

nation. While he will be missed by the men and women of good will in my community and beyond, I will join my constituents in celebrating the wonderful gift of his life at the funeral services this Monday, March 11, 2002 at Glendale Baptist Church. We will honor and thank God for sending Rev. Coats to grace our paths and take up our struggles at a time when we most needed him.

My pride in sharing his friendship is only exceeded by my eternal gratitude for all that he has sacrificed on our behalf. This is the magnificent legacy by which we will honor his memory.

IN HONOR OF JUSTICE HUGH J.
O'FLAHERTY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. KUCINICH. Mr. Speaker, I rise today to recognize former member of the Supreme Court of Ireland, Justice Hugh J. O'Flaherty as an honored guest to our country and to welcome him to celebrate St. Patrick's day with the Cleveland law firm, Collins & Scanlon. Justice O'Flaherty displayed integrity, character, and intelligence throughout his nine year tenure on the Court. We are fortunate to have him visit our country and share his knowledge.

Hugh J. O'Flaherty, was born in Killarney, County Kerry, Ireland. He studied law at the University College in Dublin. He was called to the Bar of Ireland in 1959 and became senior counsel in 1974. In 1990 Mr. O'Flaherty was appointed to the Supreme Court of Ireland. The court holds jurisdiction similar to the Supreme Court of the United States. Justice O'Flaherty carried out his duties with sound judgement and expertise. He has shared his wisdom by lecturing at the law schools at Fordham University and Duquesne University and by addressing numerous bar conferences in the United States as well as Australia.

I ask my colleagues to join me in rising to honor this truly remarkable individual for his distinguished years of service to Ireland's judicial system.

OPPOSING CERTIFICATION OF
SERBIA

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. ENGEL. Mr. Speaker, I rise to express my opposition to certification of Serbia to receive U.S. assistance. Belgrade has not met the conditions included in the law by Senator MITCH MCCONNELL and does not deserve to be certified by President Bush. As my colleagues are aware, certification must take place by March 31, 2002.

Until Serbia releases all of the Albanian prisoners under its control, stops funding parallel institutions in Bosnia and Kosovo, protects minority rights and the rule of law, and fully cooperates with the International Criminal Tribunal for the former Yugoslavia, it should not be certified to receive assistance from the

United States. While I look forward to the day when Belgrade is a constructive and cooperative player in the Balkans, the President must apply the standards Congress has laid down in law and deny certification.

In support of this position I include a letter from Richard Lukaj, Chairman of the Board of the National Albanian American Council, in the CONGRESSIONAL RECORD.

March 17, 2002.

DEAR SENATOR/REPRESENTATIVE: On March 31, 2002, the United States Congress will consider Serbia's eligibility for continued U.S. donor assistance. The National Albanian American Council would like to share with you some of its concerns, as well as point out Serbia's failure to fulfill any of the conditions posed by Congress last year.

According to Congress's decision, financial assistance to Serbia will continue after March 31, 2002 only if the President has made the determination and certification that Serbia is:

Cooperating with the International Criminal Tribunal for the former Yugoslavia including access for investigators, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension;

Taking steps to implement policies which reflect a respect for minority rights and the rule of law, including the release of political prisoners from Serbian jails and prisons, and

Taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions.

A quick overview of these conditions indicates that Serbia and the Federal Republic of Yugoslavia (FRY) have failed to comply with any of them, and moreover, they have engaged in additional actions that run counter to Congress' intent and the administration's efforts to bring peace and stability to the region.

