, a substantially greater degree of autonomy, and meaningful self-administration,

Condemning all acts of violence by any party, as well as terrorism in pursuit of political goals by any group or individual, and all external support for such activities in Kosovo, including the supply of arms and training for terrorist activities in Kosovo, and expressing concern at the reports of continuing violations of the prohibitions imposed by resolution 1160 (1998),

Deeply concerned at the recent closure by the authorities of the Federal Republic of Yugoslavia of independent media outlets in the Federal Republic of Yugoslavia, and emphasizing the need for these to be allowed freely to resume their operations,

Deeply alarmed and concerned at the continuing grave humanitarian situation throughout Kosovo and the impending humanitarian catastrophe, and re-emphasizing the need to prevent this from happening,

Stressing the importance of proper coordination of humanitarian initiatives undertaken by States, the United Nations High Commissioner for Refugees and international organizations in Kosovo,

Emphasizing the need to ensure the safety and security of members of the Verification Mission in Kosovo and the Air Verification Mission over Kosovo,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

Affirming that the unresolved situation in Kosovo, Federal Republic of Yugoslavia, constitutes a continuing threat to peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. Endorses and supports the agreements signed in Belgrade on 16 October

1998 between the Federal Republic of Yugoslavia and the OSCE, and on 15 October 1998 between the Federal Republic of Yugoslavia and NATO, concerning the verification of compliance by the Federal Republic of Yugoslavia and all others concerned in Kosovo with the requirements of its resolution 1199 (1998), and demands the full and prompt implementation of these agreements by the Federal Republic of Yugoslavia;

2. Notes the endorsement by the Government of Serbia of the accord reached by the President of the Federal Republic of Yugoslavia and the United States Special Envoy (S/1998/953, annex), and the public commitment of the Federal Republic of Yugoslavia to complete negotiations on a framework for a political settlement by 2 November 1998, and calls for the full implementation of these commitments;

3. Demands that the Federal Republic of Yugoslavia comply fully and swiftly with resolutions 1160 (1998) and 1199 (1998) and cooperate fully with the OSCE Verification Mission in Kosovo and the NATO Air Verification Mission over Kosovo according to the terms of the agreements referred to in paragraph 1 above;

4. Demands also that the Kosovo Albanian leadership and all other elements of the Kosovo Albanian community comply fully and swiftly with resolutions 1160 (1998) and 1199 (1998) and cooperate fully with the OSCE Verification Mission in Kosovo;

5. Stresses the urgent need for the authorities in the Federal Republic of Yugoslavia and the Kosovo Albanian leadership to enter immediately into a meaningful dialogue without preconditions and with international involvement, and to a clear timetable, leading to an end of the crisis and to a negotiated political solution to the issue of Kosovo;

6. Demands that the authorities of the Federal Republic of Yugoslavia, the Kosovo Albanian leadership and all others concerned respect the freedom of movement of the OSCE Verification Mission and other international personnel;

7. Urges States and international organizations to make available personnel to the OSCE Verification Mission in Kosovo;

8. Reminds the Federal Republic of Yugoslavia that it has the primary responsibility for the safety and security of all diplomatic personnel accredited to the Federal Republic of Yugoslavia, including members of the OSCE Verification Mission, as well as the safety and security of all international and non-governmental humanitarian personnel in the Federal Republic of Yugoslavia, and calls upon the authorities of the Federal Republic of Yugoslavia, and all others concerned throughout the Federal Republic of Yugoslavia including the Kosovo Albanian leadership, to take all appropriate steps to ensure that personnel performing functions under this resolution and the agreements referred to in paragraph 1 above are not subject to the threat or use of force or interference of any kind;

9. Welcomes in this context the commitment of the Federal Republic of Yugoslavia to guarantee the safety and security of the Verification Missions as contained in the agreements referred to in paragraph 1 above, notes that, to this end, the OSCE is considering arrangements to be implemented in cooperation with other organizations, and affirms that, in the event of an emergency, action may be needed to ensure their safety and freedom of movement as envisaged in the agreements referred to in paragraph 1 above;

10. Insists that the Kosovo Albanian leadership condemn all terrorist actions, demands that such actions cease immediately and emphasizes that all elements in the Kosovo Albanian community should pursue their goals by peaceful means only;

11. Demands immediate action from the authorities of the Federal Republic of Yugoslavia and the Kosovo Albanian leadership to cooperate with international efforts to improve the humanitarian situation and to avert the impending humanitarian catastrophe;

12. Reaffirms the right of all refugees and displaced persons to return to their homes in safety, and underlines the responsibility of the Federal Republic of Yugoslavia for creating the conditions which allow them to do so;

13. Urges Member States and others concerned to provide adequate resources for humanitarian assistance in the region and to respond promptly and generously to the United Nations Consolidated Inter-Agency Appeal

for Humanitarian Assistance Related to the Kosovo crisis;

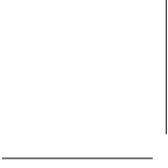
14. Calls for prompt and complete investigation, including international supervision and participation, of all atrocities committed against civilians and full cooperation with the International Tribunal for the former Yugoslavia, including compliance with its orders, requests for information and investigations;

15. Decides that the prohibitions imposed by paragraph 8 of resolution 1160 (1998) shall not apply to relevant equipment for the sole use of the Verification Missions in accordance with the agreements referred to in paragraph 1 above;

16. Requests the Secretary-General, acting in consultation with the parties concerned with the agreements referred to in paragraph 1 above, to report regularly to the Council regarding implementation of this resolution;

17. Decides to remain seized of the matter.





Vienna Convention on the Law of Treaties

SIGNED AT VIENNA 23 MAY 1969;
ENTRY INTO FORCE: 27 JANUARY 1980

The States Parties to the present Convention Considering the fundamental role of treaties in the history of international relations,

Recognizing the ever-increasing importance of treaties as a source of international law and as a means of developing peaceful co-operation among nations, whatever their constitutional and social systems, Noting that the principles of free consent and of good faith and the *pacta sunt servanda* rule are universally recognized, Affirming that disputes concerning treaties, like other international disputes, should be settled by peaceful means and in conformity with the principles of justice and international law,

Recalling the determination of the peoples of the United Nations to establish conditions under which justice and respect for the obligations arising from treaties can be maintained,

Having in mind the principles of international law embodied in the Charter of the United Nations, such as the principles of the equal rights and self-determination of peoples, of the sovereign equality and independence of all States, of non-interference in the domestic affairs of States, of the prohibition of the threat or use of force and of universal respect for, and observance of, human rights and fundamental freedoms for all,

Believing that the codification and progressive development of the law of treaties achieved in the present Convention will promote the purposes of the United Nations set forth in the Charter, namely, the maintenance of international peace and security, the development of friendly relations and the achievement of co-operation among nations, Affirming that the rules of customary international law will continue to govern questions not regulated by the provisions of the present Convention,

Have agreed as follows:

[...]

SECTION 2. INVALIDITY OF TREATIES

Article 51

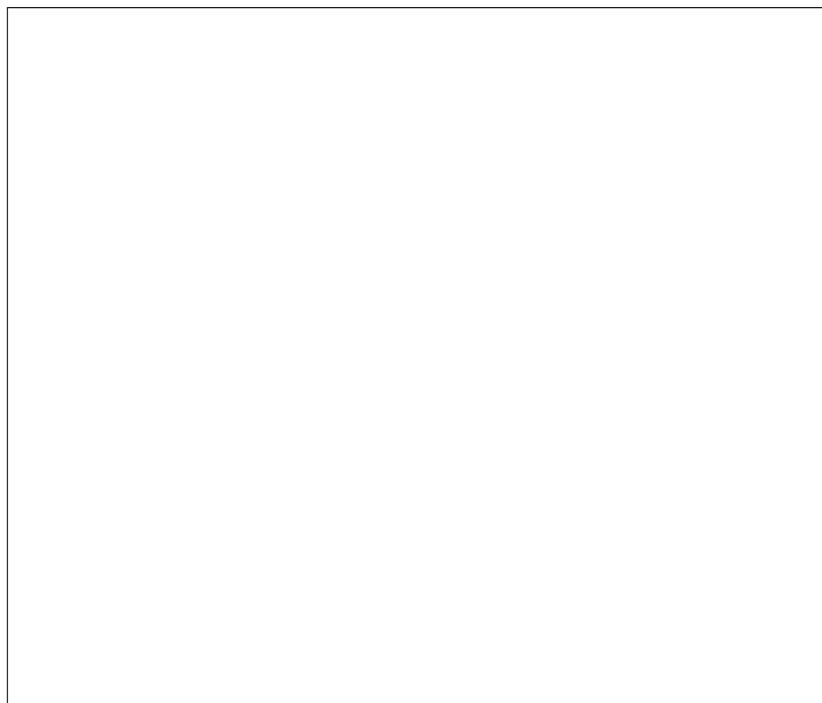
Coercion of a representative of a State

The expression of a State's consent to be bound by a treaty which has been procured by the coercion of its representative through acts or threats directed against him shall be without any legal effect.

Article 52

Coercion of a State by the threat or use of force

A treaty is void if its conclusion has been procured by the threat or use of force in violation of the principles of international law embodied in the Charter of the United Nations.



CONFERENCE ON SECURITY
AND COOPERATION IN EUROPE
Final Act

Helsinki

1 AUGUST 1975

[...]

Questions relating to Security in Europe

1.

(a) Declaration on Principles Guiding Relations between Participating States

[...]

I. Sovereign equality, respect for the rights inherent in sovereignty

The participating States will respect each other's sovereign equality and individuality as well as all the rights inherent in and encompassed by its sovereignty, including in particular the right of every State to juridical equality to territorial integrity and to freedom and political independence. They will also respect each other's right freely to choose and develop its political, social, economic and cultural systems as well as its right to determine its law and regulations.

Within the framework of international law, all the participating States have equal rights and duties. They will respect each other's right to define and conduct as it wishes its relations with other States in accordance with international law and in the spirit of the present Declaration. They consider that their frontiers can be changed, in accordance with international law, by peaceful means and by agreement. They also have the right to belong or not to belong to international organizations, to be or not to be a party to bilateral or multilateral treaties including the right to be or not to be a party to treaties or alliances; they also have the right to neutrality.

II. Refraining from the threat or use of force

The participating States will refrain in their mutual relations, as well as in their international relations in general from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations and with the present Declaration. No consideration may be invoked to serve to warrant resort to the threat or use of force in contravention of this principle.

Accordingly, the participating States will refrain from any acts constituting a threat of force or direct or indirect use of force against another participating State. Likewise they will refrain from any manifestation of force for the purpose of inducing another participating State to renounce the full exercise of its sovereign rights. Likewise they will also refrain in their mutual relations from any act of reprisal by force.

No such threat or use of force will be employed as a means of settling disputes, or questions likely to give rise to disputes, between them.

III. Inviolability of frontiers.

The participating States regard as inviolable all one another's frontiers as well as the frontiers of all States in Europe and therefore they will refrain now and in the future from assaulting those frontiers.

Accordingly, they will also refrain from any demand for, or act of, seizure and usurpation of part or all of the territory of any participating State.

IV. Territorial integrity of States

The participating States will respect the territorial integrity of each of the participating States.

Accordingly, they will refrain from any action inconsistent with the purposes and principles of the Charter of the United Nations against the territorial integrity, political independence or the unity of any participating State, and in particular from any such action constituting a threat or use of force.

The participating States will likewise refrain from making each other's territory the object of military occupation or other direct or indirect measures of force in contravention of international law, or the object of acquisition by means of such measures or the threat of them. No such occupation or acquisition will be recognized as legal.

V. Peaceful settlement of disputes

The participating States will settle disputes among them by peaceful means in such a manner as not to endanger international peace and security, and justice.

They will endeavour in good faith and a spirit of cooperation to reach a rapid and equitable solution on the basis of international law.

For this purpose they will use such means as negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice including any settlement procedure agreed to in advance of disputes to which they are parties.

In the event of failure to reach a solution by any of the above peaceful means, the parties to a dispute will continue to seek a mutually agreed way to settle the dispute peacefully.

Participating States, parties to a dispute among them, as well as other participating States, will refrain from any action which might aggravate the situation to such a degree as to endanger the maintenance of international peace and security and thereby make a peaceful settlement of the dispute more difficult.

VI. Non-intervention in internal affairs

The participating States will refrain from any intervention, direct or indirect, individual or collective, in the internal or external affairs falling within the domestic jurisdiction of another participating State, regardless of their mutual relations.

They will accordingly refrain from any form of armed intervention or threat

of such intervention against another participating State.

They will likewise in all circumstances refrain from any other act of military, or of political, economic or other coercion designed to subordinate to their own interest the exercise by another participating State of the rights inherent in its sovereignty and thus to secure advantages of any kind.

Accordingly, they will, inter alia, refrain from direct or indirect assistance to terrorist activities, or to subversive or other activities directed towards the violent overthrow of the regime of another participating State.

VII. Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief

[...]

The participating States on whose territory national minorities exist will respect the right of persons belonging to such minorities to equality before the law, will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms and will, in this manner, protect their legitimate interests in this sphere.

The participating States recognize the universal significance of human rights

and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and cooperation among themselves as among all States.

[...]

VIII. Equal rights and self-determination of peoples

The participating States will respect the equal rights of peoples and their right to self-determination, acting at all times in conformity with the purposes and principles of the Charter of the United Nations and the relevant norms of international law, including those relating to territorial integrity of States.

[...]

The North Atlantic Treaty

Washington D.C. - 4 April 1949

The Parties to this Treaty reaffirm their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all governments.

They are determined to safeguard the freedom, common heritage and civilisation of their peoples, founded on the principles of democracy, individual liberty and the rule of law. They seek to promote stability and well-being in the North Atlantic area. They are resolved to unite their efforts for collective defence and for the preservation of peace and security. They therefore agree to this North Atlantic Treaty :

Article 1

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

Article 2

The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate conflict in their international economic policies and will encourage economic collaboration between any or all of them.

Article 3

In order more effectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack.

Article 4

The Parties will consult together whenever, in the opinion of any of them, the territorial integrity, political independence or security of any of the Parties is threatened

Article 5

The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

Any such armed attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security (1).

Article 6

For the purpose of Article 5, an armed attack on one or more of the Parties is deemed to include an armed attack: on the territory of any of the Parties in Europe or North America, on the Algerian Departments of France, (2) on the territory of Turkey or on the Islands under the jurisdiction of any of the Parties in the North Atlantic area north of the Tropic of Cancer; on the forces, vessels, or aircraft of any of the Parties, when in or over these territories or any other area in Europe in which occupation forces of any of the Parties were stationed on the date when the Treaty entered into force or the Mediterranean Sea or the North Atlantic area north of the Tropic of Cancer.

Article 7

This Treaty does not affect, and shall not be interpreted as affecting in any way the rights and obligations under the Charter of the Parties which are members of the United Nations, or the primary responsibility of the Security Council for the maintenance of international peace and security.

Article 8

Each Party declares that none of the international engagements now in force between it and any other of the Parties or any third State is in conflict with the provisions of this Treaty, and undertakes not to enter into any international engagement in conflict with this Treaty.

Article 9

The Parties hereby establish a Council, on which each of them shall be represented, to consider matters concerning the implementation of this Treaty. The Council shall be so organised as to be able to meet promptly

at any time. The Council shall set up such subsidiary bodies as may be necessary; in particular it shall establish immediately a defence committee which shall recommend measures for the implementation of Articles 3 and 5.

Article 10

The Parties may, by unanimous agreement, invite any other European State in a position to further the principles of this Treaty and to contribute to the security of the North Atlantic area to accede to this Treaty. Any State so invited may become a Party to the Treaty by depositing its instrument of accession with the Government of the United States of America. The Government of the United States of America will inform each of the Parties of the deposit of each such instrument of accession.

Article 11

This Treaty shall be ratified and its provisions carried out by the Parties in accordance with their respective constitutional processes. The instruments of ratification shall be deposited as soon as possible with the Government of the United States of America, which will notify all the other signatories of each deposit. The Treaty shall enter into force between the States which have ratified it as soon as the ratifications of the majority of the signatories, including the ratifications of Belgium, Canada, France, Luxembourg, the Netherlands, the United Kingdom and the United States, have been deposited and shall come into effect with respect to other States on the date of the deposit of their ratifications.

Article 12

After the Treaty has been in force for ten years, or at any time thereafter, the Parties shall, if any of them so requests, consult together for the purpose of reviewing the Treaty, having regard for the factors then affecting peace and security in the North Atlantic area, including the development of universal as well as regional arrangements under the Charter of the United Nations for the maintenance of international peace and security.

Article 13

After the Treaty has been in force for twenty years, any Party may cease to be a Party one year after its notice of denunciation has been given to the Government of the United States of America, which will inform the Governments of the other Parties of the deposit of each notice of denunciation

Article 14

This Treaty, of which the English and French texts are equally authentic, shall be deposited in the archives of the Government of the United States of America. Duly certified copies will be transmitted by that Government to the Governments of other signatories.

Footnotes :

1. The definition of the territories to which Article 5 applies was revised by Article 2 of the Protocol to the North Atlantic Treaty on the accession of Greece and Turkey and by the Protocols signed on the accession of the Federal Republic of Germany and of Spain.

2. On January 16, 1963, the North Atlantic Council heard a declaration by the French Representative who recalled that by the vote on self-determination on July 1, 1962, the Algerian people had pronounced itself in favour of the independence of Algeria in co-operation with France. In consequence, the President of the French Republic had on July 3, 1962, formally recognised the independence of Algeria. The result was that the «Algerian departments of France» no longer existed as such, and that at the same time the fact that they were mentioned in the North Atlantic Treaty had no longer any bearing. Following this statement the Council noted that insofar as the former Algerian Departments of France were concerned, the relevant clauses of this Treaty had become inapplicable as from July 3, 1962.

"NATO Will Never Attack Anyone" (Brussels 1983)

The world was still in the midst of the Cold War, less than three months after a Korean 747 jetliner was shot down, prompting President Ronald Reagan to call the Soviet Union an "Evil Empire." Yet, here was a declaration issued by the NATO countries' foreign ministers, following their Dec. 9, 1983 meeting in Brussels, which said that NATO would "never attack anyone."

Declaration of Brussels

Issued by the Foreign Ministers at the North Atlantic Council Meeting
Brussels

We, the representatives of the sixteen member countries of the North Atlantic Alliance, reaffirm the dedication of the Allies to the maintenance of peace in freedom.

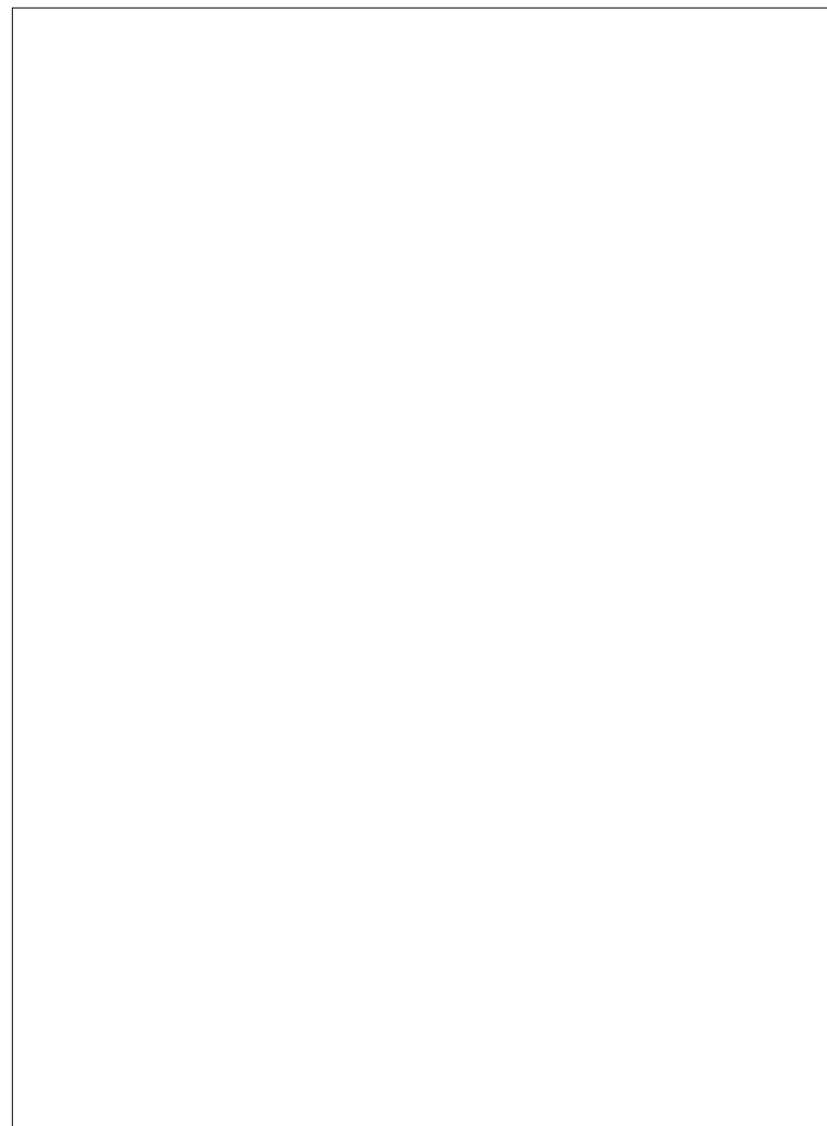
Our Alliance threatens no one. None of our weapons will ever be used except in response to attack. We do not aspire to superiority, neither will we accept that others should be superior to us. Our legitimate security interests can only be guaranteed through the firm linkage between Europe and North America. We call upon the Soviet Union to respect our legitimate security interests as we respect theirs.

We are determined to ensure security on the basis of a balance of forces at the lowest possible level. Faced with the threat posed by the Soviet SS-20 missiles, the Allies concerned are going forward with the implementation of the double-track decision of 1979. The ultimate goal remains that there should be neither Soviet nor United States land based long-range INF missiles. The deployment of US missiles can be halted or reversed by concrete results at the negotiating table. In this spirit we wish to see an early resumption of the INF negotiations which the Soviet Union has discontinued (1).

We urge the countries of the Warsaw Pact to seize the opportunities we offer for a balanced and constructive relationship and for genuine detente.” [...]

Brussels, Dec. 9, 1983

The rest of the “Declaration of Brussels” is available at NATO’s own Web site:
<http://www.nato.int/docu/comm/c831209b.htm>.



