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Spotlight



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KOSOVO

HUMAN RIGHTS IN TIMES OF ARMED CONFLICT

Three incidents in the period between 28 February and 24 March 1998 in which some 80 Kosovo Albanians were killed by Serbian police, had a direct impact on the outbreak of the armed conflict in Kosovo. Fighting between military-police forces of FR Yugoslavia, with the exception of the Montenegrin police force, and armed formations of Kosovo Albanians has since then occurred daily. As a result of the police operations in the villages of Likošane and Ćirez on 28 February and March 1, in Donji Prekaz on 5-6 March, and the clash in Glodjane between Serbian police and armed villagers on 24 March, the rural population is en masse joining the Liberation Army of Kosovo.

The first armed attack on a police patrol in Kosovo took place in June 1996. By the end of February 1998, the Serbian media had reported 60 assaults on members of the Serbian police force and police facilities in the region, 20 on ethnic Albanians employed in Serbian government agencies or state-owned companies or members of the ruling Socialist Party of Serbia, and 11 on Serbs and Montenegrins. The Liberation Army of Kosovo claimed responsibility for the majority of these attacks in which, according to the Belgrade pro-government daily Politika, nine police officers, 18 Albanians and 4 Serbs were killed.

Following attacks on police patrols, Serbian police as a rule appeared in force in ethnic Albanian villages to search for weapons. Numerous human rights violations were registered in such situations or in connection with them, including hostage-taking, torture, battery, degrading treatment and trials that did not meet even the minimum requirements of due process and ended with the handing down of long prison sentences. In 1997, the Committee for the Defense of Human Rights in Priština registered 854 cases of human rights violations during weapons searches, and 80 such cases in January 1998.

Information from both Serb and Albanian sources indicates an upsurge in violence in the first five months of 1998. According to the pro-government Media Center in Priština, 256 "acts of terrorism" took place in Kosovo in the period, in which 25 civilians and 14 police officers died and 14 Serbs disappeared. The Committee for the Defense of Human Rights reported that "Serb forces killed and massacred at least 209 Albanians" in the same period.

This HLC report is based on the statements of 62 witnesses of the violence by the Serbian police forces and seven witnesses of the violence by armed formations of Kosovo Albanians from 28 February to 22 April 1998 in the villages of Likošane, Ćirez, Donji Prekaz and Glodjane.

I. POLICE OPERATION IN ĆIREZ AND LIKOŠANE

28 February - 1 March 1998

Serbian police forces carried out an armed operation in Likošane and Ćirez villages on 28 February and 1 March. Twenty-six Albanians were killed, including a minor and two women. At least 12 persons were killed after being arrested. A statement released by the Serbian Ministry of Internal Affairs said 16 "Albanian separatists" were killed in the

operation undertaken in response to attacks on police patrols, and that four police officers were killed and two wounded in "several synchronized terrorist attacks."

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1. EXECUTION OF MALE MEMBERS OF THE AHMETI FAMILY

The Ahmeti family was gathered in the guest room of their home in Likošane. At about 11 a.m., they heard gunfire in the village. Dinore Ahmeti (76), mother of Ahmet Ahmeti, the oldest man in the family, advised the men to flee. They replied there was no reason why they should run. Ahmeti's wife, Šahe (49) describes the events on the family's property:

Ahmet said he didn't see why they should flee because there were no weapons in the house nor had anyone done something to put the family in danger. So we stayed in the house and waited. At about 3.30 in the afternoon, an armored car broke through the gate and came into the yard. The police started banging up the tractor and car. Then they broke the window panes and ordered everyone to get outside and lie down on the ground.

The descriptions by Dinore and Šahe Ahmeti, given in separate interviews, of what happened after the family came out of the house are identical. Four uniformed men, some in blue uniforms and some in greenish camouflage fatigues, kicked and beat with rifle butts each of the Ahmeti men. The women and children were also on the ground; they were not beaten. Šahe Ahmeti describes what happened:

While some of the police beat the men outside, others searched the house. I didn't dare lift my head, I had to lie face down. I only heard the screams of the men and the children crying. I don't know how long it lasted because I had lost track of the time. Then they put the men in an armored car. The women and children stayed on the ground. The police who stayed, and there was a lot of them, held their automatic rifles aimed at us. They kept ordering the children to stop crying.

