

## Testimony of Ilir Bytyqi, April 30, 2019

Chairman Engel, Ranking Member McCaul and Members of the Committee, thank you for hosting this important hearing and inviting me to testify. My parents regret not being able to make it here today. They are currently visiting family and friends in Kosovo for the next few weeks.

My name is Ilir Bytyqi. On behalf of my family and other victims of war crimes committed during the Kosovo war, I'm here to offer you and the world one simple message. Victims cannot be ignored. If you want lasting peace in the Balkans, we cannot be ignored. If you want Serbia and Kosovo to come to an agreement that has widespread and deep support, we cannot be ignored. If you want leaders to stop pitting one group against the other, we cannot be ignored. If you want tens of thousands families who were victimized by war crimes in Kosovo to find closure and peace, we cannot be ignored. And if all you want is simply the truth, we cannot be ignored.

As I hope to make clear today, the United States, the European Union, Serbia, and Kosovo have much more to do in these respects. This history is still being written. This Committee can help shape its course.

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I come from a big American-Albanian immigrant family in New York. I grew up between the United States and Kosovo with a lot of siblings, including my brothers Fatose, Ylli, Agron, and Mehmet. Except for Fatose, all of us were born here in the United States, just outside of Chicago. My family later moved to Long Island, New York many years ago.

Growing up, me and my brothers, we liked to play soccer, basketball, and do normal things as kids. We were very close as a family. One for all, all for one. We had a good life and loving parents. Six boys in New York – Imagine the headaches we gave my mother.

In the late nineties, we started hearing about what was happening in Kosovo. We knew things had been bad for some time. Serbian officials harassing my family caused us to come to America in the first place. In Kosovo, there was no opportunity and no fairness if you were Albanian. My father and many others were passed up for jobs and opportunities even though they were better educated and more qualified than many of their Serbian colleagues.

But in the late 1990's, we were devastated to see the images of our friends and family being expelled from their homes and murdered in their villages. We worried ourselves sick, thinking about my mother, sister, and brother Fatose, who were in Kosovo at the time. Luckily, one of their neighbors – a Roma family – really helped them out. Our Roma neighbors helped shelter and protect them when Serbs were coming through Prizren. But eventually, my mother, sister, and Fatose were expelled from their homes and joined a long march to Albania.

Around this time, we got word from the American-Albanian community in New York that people were going over to fight against President Milosevic's barbaric campaign of ethnic cleansing. They were going to protect our families and our friends in Kosovo – a mission that the United States strongly supported. My brothers and I sat down and had a difficult conversation with my dad. We

wanted to go too. There was no fear, just determination. But we knew that somebody had to stay behind just in case. We drew sticks and I got the short end, twice.

Ylli, Agron, and Mehmet went without hesitation. They weren't scared. There was nothing stopping them. The last thing I told them, was "be safe, you know, I expect you guys to come home".

Towards the end of the war, my brothers decided to stay in Kosovo and help with the rebuilding efforts. But times had changed and the Roma family that had protected my mother now needed protection of their own. Families like theirs were now being threatened by Albanians, who thought Roma had worked with Serbs during the war. So, my mother asked my brothers to help their neighbors. Ylli, Agron, and Mehmet agreed to escort the family to the Serbian border, where they would be safer. But the border markings were poor and they were eventually arrested for crossing an unmarked border. A judge sentenced them to two weeks in jail for illegally entering the former Yugoslavia. At the end of the two weeks, the judge ordered their release. But we never saw them again.

My mom and Fatose were trying to get in touch with them, but there was no way of getting in touch. It was hell. It was a very desperate time for us. I was there myself a few times and met with Serbian officials. They told us that they would be fine, they're just in prison probably and they'll be released. They assured us there was nothing to worry about.

Later, we found out that Serbian police had come in unmarked cars and in plain clothes and kidnapped my brothers. They took them to the other side of Serbia - to Petrovo Selo, where these same units had recently dug a mass grave. Petrovo Selo was then run by Lieutenant-Colonel Goran Radosavljevic. Two years later, their bodies were found on top of that mass grave with their hands tied behind their backs and bullet holes through the back of their heads.

These kidnappings were ordered from the very top of the Serbian government. All people involved have admitted that the Minister of Interior ordered his assistant minister, Vlastimir Dordevic, to take my brothers to Petrovo Selo. They all knew what was going to happen next. These same people had used Petrovo Selo to cover-up seventy-five war-crime murders in a mass grave just a few weeks before. My brothers were sent to this killing ground because they were Albanians. They were also sent there because they were Americans.