The Ultimatum from 1914

Austria-Hungary to Serbia

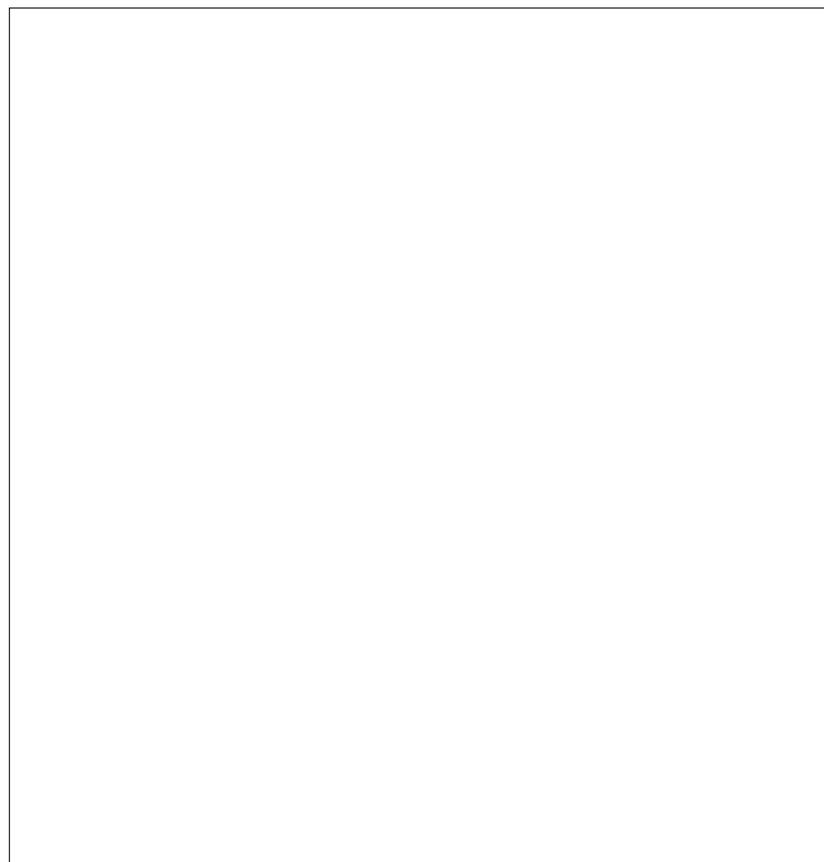
Le Gouvernement serbe est appelé à :

- 1) Interdire toute publication visant à répandre la haine et le mépris vis-à-vis de l'empire de même qu'il s'abstiendra de toute initiative portant atteinte à l'intégrité territoriale de l'Empire.
- 2) Prononcer immédiatement la dissolution de la Défense Nationale et de l'ensemble des organisations qui à l'intérieur de la Serbie de livrent à des activités de propagande contre l'Empire Austro-hongrois. Des mesures seront prises afin que les organisations dissoutes ne puissent continuer leur travail sous d'autres appellations et sous d'autres formes.
- 3) Procéder sans délai au sein du système d'enseignement public à la mise à l'écart de l'ensemble des moyens de propagande contre l'Empire Austro-hongrois, qu'il s'agisse de manuels scolaires ou bien d'enseignants.
- 4) Ecarter, dans l'armée et plus généralement dans l'administration, les officiers et les fonctionnaires fautifs de propagande contre l'Empire et dont les noms seront communiqués ultérieurement au Gouvernement Royal.
- 5) Accepter de collaborer avec les organes du gouvernement Impérial et Royal afin d'étouffer tout mouvement de subversion mettant en péril l'intégrité territoriale de l'Empire.
- 6) Ouvrir une enquête concernant les participants au complot du 28 juin se trouvant sur le territoire serbe. Les organes délégués par le gouvernement Impérial et Royal participeront à ces recherches.
- 7) Procéder rapidement à l'arrestation du commandant Voja Tankosic et du fonctionnaire du gouvernement serbe Milan Ciganovic, tous deux mis en cause par les recherches sur l'attentat de Sarajevo.

8) Entreprendre des mesures efficaces pour empêcher la participation des autorités serbes au trafic d'armes et munitions ; en particulier, pour ce qui concerne les responsables des services frontaliers a Sabac et Loznica, qui ont prêté main forte aux conspirateurs de Sarajevo, des punitions sévères et des relégations devront être prononcées.

9) Donner des explications au Gouvernement Impériale et Royale sur les déclarations inacceptables de hauts responsables serbes aussi bien en Serbie qu'à l'étranger qui, malgré la position officielle adoptée à la suite de l'attentat du 28 juin, n'ont pas hésité au cours d'interviews à s'exprimer hostilement envers le Monarchie austro-hongroise.

10) Rendre compte dans les plus bref délais au Gouvernement Impériale et Royale de la bonne exécution des mesures énumérées ci-dessus.



The Ultimatum from 1999

EU & NATO to Yugoslavia (Serbia)

Rambouillet Agreement

Interim Agreement for Peace and Self-Government in Kosovo
(February 23, 1999)

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Interim Agreement for Peace and Self-Government in Kosovo

February, 23 1999

The Parties to the present Agreement,

Convinced of the need for a peaceful and political solution in Kosovo as a prerequisite for stability and democracy,

Determined to establish a peaceful environment in Kosovo,

Reaffirming their commitment to the Purposes and Principles of the United Nations, as well as to OSCE principles, including the Helsinki Final Act and the Charter of Paris for a new Europe,

Recalling the commitment of the international community to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

Recalling the basic elements/principles adopted by the Contact Group at its ministerial meeting in London on January 29, 1999,

Recognizing the need for democratic self-government in Kosovo, including full participation of the members of all national communities in political decision-making,

Desiring to ensure the protection of the human rights of all persons in Kosovo, as well as the rights of the members of all national communities,

Recognizing the ongoing contribution of the OSCE to peace and stability in Kosovo,

Noting that the present Agreement has been concluded under the auspices of the members of the Contact Group and the European Union and undertaking with respect to these members and the European Union to abide by this Agreement,

Aware that full respect for the present Agreement will be central for the development of relations with European institutions,

Have agreed as follows:

Framework

Article I: Principles

1. All citizens in Kosovo shall enjoy, without discrimination, the equal rights and freedoms set forth in this Agreement.

2. National communities and their members shall have additional rights specified in Chapter 1. Kosovo, Federal, and Republic authorities shall not interfere with the exercise of these additional rights. The national communities shall be legally equal as specified herein, and shall not use their additional rights to endanger the rights of other national communities or the rights of citizens, the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, or the functioning of representative democratic government in Kosovo.

3. All authorities in Kosovo shall fully respect human rights, democracy, and the equality of citizens and national communities.

4. Citizens in Kosovo shall have the right to democratic self-government through legislative, executive, judicial, and other institutions established in accordance with this Agreement. They shall have the opportunity to be represented in all institutions in Kosovo. The right to democratic self-government shall include the right to participate in free and fair elections.

5. Every person in Kosovo may have access to international institutions for the protection of their rights in accordance with the procedures of such institutions.

6. The Parties accept that they will act only within their powers and responsibilities in Kosovo as specified by this Agreement. Acts outside those powers and responsibilities shall be null and void. Kosovo shall have

all rights and powers set forth herein, including in particular as specified in the Constitution at Chapter 1. This Agreement shall prevail over any other legal provisions of the Parties and shall be directly applicable. The Parties shall harmonize their governing practices and documents with this Agreement.

7. The Parties agree to cooperate fully with all international organizations working in Kosovo on the implementation of this Agreement.

Article II: Confidence-Building Measures

End of Use of Force

1. Use of force in Kosovo shall cease immediately. In accordance with this Agreement, alleged violations of the cease-fire shall be reported to international observers and shall not be used to justify use of force in response.

2. The status of police and security forces in Kosovo, including withdrawal of forces, shall be governed by the terms of this Agreement. Paramilitary and irregular forces in Kosovo are incompatible with the terms of this Agreement.

Return

3. The Parties recognize that all persons have the right to return to their homes. Appropriate authorities shall take all measures necessary to facilitate the safe return of persons, including issuing necessary documents. All persons shall have the right to reoccupy their real property, assert their occupancy rights in state-owned property, and recover their other property and personal possessions. The Parties shall take all measures necessary to readmit returning persons to Kosovo.

4. The Parties shall cooperate fully with all efforts by the United Nations High Commissioner for Refugees, (UNHCR) and other international and non-governmental organizations concerning the repatriation and return of persons, including those organizations, monitoring of the treatment of persons following their return.

Access for International Assistance

5. There shall be no impediments to the normal flow of goods into Kosovo, including materials for the reconstruction of homes and structures. The Federal Republic of Yugoslavia shall not require visas, customs, or licens-

ing for persons or things for the Implementation Mission (IM), the UNHCR, and other international organizations, as well as for non-governmental organizations working in Kosovo as determined by the Chief of the Implementation Mission (CIM).

6. All staff, whether national or international, working with international or non-governmental organizations including with the Yugoslav Red Cross, shall be allowed unrestricted access to the Kosovo population for purposes of international assistance. All persons in Kosovo shall similarly have safe, unhindered, and direct access to the staff of such organizations.

Other Issues

7. Federal organs shall not take any decisions that have a differential, disproportionate, injurious, or discriminatory effect on Kosovo. Such decisions, if any, shall be void with regard to Kosovo.

8. Martial law shall not be declared in Kosovo.

9. The Parties shall immediately comply with all requests for support from the implementation Mission (IM). The IM shall have its own broadcast frequencies for radio and television programming in Kosovo. The Federal Republic of Yugoslavia shall provide all necessary facilities, including frequencies for radio communications, to all humanitarian organizations responsible for delivering aid in Kosovo.

Detention of Combatants and Justice Issues

10. All abducted persons or other persons held without charge shall be released. The Parties shall also release and transfer in accordance with this Agreement all persons held in connection with the conflict. The Parties shall cooperate fully with the International Committee of the Red Cross (ICRC) to facilitate its work in accordance with its mandate, including ensuring full access to all such persons, irrespective of their status, wherever they might be held, for visits in accordance with the ICRC's standard operating procedures.

11. The Parties shall provide information, through tracing mechanisms of the ICRC, to families of all persons who are unaccounted for. The Parties shall cooperate fully with the ICRC and the International Commission on Missing Persons in their efforts to determine the identity, whereabouts, and fate of those unaccounted for.

12. Each Party:

(a) shall not prosecute anyone for crimes related to the conflict in Kosovo, except for persons accused of having committed serious violations of international humanitarian law. In order to facilitate transparency, the Parties shall grant access to foreign experts (including forensics experts) along with state investigators;

(b) shall grant a general amnesty for all persons already convicted of committing politically motivated crimes related to the conflict in Kosovo. This amnesty shall not apply to those properly convicted of committing serious violations of international humanitarian law at a fair and open trial conducted pursuant to international standards.

13. All Parties shall comply with their obligation to cooperate in the investigation and prosecution of serious violations of international humanitarian law.

(a) As required by United Nations Security Council resolution 827 (1993) and subsequent resolutions, the Parties shall fully cooperate with the International Criminal Tribunal for the Former Yugoslavia in its investigations and prosecutions, including complying with its requests for assistance and its orders.

(b) The Parties shall also allow complete, unimpeded, and unfettered access to international experts- including forensics experts and investigators-to investigate allegations of serious violations of international humanitarian law.

Independent Media

14. Recognizing the importance of free and independent media for the development of a democratic political climate necessary for the reconstruction and development of Kosovo, the Parties shall ensure the widest possible press freedoms in Kosovo in all media, public and private, including print, television, radio, and Internet.

Chapter 1

Constitution

Affirming their belief in a peaceful society, justice, tolerance, and reconciliation,

Resolved to ensure respect for human rights and the equality of all citizens and national communities,

Recognizing that the preservation and promotion of the national, cultural, and linguistic identity of each national community in Kosovo are necessary for the harmonious development of a peaceful society,

Desiring through this interim Constitution to establish institutions of democratic self-government in Kosovo grounded in respect for the territorial integrity and sovereignty of the Federal Republic of Yugoslavia and from this Agreement, from which the authorities of governance set forth herein originate,

Recognizing that the institutions of Kosovo should fairly represent the national communities in Kosovo and foster the exercise of their rights and those of their members,

Recalling and endorsing the principles/basic elements adopted by the Contact Group at its ministerial meeting in London on January 29, 1999,

Article I: Principles of Democratic Self-Government in Kosovo

1. Kosovo shall govern itself democratically through the legislative, executive, judicial, and other organs and institutions specified herein. Organs and institutions of Kosovo shall exercise their authorities consistent with the terms of this Agreement.

2. All authorities in Kosovo shall fully respect human rights, democracy, and the equality of citizens and national communities.

3. The Federal Republic of Yugoslavia has competence in Kosovo over the following areas, except as specified elsewhere in this Agreement: (a) territorial integrity,

(b) maintaining a common market within the Federal Republic of Yugoslavia, which power shall be exercised in a manner that does not discriminate against Kosovo,

(c) monetary policy, (d) defense, (e) foreign policy,

(f) customs services, (g) federal taxation, (h) federal elections, and (i) other areas specified in this Agreement.

4. The Republic of Serbia shall have competence in Kosovo as specified in this Agreement, including in relation to Republic elections.

5. Citizens in Kosovo may continue to participate in areas in which the Federal Republic of Yugoslavia and the Republic of Serbia have competence through their representation in relevant institutions, without prejudice to the exercise of competence by Kosovo authorities set forth in this Agreement.

6. With respect to Kosovo:

(a) There shall be no changes to the borders of Kosovo;

(b) Deployment and use of police and security forces shall be governed by Chapters 2 and 7 of this Agreement; and

(c) Kosovo shall have authority to conduct foreign relations within its areas of responsibility equivalent to the power provided to Republics under Article 7 of the Constitution of the Federal Republic of Yugoslavia.

7. There shall be no interference with the right of citizens and national communities in Kosovo to call upon appropriate institutions of the Republic of Serbia for the following purposes:

(a) assistance in designing school curricula and standards;

(b) participation in social benefits programs, such as care for war veterans, pensioners, and disabled persons; and

(c) other voluntarily received services, provided that these services are not related to police and security matters governed by Chapters 2 and 7 of this Agreement, and that any Republic personnel serving in Kosovo pursuant to this paragraph shall be unarmed service providers acting at the invitation of a national community in Kosovo. The Republic shall have the authority to levy taxes or charges on those citizens requesting services pursuant to this paragraph, as necessary to support the provision of such services.

8. The basic territorial unit of local self-government in Kosovo shall be the commune. All responsibilities in Kosovo not expressly assigned elsewhere shall be the responsibility of the communes.

9. To preserve and promote democratic self-government in Kosovo, all candidates for appointed, elective, or other public office, and all office holders, shall meet the following criteria:

(a) No person who is serving a sentence imposed by the International Criminal Tribunal for the Former Yugoslavia, and no person who is under indictment by the Tribunal and who has failed to comply with an order to appear before the Tribunal, may stand as a candidate or hold any office; and

(b) All candidates and office holders shall renounce violence as a mechanism for achieving political goals; past political or resistance activities shall not be a bar to holding office in Kosovo.

Article II: The Assembly

General

1. Kosovo shall have an Assembly, which shall be comprised of 120 Members.

(a) Eighty members shall be directly elected.

(b) A further 40 Members shall be elected by the members of qualifying national communities.

(i) Communities whose members constitute more than 0.5 per cent of the Kosovo population but less than 5 per cent shall have ten of these seats, to be divided among them in accordance with their proportion of the overall population.

(ii) communities whose members constitute more than 5 per cent of the Kosovo population shall divide the remaining thirty seats equally. The Serb and Albanian national communities shall be presumed to meet the 5 per cent population threshold.

Other Provisions

2. Elections for all Members shall be conducted democratically, consistent with the provisions of Chapter 3 of this Agreement. Members shall be elected for a term of three years.

3. Allocation of seats in the Assembly shall be based on data gathered in the census referred to in Chapter 5 of this Agreement. Prior to the completion of the census, for purposes of this Article declarations of national community membership made during voter registration shall be used to determine the percentage of the Kosovo population that each national community

represents.

4. Members of the Assembly shall be immune from all civil or criminal proceedings on the basis of words expressed or other acts performed in their capacity as Members of the Assembly.

Powers of the Assembly

5. The Assembly shall be responsible for enacting laws of Kosovo, including in political, security, economic, social, educational, scientific, and cultural areas as set out below and elsewhere in this Agreement. This Constitution and the laws of the Kosovo Assembly shall not be subject to change or modification by authorities of the Republics or the Federation.

(a) The Assembly shall be responsible for:

(i) Financing activities of Kosovo institutions, including by levying taxes and duties on sources within Kosovo;

(ii) Adopting budgets of the Administrative organs and other institutions of Kosovo, with the exception of communal and national community institutions unless otherwise specified herein;

(iii) Adopting regulations concerning the organization and procedures of the Administrative organs of Kosovo;

(iv) Approving the list of Ministers of the Government, including the Prime minister;

(v) Coordinating educational arrangements in Kosovo, with respect for the authorities of national communities and Communes;

(vi) Electing candidates for judicial office put forward by the President of Kosovo;

(vii) Enacting laws ensuring free movement of goods, services, and persons in Kosovo consistent with this Agreement;

(viii) Approving agreements concluded by the President within the areas of responsibility of Kosovo;

(ix) Cooperating with the Federal Assembly, and with the Assemblies of the Republics, and conducting relations with foreign legislative bodies;

- (x) Establishing a framework for local self- government;
- (xi) Enacting laws concerning inter-communal issues and relations between national communities, when necessary;
- (xii) Enacting laws regulating the work of medical institutions and hospitals;
- (xiii) Protecting the environment, where inter- communal issues are involved;
- (xiv) Adopting programs of economic, scientific, technological, demographic, regional, and social development, as well as urban planning;
- (xv) Adopting programs for the development of agriculture and of rural areas;
- (xvi) Regulating elections consistent with Chapters 3 and 5;
- (xvii) Regulating Kosovo-owned property; and
- (xviii) Regulating land registries.

(b) The Assembly shall also have authority to enact laws in areas within the responsibility of the Communes if the matter cannot be effectively regulated by the Communes or if regulation by individual Communes might prejudice the rights of other Communes. In the absence of a law enacted by the Assembly under this subparagraph that preempts communal action, the Communes shall retain their authority.

Procedure

6. Laws and other decisions of the Assembly shall be adopted by majority of Members present and voting.

7. A majority of the Members of a single national community elected to the Assembly pursuant to paragraph 1(b) may adopt a motion that a law or other decision adversely affects the vital interests of their national community. The challenged law or decision shall be suspended with regard to that national community until the dispute settlement procedure in paragraph 8 is completed.

8. The following procedure shall be used in the event of a motion under paragraph 7:

(a) The Members making the vital interest motion shall give reasons for their motion. The proposers of the legislation shall be given an opportunity to respond.

(b) The Members making the motion shall appoint within one day a mediator of their choice to assist in reaching an agreement with those proposing the legislation.

(c) If mediation does not produce an agreement within seven days, the matter may be submitted for a binding ruling. The decision shall be rendered by a panel comprising three Members of the Assembly: one Albanian and one Serb, each appointed by his or her national community delegation; and a third Member, who will be of a third nationality and will be selected within two days by consensus of the Presidency of the Assembly.

(i) A vital interest motion shall be upheld if the legislation challenged adversely affects the community's fundamental constitutional rights, additional rights as set forth in Article VII, or the principle of fair treatment.

(ii) If the motion is not upheld, the challenged legislation shall enter into force for that community.

(d) Paragraph (c) shall not apply to the selection of Assembly officials.

(e) The Assembly may exclude other decisions from this procedure by means of a law enacted by a majority that includes a majority of each national community elected pursuant to paragraph 1(b).

9. A majority of the Members shall constitute a quorum. The Assembly shall otherwise decide its own rules of procedure.

Leadership

10. The Assembly shall elect from among its Members a Presidency, which shall consist of a President, two Vice-Presidents, and other leaders in accordance with the Assembly's rules of procedure. Each national community meeting the threshold specified in paragraph 1(b)(ii) shall, be represented in the leadership. The President of the Assembly shall not be from the same national community as the President of Kosovo.

11. The President of the Assembly shall represent it, call its sessions to order, chair its meetings, coordinate the work of any committees it may establish, and perform other tasks prescribed by the rules of procedure of

the Assembly.

Article III: President of Kosovo

1. There shall be a President of Kosovo, who shall be elected by the Assembly by vote of a majority of its members. The President of Kosovo shall serve for a three-year term. No person may serve more than two terms as President of Kosovo.

2. The President of Kosovo shall be responsible for:

(i) Representing Kosovo, including before any international or Federal body or any body of the Republics;

(ii) Proposing to the Assembly candidates for Prime Minister, the Constitutional Court, the Supreme Court, and other Kosovo judicial offices;

(iii) Meeting regularly with the democratically elected representatives of the national communities;

(iv) Conducting foreign relations and concluding agreements within this power consistent with the authorities of Kosovo institutions under this Agreement. Such agreements shall only enter into force upon approval by the Assembly;

(v) Designating a representative to serve on the Joint Commission established by Article I.2 of Chapter 5 of this Agreement;

(vi) Meeting regularly with the Federal and Republic Presidents; and

(vii) other functions specified herein or by law.

Article IV: Government and Administrative Organs

1. Executive power shall be exercised by the Government. The Government shall be responsible for implementing the laws of Kosovo, and of other government authorities when such responsibilities are devolved by those authorities. The Government shall also have competence to propose laws to the Assembly.

(a) The Government shall consist of a Prime Minister and Ministers, including at least one person from each national community meeting the

threshold specified in paragraph 1(b)(ii) of Article II. Ministers shall head the Administrative Organs of Kosovo.

(b) The candidate for Prime Minister proposed by the President shall put forward a list of Ministers to the Assembly. The Prime Minister, together with the list of Ministers, shall be approved by a majority of those present and voting in the Assembly. In the event that the Prime Minister is not able to obtain a majority for the Government, the President shall propose a new candidate for Prime Minister within ten days.

(c) The Government shall resign if a no confidence motion is adopted by a vote of a majority of the members of the Assembly. If the Prime Minister or the Government resigns, the President shall select a new candidate for Prime Minister who shall seek to form a Government.

(d) The Prime Minister shall call meetings of the Government, represent it as appropriate, and coordinate its work. Decisions of the Government shall require a majority of Ministers present and voting. The Prime Minister shall cast the deciding vote in the event Ministers are equally divided. The Government shall otherwise decide its own rules of procedure.