The uniformed men stayed on the Ahmeti property all night. They helped themselves to food and drink from the house and whiled away the time by playing soccer in the yard. The surviving members of the family allege that 50,000 Swiss francs went missing at this time. Šahe Ahmeti says fresh police forces arrived the next morning at about 6.30 (1 March) and shelled the neighboring village of Ćirez from the Ahmeti yard.

All the male members of the Ahmeti family were killed after being led out of the yard: Ahmet (49), Gani (46), Eljmi (44), Driton (24), Naim (22), Šemsi (19), Lumni (19), Basri (18), Eljhami (16) and Hamza. Behram Fazliu from Gradica village, who was visiting with the Ahmetis at the time, was also killed. HLC researchers toured the Ahmeti property on 2 March and saw on a wall the words "This is what will happen next time too," scrawled with a piece of brick.

Muhamet Djelji (70) and Naser Djelji, next-door neighbors of the Ahmetis, were also killed. No other houses in Likošane were attacked.

2. A PREGNANT WOMAN AMONG THOSE KILLED IN ĆIREZ

The police operation in Ćirez, separated from Likošane by a small valley, started some 20 minutes after the operation in Likošane was launched, and lasted until the early afternoon

on 1 March. Several witnesses confirmed to the HLC that two helicopters and several dozen armored carriers were involved.

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Rukije Nebiu, in an advanced stage of pregnancy, was killed in the house of Sefer Nebiu (55) soon after an armored carrier burst into the yard and Sefer Nebiu was wounded by shots through the broken window:

"What happened; are you alive?" cried my daughter-in-law when she saw the blood on me. Three policemen barged into the room. They killed Rukije straight away, shooting her in the head with automatic rifles. Then they looked at my son Djemšir and asked me who he was. I said he was my son and the policemen emptied a whole magazine into him. They dragged me wounded out of the house and took me to the two-story house in another part of the yard. They ordered me to call my son Zahir to come out. When he did, the police ordered him to lie down. They ordered me to go inside first, in case somebody started shooting at them. They searched my sons' rooms and we went back into the yard.

Sefer Nebiu was then taken to a third house in the yard, in which there were about 20 women and children. They were ordered to come out and to lie down while the police searched the house. Four hours later, Sefer says, a police officer came and told his colleagues standing guard over the family to "Mow them all down!" One of the officers replied only women and children were there and that he could not do anything like that.

Later that day, police killed another son of Sefer Nebiu, Ilir, in circumstances not known to the father. Two more villagers, Redžep Redžepi and his nephew Bećir Redžepi, and Šaban Muja from the village of Baks in Srbica Township, were also killed. Information collected by the HLC indicates that Ibiš Rama and Ismail Bahrami, two local cigarette sellers, were intercepted by police after leaving a warehouse where they regularly obtained their supplies and in which they had concealed themselves during the clash. The police ordered Rama and Bahrami into their vehicle. Their bodies were subsequently identified among those buried on 3 March on a hillside between Ćirez and Likošane.

According to the statement of Abide Sejdiu (66), her four sons - Bećir (27), Bekim (23) and the 24-year-old twins Nazmi and Bedri - were killed after police led them from the house into the yard:

While a group of policemen was searching the house, another group beat my sons outside. When they started on Bekim, I begged them to stop. But one of them hit me on the head with his rifle butt and knocked me down. A policeman shot and wounded our dog and my son Nazmi tried to unleash the dog. That's when they killed him. Then they killed Bećir and Bedri and when they were going to kill Bekim I begged them, "Leave me at least this son." But they killed him too.

3. TREATMENT OF ELDERLY WOMAN IN POLJAC

Police appeared in Poljac, a village near Ćirez and Likošane, in the afternoon of 28 February. The members of the Zani family fled as soon as they saw them coming but the 75-year-old and sickly Elhame Zani was unable to get away in time. She recounts that police forced her to stay on her knees in a room all night without moving. When she tried to change her position, she received several blows on the back with a nightstick. Elhame tried to escape the next day but was brought back and punished with another blow. The police left her house at about 7.30 in the evening of March 1.