COOPERATION WITH THE INTERNATIONAL
CRIMINAL TRIBUNAL

The trial of former Yugoslav dictator Slobodan Milosevic at the ICTY raised the hopes of many in the Balkans that the victims of war crimes will finally see justice being served. However, while the new Serbian government extradited Milosevic to The Hague at the last moment in a clear attempt to get financial support, it is doing disappointingly little to cooperate with the ICTY in the arrest of other indicted war criminals. Just last month, the Tribunal's Chief Prosecutor, Carla Del Ponte, labeled Yugoslav president Vojislav Kostunica as the "chief obstacle" to cooperation and denounced his direct complicity in the efforts to protect Ratko Mladic, the Bosnian Serb general wanted by ICTY for masterminding and executing some of the most heinous crimes against humanity during the Bosnian war. Recently, the Serbian Prime Minister Zoran Djindjic emphatically stated that his government would make no efforts whatsoever to apprehend Mladic.

In addition, four other Milosevic associates wanted for war crimes committed in Kosovo remain free men and actively engage in high governmental or military positions. One of the indicted war criminals, Milan Milutinovic, maintains his post as president of Serbia, while Dragoljub Ojdanic, the former Chief of Staff of the Yugoslav Army, continues to hold a high ranking post within the Yugoslav Army. On March 9th, Kostunica's party, a key member of the ruling alliance, refused to endorse a draft law on cooperation with the UN Hague Tribunal. Moreover, both Kostunica and Djindjic, rather than seizing the opportunity presented by

Milosevic's trial to initiate a debate within Serbia on the issue of war crimes, have instead made statements denouncing the Tribunal as the "last hole on the flute," thus seriously undermining its legitimacy and credibility in the eyes of the Serbian public.

These and additional facts are mentioned in the recently published human rights report by the U.S. Department of State. The report forthrightly notes that "[w]ith the exception of the transfer of Slobodan Milosevic and a few other war criminals, the Government's cooperation with the Yugoslav War Crimes Tribunal (ICTY) decreased significantly during the year. [. . .] [A]t year's end, several indictees remained at liberty, and, in at least one case, still in an official position in Serbia." The report further states that the FRY government "has been uncooperative in requests for documents regarding crimes committed by Serbs against other ethnic groups, and in arranging interviews with official and nongovernmental witnesses."

Clearly, the post-Milosevic governments of Serbia and Yugoslavia are failing utterly in keeping their international commitments for cooperating with the ICTY. The Secretary of State should use the upcoming March 31 cut-off date for U.S. assistance to the FRY government to press for full cooperation by the FRY government with the ICTY. The administration, too, should signal to Belgrade and beyond that it values international justice, and overcome perceptions that it does not fully support the tribunal's work.

RELEASE OF ALBANIAN POLITICAL PRISONERS
FROM JAILS AND PRISONS AND THE RULE OF
LAW

Despite Congress' unequivocal language and the pressure from the international community, Serbia continues to hold hostage 157 Kosovar Albanian prisoners, rounded up and transported to Serbia during the withdrawal of Serb forces from Kosovo in 1999. These prisoners were tried in artificially created courts, tortured brutally, and forced to make false confessions under extreme duress. While President Kostunica frequently claims his respect for the rule of law, he has too easily overlooked many of the legal discrepancies involved in the cases of the Albanian prisoners. To date, Mr. Kostunica has overturned just two cases and this only after direct intervention by leading political figures of the international community.

The recently published human rights report by the U.S. Department of State also has indicated Serbia's failure to adequately address the issue of these prisoners, alongside a host of other problems in its treatment of minority populations. We could not agree more with what Senator Helms stated in the floor debate last year: "Each day Belgrade keeps people like Albin Kurti, Isljam Taci, Berisa Petrit, and Sulejman Bitici [Albanian political prisoners] locked behind bars is another day that Belgrade has continued the horrors and injustice of the Milosevic regime. And this is totally unacceptable." The United States Congress, as well as the international community, should condemn any attempt by the Serb and FRY authorities to continue to use these Albanian prisoners as hostages, should resist the temptation to equate them with ordinary convicted criminals, and should ask for their immediate and unconditional release.

Furthermore, the reality of today's Serbia and FRY is very far from our country's notions of the rule of law. Aside rampant corruption and organized crime, the government and the justice system in Serbia and FRY not only are failing to bring about any resemblance of rule of law and justice in their