2. Administrative organs shall be responsible for assisting the Government in carrying out its duties.

(a) National communities shall be fairly represented at all levels in the Administrative Organs.

(b) Any citizen in Kosovo claiming to have been directly and adversely affected by the decision of an executive or administrative body shall have the right to judicial review of the legality of that decision after exhausting all avenues for administrative review. The Assembly shall enact a law to regulate this review.

3. There shall be a Chief Prosecutor who shall be responsible for prosecuting individuals who violate the criminal laws of Kosovo. He shall head an Office of the Prosecutor, which shall at all levels have staff representative of the population of Kosovo.

Article V: Judiciary

General

1. Kosovo shall have a Constitutional Court, a Supreme Court, District

Courts, and Communal Courts.

2. The Kosovo courts shall have jurisdiction over all matters arising under this Constitution or the laws of Kosovo except as specified in paragraph 3. The Kosovo courts shall also have jurisdiction over questions of federal law, subject to appeal to the Federal courts on these questions after all appeals available under the Kosovo system have been exhausted.

3. Citizens in Kosovo may opt to have civil disputes to which they are party adjudicated by other courts in the Federal Republic of Yugoslavia, which shall apply the law applicable in Kosovo.

4. The following rules will apply to criminal cases:

(a) At the start of criminal proceedings, the defendant is entitled to have his or her trial transferred to another Kosovo court that he or she designates.

(b) In criminal cases in which all defendants and victims are members of the same national community, all members of the judicial council will be from a national community of their choice if any party so requests.

(c) A defendant in a criminal case tried in Kosovo courts is entitled to have at least one member of the judicial council hearing the case to be from his or her national community. Kosovo authorities will consider and allow judges of other courts in the Federal Republic of Yugoslavia to serve as Kosovo judges for these purposes.

Constitutional Court

5. The Constitutional Court shall consist of nine judges. There shall be at least one Constitutional Court judge from each national community meeting the threshold specified in paragraph 1(b)(ii) of Article II. Until such time as the Parties agree to discontinue this arrangement, 5 judges of the Constitutional Court shall be selected from a list drawn up by the President of the European Court of Human Rights.

6. The Constitutional Court shall have authority to resolve disputes relating to the meaning of this Constitution. That authority shall include, but is not limited to, determining whether laws applicable in Kosovo, decisions or acts of the President, the Assembly, the Government, the Communes, and the national communities are compatible with this Constitution.

(a) Matters may be referred to the Constitutional Court by the President of

Kosovo, the President or Vice-Presidents of the Assembly, the Ombudsman, the communal assemblies and councils, and any national community acting according to its democratic procedures.

(b) Any court which finds in the course of adjudicating a matter that the dispute depends on the answer to a question within the Constitutional Court's jurisdiction shall refer the issue to the Constitutional Court for a preliminary decision.

7. Following the exhaustion of other legal remedies, the Constitutional Court shall at the request of any person claiming to be a victim have jurisdiction over complaints that human rights and fundamental freedoms and the rights of members of national communities set forth in this Constitution have been violated by a public authority.

8. The Constitutional Court shall have such other jurisdiction as may be specified elsewhere in this Agreement or by law.

Supreme Court

9. The Supreme Court shall consist of nine judges. There shall be at least one Supreme Court judge from each national community meeting the threshold specified in paragraph 1(b)(ii) of Article II.

10. The Supreme Court shall hear appeals from the District Courts and the Communal Courts. Except as otherwise provided in this Constitution, the Supreme Court shall be the court of final appeal for all cases arising under law applicable in Kosovo. Its decisions shall be recognized and executed by all authorities in the Federal Republic of Yugoslavia.

Functioning of the Courts

11. The Assembly shall determine the number of District and Communal Court judges necessary to meet current needs.

12. Judges of all courts in Kosovo shall be distinguished jurists of the highest moral character. They shall be broadly representative of the national communities of Kosovo.

13. Removal of a Kosovo judge shall require the consensus of the judges of the Constitutional Court. A Constitutional Court judge whose removal is in question shall not participate in the decision on his case.

14. The Constitutional Court shall adopt rules for itself and for other courts

in Kosovo. The Constitutional and Supreme Courts shall each adopt decisions by majority vote of their members.

15. Except as otherwise specified in their rules, all Kosovo courts shall hold public proceedings. They shall issue published opinions setting forth the reasons for their decisions.

Article VI: Human Rights and Fundamental Freedoms

1. All authorities in Kosovo shall ensure internationally recognized human rights and fundamental freedoms.

2. The rights and freedoms set forth in the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols shall apply directly in Kosovo. Other internationally recognized human rights instruments enacted into law by the Kosovo Assembly shall also apply. These rights and freedoms shall have priority over all other law.

3. All courts, agencies, governmental institutions, and other public institutions of Kosovo or operating in relation to Kosovo shall conform to these human rights and fundamental freedoms.

Article VII: National Communities

1. National communities and their members shall have additional rights as set forth below in order to preserve and express their national, cultural, religious, and linguistic identities in accordance with international standards and the Helsinki Final Act. Such rights shall be exercised in conformity with human rights and fundamental freedoms.

2. Each national community may elect, through democratic means and in a manner consistent with the principles of Chapter 3 of this Agreement, institutions to administer its affairs in Kosovo.

3. The national communities shall be subject to the laws applicable in Kosovo, provided that any act or decision concerning national communities must be non-discriminatory. The Assembly shall decide upon a procedure for resolving disputes between national communities.

4. The additional rights of the national communities, acting through their democratically elected institutions, are to:

(a) preserve and protect their national, cultural, religious, and linguistic identities, including by:

(i) inscribing local names of towns and villages, of squares and streets, and of other topographic names in the language and alphabet of the national community in addition to signs in Albanian and Serbian, consistent with decisions about style made by the communal institutions;

(ii) providing information in the language and alphabet of the national community;

(iii) providing for education and establishing educational institutions, in particular for schooling in their own language and alphabet and in national culture and history, for which relevant authorities will provide financial assistance; curricula shall reflect a spirit of tolerance between national communities and respect for the rights of members of all national communities in accordance with international standards;

(iv) enjoying unhindered contacts with representatives of their respective national communities, within the Federal Republic of Yugoslavia and abroad;

(v) using and displaying national symbols, including symbols of the Federal Republic of Yugoslavia and the Republic of Serbia;

(vi) protecting national traditions on family law by, if the community decides, arranging rules in the field of inheritance; family and matrimonial relations; tutorship; and adoption;

(vii) the preservation of sites of religious, historical, or cultural importance to the national community in cooperation with other authorities;

(viii) implementing public health and social services on a non-discriminatory basis as to citizens and national communities;

(ix) operating religious institutions in cooperation with religious authorities; and

(x) participating in regional and international non-governmental organizations in accordance with procedures of these organizations;

(b) be guaranteed access to, and representation in, public broadcast media, including provisions for separate programming in relevant languages under the direction of those nominated by the respective national community on

a fair and equitable basis; and

(c) finance their activities by collecting contributions the national communities may decide to levy on members of their own communities.

5. Members of national communities shall also be individually guaranteed:

(a) the right to enjoy unhindered contacts with members of their respective national communities elsewhere in the Federal Republic of Yugoslavia and abroad;

(b) equal access to employment in public services at all levels;

(c) the right to use their languages and alphabets;

(d) the right to use and display national community symbols;

(e) the right to participate in democratic institutions that will determine the national community's exercise of the collective rights set forth in this Article; and

(f) the right to establish cultural and religious associations, for which relevant authorities will provide financial assistance.

6. Each national community and, where appropriate, their members acting individually may exercise these additional rights through Federal institutions and institutions of the Republics, in accordance with the procedures of those institutions and without prejudice to the ability of Kosovo institutions to carry out their responsibilities.

7. Every person shall have the right freely to choose to be treated or not to be treated as belonging to a national community, and no disadvantage shall result from that choice or from the exercise of the rights connected to that choice.

Article VIII: Communes

1. Kosovo shall have the existing communes. Changes may be made to communal boundaries by act of the Kosovo Assembly after consultation with the authorities of the communes concerned.

2. Communes may develop relationships among themselves for their mutual benefit.

3. Each commune shall have an Assembly, an Executive Council, and such administrative bodies as the commune may establish.

(a) Each national community whose membership constitutes at least three percent of the population of the commune shall be represented on the Council in proportion to its share of the communal population or by one member, whichever is greater.

(b) Prior to the completion of a census, disputes over communal population percentages for purposes of this paragraph shall be resolved by reference to declarations of national community membership in the voter registry.

4. The communes shall have responsibility for:

(a) law enforcement, as specified in Chapter 2 of this Agreement;

(b) regulating and, when appropriate, providing child care;

(c) providing education, consistent with the rights and duties of national communities, and in a spirit of tolerance between national communities and respect for the rights of the members of all national communities in accordance with international standards;

(d) protecting the communal environment;

(e) regulating commerce and privately-owned stores;

(f) regulating hunting and fishing;

(g) planning and carrying out public works of communal importance, including roads and water supplies, and participating in the planning and carrying out of Kosovo-wide public works projects in coordination with other communes and Kosovo authorities;

(h) regulating land use, town planning, building regulations, and housing construction-

(i) developing programs for tourism, the hotel industry, catering, and sport;

(j) organizing fairs and local markets;

(k) organizing public services of communal importance, including fire, emergency response, and police consistent with Chapter 2 of this Agree-

ment; and

(1) financing the work of communal institutions, including raising revenues, taxes, and preparing budgets.

5. The communes shall also have responsibility for all other areas within Kosovo's authority not expressly assigned elsewhere herein, subject to the provisions of Article II.5(b) of this Constitution.

6. Each commune shall conduct its business in public and shall maintain publicly available records of its deliberations and decisions.

Article IX: Representation

1. Citizens in Kosovo shall have the right to participate in the election of:

(a) At least 10 deputies in the House of Citizens of the Federal Assembly; and

(b) At least 20 deputies in the National Assembly of the Republic of Serbia.

2. The modalities of elections for the deputies specified in paragraph 1 shall be determined by the Federal Republic of Yugoslavia and the Republic of Serbia respectively, under procedures to be agreed with the Chief of the Implementation Mission.

3. The Assembly shall have the opportunity to present to the appropriate authorities a list of candidates from which shall be drawn:

(a) At least one citizen in Kosovo to serve in the Federal Government, and at least one citizen in Kosovo to serve in the Government of the Republic of Serbia; and

(b) At least one judge on the Federal Constitutional Court, one judge on the Federal Court, and three judges on the Supreme Court of Serbia.

Article X: Amendment

1. The Assembly may by a majority of two-thirds of its Members, which majority must include a majority of the Members elected from each national community pursuant to Article II.1(b)(ii), adopt amendments to this Constitution.

2. There shall, however, be no amendments to Article I.3-8 or to this Article, nor shall any amendment diminish the rights granted by Articles VI and VII.

Article XI: Entry into Force

This Constitution shall enter into force upon signature of this Agreement.

Chapter 2

Police and Civil Public Security

Article I: General Principles

1. All law enforcement agencies, organizations and personnel of the Parties, which for purposes of this Chapter will include customs and border police operating in Kosovo, shall act in compliance with this Agreement and shall observe internationally recognized standards of human rights and due process. In exercising their functions, law enforcement personnel shall not discriminate on any ground, such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national community, property, birth or other status.

2. The Parties invite the organization for Security and Cooperation in Europe (OSCE) through its Implementation Mission (IM) to monitor and supervise implementation of this Chapter and related provisions of this Agreement. The Chief of the Implementation Mission (CIM) or his designee shall have the authority to issue binding directives to the Parties and subsidiary bodies on police and civil public security matters to obtain compliance by the Parties with the terms of this Chapter. The Parties agree to cooperate fully with the IM and to comply with its directives. Personnel assigned to police-related duties within the IM shall be permitted to wear a uniform while serving in this part of the mission.

3. In carrying out his responsibilities, the CIM will inform and consult KFOR as appropriate.

4. The IM shall have the authority to:

(a) Monitor, observe, and inspect law enforcement activities, personnel, and facilities, including border police and customs units, as well as asso-

ciated judicial organizations, structures, and proceedings;

(b) Advise law enforcement personnel and forces, including border police and customs units, and, when necessary to bring them into compliance with this Agreement, including this Chapter, issue appropriate binding directions in coordination with KFOR;

(c) Participate in and guide the training of law enforcement personnel;

(d) In coordination with KFOR, assess threats to public order;

(e) Advise and provide guidance to governmental authorities on how to deal with threats to public order and on the organization of effective civilian law enforcement agencies;

(f) Accompany the Parties, law enforcement personnel as they carry out their responsibilities, as the IM deems appropriate;

(g) Dismiss or discipline public security personnel of the Parties for cause; and

(h) Request appropriate law enforcement support from the international community to enable IM to carry out the duties assigned in this Chapter.

5. All Kosovo, Republic and Federal law enforcement and Federal military authorities shall be obligated, in their respective areas of authority, to ensure freedom of movement and safe passage for all persons, vehicles and goods. This obligation includes a duty to permit the unobstructed passage into Kosovo of police equipment which has been approved by the CIM and COMKFOR for use by Kosovo police, and of any other support provided under subparagraph 4(h) above.

6. The Parties undertake to provide one another mutual assistance, when requested, in the surrender of those accused of committing criminal acts within a Party's jurisdiction, and in the investigation and prosecution of offenses across the boundary of Kosovo with other parts of the FRY. The Parties shall develop agreed procedures and mechanisms for responding to these requests. The CIM or his designee shall resolve disputes on these matters.

7. The IM shall aim to transfer law enforcement responsibilities described in Article II below to the law enforcement officials and organizations described in Article II at the earliest practical time consistent with civil public security.

Article II: Communal Police

1. As they build up, Communal police units, organized and stationed at the communal and municipal levels, shall assume primary responsibility for law enforcement in Kosovo. The specific responsibilities of the communal police will include police patrols and crime prevention, criminal investigations, arrest and detention of criminal suspects, crowd control, and traffic control.

2. Number and Composition. The total number of communal police established by this Agreement operating within Kosovo shall not exceed 3,000 active duty law enforcement officers. However, the CIM shall have the authority to increase or decrease this personnel ceiling if he determines such action is necessary to meet operational needs. Prior to taking any such action, the CIM shall consult with the Criminal Justice Administration and other officials as appropriate. The national communities in each commune shall be fairly represented in the communal police unit.

3. Criminal Justice Administration.

a. A Criminal Justice Administration (CJA) shall be established. It shall be an Administrative Organ of Kosovo, reporting to an appropriate member of the Government of Kosovo as determined by the Government. The CJA shall provide general coordination of law enforcement operations in Kosovo. Specific functions of the CJA shall include general supervision over, and providing guidance to, communal police forces through their commanders, assisting in the coordination between separate communal police forces, and oversight of the operations of the police academy. In carrying out these responsibilities, the CJA may issue directives, which shall be binding on communal police commanders and personnel. In the exercise of its functions, the CJA shall be subject to any directions given by CIM.

b. Within twelve months of the establishment of the CJA, the CJA shall submit for review by the CIM a plan for the coordination and development of law enforcement bodies and personnel in Kosovo within its jurisdiction. This plan shall serve as the framework for law enforcement coordination and development in Kosovo and be subject to modification by the CIM.

c. The IM will endeavor to develop the capacities of the CJA as quickly as possible. Prior to the point when the CJA is able to properly carry out the functions described in the preceding paragraph, as determined by the CIM, the IM shall carry out these functions.

4. Communal Commanders. Subject to review by the CIM, each commune will appoint, and may remove for cause, by majority vote of the communal council, a communal police commander with responsibility for police operations within the commune.

5. Service in Police.

(a) Recruitment for public security personnel will be conducted primarily at the local level. Local and communal governments, upon consultation with communal Criminal Justice Commissions, will nominate officer candidates to attend the Kosovo Police Academy. Offers of employment will be made by communal police commanders, with the concurrence of the academy director, only after the candidate has successfully completed the academy basic recruit course.

(b) Recruitment, selection and training of communal police officers shall be conducted under the direction of the IM during the period of its operation.

(c) There shall be no bar to service in the communal police based on prior political activities. Members of the police shall not, however, be permitted while they hold this public office to participate in party political activities other than membership in such a party.

(d) Continued service in the police is dependent upon behavior consistent with the terms of this Agreement, including this Chapter. The IM shall supervise regular reviews of officer performance, which shall be conducted in accordance with international due process norms.

6. Uniforms and Equipment.

(a) All communal police officers, with the exception of officers participating in crowd control functions, shall wear a standard uniform. Uniforms shall include a badge, picture identification, and name tag.

(b) Communal police officers may be equipped with a sidearm, handcuffs, a baton, and a radio.

(c) Subject to authorization or modification by the CIM, each commune may maintain, either at the communal headquarters or at municipal stations, no more than one long-barreled weapon not to exceed 7.62 mm for every fifteen police officers assigned to the commune. Each such weapon must be approved by and registered with the IM and KFOR pursuant to procedures established by the CIM and COMKFOR. When not in use, all such weapons

will be securely stored and each commune will keep a registry of these weapons.

(i) In the event of a serious law enforcement threat that would justify the use of these weapons, the communal police commander shall obtain IM approval before employing these weapons.

(ii) The communal police commander may authorize the use of these weapons without prior approval of the IM for the sole purpose of self-defense. In such cases, he must report the incident no later than one hour after it occurs to the IM and KFOR.

(iii) If the CIM determines that a weapon has been used by a member of a communal police force in a manner contrary to this Chapter, he may take appropriate corrective measures; such measures may include reducing the number of such weapons that the communal police force is allowed to possess or dismissing or disciplining the law enforcement personnel involved.

(d) Communal police officers engaged in crowd control functions will receive equipment appropriate to their task, including batons, helmets and shields, subject to IM approval.

Article III: Interim Police Academy

1. Under the supervision of the IM, the CJA shall establish an interim Police Academy that will offer mandatory and professional development training for all public security personnel, including border police. Until the interim police academy is established, IM will oversee a temporary training program for public security personnel including border police.

2. All public security personnel shall be required to complete a course of police studies successfully before serving as communal police officers.

3. The Academy shall be headed by a Director appointed and removed by the CJA in consultation with the Kosovo Criminal Justice Commission and the IM. The Director shall consult closely with the IM and comply fully with its recommendations and guidance.

4. All Republic and Federal police training facilities in Kosovo, including the academy at Vucitrn, will cease operations within 6 months of the entry into force of, this Agreement.

Article IV: Criminal Justice Commissions

1. The parties shall establish a Kosovo Criminal Justice Commission and Communal Criminal Justice Commissions. The CIM or his designee shall chair meetings of these Commissions. They shall be forums for cooperation, coordination and the resolution of disputes concerning law enforcement and civil public security in Kosovo.

2. The functions of the Commissions shall include the following:

(a) Monitor, review, and make recommendations regarding the operation of law enforcement personnel and policies in Kosovo, including communal police units;

(b) Review, and make recommendations regarding the recruitment, selection and training of communal police officers and commanders;

(c) Consider complaints regarding police practices filed by individuals or national communities, and provide information and recommendations to communal police commanders and the CIM for consideration in their reviews of officer performance; and

(d) In the Kosovo Criminal Justice Commission only: In consultation with designated local, Republic and Federal police liaisons, monitor jurisdiction sharing in cases of overlapping criminal jurisdiction between Kosovo, Republic and Federal authorities.

3. The membership of the Kosovo Criminal Justice Commission and each Communal Criminal Justice Commission shall be representative of the population and shall include:

(a) In the Kosovo Criminal Justice Commission:

(i) a representative of each commune;

(ii) the head of the Kosovo CJA;

(iii) a representative of each Republic and Federal law enforcement component operating in Kosovo (for example, Customs police and Border police);

(iv) a representative of each national community;

- (v) a representative of the IM, during its period of operation in Kosovo;
- (vi) a representative of the VJ border guard, as appropriate;
- (vii) a representative of the MUP, as appropriate, while present in Kosovo;
and
- (viii) A representative of KFOR, as appropriate.

(b) In the Communal Criminal Justice Commissions:

- (i) the communal police commander;
- (ii) a representative of any Republic and Federal law enforcement component operating in the commune;
- (iii) a representative of each national community;
- (iv) a civilian representative of the communal government;
- (v) a representative of the IM, during its period of operation in Kosovo;
- (vi) a representative of the VJ border guard, who shall have observer status, as appropriate; and
- (vii) A representative of KFOR, as appropriate.

4. Each Criminal Justice Commission shall meet at least monthly, or at the request of any Commission member.

Article V: Police Operations in Kosovo

1. The communal police established by this Agreement shall have exclusive law enforcement authority and jurisdiction and shall be the only police presence in Kosovo following the reduction and eventual withdrawal from Kosovo by the MUP, with the exception of border police as specified in Article VI and any support provided pursuant to Article I(3)(h).

(a) During the transition to communal police, the remaining MTJP shall carry out only normal policing duties, and shall draw down, pursuant to the schedule described in Chapter 7.

(b) During the period of the phased drawdown of the MUP, the MUP in

Kosovo shall have authority to conduct only civil police functions and shall be under the supervision and control of the CIM. The IM may dismiss from service, or take other appropriate disciplinary action against, MUP personnel who obstruct implementation of this Agreement.

2. Concurrent Law Enforcement in Kosovo.

(a) Except as provided in Article V.1 and Article VI, Federal and Republic law enforcement officials may only act within Kosovo in cases of hot pursuit of a person suspected of committing a serious criminal offense.

(i) Federal and Republic authorities shall as soon as practicable, but in no event later than one hour after their entry into Kosovo while engaged in a hot pursuit, notify the nearest Kosovo law enforcement officials that the pursuit has crossed into Kosovo. Once notification has been made, further pursuit and apprehension shall be coordinated with Kosovo law enforcement. Following apprehension, suspects shall be placed into the custody of the authorities originating the pursuit. If the suspect has not been apprehended within four hours, the original pursuing authorities shall cease their pursuit and immediately depart Kosovo unless invited to continue their pursuit by the CJA or the CIM.

(ii) In the event the pursuit is of such short duration as to preclude notification, Kosovo law enforcement officials shall be notified that an apprehension has been made and shall be given access to the detainee prior to his removal from Kosovo.

(iii) Personnel engaged in hot pursuit under the provisions of this Article may only be civilian police, may only carry weapons appropriate for normal civilian police duties (sidearms, and long-barreled weapons not to exceed 7.62mm), may only travel in officially marked police vehicles, and may not exceed a total of eight personnel at any one time. Travel in armored personnel carriers by police engaged in hot pursuit is strictly prohibited.