This has shattered my family. We will never celebrate their birthdays or celebrate their marriage. I will never be able to be uncle to their kids. It's like a glass when it shatters. You try to put it together, but it'll never be the same.

For the past twenty years, my brother Fatose and I have been fighting for justice because the Serbian government won't. All of these facts have been known to the Serbian government for some time. Vlastimir Dordevic and Goran Radosavljevic, nicknamed "Guri", and others were each directly in the chain of command that ordered my brothers murders. In 2015, then Prime Minister Aleksandar Vucic admitted as much. He looked my brother Fatose in the eye and said in no uncertain matter, "In my mind, only two people are responsible for these murders – Guri and [one other individual]" This is not some unsolved mystery. It is simply a matter of will. Then as Prime Minister and now as President, Aleksandar Vucic protects war criminals. He has done so for almost his entire political career and he

is doing it again now. For five years now, he has promised us, U.S. officials, and members of this Committee, that he would resolve the case. Instead, he is protecting people who murdered three American citizens.

President Vucic has no shame about this. Goran Radosavljevic has been one of his close advisors and on the Executive Board of the SNS political party that Vucic leads. When US Ambassador Kyle Scott and Fatose Bytyqi questioned this close relationship, President Vucic responded: “You should be ashamed of yourself, what do you think, that I will allow someone to kick me in the head?” Earlier this year, some of the members of this Committee confronted President Vucic in Munich about my family’s case. President Vucic bragged then and later to the media that he told you that NATO officials should be extradited to Serbia, not Goran Radosavljevic. The message is clear. Radosavljević is off-limits.

This is a systemic problem in Serbia. Vucic and the SNS-led government have similarly and consistently attempted to rehabilitate and protect war criminals, creating a political culture that intimidates witnesses and victims. For example:

- Media and tabloids, which remain tightly manipulated and controlled by President Vucic and the government, remain “ethnically biased” when reporting on war crimes.
- SNS parliamentarians accused the Serbian War Crimes Prosecutor of “espionage” for sharing information about the Bytyqi case with the US Embassy in Belgrade.
- Then Prime Minister Vucić, President Nikolić, and Foreign Minister Dacić’s falsely accused the Humanitarian Law Center of trying to “bring down” the government and country for accusing the former Army Chief of Staff of war crimes.
- Convicted war criminals are regularly given a hero’s welcome when exiting ICTY prisons, including one that subsequently went on to teach in a military academy.
- There are even attempts to rehabilitate Slobodan Milosevic, whom President Vucic recently called a “great” leader.

Under such circumstance, no witnesses will come forward and truthfully testify in cases like my brothers’. As former Serbian War Crimes Prosecutor Vladimir Vukcević said of the Bytyqi case, “witnesses are terrified”.

Despite the requirements of EU accession, the Serbian government has also shown no intention of curing these problems. It is similarly content with a failing and sometimes corrupt Office of the War Crimes Prosecutor (“OWCP”), one that has enabled the government’s protection of suspects in the Bytyqi case.

First, the office is neither professional nor competent to properly investigate its own cases. Since adoption of the government’s 2016 National Strategy for the Processing of War Crimes, the Humanitarian Law Center in Belgrade says that there had been no tangible progress with respect to war crimes prosecutions. Of the fifteen indictments issued since the adoption of that strategy, only three indictment were the result of an investigation conducted by Serbian prosecutors; the rest resulted from complete case files transferred from the OWCP of Bosnia and Herzegovina. Indictments are regularly returned by the courts for being insufficiently pled.

Second, the office only indicts uncomplicated cases, involving one or two victims and low-level suspects, and direct perpetrators. Superior officers are shielded from scrutiny.

Numerous organizations and institutions have similarly pointed out the Serbia does not adequately

investigate and prosecute mid-ranking or high-ranking war crimes suspects. Human Rights Watch, Amnesty International, the Humanitarian Law Center, the European Commission, the European Parliament, and others have each noted this deficit. Each have also pointed other systemic problems, like the low number of original indictments Serbian prosecutors are able to bring.

Third, the government and prosecutors are not serious about using the OWCP in a neutral and effective manner. The position at the head of the OWCP was recently left vacant for eighteen months. When Serbia's parliament finally elected a new chief prosecutor, the candidate won based on a pledge to prioritize cases of Serbian victims.

Fourth, in the Bytyqi case, the OWCP and other authorities allegedly cooperated directly with Goran Radosavljević during previous investigations into the case, never interviewing him as a suspect – only as a potential witness.

