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One Hundred Fifteenth Congress
U.S. House of Representatives
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 20515
www.foreignaffairs.house.gov

December 21, 2018

The Honorable Michael Pompeo
Secretary
U.S. Department of State
2201 C St NW
Washington, DC 20520

Dear Mr. Secretary:

On December 18, the Administration designated Goran "Guri" Radosavljevic and members of his family due to his involvement in gross human-rights violations during the 1998-1999 Kosovo War. Radosavljevic has long been a primary suspect in the state-sponsored murder of three American citizens, the Bytyqi brothers, and other war crimes during this period. This important designation, coming nearly 20 years after the war's end, is a turning point in the Bytyqi family's campaign for justice and hopefully the first step of a new effort to ensure that Serbia is held accountable for war crimes and crimes against humanity committed during the conflict.

The Bytyqi brothers were brutally murdered in 1999 while escorting a Roma family from Kosovo into Serbia. Sadly, their killings were far from the only horrors at the hands of the Milosevic regime against the people of Kosovo. Thousands of civilians were killed, tens of thousands raped, and hundreds of thousands forcibly expelled by Serbian troops. Although the facts are largely known, almost no one has been brought to justice in Serbia for these war crimes – even though, in many cases, evidence indicates that orders came straight from the top. This is deeply disturbing.

One prominent 2017 report by the Belgrade-based Humanitarian Law Centre (HLC) elaborates:

Since 2001, mass graves containing the bodies of 941 Kosovo Albanians, mainly civilians killed outside combat situations in Kosovo during 1999, have been found on four locations in Serbia... The evidence corroborated that the decision to conceal evidence of crimes committed was planned as early as March 1999 at the highest level of the government, and indicated that members of both departments of the Serbian MUP

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(State Security Department and Public Security Department) and the Yugoslav Army's departments in charge of "clearing up the terrain" were involved in it.

The HLC dossier may only scratch the surface of what remains to be investigated. Therefore, we urge you to take the following steps in the new year.

First, post-conflict justice issues must be a central part of our dialogue with Belgrade. Though Serbia faced the International Criminal Tribunal for the former Yugoslavia (ICTY) for its conduct in Bosnia, no parallel tribunal was established for the Kosovo conflict. Serbia is an important country in the Western Balkans and needs to be part of a Europe, whole and free. But we fear Serbia will never realize this goal if it does not accept responsibility for its war-time conduct.

Second, we ask that you work with our European allies on this matter as part of Serbia's European Union (EU) accession process. Serbia should not advance in the EU accession process so long as Serbian war criminals remain free. To put the terrible history of Kosovo war firmly behind us, victims of Serbian crimes must first have justice. Failure to do so only leaves the door open for more strife and discord in the region.

Finally, while Serbia faces little to no legal jeopardy for war crimes in Kosovo, a 'Special Court' has been established in Kosovo itself to prosecute members of the Kosovo Liberation Army (KLA) who may have committed illegal acts. We believe that anyone in Kosovo who committed war crimes should be held accountable, but we feel it is important to recall two key facts: The Milosevic-led military, police, and intelligence services committed the vast majority of the crimes during in the Kosovo War. And the statute that created the court rightfully does not specify that only ethnic Albanians or KLA members can be prosecuted. On the contrary, the law is properly ethnically neutral. Thus, if the Court only indicts people of Albanian heritage, it will be seen as an ethnic court, which will seriously stain its perceived fairness in any future actions it might take. We will closely monitor the Special Court's work to see that it scrupulously avoids ethnic targeting in its prosecution.

Again, we would like to reiterate our gratitude and support for the decision to designate Goran Radosavljevic and his family as complicit in the murders of the Bytyqi Brothers. Thank you for considering our thoughts on seeing justice served in Serbia and Kosovo.

Sincerely,



ELIOT L. ENGEL
Ranking Member
House Foreign Affairs Committee



LEE ZELDIN
Member of Congress