(iv) The same rules shall apply to hot pursuit of suspects by Kosovo law enforcement authorities to Federal territory outside of Kosovo.

(b) All Parties shall provide the highest degree of mutual assistance in law enforcement matters in response to reasonable requests.

Article VI: Security on International Borders

1. The Government of the FRY will maintain official border crossings on its

international borders (Albania and FYROM).

2. Personnel from the organizations listed below may be present along Kosovo's international borders and at international border crossings, and may not act outside the scope of the authorities specified in this Chapter.

(a) Republic of Serbia Border Police

(i) The Border Police shall continue to exercise authority at Kosovo's international border crossings and in connection with the enforcement of Federal Republic of Yugoslavia immigration laws. The total number of border police shall be drawn down to 75 within 14 days of entry into force of this Agreement.

(ii) while maintaining the personnel threshold specified in subparagraph (i), the ranks of the existing Border Police units operating in Kosovo shall be supplemented by new recruits so that they are representative of the Kosovo population.

(iii) All Border Police stationed in Kosovo must attend police training at the Kosovo police academy within 18 months of the entry into force of this Agreement.

(b) Customs Officers

(i) The FRY Customs Service will continue to exercise customs jurisdiction at Kosovo's official international border crossings and in such customs warehouses as may be necessary within Kosovo. The total number of customs personnel shall be drawn down to 50 within 14 days of the entry into force of this Agreement.

(ii) Kosovar Albanian officers of the Customs Service shall be trained and compensated by the FRY.

(c) The CIM shall conduct a periodic review of customs and border police requirements and shall have the authority to increase or decrease the personnel ceilings described in paragraphs (a)(i) and (b)(i) above to reflect operational needs and to adjust the composition of individual customs units.

Article VII: Arrest and Detention

1. Except pursuant to Article V, Article I(3)(h), and sections (a)-(b) of this

paragraph, only officers of the communal police shall have authority to arrest and detain individuals in Kosovo.

(a) Border Police officers shall have authority within Kosovo to arrest and detain individuals who have violated criminal provisions of the immigration laws.

(b) Officers of the Customs Service shall have authority within Kosovo to arrest and detain individuals for criminal violations of the customs laws.

2. Immediately upon making an arrest, the arresting officer shall notify the nearest Communal Criminal Justice Commission of the detention and the location of the detainee. He subsequently shall transfer the detainee to the nearest appropriate jail in Kosovo at the earliest opportunity.

3. Officers may use reasonable and necessary force proportionate to the circumstances to effect arrests and keep suspects in custody.

4. Kosovo and its constituent communes shall establish jails and prisons to accommodate the detention of criminal suspects and the imprisonment of individuals convicted of violating the laws applicable in Kosovo. Prisons shall be operated consistent with international standards. Access shall be provided to international personnel, including representatives of the International Committee of the Red Cross.

Article VIII: Administration of Justice

1. Criminal Jurisdiction over Persons Arrested within

Kosovo.

(a) Except in accordance with Article V and subparagraph

(b) of this paragraph, any person arrested within Kosovo shall be subject to the jurisdiction of the Kosovo courts.

(b) Any person arrested within Kosovo, in accordance with the law and with this Agreement, by the Border Police or Customs Police shall be subject to the jurisdiction of the FRY courts. If there is no applicable court of the FRY to hear the case, the Kosovo courts shall have jurisdiction.

2. Prosecution of Crimes.

(a) The CJA shall, in consultation with the CIM, appoint and have the authority to remove the Chief Prosecutor.

(b) The IM shall have the authority to monitor, observe, inspect, and when necessary, direct the operations of the office of the Prosecutor and any and all related staff.

Article IX: Final Authority to Interpret

The CIM is the final authority regarding interpretation of this Chapter and his determinations are binding on all Parties and persons.

Chapter 3

Conduct and Supervision of Elections

Article I: Conditions for Elections

1. The Parties shall ensure that conditions exist for the organization of free and fair elections, which include but are not limited to:

- a) freedom of movement for all citizens;
- b) an open and free political environment;
- c) an environment conducive to the return of displaced persons;
- d) a safe and secure environment that ensures freedom of assembly, association, and expression;
- e) an electoral legal framework of rules and regulations complying with OSCE commitments, which will be implemented by a Central Election Commission, as set forth in Article III, which is representative of the population of Kosovo in terms of national communities and political parties; and
- f) free media, effectively accessible to registered political parties and candidates, and available to voters throughout Kosovo.

2. The Parties request the OSCE to certify when elections will be effective under current conditions in Kosovo, and to provide assistance to the

Parties to create conditions for free and fair elections.

3. The Parties shall comply fully with Paragraphs 7 and 8 of the OSCE Copenhagen Document, which are attached to this Chapter.

Article II: Role of the OSCE

1. The Parties request the OSCE to adopt and put in place an elections program for Kosovo and supervise elections as set forth in this Agreement.

2. The Parties request the OSCE to supervise, in a manner to be determined by the OSCE and in cooperation with other international organizations the OSCE deems necessary, the preparation and conduct of elections for:

a) Members of the Kosovo Assembly;

b) Members of Communal Assemblies;

c) other officials popularly elected in Kosovo under this Agreement and the laws and Constitution of Kosovo at the discretion of the OSCE.

3. The Parties request the OSCE to establish a Central Election Commission in Kosovo (“the Commission”).

4. Consistent with Article IV of Chapter 5, the first elections shall be held within nine months of the entry into force of this Agreement. The President of the Commission shall decide, in consultation with the Parties, the exact timing and order of elections for Kosovo political offices.

Article III: Central Election Commission

1. The Commission shall adopt electoral Rules and Regulations on all matters necessary for the conduct of free and fair elections in Kosovo, including rules relating to: the eligibility and registration of candidates, parties, and voters, including displaced persons and refugees; ensuring a free and fair elections campaign; administrative and technical preparation for elections including the establishment, publication, and certification of election results; and the role of international and domestic election observers.

2. The responsibilities of the Commission, as provided in the electoral Rules and Regulations, shall include:

a) the preparation, conduct, and supervision of all aspects of the electoral process, including development and supervision of political party and voter registration, and creation of secure and transparent procedures for production and dissemination of ballots and sensitive election materials, vote counts, tabulations, and publication of elections results;

b) ensuring compliance with the electoral Rules and Regulations established pursuant to this Agreement, including establishing auxiliary bodies for this purpose as necessary;

c) ensuring that action is taken to remedy any violation of any provision of this Agreement, including imposing penalties such as removal from candidate or party lists, against any person, candidate, political party, or body that violates such provisions; and

d) accrediting observers, including personnel from international organizations and foreign and domestic non-governmental organizations, and ensuring that the Parties grant the accredited observers unimpeded access and movement.

3. The Commission shall consist of a person appointed by the Chairman-in-office (CIO) of the OSCE, representatives of all national communities, and representatives of political parties in Kosovo selected by criteria to be determined by the Commission. The person appointed by the CIO shall act as the President of the Commission. The rules of procedure of the Commission shall provide that in the exceptional circumstance of an unresolved dispute within the Commission, the decision of the President shall be final and binding.

4. The Commission shall enjoy the right to establish communication facilities, and to engage local and administrative staff.

Chapter 4a

Economic Issues

Article I

1. The economy of Kosovo shall function in accordance with free market principles.

2. The authorities established to levy and collect taxes and other charges are set forth in this Agreement. Except as otherwise expressly provided, all authorities have the right to keep all revenues from their own taxes or other charges consistent with this Agreement.

3. Certain revenue from Kosovo taxes and duties shall accrue to the Communes, taking into account the need for an equalization of revenues between the Communes based on objective criteria. The Assembly of Kosovo shall enact appropriate non-discriminatory legislation for this purpose. The Communes may also levy local taxes in accordance with this Agreement.

4. The Federal Republic of Yugoslavia shall be responsible for the collection of all customs duties at international borders in Kosovo. There shall be no impediments to the free movement of persons, goods, services, and capital to and from Kosovo.

5. Federal authorities shall ensure that Kosovo receives a proportionate and equitable share-of benefits that may be derived from international agreements concluded by the Federal Republic and of Federal resources.

6. Federal and other authorities shall within their respective powers and responsibilities ensure the free movement of persons, goods, services, and capital to Kosovo, including from international sources. They shall in particular allow access to Kosovo without discrimination for persons delivering such goods and services.

7. If expressly required by an international donor or lender, international contracts for reconstruction projects shall be concluded by the authorities of the Federal Republic of Yugoslavia, which shall establish appropriate mechanisms to make such funds available to Kosovo authorities. Unless precluded by the terms of contracts, all reconstruction projects that exclusively concern Kosovo shall be managed and implemented by the appropriate Kosovo authority.

Article II

1. The Parties agree to reallocate ownership and resources in accordance insofar as possible with the distribution of powers and responsibilities set forth in this Agreement, in the following areas:

(a) government-owned assets (including educational institutions, hospitals, natural resources, and production facilities);

(b) pension and social insurance contributions;

(c) revenues to be distributed under Article I.5; and

(d) any other matters relating to economic relations between the Parties not covered by this Agreement.

2. The Parties agree to the creation of a Claim Settlement Commission (CSC) to resolve all disputes between them on matters referred to in paragraph 1.

(a) The CSC shall consist of three experts designated by Kosovo, three experts designated jointly by the Federal Republic of Yugoslavia and the Republic of Serbia, and three independent experts designated by the CIM.

(b) The decisions of the CSC, which shall be taken by majority vote, shall be final and binding. The Parties shall implement them without delay.

3. Authorities receiving ownership of public facilities shall have the power to operate such facilities.

Chapter 4b

Humanitarian Assistance, Reconstruction and Economic Development

1. In parallel with the continuing full implementation of this Agreement, urgent attention must be focused on meeting the real humanitarian and economic needs of Kosovo in order to help create the conditions for reconstruction and lasting economic recovery. International assistance will be provided without discrimination between national communities.

2. The Parties welcome the willingness of the European Commission working with the international community to co-ordinate international support for the parties' efforts. Specifically, the European Commission will organize an international donors, conference within one month of entry into force of this Agreement.

3. The international community will provide immediate and unconditional humanitarian assistance, focusing primarily on refugees and internally displaced persons returning to their former homes. The Parties welcome and endorse the UNHCR's lead role in co-ordination of this effort, and endorse its intention, in close co-operation with the Implementation Mission, to plan

an early, peaceful, orderly and phased return of refugees and displaced persons in conditions of safety and dignity.

4. The international community will provide the means for the rapid improvement of living conditions for the population of Kosovo through the reconstruction and rehabilitation of housing and local infrastructure (including water, energy, health and local education infrastructure) based on damage assessment surveys.

5. Assistance will also be provided to support the establishment and development of the institutional and legislative framework laid down in this Agreement, including local governance and tax settlement, and to reinforce civil society, culture and education. Social welfare will also be addressed, with priority given to the protection of vulnerable social groups.

6. It will also be vital to lay the foundations for sustained development, based on a revival of the local economy. This must take account of the need to address unemployment, and to stimulate the economy by a range of mechanisms. The European Commission will be giving urgent attention to this.

7. International assistance, with the exception of humanitarian aid, will be subject to full compliance with this Agreement as well as other conditionalities defined in advance by the donors and the absorptive capacity of Kosovo.

Chapter 5

Implementation I

Article I: Institutions

Implementation Mission

1. The Parties invite the OSCE, in cooperation with the European Union, to constitute an Implementation Mission in Kosovo. All responsibilities and powers previously vested in the Kosovo Verification Mission and its Head by prior agreements shall be continued in the Implementation Mission and its Chief.

Joint Commission

2. A Joint Commission shall serve as the central mechanism for monitoring and coordinating the civilian implementation of this Agreement. It shall consist of the Chief of the Implementation Mission (CIM), one Federal and one Republic representative, one representative of each national community in Kosovo, the President of the Assembly, and a representative of the President of Kosovo. Meetings of the Joint Commission may be attended by other representatives of organizations specified in this Agreement or needed for its implementation.

3. The CIM shall serve as the Chair of the Joint Commission. The Chair shall coordinate and organize the work of the Joint Commission and decide the time and place of its meetings. The Parties shall abide by and fully implement the decisions of the Joint Commission. The Joint Commission shall operate on the basis of consensus, but in the event consensus cannot be reached, the Chair's decision shall be final.

4. The Chair shall have full and unimpeded access to all places, persons, and information (including documents and other records) within Kosovo that in his judgment are necessary to his responsibilities with regard to the civilian aspects of this Agreement.

Joint Council and Local Councils

5. The CIM may, as necessary, establish a Kosovo Joint Council and Local Councils, for informal dispute resolution and cooperation. The Kosovo Joint Council would consist of one member from each of the national communities in Kosovo. Local Councils would consist of representatives of each national community living in the locality where the Local Council is established.

Article II: Responsibilities and Powers

1. The CIM shall:

(a) supervise and direct the implementation of the civilian aspects of this Agreement pursuant to a schedule that he shall specify;

(b) maintain close contact with the Parties to promote full compliance with those aspects of this Agreement;

(c) facilitate, as he deems necessary, the resolution of difficulties arising

in connection with such implementation;

(d) participate in meetings of donor organizations, including on issues of rehabilitation and reconstruction, in particular by putting forward proposals and identifying priorities for their consideration as appropriate;

(e) coordinate the activities of civilian organizations and agencies in Kosovo assisting in the implementation of the civilian aspects of this Agreement, respecting fully their specific organizational procedures;

(f) report periodically to the bodies responsible for constituting the Mission on progress in the implementation of the civilian aspects of this Agreement; and

(g) carry out the functions specified in this Agreement pertaining to police and security forces.

2. The CIM shall also carry out other responsibilities set forth in this Agreement or as may be later agreed.

Article III: Status of Implementation Mission

1. Implementation Mission personnel shall be allowed unrestricted movement and access into and throughout Kosovo at any time.

2. The Parties shall facilitate the operations of the Implementation Mission, including by the provision of assistance as requested with regard to transportation, subsistence, accommodation, communication, and other facilities.

3. The Implementation Mission shall enjoy such legal capacity as may be necessary for the exercise of its functions under the laws and regulations of Kosovo, the Federal Republic of Yugoslavia, and the Republic of Serbia. Such legal capacity shall include the capacity to contract, and to acquire and dispose of real and personal property.

4. Privileges and immunities are hereby accorded as follows to the Implementation Mission and associated personnel:

(a) the Implementation Mission and its premises, archives, and other property shall enjoy the same privileges and immunities as a diplomatic mission under the Vienna Convention on Diplomatic Relations;

(b) the CIM and professional members of his staff and their families shall enjoy the same privileges and immunities as are enjoyed by diplomatic agents and their families under the Vienna Convention on Diplomatic Relations; and

(c) other members of the Implementation Mission staff and their families shall enjoy the same privileges and immunities as are enjoyed by members of the administrative and technical staff and their families under the Vienna Convention on Diplomatic Relations.

Article IV: Process of Implementation

General

1. The Parties acknowledge that complete implementation will require political acts and measures, and the election and establishment of institutions and bodies set forth in this Agreement. The Parties agree to proceed expeditiously with these tasks on a schedule set by the Joint Commission. The Parties shall provide active support, cooperation, and participation for the successful implementation of this Agreement.

Elections and Census

2. Within nine months of the entry into force of this Agreement, there shall be elections in accordance with and pursuant to procedures specified in Chapter 3 of this Agreement for authorities established herein, according to a voter list prepared to international standards by the Central Election Commission. The Organization for Security and Cooperation in Europe (OSCE) shall supervise those elections to ensure that they are free and fair.

3. Under the supervision of the OSCE and with the participation of Kosovo authorities and experts nominated by and belonging to the national communities of Kosovo, Federal authorities shall conduct an objective and free census of the population in Kosovo under rules and regulations agreed with the OSCE in accordance with international standards. The census shall be carried out when the OSCE determines that conditions allow an objective and accurate enumeration.

(a) The first census shall be limited to name, place of birth, place of usual residence and address, gender, age, citizenship, national community, and religion.

(b) The authorities of the Parties shall provide each other and the OSCE with all records necessary to conduct the census, including data about places of residence, citizenship, voters, lists, and other information.

Transitional Provisions

4. All laws and regulations in effect in Kosovo when this Agreement enters into force shall remain in effect unless and until replaced by laws or regulations adopted by a competent body. All laws and regulations applicable in Kosovo that are incompatible with this Agreement shall be presumed to have been harmonized with this Agreement. In particular, martial law in Kosovo is hereby revoked.

5. Institutions currently in place in Kosovo shall remain until superseded by bodies created by or in accordance with this Agreement. The CIM may recommend to the appropriate authorities the removal and appointment of officials and the curtailment of operations of existing institutions in Kosovo if he deems it necessary for the effective implementation of this Agreement. If the action recommended is not taken in the time requested, the Joint Commission may decide to take the recommended action.

6. Prior to the election of Kosovo officials pursuant to this Agreement, the CIM shall take the measures necessary to ensure the development and functioning of independent media in keeping with international standards, including allocation of radio and television frequencies.

Article V: Authority to Interpret

The CIM shall be the final authority in theater regarding interpretation of the civilian aspects of this Agreement, and the Parties agree to abide by his determinations as binding on all Parties and persons.

Chapter 6

The Ombudsman

Article I: General

1. There shall be an Ombudsman, who shall monitor the realization of the rights of members of national communities and the protection of human

rights and fundamental freedoms in Kosovo. The Ombudsman shall have unimpeded access to any person or place and shall have the right to appear and intervene before any domestic, Federal, or (consistent with the rules of such bodies) international authority upon his or her request. No person, institution, or entity of the Parties may interfere with the functions of the Ombudsman.

2. The Ombudsman shall be an eminent person of high moral standing who possesses a demonstrated commitment to human rights and the rights of members of national communities. He or she shall be nominated by the President of Kosovo and shall be elected by the Assembly from a list of candidates prepared by the President of the European Court of Human Rights for a non-renewable three-year term. The Ombudsman shall not be a citizen of any State or entity that was a part of the former Yugoslavia, or of any neighboring State. Pending the election of the President and the Assembly, the CIM shall designate a person to serve as Ombudsman on an interim basis who shall be succeeded by a person selected pursuant to the procedure set forth in this paragraph.

3. The Ombudsman shall be independently responsible for choosing his or her own staff. He or she shall have two Deputies. The Deputies shall each be drawn from different national communities.

(a) The salaries and expenses of the Ombudsman and his or her staff shall be determined and paid by the Kosovo Assembly. The salaries and expenses shall be fully adequate to implement the Ombudsman's mandate.

(b) The Ombudsman and members of his or her staff shall not be held criminally or civilly liable for any acts carried out within the scope of their duties.

Article II: Jurisdiction

The Ombudsman shall consider:

(a) alleged or apparent violations of human rights and fundamental freedoms in Kosovo, as provided in the Constitutions of the Federal Republic of Yugoslavia and the Republic of Serbia, and the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto; and

(b) alleged or apparent violations of the rights of members of national communities specified in this Agreement.

2. All persons in Kosovo shall have the right to submit complaints to the Ombudsman. The Parties agree not to take any measures to punish persons who intend to submit or who have submitted such allegations, or in any other way to deter the exercise of this right.

Article III: Powers and Duties

1. The Ombudsman shall investigate alleged violations falling within the jurisdiction set forth in Article II.1. He or she may act either on his or her own initiative or in response to an allegation presented by any Party or person, non-governmental organization, or group of individuals claiming to be the victim of a violation or acting on behalf of alleged victims who are deceased or missing. The work of the Ombudsman shall be free of charge to the person concerned.

2. The Ombudsman shall have complete, unimpeded, and immediate access to any person, place, or information upon his or her request.

(a) The Ombudsman shall have access to and may examine all official documents, and he or she can require any person, including officials of Kosovo, to cooperate by providing relevant information, documents, and files.

(b) The Ombudsman may attend administrative hearings and meetings of other Kosovo institutions in order to gather information.

(c) The Ombudsman may examine facilities and places where persons deprived of their liberty are detained, work, or are otherwise located.

(d) The Ombudsman and staff shall maintain the confidentiality of all confidential information obtained by them, unless the Ombudsman determines that such information is evidence of a violation of rights falling within his or her jurisdiction, in which case that information may be revealed in public reports or appropriate legal proceedings.

(e) The Parties undertake to ensure cooperation with the ombudsman's investigations. Willful and knowing failure to comply shall be a criminal offense prosecutable in any Jurisdiction of the Parties. Where an official impedes an investigation by refusing to provide necessary information, the Ombudsman shall contact that officials superior or the public prosecutor for appropriate penal action to be taken in accordance with the law.

3. The Ombudsman shall issue findings and conclusions in the form of a published report promptly after concluding an investigation.

(a) A Party, institution, or official identified by the Ombudsman as a violator shall, within a period specified by the Ombudsman, explain in writing how it will comply with any prescriptions the Ombudsman may put forth for remedial measures.

(b) In the event that a person or entity does not comply with the conclusions and recommendations of the Ombudsman, the report shall be forwarded for further action to the Joint Commission established by Chapter 5 of this Agreement, to the President of the appropriate Party, and to any other officials or institutions that the Ombudsman deems proper.

Chapter 7

Implementation II

Article I: General Obligations

1. The Parties undertake to recreate, as quickly as possible, normal conditions of life in Kosovo and to co-operate fully with each other and with all international organizations, agencies, and non-governmental organizations involved in the implementation of this Agreement. They welcome the willingness of the international community to send to the region a force to assist in the implementation of this Agreement.

a. The United Nations Security Council is invited to pass a resolution under Chapter VII of the Charter endorsing and adopting the arrangements set forth in this Chapter, including the establishment of a multinational military implementation force in Kosovo. The Parties invite NATO to constitute and lead a military force to help ensure compliance with the provisions of this Chapter. They also reaffirm the sovereignty and territorial integrity of the Federal Republic of Yugoslavia (FRY).

b. The Parties agree that NATO will establish and deploy a force (hereinafter IIKFORII) which may be composed of ground, air, and maritime units from NATO and non-NATO nations, operating under the authority and subject to the direction and the political control of the North Atlantic Council (NAC) through the NATO chain of command. The Parties agree to facilitate the deployment and operations of this force and agree also to comply fully with all the obligations of this Chapter.

c. it is agreed that other States may assist in implementing this Chapter. The Parties agree that the modalities of those States' participation will be the subject of agreement between such participating States and NATO.