These and many other problems illustrate Serbia's basic lack of effort and will to resolve war crimes.

Mr. Chairmen, this includes a related issue that I know you care deeply about; There are still over 1,300 missing persons from the war, many of whom have not been found because of callous cover-up operations that occurred at the end of the war. Vlastimir Dordevic, Goran Radosaljevic and others main suspects in the Bytyqi case had principal responsibility over many of these cover-up operations. They need to answer for such crimes as well. To date, Serbia has not prosecuted a single person for these cover-up operations. Unlocking the vault of impunity in the Bytyqi case will not only help bring closure for my family and right a wrong being perpetrated against the United States itself, it may also help bring closure to hundreds of other families still searching for answers about their loved ones.

The good news is that there are concrete things that the Congress, the European Union, Serbia and even Kosovo can do to help these causes.

First, I urge you and the House of Representatives and Senate to do the following:

- 1) Pass H.Con.Res. 32, a resolution regarding the case that was recently introduced by Rep. Lee Zeldin, Chairman Engel, and Rep. Grace Meng. When it passed this Committee last Summer, it was reported on in Serbia for four days and drew comments from the Foreign and Justice Ministers. When the Congress speaks, Serbia listens.
- 2) Make sure your European Union counterparts do not soft-peddle this issue. As you know, Serbia is currently in the midst of their EU-accession process. To date, accountability for war crimes has been a third or even fourth-tier issue in Serbia's accession process. Serbia has been allowed to open the relevant chapters just by making empty promises instead of proving that they can do better. This has to stop.
- 3) Consider legislative fixes to give the President and families like mine more tools to pursue justice in cases where Americans are killed without due process. Unfortunately, my brothers are not the only Americans who have been murdered by foreign governments. You only have to read the newspapers to know about other high-profile cases. Our advocates at Pretrial Rights International have forwarded a legislative proposal to some of your offices regarding this issue and would be happy to share it with any other member of this Committee.

Second, I urge the European Union to do one simple thing – start prioritizing accountability for war crimes during both Serbia's accession process and during the related dialogue between Pristina and Belgrade. There are a number of ways to do this:

- 1) Mr. Chairman, we strongly support your calls to not allow Serbia to enter the EU until it cleans up its act. Serbia should not be allowed to enter the EU until it proves that it can and will competently prosecute mid-ranking and high-ranking war criminals and those responsible for the cover-up operations.

One small example will tell you why. One of the most talked about battles in Serbia and 2) Kosovo is not actually from 1999 or even 1989. It is from 1389 – the Battle of Kosovo. Memories in the Balkans are very long. If a 630 year old battle is still a hot subject, don't think that crimes committed just twenty years ago will so easily fade from memory. Any push to normalize relations between Kosovo and Serbia must not overlook thorny issues, like war crimes accountability, in favor of expedient agreements.

- 2) Additionally, the international community has taken creative approaches in working with other countries in the region that have similarly faced problems with witness intimidation, such as locating trials outside of a country's borders. It is now time for the EU, United States, and other international partners to consider similar options for Serbia.
- 3) Finally, the EU should not shy away from difficult but related issues, like justice sector cooperation between Serbia and Kosovo. Like other countries in the region, both countries need to cooperate on all types of cross-border criminal investigations, including organized crime and war crimes. The EU should make sure that they have agreements in place to allow such cooperation to happen.

To Serbian leaders, I urge you to change course. Although there have been some better moments, Serbia has been on a long march to trivializing war crimes and rehabilitating war criminals. There is no shame in facing up to one's past – only honor. Many Serbs know this and fight through constant threat and against great political odds to make their country better. Organizations like the Humanitarian Law Center, the Youth Initiative for Human Rights are all heroes and patriots. So too are independent journalists like those at BIRN and the recently departed Dejan Anastasijevic. Until Serbian political leaders support them and otherwise honestly confront Serbia's past, Serbia will never move forward to become the great nation that we all know and hope it can be.

Finally, I urge the government of Kosovo to step up its efforts to ensure that justice for victims is a priority. The Kosovo government can do much more to support victims. We are truly grateful for the many recognitions that the government has bestowed upon my brothers and family and other war crime victims. But the Kosovo government can take swift and tangible actions to ensure justice. This includes making war crimes accountability in Serbia and regional cooperation in war crimes cases a frontline issue in its dialogue with Serbia. As a sovereign nation, Kosovo has the right to take real action in these cases

We urge you and the international community to start prioritizing these issues. Thank you for considering my testimony.