II. POLICE OPERATION IN DONJI PREKAZ

5-6 March 1998

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At least 55 ethnic Albanians were killed in the police operation at Donji Prekaz on 5 and 6 March 1998. They were buried by police on 10 March in Donji Prekaz; no autopsies were performed and the bodies were not formally identified. The next day, relatives disinterred the bodies and reburied them with the heads pointing in the direction of Mecca. It was at this time that relatives and villagers identified 37 bodies: 11 children, seven women and 19 men. Thirty bodies were identified by relatives as members of the extended Jašari family. Eighteen bodies were not identified.

The available evidence and witness statements indicate that there were several instances of extra-judicial executions and arbitrary killings, and that firearms were used against children, women and others who tried to protect themselves by hiding in their homes.

Witness statements indicate also that members of the police force did not identify themselves as such and failed to warn the Donji Prekaz villagers of their intent to use firearms. On two occasions, houses were subjected to long shelling in which several persons died before police called on the people inside to come out. In one of these cases, police officers fired at persons who had surrendered, killing at least two men and wounding several others.

1. THE ATTACK ON THE LJUŠTAKU FAMILY

Serbian police forces were stationed at the Munitions Factory at Srbica before 5 March. Prior to the attack, the nearby village of Donji Prekaz was placed under siege with heavy weapons and tanks. The police operation started at 5:30 a.m. on 5 March with an attack on the homes of the large Ljuštaku family, situated between the Munitions Factory and the Jašari family property.

Many Ljuštakus left the village when their homes came under attack. E. Ljuštaku (38), her six children and another 28 members of the family managed to get out early in the morning:

We saw armored carriers approaching our house. We tried to find somewhere safe for the children. I woke them up and, still undressed, hid them in the bathroom. We had heard that bullets couldn't go through concrete. We left the house at 7:30. We still wonder how we lived through all that shooting. Some people stayed in their houses until the evening; they couldn't get out through the police.

B. Ljuštaku (24), and his family stayed in their house until 10 p.m.:

They started shooting in our street, in which Ljuštaku families live. Infantry in camouflage uniforms moved in. They fired mortars and machine-guns and rocket propelled grenades. At one point, they started to fire from tanks. Snipers took aim from the tower at the Munitions Factory. They didn't let us know they were going to attack. Then the police went in the direction of the Jašari family hamlet. Our family left the village at about 10 that night. We withdrew to the Kodra family hamlet because they live up on the hill and the police tanks couldn't get up there. As we ran we saw them destroy the house of Halit Kadriu. We know that none of the Ljuštaku family were wounded or killed.

H. Ljuštaku (75), another two female members of the family, and many children were among those who fled the village amid the gunfire:

We heard gunfire at about 5:30 in the morning. It would stop for a spell and then start up again from all around. We live close to the Munitions Factory and behind ours are the houses of Šaban Jašari. We didn't know what to do. First we hid the children and then we realized we wouldn't live unless we got out of the house quickly. We went by foot and when we left the village behind, we got on a tractor. There were us three women from the family and many children on the tractor.

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2. THE ATTACK ON THE JAŠARI FAMILY

The 5-6 March incident in the village of Donji Prekaz was presented by the Serbian police and authorities as a clash with the "terrorist gang of Adem Jašari" which, during the police operation aimed at "restoring unhindered communication around Srbica," carried out several attacks on police patrols. According to the police, the "terrorists" barricaded themselves in on the Jašari property and fired at the police with machine-guns, hand launchers, automatic and sniper rifles and carbines and threw hand grenades. Over "20 terrorists" were killed in the clash, the police reported, adding that members of the force observed the law with respect to the rest of the family: they were called upon to surrender and 30 safely left the "terrorist base."

Subsequently, on 11 March, when reporting to the Serbian government, officials of the Ministry of Internal Affairs mentioned the killing of "some members of the Jašari family" and justified it by saying the police had no way of knowing that some Jašaris had remained in the "terrorist base" after being warned to come out.

In connection with the Donji Prekaz incident, the Liberation Army of Kosovo issued a press statement claiming that it fought against military and police forces and Chetnik volunteers during the clash.