2. The purposes of these obligations are as follows:

a. to establish a durable cessation of hostilities. Other than those Forces provided for in this Chapter, under no circumstances shall any armed Forces enter, reenter, or remain within Kosovo without the prior express consent of the KFOR Commander (COMKFOR). For the purposes of this Chapter, the term "Forces" includes all personnel and organizations with military capability, including regular army, armed civilian groups, paramilitary groups, air forces, national guards, border police, army reserves, military police, intelligence services, Ministry of Internal Affairs, Local, Special, Riot and Anti-Terrorist Police, and any other groups or individuals so designated by COMKFOR. The only exception to the provisions of this paragraph is for civilian police engaged in hot pursuit of a person suspected of committing a serious criminal offense, as provided for in Chapter 2;

b. to provide for the support and authorization of the KFOR and in particular to authorize the KFOR to take such actions as are required, including the use of necessary force, to ensure compliance with this Chapter and the protection of the KFOR, Implementation Mission (IM), and other international organizations, agencies, and non-governmental organizations involved in the implementation of this Agreement, and to contribute to a secure environment;

c. to provide, at no cost, the use of all facilities and services required for the deployment, operations and support of the KFOR.

3. The Parties understand and agree that the obligations undertaken in this Chapter shall apply equally to each Party. Each Party shall be held individually responsible for compliance with its obligations, and each agrees that delay or failure to comply by one Party shall not constitute cause for any other Party to fail to carry out its own obligations. All Parties shall be equally subject to such enforcement action by the KFOR as may be necessary to ensure implementation of this Chapter in Kosovo and the protection of the KFOR, IM, and other international organizations, agencies, and non-governmental organizations involved in the implementation of this Agreement.

Article II: Cessation of Hostilities

1. The Parties shall, immediately upon entry into force of this Agreement (EIF), refrain from committing any hostile or provocative acts of any type against each other or against any person in Kosovo. They shall not encourage or organize hostile or provocative demonstrations.

2. In carrying out the obligations set forth in paragraph 1, the Parties undertake in particular to cease the firing of all weapons and explosive devices except as authorized by COMKFOR. They shall not place any mines, barriers, unauthorized checkpoints, observation posts (with the exception of COMKFOR-approved border observation posts and crossing points), or protective obstacles. Except as provided in Chapter 2, the Parties shall not engage in any military, security, or training-related activities, including ground, air, or air defense operations, in or over Kosovo, without the prior express approval of COMKFOR.

3. Except for Border Guard forces (as provided for in Article IV), no Party shall have Forces present within a 5 kilometer zone inward from the international border of the FRY that is also the border of Kosovo (hereinafter "the Border Zone"). The Border Zone will be marked on the ground by EIF + 14 days by VJ Border Guard personnel in accordance with direction from IM. COMKFOR may determine small scale reconfigurations for operational reasons.

4. a. With the exception of civilian police performing normal police duties as determined by the CIM, no Party shall have Forces present within 5 kilometers of the Kosovo side of the boundary of Kosovo with other parts of the FRY.

b. The presence of any Forces within 5 kilometers of the other side of that boundary shall be notified to COMKFOR; if, in the judgment of COMKFOR, such presence threatens or would threaten implementation of this Chapter in Kosovo, he shall contact the authorities responsible for the Forces in question and may require those Forces to withdraw from or remain outside that area.

5. No Party shall conduct any reprisals, counter-attacks, or any unilateral actions in response to violations of this Chapter by another Party. The Parties shall respond to alleged violations of this Chapter through the procedures provided in Article XI.

Article III: Redeployment, Withdrawal, and Demilitarization of Forces

In order to disengage their Forces and to avoid any further conflict, the Parties shall immediately upon EIF begin to re-deploy, withdraw, or demilitarize their Forces in accordance with Articles IV, V, and VI.

Article IV: VJ Forces

1. VJ Army Units

a. By K-Day + 5 days, all VJ Army units in Kosovo (with the exception of those Forces specified in paragraph 2 of this Article) shall have completed redeployment to the approved cantonment sites listed at Appendix A to this Chapter. The senior vi commander in Kosovo shall confirm in writing to COMKFOR by K-Day + 5 days that the VJ is in compliance and provide the information required in Article VII below to take account of withdrawals or other changes made during the redeployment. This information shall be updated weekly.

b. By K-Day + 30 days, the Chief of the VJ General Staff, through the senior VJ commander in Kosovo, shall provide for approval by COMKFOR a detailed plan for the phased withdrawal of Vi Forces from Kosovo to other locations in Serbia to ensure the following timelines are met:

1) By K-Day + 90 days, VJ authorities must, to the satisfaction of COMKFOR, withdraw from Kosovo to other locations in Serbia 50% of men and materiel and all designated offensive assets. Such assets are taken to be: main battle tanks; all other armored vehicles mounting weapons greater than 12.7mm; and, all heavy weapons (vehicle mounted or not) of over 82mm.

2) By K-Day + 180 days, all VJ Army personnel and equipment (with the exception of those Forces specified in paragraph 2 of this Article) shall be withdrawn from Kosovo to other locations in Serbia.

2. VJ Border Guard Forces

a. VJ Border Guard forces shall be permitted but limited to a structure of 1500 members at pre- February 1998 Border Guard Battalion facilities located in Djakovica, Prizren, and Urosevac and subordinate facilities within the 5 kilometer Border Zone, or at a limited number of existing facilities in the immediate proximity of the Border Zone subject to the prior approval of COMKFOR, with that number to be reached by K-Day + 14 days. An additional number of VJ personnel — totaling no more than 1000 C2 and logistics forces — will be permitted to remain in the approved cantonment sites listed at Appendix A to fulfill brigade-level functions related only to

border security. After an initial 90 day period from K-Day, COMKFOR may at any time review the deployments of VJ personnel and may require further adjustments to force levels, with the objective of reaching the minimum force structure required for legitimate border security, as the security situation and the conduct of the Parties warrant.

b. VJ elements in Kosovo shall be limited to weapons of 82mm and below. They shall possess neither armored vehicles (other than wheeled vehicles mounting weapons of 12.7mm or less) nor air defense weapons.

C. VJ Border Guard units shall be permitted to patrol in Kosovo only within the Border Zone and solely for the purpose of defending the border against external attack and maintaining its integrity by preventing illicit border crossings. Geographic terrain considerations may require Border Guard maneuver inward of the Border Zone; any such maneuver shall be coordinated with and approved by COMKFOR.

d. With the exception of the Border Zone, VJ units may travel through Kosovo only to reach duty stations and garrisons in the Border Zone or approved cantonment sites. Such travel may only be along routes and in accordance with procedures that have been determined by COMKFOR after consultation with the CIM, VJ unit commanders, communal government authorities, and police commanders. These routes and procedures will be determined by K-Day + 14 days, subject to re-determination by COMKFOR at any time. VJ forces in Kosovo but outside the Border Zone shall be permitted to act only in self-defense in response to a hostile act pursuant to Rules of Engagement (ROE) which will be approved by COMKFOR in consultation with the CIM. When deployed in the Border Zone, they will act in accordance with ROE established under control of COMKFOR.

e. VJ Border Guard forces may conduct training activities only within the S kilometer Border Zone, and only with the prior express approval of COMKFOR.

3. Yugoslav Air and Air Defense Forces (YAADF) All aircraft, radars, surface-to-air missiles (including man-portable air defense systems @MANPADS@) and anti-aircraft artillery in Kosovo shall immediately upon EIF begin withdrawing from Kosovo to other locations in Serbia outside the 25 kilometer Mutual Safety Zone as defined in Article X. This withdrawal shall be completed and reported by the senior VJ commander in Kosovo to the appropriate NATO commander not more than 10 days after EIF. The appropriate NATO commander shall control and coordinate use of airspace over Kosovo commencing at EIF as further specified in Article X. No air defense systems, target tracking radars, or anti-aircraft artillery shall

be positioned or operated within Kosovo or the 25 kilometer Mutual Safety Zone without the prior express approval of the appropriate NATO commander.

Article V: Other Forces

1. The actions of Forces in Kosovo other than KFOR, VJ, MUP, or local police forces provided for in Chapter 2 (hereinafter referred to as "Other Forces") shall be in accordance with this Article. Upon EIF, all Other Forces in Kosovo must immediately observe the provisions of Article I, paragraph 2, Article II, paragraph 1, and Article III and "in addition refrain from all hostile intent, military training and formations, organization of demonstrations, and any movement in either direction or smuggling across international borders or the boundary between Kosovo and other parts of the FRY. Furthermore, upon EIF, all Other Forces in Kosovo must publicly commit themselves to demilitarize on terms to be determined by COMKFOR, renounce violence, guarantee security of international personnel, and respect the international borders of the FRY and all terms of this Chapter.

2. Except as approved by COMKFOR, from K-Day, all other Forces in Kosovo must not carry weapons:

a. within 1 kilometer of VJ and MUP cantonments listed at Appendix A;

b. within 1 kilometer of the main roads as follows:

- 1) Pec - Lapusnik - Pristina
- 2) border - Djakovica - Klina
- 3) border - Prizren - Suva Rika - Pristina
- 4) Djakovica - Orahovac - Lapusnik - Pristina
- 5) Pec-Djakovica - Prizren - Urosevac - border
- 6) border - Urosevac - Pristina - Podujevo - border
- 7) Pristina - Kosovska Mitrovica - border
- 8) Kosovka Mitrovica - (Rakos) - Pec
- 9) Pec - Border with Montenegro (through Pozaj)
- 10) Pristina - Lisica - border with Serbia
- 11) Pristina - Gnjilane - Urosevac
- 12) Gnjilane - Veliki Trnovac - border with Serbia;
- 13) Prizren - Doganovic

c. within 1 kilometer of the Border Zone;

d. in any other areas designated by COMKFOR.

3. By K-Day + 5 days, all Other Forces must abandon and close all fighting positions, entrenchments, and checkpoints.

4. By K-Day + 5 days, all Other Forces' commanders designated by COMKFOR shall report completion of the above requirements in the format at Article VII to COMKFOR and continue to provide weekly detailed status reports until demilitarization is complete.

5. COMKFOR will establish procedures for demilitarization and monitoring of Other Forces in Kosovo and for the further regulation of their activities. These procedures will be established to facilitate a phased demilitarization program as follows:

a. By K-Day + 5 days, all Other Forces shall establish secure weapons storage sites, which shall be registered with and verified by the KFOR;

b. By K-Day + 30 days, all other Forces shall store all prohibited weapons (any weapon 12.7mm or larger, any anti-tank or anti-aircraft weapons, grenades, mines or explosives) and automatic weapons in the registered weapons storage sites. Other Forces commanders shall confirm completion of weapons storage to COMKFOR no later than K-Day + 30 days;

c. By K-Day + 30 days, all Other Forces shall cease wearing military uniforms and insignia, and cease carrying prohibited weapons and automatic weapons;

d. By K-Day + 90 days, authority for storage sites shall pass to the KFOR. After this date, it shall be illegal for Other Forces to possess prohibited weapons and automatic weapons, and such weapons shall be subject to confiscation by the KFOR;

e. By K-Day + 120 days, demilitarization of all Other Forces shall be completed.

6. By EIF + 30 days, subject to arrangements by COMKFOR if necessary, all Other Forces personnel who are not of local origin, whether or not they are legally within Kosovo, including individual advisors, freedom fighters, trainers, volunteers, and personnel from neighboring and other States, shall be withdrawn from Kosovo.

Article VI: MUP

1. Ministry of Interior Police (MUP) is defined as all police and public security units and personnel under the control of Federal or Republic authorities except for the border police referred to in Chapter 2 and police academy students and personnel at the training school in Vucitrn referred to in Chapter 2. The CIM, in consultation with COMKFOR, shall have the discretion to exempt any public security units from this definition if he determines that it is in the public interest (e.g. firefighters).

a. By K-Day + 5 days, all MUP units in Kosovo (with the exception of the border police referred to in Chapter 2) shall have completed redeployment to the approved cantonment sites listed at Appendix A to this Chapter or to garrisons outside Kosovo. The senior MUP commander in Kosovo or his representative shall confirm in writing by K-Day + 5 days to COMKFOR and the CIM that the MUP is in compliance and update the information required in Article VII to take account of withdrawals or other changes made during the redeployment. This information shall be updated weekly. Resumption of normal communal police patrolling will be permitted under the supervision and control of the IM and as specifically approved by the CIM in consultation with COMKFOR, and will be contingent on compliance with the terms of this Agreement.

b. Immediately upon EIF, the following withdrawals shall begin:

1) By K-Day + 5 days, those MUP units not assigned to Kosovo prior to 1 February 1998 shall withdraw all personnel and equipment from Kosovo to other locations in Serbia.

2) By K-Day + 20 days, all Special Police, including PJP, SAJ, and JSO forces, and their equipment shall be withdrawn from their cantonment sites out of Kosovo to other locations in Serbia. Additionally, all MUP offensive assets (designated as armored vehicles mounting weapons 12.7mm or larger, and all heavy weapons (vehicle mounted or not) of over 82mm) shall be withdrawn.

c. By K-Day + 30 days, the senior MUP commander shall provide for approval by COMKFOR, in consultation with the CIM, a detailed plan for the phased drawdown of the remainder of MUP forces. In the event that COMKFOR, in consultation with the CIM, does not approve the plan, he has the authority to issue his own binding plan for further MUP drawdowns. The CIM will decide at the same time when the remaining MUP units will wear new insignia. In any case, the following time-table must be met:

1) by K-Day + 60 days, 50% drawdown of the remaining MUP units including reservists. The CIM after consultations with COMKFOR shall have the discretion to extend this deadline for up to K-Day + 90 days if he judges there to be a risk of a law enforcement vacuum;

2) by K-Day + 120 days, further drawdown to 2500 MUP. The CIM after consultations with COMKFOR shall have the discretion to extend this deadline for up to K-Day + 180 days to meet operational needs;

3) transition to communal police force shall begin as Kosovar police are trained and able to assume their duties. The CIM shall organize this transition between MUP and communal police;

4) in any event, by EIF + one year, all Ministry of Interior Civil Police shall be drawn down to zero. The CIM shall have the discretion to extend this deadline for up to an additional 12 months to meet operational needs.

d. The 2500 MUP allowed by this Chapter and referred to in Article V.1(a) of Chapter 2 shall have authority only for civil police functions and be under the supervision and control of the CIM.

Article VII: Notifications

1. By K-Day + 5 days, the Parties shall furnish the following specific information regarding the status of all conventional military; all police, including military police, Department of Public Security Police, special police; paramilitary; and all Other Forces in Kosovo, and shall update the COMKFOR weekly on changes in this information:

a. location, disposition, and strengths of all military and special police units referred to above;

b. quantity and type of weaponry of 12.7 mm and above, and ammunition for such weaponry, including location of cantonments and supply depots and storage sites;

c. positions and descriptions of any surface-to-air missiles/launchers, including mobile systems, anti-aircraft artillery, supporting radars, and associated command and control systems;

d. positions and descriptions of all mines, unexploded ordnance, explosive devices, demolitions, obstacles, booby traps, wire entanglements, physical or military hazards to the safe movement of any personnel in Kosovo,

weapons systems, vehicles, or any other military equipment; and

e. any further information of a military or security nature requested by the COMKFOR.

Article VIII: Operations and Authority of the KFOR

1. Consistent with the general obligations of Article I, the Parties understand and agree that the KFOR will deploy and operate without hindrance and with the authority to take all necessary action to help ensure compliance with this Chapter.

2. The Parties understand and agree that the KFOR shall have the right:

a. to monitor and help ensure compliance by all Parties with this Chapter and to respond promptly to any violations and restore compliance, using military force if required. This includes necessary action to:

1) enforce VJ and MUP reductions;

2) enforce demilitarization of Other Forces;

3) enforce restrictions on all VJ, MUP and Other Forces' activities, movement and training in Kosovo;

b. to establish liaison arrangements with IM, and support IM as appropriate;

c. to establish liaison arrangements with local Kosovo authorities, with Other Forces, and with FRY and Serbian civil and military authorities;

d. to observe, monitor, and inspect any and all facilities or activities in Kosovo, including within the Border Zone, that the COMKFOR believes has or may have military capability, or are or may be associated with the employment of military or police capabilities, or are otherwise relevant to compliance with this Chapter;

e. to require the Parties to mark and clear minefields and obstacles and to monitor their performance;

f. to require the Parties to participate in the Joint Military Commission and its subordinate military commissions as described in Article XI.

3. The Parties understand and agree that the KFOR shall have the right to fulfill its supporting tasks, within the limits of its assigned principal tasks, its capabilities, and available resources, and as directed by the NAC, which include the following:

a. to help create secure conditions for the conduct by others of other tasks associated with this Agreement, including free and fair elections;

b. to assist the movement of organizations in the accomplishment of humanitarian missions;

c. to assist international agencies in fulfilling their responsibilities in Kosovo;

d. to observe and prevent interference with the movement of civilian populations, refugees, and displaced persons, and to respond appropriately to deliberate threat to life and person.

4. The Parties understand and agree that further directives from the NAC may establish additional duties and responsibilities for the KFOR in implementing this Chapter.

5. KFOR operations shall be governed by the following provisions:

a. KFOR and its personnel shall have the legal status, rights, and obligations specified in Appendix 13 to this Chapter;

b. The KFOR shall have the right to use all necessary means to ensure its full ability to communicate and shall have the right to the unrestricted use of the entire electromagnetic spectrum. In implementing this right, the KFOR shall make reasonable efforts to coordinate with the appropriate authorities of the Parties;

c. The KFOR shall have the right to control and regulate surface traffic throughout Kosovo including the movement of the Forces of the Parties. All military training activities and movements in Kosovo must be authorized in advance by COMKFOR;

d. The KFOR shall have complete and unimpeded freedom of movement by ground, air, and water into and throughout Kosovo. It shall in Kosovo have the right to bivouac, maneuver, billet, and utilize any areas or facilities to carry out its responsibilities as required for its support, training, and operations, with such advance notice as may be practicable. Neither the

KFOR nor any of its personnel shall be liable for any damages to public or private property that they may cause in the course of duties related to the implementation of this Chapter. Roadblocks, checkpoints, or other impediments to KFOR freedom of movement shall constitute a breach of this Chapter and the violating Party shall be subject to military action by the KFOR, including the use of necessary force to ensure compliance with this Chapter.

6. The Parties understand and agree that COMKFOR shall have the authority, without interference or permission of any Party, to do all that he judges necessary and proper, including the use of military force, to protect the KFOR and the IM, and to carry out the responsibilities listed in this Chapter. The Parties shall comply in all respects with KFOR instructions and requirements.

7. Notwithstanding any other provisions of this Chapter, the Parties understand and agree that COMKFOR has the right and is authorized to compel the removal, withdrawal, or relocation of specific Forces and weapons, and to order the cessation of any activities whenever the COMKFOR determines such Forces, weapons, or activities to constitute a threat or potential threat to either the KFOR or its mission, or to another Party. Forces failing to redeploy, withdraw, relocate, or to cease threatening or potentially threatening activities following such a demand by the KFOR shall be subject to military action by the KFOR, including the use of necessary force, to ensure compliance, consistent with the terms set forth in Article I, paragraph 3.

Article IX: Border Control

The Parties understand and agree that, until other arrangements are established, and subject to provisions of this Chapter and Chapter 2, controls along the international border of the FRY that is also the border of Kosovo will be maintained by the existing institutions normally assigned to such tasks, subject to supervision by the KFOR and the IM, which shall have the right to review and approve all personnel and units, to monitor their performance, and to remove and replace any personnel for behavior inconsistent with this Chapter.

Article X: Control of Air Movements

The appropriate NATO commander shall have sole authority to establish rules and procedures governing command and control of the airspace over

Kosovo as well as within a 25 kilometer Mutual Safety Zone (MSZ). This MSZ shall consist of FRY airspace within 25 kilometers outward from the boundary of Kosovo with other parts of the FRY. This Chapter supersedes the NATO Kosovo Verification Mission Agreement of October 12, 1998 on any matter or area in which they may contradict each other. No military air traffic, fixed or rotary wing, of any Party shall be permitted to fly over Kosovo or in the MSZ without the prior express approval of the appropriate NATO commander. violations of any of the provisions above, including the appropriate NATO commander's rules and procedures governing the air-space over Kosovo, as well as unauthorized flight or activation of FRY Integrated Air Defense (IADS) within the MSZ, shall be subject to military action by the KFOR, including the use of necessary force. The KFOR shall have a liaison team at the FRY Air Force HQ and a YAADF liaison shall be established with the KFOR. The Parties understand and agree that the appropriate NATO commander may delegate control of normal civilian air activities to appropriate FRY institutions to monitor operations, deconflict KFOR air traffic movements, and ensure smooth and safe operation of the air traffic system.

Article XI: Establishment of a Joint Military Commission

1. A Joint Military Commission (JMC) shall be established with the deployment of the KFOR to Kosovo.

2. The JMC shall be chaired by COMKFOR or his representative and consist of the following members:

a. the senior Yugoslav military commander of the Forces of the FRY or his representative;

b. the Ministers of Interior of the FRY and Republic of Serbia or their representatives;

c. a senior military representative of all other Forces;

d. a representative of the IM;

e. other persons as COMKFOR shall determine, including one or more representatives of the Kosovo civilian leadership.

1. The JMC shall:

a. serve as the central body for all Parties to address any military com-

plaints, questions, or problems that require resolution by the COMKFOR, such as allegations of cease-fire violations or other allegations of non-compliance with this Chapter;

b. receive reports and make recommendations for specific actions to COMKFOR to ensure compliance by the Parties with the provisions of this Chapter;

c. assist COMKFOR in determining and implementing local transparency measures between the Parties.

4. The JMC shall not include any persons publicly indicted by the International Criminal Tribunal for the Former Yugoslavia.

5. The JMC shall function as a consultative body to advise COMKFOR. However, all final decisions shall be made by COMKFOR and shall be binding on the Parties.

6. The JMC shall meet at the call of COMKFOR. Any Party may request COMKFOR to convene a meeting.

7. The JMC shall establish subordinate military commissions for the purpose of providing assistance in carrying out the functions described above. Such commissions shall be at an appropriate level, as COMKFOR shall direct. Composition of such commissions shall be determined by COMKFOR.

