

# Kosovo Before the Bombs: Evidence from Internal German Documents

translated by Eric Canepa

*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.*

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: 514-516.80/32 426):

"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-Württemberg, 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 Lüneberg 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 Münster, 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 Münster, March 11, 1999 (Az: 13A 3894/94.A):

"Ethnic Albanians in Kosovo have neither been nor are now exposed to regional or countrywide group persecution in the Federal Republic of Yugoslavia." (Thesis 1)

## ANN ARBOR AREA GROUPS ORGANIZING AGAINST THE BOMBINGS

**NO WAY (No War Against Yugoslavia)**

**Meets Sundays 3pm  
2271 Angell Hall  
University of Michigan**

**write noway@umich.edu  
or call 763-3491**

**STUDENTS 4 PEACE**

**write students4peace@umich.edu  
or visit <http://websites.si.umich.edu/Kosovo>**