The information collected and witness statements indicate a planned assault by police supported by military units on the Jašaris and several other families in the immediate vicinity. It has been established that Šaban Jašari, his wife Zaha (72), the family of their eldest son Rifat who lives in Germany, and their younger sons Hamza and Adem with their respective families were in the house at the time of the attack.

Apart from Besarte, the eleven-year-old daughter of Hamza Jašari, it seems that no other members of the immediate family survived. In an interview with the British reporter Marie Colvin, carried by the Priština Albanian-language daily Koha Ditore on 16 March, Besarte said the shelling went on for hours and that she hid under the slab her mother used to knead dough for bread. The family sheltered in the room they believed was the safest. Shells hit the roof and then the walls of the house. The girl said her uncle Adem sang folk songs "so the family wouldn't lose its faith in life." She remembers that he sang for a long time and, when he fell silent, she wondered why. When the shelling stopped, she saw the bodies of her sisters Lirije, Fatima and Blerina, and her brothers Selvet, Safet and Besim. In the corner was the body of her mother Ferida, "all broken" as she described it to the reporter. The shelling resumed the next morning and lasted until police entered the room where the girl had spent the night. She pretended to be dead but a policeman bent down, put a hand on her chest and felt her heart beating. She was then taken to the Munitions Factory close by the Jašari property.

Besarte was seen there by a relative, E.J. (76), who was brought to the factory together with 16 members of her family two hours later. HLC researchers spoke with E.J. a few days later, at the home of a relative where she had found refuge. She said Besarte was spattered with blood, dirty and screamed and cried incessantly. The girl could not say how

or when her parents and siblings were killed, and talked of a bomb or shell exploding in the house. When the police entered, she refused to be taken outside, screaming that she wanted to stay with her sisters. She told E.J. the police had asked her to point out Adem Jašari and to identify the rest of the family and that she refused.

At the burial in Donji Prekaz on 11 March, at which HLC researchers were present, relatives and villagers identified the bodies of Šaban Jašari, which was missing the right arm and left leg below the knee, his wife Zaha, their son Adem who had a gunshot wound in the neck, his wife Adilje and their son Kuštre (13), the wife of Šaban's son Rifat, Zafire Batir and their daughter Igbale (11), Šaban's son Hamza, his wife Feride Ramadan and their children Elfete (17), Besim (16), Bljerim (12) and Fatuša (8).

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2.1. The 22 January 1998 incident on the Jašari property

The general public heard of the Jašari family and its confrontation with the police after an armed incident on their property on 22 January 1998. Some news media described the incident as a clash between police stationed at the Srbica Munitions Factory and the sons of Šaban Jašari, allegedly members of the Liberation Army of Kosovo. The Serbian Ministry of Internal Affairs, however, denied any police involvement and said the incident was most probably a shoot-out between local gangs over money. In the same statement, the Ministry said several members of the Jašari family were convicted criminals and "Adem Jašari, a fugitive from justice, was sentenced in absentia to 20 years in prison for banditry, armed robbery and other felonies."

A few days after the 22 January incident, HLC researchers were able to hear Šaban Jašari's side of the story:

We switched off the lights at 5:20 a.m. and went to bed after having had our meal (meal before sunrise during the Ramadan period of fasting). We hadn't properly shut our eyes when we heard shooting from all around. We don't know who attacked us or why but it happened all of a sudden. Most of the firing came from the direction of the Munitions Factory, which is only 100 meters from our house. They were probably watching us and when our lights went out, they attacked. I was the only man in the house with the grandchildren and women. I saw uniformed men with caps trying to get into my yard. There were a lot of children in the house; I had to defend myself. Luckily, only two of my granddaughters, Ilirijana and Selveta, were wounded as they tried to get downstairs to help the other children. When I began defending myself and shooting, they couldn't get into my house and pulled back. When the battle between me and them started, my son's friends from the woods came to my help. It lasted for about half an hour. They saw they would have wounded and dead, so they pulled out. We would be dead now if the men from the woods hadn't come to help. They killed two cows and smashed the roofs, windows and doors. There are still shells and bits of the launchers they used in the attack in the yard. We didn't think we'd live through the attack. We have put up with the police till now but not any more. People are very angry and have had enough of humiliation. This was the second attack. The first time the police attacked us was on 31 January 1992 when they were looking for guns. My sons clashed with the police then and they are now abroad, in exile. One of them was sentenced to 20 years' prison and is in flight.