Article XII: Prisoner Release

1. By EIF + 21 days, the Parties shall release and transfer, in accordance with international humanitarian standards, all persons held in connection with the conflict (hereinafter "prisoners"). In addition, the Parties shall cooperate fully with the International Committee of the Red Cross (ICRC) to facilitate its work, in accordance with its mandate, to implement and monitor a plan for the release and transfer of prisoners in accordance with the above deadline. In preparation for compliance with this requirement, the Parties shall:

a. grant the ICRC full access to all persons, irrespective of their status, who are being held by them in connection with the conflict, for visits in accordance with the ICRC's standard operating procedures;

b. provide to the ICRC any and all information concerning prisoners, as

requested by the ICRC, by EIF + 14 days.

2. The Parties shall provide information, through the tracing mechanisms of the ICRC, to the families of all persons who are unaccounted for. The Parties shall cooperate fully with the ICRC in its efforts to determine the identity, whereabouts, and fate of those unaccounted for.

Article XIII: Cooperation

The Parties shall cooperate fully with all entities involved in implementation of this settlement, as described in the Framework Agreement, or which are otherwise authorized by the United Nations Security Council, including the International Criminal Tribunal for the former Yugoslavia.

Article XIV: Notification to Military Commands

Each Party shall ensure that the terms of this Chapter and written orders requiring compliance are immediately communicated to all of its Forces.

Article XV: Final Authority to Interpret

1. Subject to paragraph 2, the KFOR Commander is the final authority in theater regarding interpretation of this Chapter and his determinations are binding on all Parties and persons.

2. The CIM is the final authority in theater regarding interpretation of the references in this Chapter to his functions (directing the VJ Border Guards under Article II, paragraph 3; his functions concerning the MUP under Article VI) and his determinations are binding on all Parties and persons.

Article XVI: K-Day

The date of activation of KFOR — to be known as K-Day — shall be determined by NATO.

Appendices:

A. Approved VJ/MUP Cantonment Sites

B. Status of Multi-National Military Implementation Force

Appendix A: Approved VJ/MUP Cantonment Sites

1. There are 13 approved cantonment sites in Kosovo for all VJ units, weapons, equipment, and ammunition. Movement to cantonment sites, and subsequent withdrawal from Kosovo, will occur in accordance with this Chapter. As the phased withdrawal of VJ units progresses along the timeline as specified in this Chapter, COMKFOR will close selected cantonment sites.

2. Initial approved VJ cantonment sites:

- a) Pristina SW 423913NO210819E
- b) Pristina Airfield 423412NO210040E
- c) Vucitrin North 424936NO20575SE
- d) Kosovska Mitrovica 425315NO20S227E
- e) Gnjilane NE 422807NO21284SE
- f) Urosevac 422233NO2107S3E
- g) Prizren 421315NO204SO4E
- h) Djakovica SW 422212NO202530E
- i) Pec 4239ION020172SE
- j) Pristina Explosive Storage Fac 423636NO211225E
- k) Pristina Ammo Depot SW 423518NO205923E
- l) Pristina Ammo Depot 510424211NO211056E
- m) Pristina Headquarters facility 423938NO210934E

3. Within each cantonment site, VJ units are required to canton all heavy weapons and vehicles outside of storage facilities.

4. After EIF + 180 days, the remaining 2500 VJ forces dedicated to border security functions provided for in this Agreement will be garrisoned and cantoned at the following locations: Djakovica, Prizren, and Ursoevac; subordinate border posts within the Border Zone; a limited number of existing facilities in the immediate proximity of the Border zone subject to the prior approval of COMKFOR; and headquarters/C2 and logistic support facilities in Pristina.

5. There are 37 approved cantonment sites for all MUP and Special Police force units in Kosovo. There are seven

(7) approved regional SUPS. Each of the 37 approved cantonment sites will fall under the administrative control of one of the regional SUPS. Movement to cantonment sites, and subsequent withdrawal of MUP from Kosovo, will

occur in accordance with this Chapter.

6. Approved MUP regional SUPs and cantonment sites:

a) Kosovska Mitrovica SUP 42530ON0205200E

- 1) Kosovska Mitrovica (2 locations)
- 2) Leposavic
- 3) Srbica
- 4) Vucitrn
- 5) Zubin Potok

b) Pristina SUP 42400ON0211000E

- 1) Pristina (6 locations)
- 2) Glogovac
- 3) Kosovo Polje
- 4) Lipjan
- 5) Obilic
- 6) Podujevo

c) Pec SUP 42390ON0201600E

- 1) Pec (2 locations)
- 2) Klina
- 3) Istok
- 4) Malisevo

d) Djakovica SUP 42230ON0202600E

- 1) Djakovica (2 locations)
- 2) Decani

e) Urosevac SUP 42220ON0211000E

- 1) Urosevac (2 locations)
- 2) Stimlje
- 3) Strpce
- 4) Kacanik

f) Gnjilane SUP 42280ON0212900E

- 1) Gnjilane (2 locations)
- 2) Kamenica
- 3) Vitina

- 4) Kosovska
- 5) Novo Brdo

g) Prizren SUP 42130ON0204500E

- 1) Prizren (2 locations)
- 2) Orahovac
- 3) Suva Reka
- 4) Gora

7. Within each cantonment site, MUP units are required to canton all vehicles above 6 tons, including APCs and BOVs, and all heavy weapons

outside of storage facilities.

8. KFOR will have the exclusive right to inspect any cantonment site or any other location, at any time, without interference from any Party.

Appendix B: Status of Multi-National Military Implementation Force

1. For the purposes of this Appendix, the following expressions shall have the meanings hereunder assigned to them:

a. "NATO" means the North Atlantic Treaty Organization (NATO), its subsidiary bodies, its military Headquarters, the NATO-led KFOR, and any elements/units forming any part of KFOR or supporting KFOR, whether or not they are from a NATO member country and whether or not they are under NATO or national command and control, when acting in furtherance of this Agreement.

b. "Authorities in the FRY" means appropriate authorities, whether Federal, Republic, Kosovo or other.

c. "NATO personnel" means the military, civilian, and contractor personnel assigned or attached to or employed by NATO, including the military, civilian, and contractor personnel from non-NATO states participating in the Operation, with the exception of personnel locally hired.

d. "the Operation" means the support, implementation, preparation, and participation by NATO and NATO personnel in furtherance of this Chapter.

e. "Military Headquarters" means any entity, whatever its denomination, consisting of or constituted in part by NATO military personnel established in order to fulfill the Operation.

f. "Authorities" means the appropriate responsible individual, agency, or organization of the Parties.

g. "Contractor personnel" means the technical experts or functional specialists whose services are required by NATO and who are in the territory of the FRY exclusively to serve NATO either in an advisory capacity in technical matters, or for the setting up, operation, or maintenance of equipment, unless they are:

(1) nationals of the FRY; or

(2) persons ordinarily resident in the FRY.

h. "Official use" means any use of goods purchased, or of the services received and intended for the performance of any function as required by the operation of the Headquarters.

i. "Facilities" means all buildings, structures, premises, and land required for conducting the operational, training, and administrative activities by NATO for the Operation as well as for accommodation-of NATO personnel.

2. Without prejudice to their privileges and immunities under this Appendix, all NATO personnel shall respect the laws applicable in the FRY, whether Federal, Republic, Kosovo, or other, insofar as compliance with those laws is compatible with the entrusted tasks/mandate and shall refrain from activities not compatible with the nature of the Operation.

3. The Parties recognize the need for expeditious departure and entry procedures for NATO personnel. Such personnel shall be exempt from passport and visa regulations and the registration requirements applicable to aliens. At all entry and exit points to/from the FRY, NATO personnel shall be permitted to enter/exit the FRY on production of a national identification (ID) card. NATO personnel shall carry identification which they may be requested to produce for the authorities in the FRY, but operations, training, and movement shall not be allowed to be impeded or delayed by such requests.

4. NATO military personnel shall normally wear uniforms, and NATO personnel may possess and carry arms if authorized to do so by their orders. The Parties shall accept as valid, without tax or fee, drivers, licenses and permits issued to NATO personnel by their respective national authorities.

5. NATO shall be permitted to display the NATO flag and/or national flags of its constituent national elements/units on any NATO uniform, means of transport, or facility.

6. a. NATO shall be immune from all legal process, whether civil, administrative, or criminal.

b. NATO personnel, under all circumstances and at all times, shall be immune from the Parties, jurisdiction in respect of any civil, administrative, criminal, or disciplinary offenses which may be committed by them in the FRY. The Parties shall assist States participating in the operation in the exercise of their jurisdiction over their own nationals.

c. Notwithstanding the above, and with the NATO Commander's express agreement in each case, the authorities in the FRY may exceptionally exercise jurisdiction in such matters, but only in respect of Contractor personnel who are not subject to the jurisdiction of their nation of citizenship.

7. NATO personnel shall be immune from any form of arrest, investigation, or detention by the authorities in the FRY. NATO personnel erroneously arrested or detained shall immediately be turned over to NATO authorities.

8. NATO personnel shall enjoy, together with their vehicles, vessels, aircraft, and equipment, free and unrestricted passage and unimpeded access throughout the FRY including associated airspace and territorial waters. This shall include, but not be limited to, the right of bivouac, maneuver, billet, and utilization of any areas or facilities as required for support, training, and operations.

9. NATO shall be exempt from duties, taxes, and other charges and inspections and custom regulations including providing inventories or other routine customs documentation, for personnel, vehicles, vessels, aircraft, equipment, supplies, and provisions entering, exiting, or transiting the territory of the FRY in support of the Operation.

10. The authorities in the FRY shall facilitate, on a priority basis and with all appropriate means, all movement of personnel, vehicles, vessels, aircraft, equipment, or supplies, through or in the airspace, ports, airports, or roads used. No charges may be assessed against NATO for air navigation, landing, or takeoff of aircraft, whether government-owned or chartered. Similarly, no duties, dues, tolls or charges may be assessed against NATO ships, whether government-owned or chartered, for the mere entry and exit of ports. Vehicles, vessels, and aircraft used in support of the operation shall not be subject to licensing or registration requirements, nor commercial insurance.

11. NATO is granted the use of airports, roads, rails, and ports without payment of fees, duties, dues, tolls, or charges occasioned by mere use. NATO shall not, however, claim exemption from reasonable charges for specific services requested and received, but operations/movement and access shall not be allowed to be impeded pending payment for such services.

12. NATO personnel shall be exempt from taxation by the Parties on the salaries and emoluments received from NATO and on any income received

from outside the FRY.

13. NATO personnel and their tangible moveable property imported into, acquired in, or exported from the FRY shall be exempt from all duties, taxes, and other charges and inspections and custom regulations.

14. NATO shall be allowed to import and to export, free of duty, taxes and other charges, such equipment, provisions, and supplies as NATO shall require for the operation, provided such goods are for the official use of NATO or for sale to NATO personnel. Goods sold shall be solely for the use of NATO personnel and not transferable to unauthorized persons.

15. The Parties recognize that the use of communications channels is necessary for the Operation. NATO shall be allowed to operate its own internal mail services. The Parties shall, upon simple request, grant all telecommunications services, including broadcast services, needed for the Operation, as determined by NATO. This shall include the right to utilize such means and services as required to assure full ability to communicate, and the right to use all of the electromagnetic spectrum for this purpose, free of cost. In implementing this right, NATO shall make every reasonable effort to coordinate with and take into account the needs and requirements of appropriate authorities in the FRY.

16. The Parties shall provide, free of cost, such public facilities as NATO shall require to prepare for and execute the Operation. The Parties shall assist NATO in obtaining, at the lowest rate, the necessary utilities, such as electricity, water, gas and other resources, as NATO shall require for the Operation.

17. NATO and NATO personnel shall be immune from claims of any sort which arise out of activities in pursuance of the operation; however, NATO will entertain claims on an *ex gratia* basis.

18. NATO shall be allowed to contract directly for the acquisition of goods, services, and construction from any source within and outside the FRY. Such contracts, goods, services, and construction shall not be subject to the payment of duties, taxes, or other charges. NATO may also carry out construction works with their own personnel.

19. Commercial undertakings operating in the FRY only in the service of NATO shall be exempt from local laws and regulations with respect to the terms and conditions of their employment and licensing and registration of employees, businesses, and corporations.

20. NATO may hire local personnel who on an individual basis shall remain subject to local laws and regulations with the exception of labor/employment laws. However, local personnel hired by NATO shall:

a. be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;

b. be immune from national services and/or national military service obligations;

c. be subject only to employment terms and conditions established by NATO; and

d. be exempt from taxation on the salaries and emoluments paid to them by NATO.

21. In carrying out its authorities under this Chapter, NATO is authorized to detain individuals and, as quickly as possible, turn them over to appropriate officials.

22. NATO may, in the conduct of the Operation, have need to make improvements or modifications to certain infrastructure in the FRY, such as roads, bridges, tunnels, buildings, and utility systems. Any such improvements or modifications of a non-temporary nature shall become part of and in the same ownership as that infrastructure. Temporary improvements or modifications may be removed at the discretion of the NATO Commander, and the infrastructure returned to as near its original condition as possible, fair wear and tear excepted.

23. Failing any prior settlement, disputes with the regard to the interpretation or application of this Appendix shall be settled between NATO and the appropriate authorities in the FRY.

24. Supplementary arrangements with any of the Parties may be concluded to facilitate any details connected with the Operation.

25. The provisions of this Appendix shall remain in force until completion of the Operation or as the Parties and NATO otherwise agree.

Chapter 8

Amendment, Comprehensive Assessment, and Final Clauses

Article I: Amendment and Comprehensive Assessment

1. Amendments to this Agreement shall be adopted by agreement of all the Parties, except as otherwise provided by Article X of Chapter 1.

2. Each Party may propose amendments at any time and will consider and consult with the other Parties with regard to proposed amendments.

3. Three years after the entry into force of this Agreement, an international meeting shall be convened to determine a mechanism for a final settlement for Kosovo, on the basis of the will of the people, opinions of relevant authorities, each Party's efforts regarding the implementation of this Agreement, and the Helsinki Final Act, and to undertake a comprehensive assessment of the implementation of this Agreement and to consider proposals by any Party for additional measures.

Article II: Final Clauses

1. This Agreement is signed in the English language. After signature of this Agreement, translations will be made into Serbian, Albanian, and other languages of the national communities of Kosovo, and attached to the English text.

2. This Agreement shall enter into force upon signature. [signature lines]

For the Federal Republic of Yugoslavia

For the Republic of Serbia

For Kosovo

Witnessed by:

For the European Union

For the Russian Federation

For the United States of America

Internal Documents From German Foreign Office
No "Genocide" in Kosovo Prior to Bombing

From Germany's Foreign Office: Pre-Bombardment Situation in Kosovo & Metohia

As in the case of the Clinton Administration, the present regime in Germany, specifically Joschka Fischer's Foreign Office, has justified its intervention in Kosovo by pointing to a "humanitarian catastrophe," "genocide" and "ethnic cleansing" occurring there, especially in the months immediately preceding the NATO attack. The following internal documents from Fischer's ministry and from various regional Administrative Courts in Germany spanning the year before the start of NATO's air attacks, attest that criteria of ethnic cleansing and genocide were not met. The Foreign Office documents were responses to the courts' needs in deciding the status of Kosovo-Albanian refugees in Germany. Although one might in these cases suppose a bias in favor of downplaying a humanitarian catastrophe in order to limit refugees, it nevertheless remains highly significant that the Foreign Office, in contrast to its public assertion of ethnic cleansing and genocide in justifying NATO intervention, privately continued to deny their existence as Yugoslav policy in this crucial period. And this continued to be their assessment even in March of this year. Thus these documents tend to show that stopping genocide was not the reason the German government, and by implication NATO, intervened in Kosovo, and that genocide (as understood in German and international law) in Kosovo did not precede NATO bombardment, at least not from early 1998 through March, 1999, but is a product of it.

Excerpts from these official documents were obtained by IALANA (International Association of Lawyers Against Nuclear Arms) which sent them to various media. The texts used here were published in the German daily *junge welt* on April 24, 1999. (See <http://www.jungewelt.de/1999/04-24/011.shtml> as well as the commentary at <http://www.jungewelt.de/1999/04-24/001.shtml>). According to my sources, this is as complete a reproduction of the documents as exists in the German media at the time of this writing.

What follows is my translation of these published excerpts.

Eric Canepa Brecht Forum, New York April 28, 1999

I: Intelligence report from the Foreign Office January 6, 1999 to the Bavarian Administrative Court, Ansbach:

“At this time, an increasing tendency is observable inside the Federal Republic of Yugoslavia of refugees returning to their dwellings. ... Regardless of the desolate economic situation in the Federal Republic of Yugoslavia (according to official information of the Federal Republic of Yugoslavia 700,000 refugees from Croatia, Bosnia and Herzegovina have found lodging since 1991), no cases of chronic malnutrition or insufficient medical treatment among the refugees are known and significant homelessness has not been observed. ... According to the Foreign Office’s assessment, individual Kosovo-Albanians (and their immediate families) still have limited possibilities of settling in those parts of Yugoslavia in which their countrymen or friends already live and who are ready to take them in and support them.”

II. Intelligence report from the Foreign Office, January 12, 1999 to the Administrative Court of Trier (Az: 514-516.80/32426):

“Even in Kosovo an explicit political persecution linked to Albanian ethnicity is not verifiable. The East of Kosovo is still not involved in armed conflict. Public life in cities like Pristina, Urosevac, Gnjilan, etc. has, in the entire conflict period, continued on a relatively normal basis.” The “actions of the security forces (were) not directed against the Kosovo-Albanians as an ethnically defined group, but against the military opponent and its actual or alleged supporters.”

III. Report of the Foreign Office March 15, 1999 (Az: 514-516,80/33841) to the Administrative Court, Mainz:

“As laid out in the status report of November 18, 1998, the KLA has resumed its positions after the partial withdrawal of the (Serbian) security forces in October 1998, so it once again controls broad areas in the zone of conflict. Before the beginning of spring 1999 there were still clashes between the KLA and security forces, although these have not until now reached the intensity of the battles of spring and summer 1998.”

IV: Opinion of the Bavarian Administrative Court, October 29, 1998 (Az: 22 BA 94.34252):

“The Foreign Office’s status reports of May 6, June 8 and July 13, 1998, given to the plaintiffs in the summons to a verbal deliberation, do not allow the conclusion that there is group persecution of ethnic Albanians from Kosovo. Not even regional group persecution, applied to all ethnic Albanians from a specific part of Kosovo, can be observed with sufficient certainty. The violent actions of the Yugoslav military and police since February 1998 were aimed at separatist activities and are no proof of a persecution of the whole Albanian ethnic group in Kosovo or in a part of it. What was involved in the Yugoslav violent actions and excesses since February 1998 was a selective forcible action against the military underground movement (especially the KLA) and people in immediate contact with it in its areas of operation. ... A state program or persecution aimed at the whole ethnic group of Albanians exists neither now nor earlier.”

V. Opinion of the Administrative Court of Baden-Wurtemberg, February 4, 1999 (Az: A 14 S 22276/98):

“The various reports presented to the senate all agree that the often feared humanitarian catastrophe threatening the Albanian civil population has been averted. ... This appears to be the case since the winding down of combat in connection with an agreement made with the Serbian leadership at the end of 1998 (Status Report of the Foreign Office, November 18, 1998). Since that time both the security situation and the conditions of life of the Albanian-derived population have noticeably improved. ... Specifically in the larger cities public life has since returned to relative normality (cf. on this Foreign Office, January 12, 1999 to the Administrative Court of Trier; December 28, 1998 to the Upper Administrative Court of Luneberg and December 23, 1998 to the Administrative Court at Kassel), even though tensions between the population groups have meanwhile increased due to individual acts of violence... Single instances of excessive acts of violence against the civil population, e.g. in Racak, have, in world opinion, been laid at the feet of the Serbian side and have aroused great indignation. But the number and frequency of such excesses do not warrant the conclusion that every Albanian living in Kosovo is exposed to extreme danger to life and limb nor is everyone who returns there threatened with death and severe injury.”

VI: Opinion of the Upper Administrative Court at Munster, February 24, 1999

(Az: 14 A 3840/94,A):

“There is no sufficient actual proof of a secret program, or an unspoken consensus on the Serbian side, to liquidate the Albanian people, to drive it out or otherwise to persecute it in the extreme manner presently described. ... If Serbian state power carries out its laws and in so doing necessarily puts pressure on an Albanian ethnic group which turns its back on the state and is for supporting a boycott, then the objective direction of these measures is not that of a programmatic persecution of this population group ... Even if the Serbian state were benevolently to accept or even to intend that a part of the citizenry which sees itself in a hopeless situation or opposes compulsory measures, should emigrate, this still does not represent a program of persecution aimed at the whole of the Albanian majority (in Kosovo).”

“If moreover the (Yugoslav) state reacts to separatist strivings with consistent and harsh execution of its laws and with anti-separatist measures, and if some of those involved decide to go abroad as a result, this is still not a deliberate policy of the (Yugoslav) state aiming at ostracizing and expelling the minority; on the contrary it is directed toward keeping this people within the state federation.”

“Events since February and March 1998 do not evidence a persecution program based on Albanian ethnicity. The measures taken by the armed Serbian forces are in the first instance directed toward combatting the KLA and its supposed adherents and supporters.”

VII: Opinion of the Upper Administrative Court at Munster, March 11, 1999

(Az: 13A3894/94.A):

“Ethnic Albanians in Kosovo have neither been nor are now exposed to regional or country wide group persecution in the Federal Republic of Yugoslavia.” (Thesis 1)

VIOLATION OF THE USA CONSTITUTION

Zoran Vucinic, Ph.D.

Committing the aggression against FR Yugoslavia, the government of the United States had violated not only the UN Charter, but also the provisions of Article VI of its own Constitution regulating, among other issues, the status of all international agreements signed by the United States as the highest laws of this country, obligating judges from all federal states to honor them, even when such laws are in any way in collision with the Constitution or laws of any state. Since the United States had ratified the UN Charter, making major contribution to its creation, the most important act of international law has, in the sense of the above mentioned article of the American Constitution, the status of the highest law of this country, thus requiring the high level of obligatory honoring and implementation. The violation of the UN Charter directly resulted from the fact that the United States had used force against FR Yugoslavia without any approval given by the UN Security Council, stipulated in Chapter VII of the Charter of the United Nations Organization.

VIOLATION OF THE UN CHARTER

Zoran Vucinic, Ph.D.

