

FOCUS

Law and Our Rights

An Eyewitness Revelation

Kosovo – Under an Apartheid Regime

by Bianca Jagger

I don't understand why Mr Richard Holbrooke and his counterparts in Europe continue to see President Milosevic as the guarantor of peace and not as the "Butcher of the Balkans" who should be indicted and brought to justice for war crimes and crimes against humanity committed in Bosnia and for those now being committed in Kosovo.

I went to Kosovo on a fact-finding mission from July 14 to July 23 to investigate violations of international human rights and humanitarian law resulting from the escalation of military and paramilitary operations carried out by the Yugoslav government. I decided to go and see for myself what was happening to the population of ethnic Albanians who live in Kosovo. A BBC crew from Newsnight travelled with me to document my effort.

During my visit I met with President Dr Ibrahim Rugova; with US Envoy Ambassador Chris Hill; Veton Surroi, Editor in chief of Koha Ditore; Kosovo Liberation Army (KLA) commanders, Shaban Shala and Commander Ferri; Albin Kurti, President of the student's union; Gasmend Pula of the Kosovo Helsinki Committee; Dr Pajazit Nuski, President of the council for the defense of human rights and freedom in Pristina; and with the Vice-President and members of the council in Mitrovica. I also met with members of Doctors Without Borders (Médecins sans Frontières); Beatrice Weber, head of the Sub-Delegation of the International Committee of the Red Cross (ICRC); and the vice-president of the Mother Theresa Charitable Health Organization.

The Kosovo province is in the heart of Europe, the size of Wales. Of the 2,000,000 inhabitants, ninety percent are ethnic Albanians who are known as Kosovars, and ten percent are Serbs and other minorities. In 1989 the Serbian government stripped Kosovo of its autonomy. Since then President Milosevic has institutionalized a regime of terror and apartheid against ethnic Albanians. Numerous discriminatory laws, programs, and decisions have been enacted, which have affected all levels of their lives: 32 discriminatory laws were passed and 470 specific unlawful decisions were made. The presidency, the government, and an assembly were suspended. Kosovars were eliminated from the banking system, police and courts. Education, administration, and health care systems were suspended. Kosovars were coerced into accepting a new constitution that returned authority to Serbia. All newspapers and television stations were closed down. Blatant violations of civil and human rights occurred throughout the region. To cope with these severe discriminatory measures the ethnic Albanians of Kosovo were forced to develop their own parallel structures of education, health care and economy.

Discrimination against ethnic Albanians is not new in

Serbia. An except from a 1937 book called The Expulsion of the Albanians by Dr Vaso Cubrilovic makes the point very explicit: "The law must be enforced to the letter, so as to make staying intolerable for the Albanians. At the time when Germany can expel tens of thousands of Jews and Russia can shift millions of people from one part of the continent to another the shifting of a few hundred thousand Albanians will not lead to the outbreak of a world war." This was a prophetic statement indeed!

Fred Abrahams from the Human Rights Watch/Helsinki, testified before the US Congress in November 1997. Since the revocation of Kosovo's autonomy, the human rights abuse against the ethnic Albanians by the Serbian and Yugoslav government has been constant. The names of the victims changed, but the frequency and manner of the beatings, harassment, and political trials remain the same. It is status quo of repression.... The brutality of the policy continues against the population. Tens of thousands have fled Kosovo seeking refuge in Albania, Macedonia, Montenegro, and other places in Europe and Turkey. More than 200,000 people have become internally displaced.

The last offensive by Serb forces started while I was in Kosovo. They describe their offensive as "free Rahovec". What we have been seen has eliminated any doubts that President Milosevic has started a new phase against the population of Kosovo that is sadly reminiscent of the ethnic cleansing tactics used against the people of Bosnia.

The new policy of passive resistance and peaceful demonstration has come to an end.

I have been to Bosnia on many occasions during the war. In Srebrenica I witnessed the aftermath of the horrors of the worst massacre of European soil since the holocaust. The stories of Kosovo are hauntingly familiar. The same perpetrators: different victims. President Slobodan Milosevic and his military and paramilitary forces are using the same brutal tactics against ethnic Albanians.

Judge Luisa Arbour, chief prosecutor of the International War Crimes Tribunal for the Former Yugoslavia (ICTY) was quoted as saying: "Evidence strongly suggests that war crimes are being committed — including arbitrary and indiscriminate attacks against civilians and summary executions of detainees."

The Serb forces had the audacity to use two Dutch tanks, stolen from the UN Dutch battalion during the Srebrenica massacre, in March against the people of Prekaz. Ethnic cleans-

ing is happening all over again.

Policy makers of the Contact Group, the United States and European governments have failed to learn the lessons of Bosnia. It is all rhetoric and no action while innocent civilians are being massacred. They have outlined a scenario which does not reflect the realities and conditions the people of Kosovo are facing. I don't understand why Mr Richard Holbrooke and his counterparts in Europe continue to see President Milosevic as the guarantor of peace and not as the "Butcher of the Balkans" who should be indicted and brought to justice for war crimes and crimes against humanity committed in Bosnia and for those now being committed in Kosovo.

Many villages throughout Kosovo have been attacked by Serb forces which have used missiles, helicopter gunships disguised with Red Cross insignia, heavy artillery canons, rocket-propelled grenades, armored vehicles with machine-guns, and mortar rounds. On the 25th of May, the Serb forces succeeded in creating a "buffer zone", empty of ethnic Albanians, which extends from the border region all the way to the village of Decan.

The new military and paramilitary offensive against Kosovo, food, medicine and other humanitarian assistance have been prevented from reaching the civilian populations. Tens of thousands have fled Kosovo seeking refuge in Albania, Macedonia, Montenegro, and other places in Europe and Turkey. More than 200,000 people have become internally displaced.

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Summary executions, torture and ill-treatment by police, death in police custody and unfair trials of political prisoners, total impunity for these and other violations of basic human rights in Kosovo must be counted as one of the main sources of frustration and anger which has convinced the majority of ethnic Albanians that there is no other alternative but to fight for independence. They no longer believe that non-violent resistance is the answer. People in Kosovo often said to me that if the international community had supported their struggle two years ago, even one year ago, maybe violence could have been averted. They believe the international community failed them like they failed the Bosnians.

In order to understand the Kosovar's faith in the effectiveness of non-violent methods, optimism about the prospect of independence and belief in the imminent and widespread support they will receive from the international community, one has to remember the international political climate in which these attitudes were born. In 1989 radical political change through non-violent means seemed eminently possible: the Berlin Wall fell; in Poland, the strictly non-violent Solidarity enjoyed worldwide support and brought down the totalitarian Communist rule; a dissident writer Vaclav Havel became president of Czechoslovakia; previously dependent territories such as the Baltic states were recovering independence and even imposing their own language on their former master. At the time, the

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