Committing the armed aggression against FR Yugoslavia without any mandate given by the UN Security Council, the participating countries — NATO members had brutally violated the imperative regulations from Articles 1 and 2 of the UN Charter that obliged them, among other things, to solve all disputes in a peaceful way, to refrain from threats of force or use of force against the territorial integrity or political independence of any state, and to pledge for keeping of the international peace and security. They had especially violated the provisions from Chapter VII of the UN Charter proscribing that only the UN Security Council was authorized to order the use of armed force in international relations, or to proscribe political, economic and military sanctions. Regional military and political convents, such as NATO, may be used for enforcement only on the basis of a decision made by the UN Security Council, in accordance with Article 53, paragraph 1 of the UN Charter, and such decision has never been made in the case of Yugoslavia.

EUROPEAN COURT OF HUMAN RIGHTS

Slobodan Plavsic

However, no member of NATO has been endangered either attacked by the Plaintiff country, and our country (Plaintiff's) by no means jeopardized international peace and security. Any country has the right to settle internal affairs with terrorists who are working within its sovereign territory and to protect sovereignty and territorial integrity. It is in any country the basic function of the armed forces to protect the territorial boundaries of the state and to ensure those threats against the population as a whole, whether internal or external are handled as deemed necessary by the state. There is no any internationally accepted legal reason or precedent, which can justify the attack of NATO against the Plaintiff. The Plaintiff has no other homeland. It is clearly stated in the UN Resolution.

Agression may be defined, according to international law, as antilgal, forcible action of one or more than one country against sovereignty, territorial integrity and political independence of a country, with the intention to:

- I. Deny its right to existence,
- II. Alter its socio-economical regime, or
- III. Separate a part of its territory.

The Plaintiff has never agreed with any of the above intentions, and therefore suffers because of the violation of mentioned rights by the actions of the Defendants. This definition of aggression is given in the Resolution of the General Assembly of the United Nations No. 3314, of 1974. The Plaintiff by no means has given consent to war against his country, and consequently did not give the consent that he or any citizen of the FR Yugoslavia was targeted by an average 230 grams of explosive per person.

According to this Resolution, acts of aggression are, among other things:

- a. Bombarding of the territory of a country by the armed forces of other country or countries,
- b. An attack against land, maritime, or air forces, as well as acts of the countries which their territory give on disposal to other country to be used for execution of acts of aggression against third country.

The Resolution of the UN says that aggression cannot be justified. From the Resolution is clear that the consequence of aggression is the responsibility of the Defendants and the international community. Aggressive war represents a crime against international peace, and by that against the Plaintiff and his citizens - Serbs and other citizens residing in FR Yugoslavia.

The attack of NATO forces - Defendants, against FR Yugoslavia as a Plaintiff country, is a crime against peace. Crimes against peace are defined by the Statute of the International military court in Nuremberg (1945), as a "planning, preparing, beginning and making of aggressive war or war in which are broken international agreements or guarantees, or participating in some joint plan or conspiracy for executing of any of above mentioned acts".

NATO, as a regional organisation, is not allowed to autonomously use power in international relations, except in a case of self-defense. In addition, the Security Council of the United Nations can use such an organisation in a case of collective security. However, action can be taken only with the approval of the Council.

NATO is trying to find a legitimate justification for aggression on Kosmet (Kosovo and Metohija), region of the FR Yugoslavia, in which FR Yugoslavia, as a Plaintiff country, is defending its policy against terrorism (and by that Plaintiff, his family, and all citizens of Yugoslavia) and its sovereign borders. The Charter of the UN has given exclusive right to each country to sort out such situations on their own territory.

Lorraine is a soul of France, where is situated the Court. Kosmet is the same for Serbia, for any Serb, and Plaintiff as well. Without Kosmet, there is no integrity (spiritual and physical) in the Republic of Serbia, one of the members of FR Yugoslavia. By separating Kosmet from Serbia, it harmed human rights on national and ethnic identity. Patriarch Pavle about that said:

“Kosovo in a mind of our people is not only territory on which are our biggest sacred objects, but knowledge that we learned. Therefore, Duke Lazar and our descendants went to Kosovo to defend their homelend, not to take others land, to protect their freedom, not to attack others freedom, to defend their religious belief, not to force others into their religion ...”.

The State is not obliged to present such questions before the UN. “Abel has the right and duty to defend himself from Cain” - Patriarch Pavle.

Proofs:

I. Questioning of experts and witnesses, for example: renovated New York solicitor Remzi Clark, or Raja Tomas, from University Marquette in Milwaukee (Wisconsin, USA), who mentioned four documents which are broken by the aggression: I. The UN Charter

II. The NATO Charter III. So called “agreement” from Rambouillet, as breking of the Vienna convention on the Law on agreements of 1980, which prohibits force and compulsory aimed to persuade any country to sign an agreement or contract. Serbia and FR Yugoslavia were demanded through the threat of bombs and missiles of Defendants, to sign mentioned “agreement”. Patriarch Pavle said:

“Let the peace comes into us and into enemies ours ... evil will not bring good”.

IV. Helsinki agreement of 1975.

II. Evidence from reports of TV agencies:

i. BBC (British)

ii. CNN (US)

iii. NBS (US)

iv. TFI (France)

Note: The Plaintiff proposes that their reports are reviewed in presence and with explanation of renovated experts for movie: Teo Angelopoulos, Emir Kusturica, and Goran Paskaljevic, in a case of media manipulations.

v. ITAR-TAS (Russia)

vi. RTS, Studio B, BK, etc. - FR Yugoslavia.

Plaintiff's Offer

1. On the basis of explained, the Plaintiff offers and requests from the Court, after conducted trial, the following: 1/1. To establish that Defendant, by the above explained bombarding, acts of aggression and other illegal acts in described period and forthcoming period has harmed human rights of the Plaintiff, especially right to life, spiritual and physical integrity, property, etc. as well as right to freedom from fear and ethnic identity of Plaintiff. 1/2. To establish the criminal responsibility of those who were giving orders on the side of Defendant. Alternatively, this Complaint can be forwarded to the International Court in Hague, on the grounds of genocide and violation of the UN Charter, as well as political, civil and any other responsibility of Defendants. Those should be obliged to pay any (immaterial and material) damages and lost profit to the Plaintiff, according to the report of appropriate experts, all within 15 days with fear from the forced execution, with an appropriate interest, and court and other expenses. 1/3. That immediately after receiving this Complaint, and before any procedural act, and before forwarding of the Complaint to the Defendant, allows temporary measure which: i. prohibits to the Defendant to interfere with the Plaintiff, his nation and other citizens of FR Yugoslavia in using described human rights, as well as ii. To prohibit immediately to Defendants to take any other step or act of aggression against the Plaintiff country, and iii. To inform on everything relevant institutions and organisations of World and Europe aimed at final stopping of mentioned aggression, as Patriarch Pavle appealed: "I am addressing authorities of all countries of the world, in misfortune that happened to our country by attack and bombarding by NATO, for action that bombarding stops and that a just solution for exit from this crisis is find by negotiations".

2. If, according to the opinion of the Court anything should be added or questioned from the side of the Plaintiff, the Plaintiff offers that this should be done through the IV opštinski sud in Belgrade (IV county court in Belgrade)- as requested court, because the Plaintiff does not want, during this aggression, to leave his family, neither to leave the country for any reason.

Question for Defendants

Renowned Serb's poet Njegoš wrote: "Everybody is born to die once. Honor and shame live forever".

The first sentence all reasonable people accept by being born and through life. Whether the Defendant, as big powers, of those USA, Britain and France former allies of Serbs, agree with shame?

With Regards,
Plaintiff

PRISONERS OF WAR

Zoran Vucinic, Ph.D.

Three American soldiers being captured by the armed forces of Yugoslav Army have received PoW status as provided for by Article 2, Titles 1 and 4, item A (1) of the Geneva Convention on PoW dated August 12, 1949 and Article 43, Title 2 and 44, Title 1 of the Supplemental Protocol to the Geneva Convention on Protection of War Victims dated 1977.

Thus their rights and obligations as PoW and rights and obligations of authority that keeps them are within the provisions of these Conventions. Engagement of the Yugoslav military judicial system is legalised by the provisions of Chapter III of the above Geneva Convention.

THE RIGHT OF INDIVIDUAL AND COLLECTIVE DEFENSE OF FR YUGOSLAVIA

Zoran Vucinic, Ph.D.

The defense undertaken by FR Yugoslavia in order to oppose the aggression of NATO and its interest in formal joining with the alliance of Russia and Belarus, have the legal ground in Article 51 of the UN Charter that recognizes the inherent right of every UN member to undertake individual and collective defense under attack, until the UN Security Council undertakes appropriate measures to maintain international peace and security. FR Yugoslavia has informed the Security Council that it was a victim of aggression and that it intended to implement this right, but the Security Council did not, due to obstruction of its permanent members USA, France and Great Britain, undertake the appropriate measures arising from its competence (Chapter VII of the UN Charter) and it didn't stop the aggression. The legality of the future alliance of FR Yugoslavia, Russia and Belarus arises from Article 52 of the UN Charter that allows forming of regional agreements pursuing international peace and security, appropriate for regional action in accordance with goals and principles of the UN Charter. The above mentioned alliance of the three states, strengthened also by the alliance of Russia and Ukraine, has actually been formed in order to preserve world's peace and security endangered by the NATO aggression against FR Yugoslavia and by strategic plans of that alliance to expand to the East, as well as because the functioning of the UN system of collective security has been disabled.

ARBETET March 25, 1999 Karin Wegestal

NATO ATTACK - BREACH OF INTERNATIONAL CODE

Should Sweden participate in the war against Yugoslavia because of the civil war led by a group of guerrilla based in Albania, wanting to secede Kosovo and Metohija from Yugoslavia?

The attack planed by NATO against Yugoslavia is contrary to the international code. Could Sweden take part with its units without the UN or OSCE mandate? This is the question, which should be answered by the Swedish people before it is presented with an accomplished fact.

There is a war in Kosovo, caused by the cancellation of a relative self-rule, after Tito's death. This was met by sharp protestations, brutally cracked down by the Serbian police in 1991.

In Kosovo and Metohija a movement was formed, that should have represented the interests of the Kosovo and Metohija Albanians, its leader being Ibrahim Rugova. The militant guerrilla KLA did not accept him as such, and the Contact Group started negotiating with the guerrilla.

When the KLA members started with the armed attacks, Yugoslavia attempted to close the border with Albania to prevent the smuggling of weapons, ammunition and manpower. When in the autumn of 1998 the treaty was reached, the Yugoslav units had withdrawn in order to implement the provisions of the contract, and guerrilla pushed forward and took over these territories so that half of it is now under their control. The guerrilla is continuously being supplied with state-of-art weapons and trained in Albania.

In Albania, there is a political and an economic crisis going on. The former president Sali Berisha, forced to resign following the s-called "pyramidal crisis", still maintains the rule in half of the country, including the parts bordering with Kosovo and Metohija. Crime and political violence are sweeping over the country. An important part of the organized crime in the today's Europe originated from Albania directly. The media informing on Kosovo and Metohija are often blaming the Yugoslav leadership, this being caused by the fact that the informations are pouring out of the American media. America did not even attempt to pretend to be an unbiased side in its "peacemaking" activities in the former Yugoslavia. The Serbs were declared enemies automatically, and all of their enemies are the friends of the US automatically again.

The KLA demand for the Kosovo and Metohija independence is not supported by any European country, particularly due to the alarming situation in Albania and the fact that the Albanians make a large percent of population in the Albania's bordering countries. The Proposal of the peace agreement includes the proposal for an independent Kosovo only. This could have been achieved without the use of force threats. The unrealistic promises to the guerrilla on the future independence are only postponing the war.

Attacking a sovereign country means violating the public law and can definitely not solve the problem, but only make it worse, and thus decrease the belief that the conflict could be resolved.

During a war, the population is exposed to horrible suffering. Around 15-20% of the Kosovo and Metohija population are Serbs. This number is continually decreasing, since the Serbs dare not stay there any more. The question is, where to flee, for NATO is threatening the entire Yugoslav territory.

A week before 30 Albanians - civilians were discovered killed in the Village of Racak, following the Yugoslav forces actions against the KLA guerrilla units that were stationed there, 12 Serbian young men were killed, one of them not even 15 years old. Both events can not be forgiven, but only one of them caused the Swedish Government to protest - to the Serbian Government because of the Albanians killed, in spite of the fact that the perpetrators of the crime have still not been named.

The peace talks have again begun in France. The KLA guerrilla stated that it is willing to accept the agreement offered, anticipating its disarmament, opposite to their previous standpoints. However, it was never said that the new text does not cite the expression guerrilla but "the other side". If so, could the unnamed side be tied by the contract? This is, in fact, not important. The Kosovo guerrilla signature means giving the green light to NATO (the US) to attack the Yugoslavs with bombs, aiming to disable their defense. Then the 30.000 NATO soldiers will start with ground force attacks. Another 10.000 are still waiting in Macedonia. Large supplies of war material intended to the KLA are simultaneously being piled at the Kosovo and Metohija borders. It is commonly considered foolish to make predictions, especially for the future, but one thing is certain: these events do not lead to peace! The peace talks should be given a chance, and not attempt the continuation or the climaxing of the war.

OPINION OF EXPERT FROM THE INSTITUTE FOR INTERNATIONAL POLITICS AND ECONOMICS, Belgrade

The armed assault on Yugoslavia represents a severe violation of one of the fundamental, imperative rules of international law contained in articles 1.2, pg.4 of the UN charter stating that the use of armed force by any state or even a threat that the armed force will be used is absolutely banned. The armed force can be used exclusively on the grounds of corresponding resolution of the Security Council and in the purpose of maintaining international peace and security. Otherwise, a state can individually reach for this kind of solution only on the grounds of self defence affirmed in article 1.51 of the charter and exclusively while defending its territory from the assault. The armed action of NATO members against FRY can be classified as an act of aggression on the basis of definition of aggression which is, again, unanimously accepted by the members of NATO back in 1974.

The armed aggression committed by 19 states members of NATO represents international wrongful act which by its nature entails international responsibility. Two responsibilities are in question - the responsibility of each individual state that committed aggression and the responsibility of the individuals who are to answer for their actions on two different grounds. The responsibility should be ascertained, in the spirit of the idea of the law rule, in an impartial judicial procedure.

The conflicting sides are under an obligation to adhere to the rules of international humanitarian law in an armed conflict (The Geneva and The Hague conventions etc.), and every violation of the mentioned law is an international crime. The basic rule of this law is an absolute obligation in appreciation of civilians and civilian objects from the soldiers and military objects, where the former are entitled to complete protection whereas - when enemy operations are concerned - only the latter can be attacked.

In short, if NATO aviation did not take the necessary measures of precautions while performing the attack and the civilians and civilian goods are damaged the responsibility exists. The responsibility for these actions

follows the line of so called “command responsibility” all the way from the highest ranking officers who commanded the operation to the immediate executors.

TREATMENT OF AGGRESSION IN THE DRAFTS OF INTERNATIONAL CONVENTIONS

Zoran Vucinic, Ph.D.

The aggression of NATO members against sovereign FR Yugoslavia is, by its very nature, an international crime against peace. Aggression has been treated in such a way by the UN Committee for international law in the Draft of Code on crimes against peace and security of the humanity (1954) and in the Draft of rules on responsibility of states in the international law, Part One (1976) prepared by the Committee acting upon the order given by the UN General Assembly. The Draft of Code stipulates in Article 2, paragraph 1 (1) that crime against peace and security is ‘any act of aggression including the use of armed force by a state authority against any other state in order to achieve any goal except national or collective self-defence or implementation of decisions or suggestions given by competent bodies of the United Nations.’ Proving that this is a classic aggression against FR Yugoslavia is the fact that FR Yugoslavia did not attack any NATO member, nor has the action of NATO against FR Yugoslavia been approved by the UN Security Council, that has the exclusive authority to order such an action in accordance with Chapter VII of the UN Charter. Article 1 of the Draft of Code ascribes the criminal responsibility for the crime of aggression to the highest executives of the aggressor state, while Article 3 further defines that it can also be a chief of state. Article 19, point 3(a) of the Draft of rules on responsibility of states in the international law, an international crime is defined as ‘a serious violation of international obligations with essential importance for maintaining the international peace and security, such as prohibition of aggression’. Although these documents, especially

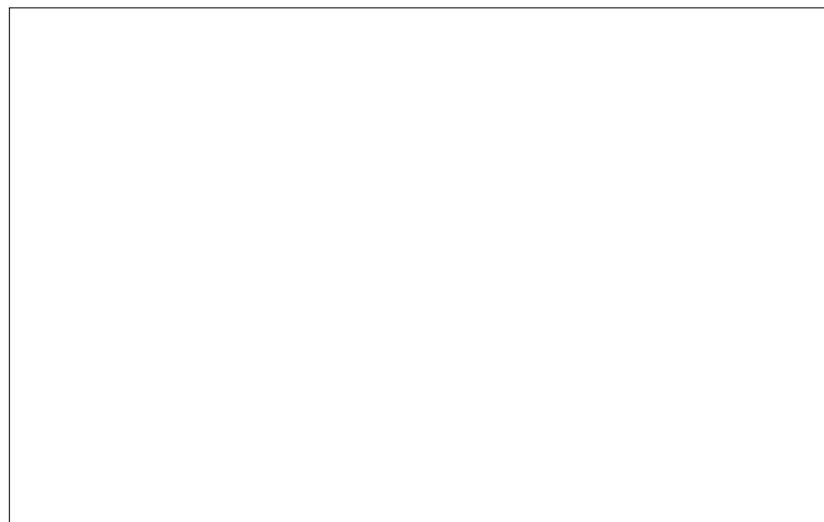
the Code on crimes against peace and security of the humanity, still haven't been passed as international conventions due to obstruction of the most powerful states, especially USA, their legal solutions are important because they express conscience and reasoning of elite international lawyers, their redactors, that aggression must be qualified as an international crime. Solutions of the Code are also important because of the fact that they further elaborate the well-known Nurnberg principles applied in trials of the main war criminals of the Nazi Germany. The government of the United States has expressed its intent to achieve its goals in foreign policy even by criminal methods such as aggression, deciding not to sign the Statute of the permanent International criminal court that has been adopted by more than one hundred states last year on the international diplomatic conference in Rome, organized by the United Nations. Thus, the American government clearly demonstrated that it did not recognize any generally accepted principle of international behaviour.

DOCUMENTS OF THE *UN* *GENERAL ASSEMBLY* ABOUT THE PEACE AND SECURITY IN THE WORLD

Zoran Vucinic, Ph.D.

The aggression of NATO members against FR Yugoslavia is also a direct attack against several documents of capital importance adopted by the General Assembly of the United Nations, containing principles on which countries should base their mutual relations in order to preserve peace and security as permanent categories in the world. Thus, Declaration on prohibition of intervention in internal affairs of the states and protection of independence and sovereignty No. 2131 (21st December 1965), proclaims that no state has the right to intervene directly or indirectly in internal or external affairs of any other state; armed intervention and any form of involvement or attempt to endanger the person of a state and its political, economic and cultural basis is strictly prohibited; no state may use eco-

economic, political or any other measure in order to force any other state to submit itself and refrain from implementing its sovereign rights; no state will help, instigate, organize, finance and tolerate subversive, terrorist or armed activities aimed to forcibly take down the regime in another state, nor it will intervene in a civil conflict in another state; also, the use of force in order to deprive nations from their national identity is an offense of their inalienable rights and non-intervention principle. Declaration on principles of the international law about friendly relations and cooperation of states in accordance with the UN Charter (1970) contains seven basic principles of international relations. The first principle is that states must refrain from threats or use of force, either against the territorial integrity and political independence of any state, or in any other way that does not comply with the goals of the UN. This principle also contains the attitude against threat or use of force in order to violate existing borders of other states. The actual goal of NATO aggression is forced separation of Kosovo and Metohija, which implements changing the Yugoslav borders, and this has recently been confirmed in public by the American President Clinton himself. In case of FR Yugoslavia, violated is also the principle that defines the obligation of states not to intervene in issues that are in national competence of other states, i.e. the principle of sovereign equality of states proclaiming, among other things, that every state must honor persons of other states and that territorial integrity and political independence of all states must not be violated.



CRIMINAL RESPONSIBILITY

Zoran Vucinic, Ph.D.

To the effect of Article 6, para.2 (a) and para.3, i.e. Article 7 of the Statute of the International Military Tribunal in Nurenburg and the ruling of that Court, the provisions of which have been recognised as the valid principles of international law by a Resolution of the United Nations of 11 December 1946, the highest officials of the NATO members states which have committed aggression against the Federal Republic of Yugoslavia are criminally liable for having committed a crime against peace. This category includes also the highest NATO officials. In accordance with Article 6, para. 2(b and c) and Article 8 of the Statute, members of the armed forces of the aggressor states are criminally responsible for war crimes (violation of the laws and customs of war), and crimes against humanity.

ACT OF AGGRESSION ON FR YUGOSLAVIA

Zoran Vucinic, Ph.D.

Attacking FR Yugoslavia without prior approval of the UN Security Council NATO members, taking part in the strike, is committing an act of armed aggression pursuant to Article 1 and 3 of the UN Resolution No. 3314 of December 14, 1974 defining the term of aggression. Article 5 of the Resolution proclaims aggression as crime against the international peace thus implying international liability and excludes any political, economic or military reasons as justification for the aggression.

VIOLATION OF WAR RULES AND CUSTOM

Zoran Vucinic, Ph.D.

Deliberately destroying and demaging civil buildings such as: hospitals,

residential facilities, schools, nurseries, administrative building offices, religious buildings, historical monuments and facilities of vital importance for population and economy (power utilities, waterline, heating stations, railroads, bridges, fuel tanks), the NATO members taking part in the aggression on FR Yugoslavia have committed heavy violation of Article No.23, Title 1 (g), No.25 and No.27, Title 1 of Rule Book covering Law and Custom on Land War dated 1907; Article 18, Title 1 of the Geneva Convention on Protection of Civilians During Wartime dated 1949; Articles Nos. 52, 53, 54 - Title 2, 56 - Title 1, 57 and 59 - Title 1 of the Supplemental Protocol to the Geneva Conventions on Protection of War Victims dated 1977. Lives of civilians are endangered by this act of aggression which is contrary to the provisions of Article 16, Title 1 of the Geneva Convention and Article 51 of the Supplemental Protocol. Pursuant to Article 147 of the Geneva Convention and Article 85 of the Supplemental Protocol, the aggressor states on FR Yugoslavia, must be responsible in terms of indemnification for damages and persons ordering and committing crimes must be prosecuted.

VIOLATION OF THE TREATY ON THE ESTABLISHMENT OF *THE NATO*

Zoran Vucinic, Ph.D.

By the aggression on FR Yugoslavia, the NATO member states participating in that crime have violated a number of provisions of the Treaty on the NATO Organisation of 4 April 1949. They have also violated Articles 1 and 2, and especially Articles 5 and 6, under which NATO is activated only if one of its members is attacked. That did not happen in the case of FR Yugoslavia. Complete disregard of the UN Security Council also constitutes a breach of the provisions of Article 7 which recognise the supreme responsibility of the Security Council in respect of maintaining international peace and security. In this way, NATO has actually lost the formal nature of a defensive alliance and overstepped its competences under the Treaty.

PROTECTION OF THE ENVIRONMENT

Zoran Vucinic, Ph.D.

The destruction of oil plants in Novi Sad, Smederevo and Belgrade and chemical plants in Pancevo committed by the armed forces of NATO members participating in the aggression against FR Yugoslavia is a severe violation of Article 55 of the Additional Protocol wto the Geneva Convention on protection of victims of international armed conflicts (1977). Provisions of this article contain explicite obligation of protection of the environment from long-lasting and serious damage, prohibiting the use of methods and means of warfare aimed at making damage to the natural environment that may endanger the health and survival of the population.

VIOLATION OF THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS

Zoran Vucinic, Ph.D.

Committing the brutal eviction of the personnel of the Embassy of FR Yugoslavia in Washington and physically invading the Embassy with police forces, after termination of diplomatic relations between Yugoslavia and America, the government of the United States had flagrantly violated the Vienna Convention on Diplomatic Relations, signed in 1961. Article 45, paragraph 1, point a) of this Convention obliged the American government to honor and protect even in such circumstances the facilities of the Yugoslav diplomatic mission, and it's property as well.

KLA Activity

(APRIL 1996-FEBRUARY 1998)

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
Publications (<http://www.house.gov/csce/publist.htm>)

Hearing on Kosovo: The Humanitarian Perspective (June 25, 1998)

REPRESSION AND VIOLENCE IN KOSOVO
WEDNESDAY, MARCH 18, 1998

Commission on Security and Cooperation in Europe, Washington, DC.
The Commission met, in Room 430, the Dirksen Senate Office Building, Washington, DC., at 10:08 a.m., Hon. Alfonse D'Amato, Chairman, presiding.
Commissioners present: Hon. Christopher H. Smith; Hon. Benjamin Cardin; and Hon. Steny H. Hoyer.
(...)

A P P E N D I C E S

CHRONOLOGY OF KLA'S TERRORISM AND AGGRESSION, APRIL 1996-FEBRUARY 1998

In an act of aggression against Serbia and its citizens, the Albanian terrorist organization calling itself the

Kosovo Liberation Army has carried out dozens of attacks against Serb civilians and police officers in Kosovo and Metohija in the past 2 years.

Many of the KLA's terrorist acts were also carried out against moderate Albanians loyal to Serbia, who were labeled "collaborators" by the KLA because they accepted and worked toward preserving the multiethnic structure of Kosovo. The KLA's goal is to "ethnically cleanse" Kosovo and Metohija of all Serbs so that an ethnically pure Kosovo could be swallowed by Albania to form a "Greater Albania."

1996

April 22: Blagoje Okulic, a Serb refugee from Croatia, was sitting with a friend in a cafe when a masked member of the KLA opened fire on the customers with an automatic weapon. Okulic died in hospital. He was the first victim of the KLA.

June 16: In an attack against a police patrol near Podujevo, police officer Goran Mitrovic was heavily wounded.

June 17: Around 11:55 p.m. a police patrol in the village of Siplje near Kosovska Mitrovica was

attacked, resulting in the killing of Predrag Djordjevic (28) from Krusevac, and the wounding of Zoran Vukocic (30) from Nis.

The same day a bomb was hurled at the police station in Luzani, and the police officers on duty in the station were fired on by automatic weapons. No one was injured.

July 11: One hour after midnight in the center of Podujevo terrorists carried out an armed attack against police officers, resulting in a heavy wounding of police officer Sredoje Radojevic.

Aug. 2: Armed attack on three police stations (in Pristina, Podujevo, and the village of Krpimej) around 10 p.m.

Aug. 28: Three bombs were hurled in the village of Celopek (border of the towns Pec-Klina-Decani), around 3 a.m. No one was injured.

In the village of Donje Ljupce police inspector Ejup Bajgora (44), an ethnic Albanian who worked at the Pristina Precinct, was shot and killed.

The shots ended up in the bedrooms of some of their apartments. Miraculously, there were no victims.

Around 8 a.m., in the vicinity of the village Gradac near Gillogovc in Drenica, forest worker Sejdi Muja, an ethnic Albanian, was shot and killed. He and another Albanian had been stopped by a masked and armed three-member group of KLA terrorists, and after checking his ID card, established that Muja was on their list of "traitors." They dragged him out of the car and shot him, leaving his body by the road. He was a "traitor" just because he worked in the Serbia Forest Service.

Jan. 13: The KLA issued a statement stating that its headquarters was in Pristina. It also claimed responsibility for a series of terrorist actions carried out in the Former Yugoslav Republic of Macedonia: an attack on the Municipal Court in Gostovar and the police stations in Prilep and Kumanovo. It announced that it would expand its actions into Montenegro.

Jan. 14: The headquarters of the Socialist Party of Serbia for Djakovica were stoned overnight, Jan. 13-14. All windows were broken. These were greetings for the "Serbian New Year" which is marked on Jan. 14.

Jan. 19: In Srbica all graves at the Serbian Orthodox Cemetery were desecrated and vandalized. The monuments at the graves were completely destroyed.

Jan. 22: After a KLA patrol had been stopping, harassing, and threatening citizens with death in the Srbica municipality the previous night, there was a confrontation between that patrol and a patrol of police officers. While chasing the KLA terrorists, who barricaded themselves in the house of Saban Jasari in the village of Donji Prekaz near Srbica, police officers killed the terrorist Hasan Mandzol and lightly wounded two Jasari brothers.

A three-member KLA group kidnapped the taxi driver Metus Skodru, an ethnic Albanian, and then took his cab, an Audi 90. They told him he could buy his cab back if he showed up at a designated place at a designated time, under the threat that he would be liquidated if he called the police.

Jan. 23: On the night of Jan. 22-23, on the road Srbica-Klina near the village of Josanica, Desimir Vasic, a deputy in the Municipal Assembly of Zvecan, was shot and killed.

On the same road, the same night, near the village Lausa, Blagoje Nikolic from the village of Drsnik near Klina was severely beaten until he became unconscious.

During the same night, KLA terrorists stopped, harassed, and threatened with death a group of Serbian women heading to Monastery Devic.

Aug. 31: In the night hours two bombs were hurled into the courtyard of the Yugoslav Army's barracks in Vucitrn.

In the village of Rudnik (Srbica municipality) an armed attack was carried out on

the police station.

In Podujevo, police officers at the juncture of the road Pristina-Podujevo-Kursumlija were fired on. No one was hit.

The police station in Glllogovc was fired on with automatic weapons.

Oct. 25: Two police officers were killed by automatic weapons near the village of Surkis in the Podujevo municipality—Milos Nikolic, a police inspector of the Pristina Precinct, and Dragan Rakic from the village of Velika Reka, who was a police officer in the reserves and a manager of a company in Podujevo.

Nov. 16: In the village of Rznic, in Decan municipality, around 10:30 p.m. a terrorist attack was carried out on the police station. No one was killed.

Dec. 26: Faik Belopolja, an ethnic Albanian from Podujevo who was a forest worker in the Serbia Forest Service, was shot and killed.

1997

Jan. 9: In the center of Podujevo at 5:30 p.m. Malic Saholi (52), an ethnic Albanian who was the manager of the supermarket “Vocar” and a deputy in the municipal council of Podujevo as a member of the Socialist Party of Serbia, was shot and killed.

Jan. 11: In the Vucitrn village of Mijalic, around 7 p.m. more than 26 bullets were fired at the house of Ljubisa Mitrovic. No one was killed.

Jan. 13: Shooting Fazil Hasani, an ethnic Albanian forest worker from the village of Brabonic (Srbica municipality) in the neck, KLA terrorists killed him and issued a statement denouncing Mr. Hasani as a “traitor.”

Jan. 16: Using remote-controlled explosives, the KLA attempted to assassinate the Dean of Pristina University, Mr. Papovic, at 8 a.m. as he was driving to the University. Both he and his driver Nikola Lalic were heavily wounded. The explosives were set off when their car was some 50 meters from Dean Papovic’s apartment in Pristina.

Jan. 17: in the village of Reketnica (Srbica municipality), at 1 a.m., ethnic Albanian Zen Durmisi (52) was shot and killed and his son Nazmi Durmisi was heavily wounded. The Durmisi family was labeled “pro-Yugoslav” by the terrorist KLA.

Feb. 1: KLA terrorists from a moving vehicle fired on police officers. The officers fired back and killed all three terrorists.

March 5: At 10:47 a.m., in front of the Pristina University School of Languages, a bomb in a container exploded. Four people were wounded, two ethnic Albanians—Adrijana Dremka and Lindita Maksuti—and two ethnic Serbs, Borivoje Popovic and Ivan Maksimovic.

A second explosives device weighing 4.2 kilograms, which had been placed at the base of the Vuk Karadzic monument in front of the School of Languages, was found and deactivated by members of the Anti-Ballistics Unit of the Pristina Precinct.

March 21: Around 8 p.m., in the center of Podujevo, KLA terrorists fired five shots at police officer Branislav Milovanovic, wounding him heavily. In a statement, the KLA claimed responsibility denouncing officer Milovanovic as a “Serbian policeman, well known blood-sucker and anti-Albanian.”

March 25: Near the village Sicevo, Klin municipality, a group of attackers killed ethnic Albanians Jusuf Haljiljaj and Fehmi Haziraj (who were well known as loyal citizens of Serbia) and wounded ethnic Albanian Mehmet Gasi.

April 10: In the village of Banjica near Glllogovc, using automatic firearms, KLA terrorists killed ethnic Albanian Ramiz Ljeka, who worked at the Glllogovc Municipal Council.

May 6: Around 10:30 p.m. in the village of Lozica near Klina, ethnic Albanian Hetem Dobruna (30), a farmer from the village, was shot and killed.

May 16: In Srbica near Kosovska Mitrovica police officers Miomir Kicovic and Radisav Blanic were shot and heavily wounded.

June 19: On the Pristina-Podujevo-Nis road near the village of Donje Ljupce in the Podujevo municipality, terrorists fired 12 bullets from automatic weapons at a police patrol. No one was injured.

July 3: In the village of Trstenik, Glogovc municipality, in the early morning hours the KLA shot and killed ethnic Albanian Ali Calapek, a farmer who was a member of the Socialist Party of Serbia and a member of the local Election Commission in the 1996 elections.

July 21: The Assistant District Attorney in Pec, Miroljub Petrovic, was shot and killed.

Aug. 3: A police vehicle was fired on at 7 p.m., in the village of Bradis which is 10 kilometers from Podujevo.

Aug. 4: At 9:30 a.m., on the road from the village of Rudnik to Srbica, KLA terrorists from Drenica fired on a police vehicle using automatic weapons. Police officers Milomir Dodic and Zoran Boskovic were heavily wounded, and a civilian who was in the car was lightly wounded.

Aug. 23: Forest worker Sadi Morina, an ethnic Albanian, was killed in Srbica. Mr. Morina had already been receiving threats from KLA terrorists for a long time because he remained to work "in the service of Serbia."

Aug. 24: In the village of Zub near Djakovica an ethnic Albanian, Kcira Ndue (32), was shot and killed, while his brother Bekim Ndue was wounded. The police station in the village of Rznic near Decani was sprayed with gunfire.

Sept. 2: At 10:55 p.m. Ljimon Krasnici, an ethnic Albanian denounced by the KLA terrorists as a "traitor," was killed in his home.

Sept. 12: A dozen attacks were carried out on police stations in the municipalities of Pec, Glogovc, Decani, and Djakovica around 11 p.m. No one was injured.

Sept. 13: Around 10 p.m. a hand grenade was hurled at the police station in Luzano, near Podujevo.

Sept. 14: A hand grenade was hurled at the police station in Kijevo, near Klina.

Sept. 23: Around 11 a.m. in the vicinity of the village of Kijevo, the KLA opened fire on a motorized police patrol. Milan Stanojevic, the commander of the Djakovica Precinct, was in the vehicle. No one was injured.

Oct. 13: The police station in Calopek near Pec was attacked.

Oct. 16: Around 1:30 a.m. there was a terrorist attack on the police station in the village of Klincina, which lies on the road Pec-Pristina. Adrijan Krasnici (25) from Vranovci near Pec died in the ensuing gun battle.

Oct. 17: Around 1 a.m. the residential community Babaloc, located between Decani and Djakovica, where 120 Serbian refugee families who fled from Albania several years ago are situated, was attacked.

Oct. 20: The OVK claimed responsibility for attacks on police stations in Babaloc, Calopek, and

Klincina, as well as police patrols in Gerlica near Urosevac and Balinac near Klina, about which the public had not been informed earlier.

Nov. 18: Around 7 p.m. in the village of Komoran near Glogovc, Camil Gasi, an ethnic Albanian deputy in the Parliament of the Federal Republic of Yugoslavia and the chairman of the Municipal Board of the Socialist Party of Serbia for Glogovc, was

wounded heavily. His driver was wounded as well.

Nov. 25: KLA terrorists held the police station in Srbica surrounded for 15 hours. Around 7 p.m. in Decani, and after midnight in the village of Rznice, two terrorist attacks were carried out in which police officer Dragic Davidovic (32) from Berane was killed, and Ljubisa Ilic from Srbica, also a policeman, was heavily wounded. Bojan Trboljevac from Laposavic, Srdjan Pavlovic (26) from Zubin Potok, and Nedeljko Aksentijevic (30) from Kragujevac all subsequently died from mortal wounds.

Dec. 4: The KLA claimed responsibility for an attack on Pristina-Airport, claiming that it shot down a "Cessna 310" on Nov. 26 killing all five people onboard.

Dec. 15: Around 1 a.m. on the road Srbica-Klina three masked KLA terrorists stopped a convoy of three cars with 16 Serbian civilian passengers. According to the civilians, testimonies, the terrorists—who were armed with machineguns and hand grenades—threatened them with death.

Dec. 19: Around 6 p.m. on the road Klina-Srbica, near the village of Josanica, eight masked and heavily armed KLA terrorists stopped the car of the civilian Milan Sapic from Lazarevac threatening, insulting, and searching his family and him.

Dec. 25: Two terrorist attacks were carried out shortly after 3 p.m. against police officers in the Podujevo municipality: In the village of Zakut a police vehicle was fired on, and in the center of Podujevo explosives devices were hurled at the residential building where police officers live. There were no victims.

1998

Jan. 4: The KLA claimed responsibility for a series of terrorist activities in the Former Yugoslav Republic of Macedonia: planting a bomb in front of the police station in Prilep, which caused no injuries but demolished five cars; attacking the police station in Kuanovo; and attacking the Municipal Court in Gostivar on Dec. 16, 1997.

Jan. 9: Shortly after 8 p.m., Djordje Belic (57) was shot and killed with an automatic weapon at the doorstep of his house in the village of Stepanica near Kijevo. Belic was the head of one of the three remaining Serbian households in that village.

Jan. 12: In the town of Stimlje near Urcsevac, shortly after midnight on the night of Jan. 11-12, there was an armed attack on the building in which seven families of police officers reside. Klina municipality was attacked with automatic weapons.

Jan. 25: on the night of Jan. 24-25, in the town of Malisevo, in the very center KLA terrorists heavily wounded two police officers. During the same night, KLA terrorists attacked the house of the Djuricic family in the village of Grabanica, near Klina in Drenica. Terrorists hurled a bomb at the house of a police officer in Urosevac.

Jan. 26: In the vicinity of the village of Turicevac, which is located between Klina and Srbica, KLA terrorists opened fire using automatic weapons on a helicopter belonging to Serbia's Ministry of Internal Affairs.

Jan. 27: Again in the vicinity of Turicevac, an armed terrorist group stopped Veroslav Vukojcic from Laposavic and his neighbors Radmila and Zvezdana Vukajlovic. They beat them severely. The victims paid the terrorists to let them go—Vukojcic paid 500 German marks, and Vukajlovic paid 850 marks.

Jan. 28: A police patrol which was on its way to Decani to confiscate illegal weapons from the family Tahirsuljaja fell into a trap and was greeted with heavy gunfire from several houses. Nevertheless, the officers managed to arrest seven members of the Tahirsuljaja clan. That evening, KLA terrorists fired at the house of Dragoljub Spasic in the village of Sibovac near Obilic.

Feb. 10: A group of KLA terrorists appeared at a fundraising event for the KLA

in New York City. They received funding from over ISO Albanians attending the event. On that occasion, the KLA terrorists proclaimed that they had killed 50 Serbian police officers and “corrupt” Albanians in 1997.

Feb. 12: In Gornji Obrinj, in front of the village convenience store, Mustafa Kurtaj, an ethnic Albanian who worked at the post office in Glogovac, was shot and killed. He was shot in broad daylight, in front of twenty onlookers, as a warning to others. Prior to this, he had been repeatedly warned by KLA terrorists that they would kill him unless he quit his job at the state-run post office.

Feb. 15: Nik Abdulahu, an ethnic Albanian employee of the Serbia Electric utility, was shot and killed while at work, at the electricity substation in the village of Staro Cikatovo near Glogovac.

Feb. 18: In the night between Feb. 17-18, KLA terrorists collected firearms from ethnic Albanians in Drenica, for whom they suspected that they did not support their cause. Those who did not turn over their weapons were given a deadline to do so, “otherwise,” they were told, “you will be shot.”

Feb. 19: While returning from work, an employee of the state security service of Pristina Nebojsa Cvejic was shot and killed near the village of Luzani. In Podujevo, KLA terrorists hurled bombs at a refugee center housing Serbian civilians who were “ethnically cleansed” from Croatia.

Feb. 20: on the road Srbica-Klina, near the village of Lausi, KLA terrorists shot and killed Milorad Ristic, a private entrepreneur from Djakovica, and heavily wounded truck driver Zdravko Djuricic from Orahovac. On the same day, on the same road, near the village of Josanica KLA terrorists opened fire on another truck, which was being driven by an ethnic Serb. However, an ethnic Albanian hitchhiker from the village of Lausi, who was sitting in the passenger seat and whom the driver had picked up in Klina, was killed by the KLA terrorists’ gunfire. That evening, on the road Klina-Djakovica, KLA terrorists set up a roadblock where they beat up police officer Milenko Kandic.

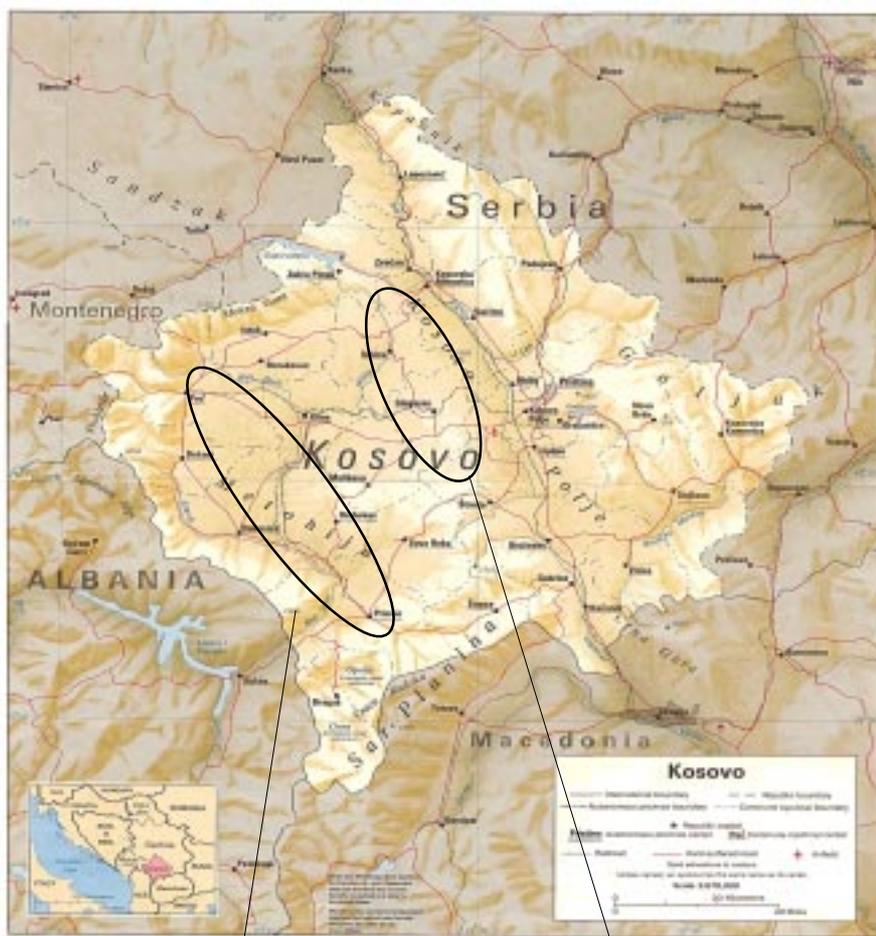
Feb. 22: Ali Raci, an ethnic Albanian working at a Serbian-owned agriculture company, was shot and killed in the village of Dobre Vode at the entrance of the agriculture company. He had refused to give in to the KLA’s earlier warnings and blackmail that he quit his job.

Feb. 26: Using hand grenades and automatic weapons, terrorists attacked Serbian refugees from Albania housed in the refugee camp Babaloc (located on the road Decani-Djakovica) for the third time.

Feb. 27: KLA terrorists attacked the houses in Srbica where Serbian refugees from Croatia are temporarily housed. At monastery Devic, KLA terrorists harassed the head nun for 30 minutes. They ordered her to tell the police that they will all be killed. A KLA warehouse containing 12 kilograms of explosives with clocks, several trunks of shells, and over 20 rocket launchers was discovered in Prizren. Several terrorists were arrested.

Feb. 26: The house of the Culafic family in the village of Donji Ratis (Decani municipality) was bombed. Separately, in a confrontation between police officers and KLA terrorists in Drenica (Glogovac municipality), four police officers were killed: Miroslav Vujkovic, Goran Radojic, Milan Jovanovic, and Radojica Ivanovic. Police officers Pavle Damjanovic and Slavisa Matejevic were heavily wounded. The exact number of terrorists who were ki

AP Kosovo and Metohia



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