In connection with this incident, the HLC has learned that Hisen Mandjoli was killed on 22 January 1998 on his way to work at the Produkt company in Srbica where he was employed as a watchman. His body was found the same day near the Munitions Factory in Srbica.

2.2. The executions in Bećir Jašari's yard - 5 and 6 March 1998 0064967

Besides the houses on Šaban Jašari's property, the homes of other members of the Jašari family were also targets of shelling by police. These houses are clustered in the same part of the village, some on properties abutting Jašari's and others on the opposite side. Five families were in Bećir Jašari's house when the attack started at approximately 1:30 p.m.: his own and those of Serif, Zuk, Ćazim and Fejzija Jašari. Nothing is known of the fate of the six men who were with the women and children: Ćazim (50), Bećir (42), Nazmi (30), Riad (16), Agron (21), and Zuk Jašari (80).

The wife and children of Serif Jašari sought refuge at Bećir's at about 7 a.m. when their own house started crumbling over their heads. Serif stayed in the house and all trace of him was lost. His family heard later that he had been killed. HLC researchers spoke with one of his daughters and she described to them what happened after police fired tear gas into the house containing 24 children, five women and six men:

They started shelling Bećir's house at about 1:30 in the afternoon and soon tore away the third story. When the second story fell, the outside walls cracked and the children started screaming. We thought we would die under the rubble. Then they fired tear gas in through the windows. That was the first time they called to us to come out. We couldn't breathe for the gas. My mother decided to go out and took my nine-year-old brother Samedin with her even though he was yelling that he wouldn't go because they would kill him. The soldiers snatched my brother from my mother and ordered her to go. Seeing that, we all ran outside and there was a scramble. I grabbed my brother and ran. The soldiers were in green uniforms with camouflage markings, their faces were daubed with some kind of green stuff, and they had automatic rifles, mortars and something small and round. Green tanks were around the house. The soldiers shouted for us to come out one by one or they would kill us. When my cousin Ćazim came out with his hands up, they killed him on the steps. I was in the middle of the yard when it happened. We ran and had just gone through the first cordon when the soldiers caught my cousin Nazmi who was helping his mother Bahtije along. They grabbed him, tore off the woman's dress we had given him to wear, ordered him to lie down on the ground and then to get up. He had to do this many times. Then they fired into the back of his head and back and I saw his body jerking from the bullets. They told his mother to go on. They noticed my 17-year-old brother Riad whom we had also dressed in women's clothes. They shot him in the shoulder. We went on running with the wounded Riad and four soldiers came after us shooting. Riad was hit again. He fell and we thought he was dead. Me and my mother grabbed him by the arms and dragged him along and later saw he was alive. We went through the second cordon posted in the street outside the house. Armed soldiers in green uniforms with yellow and black markings and the same colors smeared on their faces were around the house and in the street. When we reached the third cordon, near the fields, we saw policemen in ordinary police uniforms who blew their whistles and shouted for us to stop. But we hid in the bushes. We saw the fourth group of armed men on the road before you get to the top of the hill - they were soldiers too. Up on the hill we met some people we knew and they drove my brother Riad to a safe place. We waited for Grandmother and the rest to catch up. When Bećir's wife Sala arrived, she said they had shot Bećir in the leg and that he had told her to go on with the children. A few days later, we heard Bećir was dead.

Ćazim's widow told the CBS television network that her husband was killed as he was surrendering:

Čazim was the last one out of the house. I saw him with his hands up in the air and a policeman shoot him in the chest. He fell, I screamed but there was nothing I could do.

Nazmi Jašari was also killed when he and the others in Bećir's house surrendered. His mother, Bahtije (70), was beside him:

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They kept shooting and throwing grenades into our yard from 6:30 in the morning to 2:40 in the afternoon, mostly aiming at Šaban Jašari's house. They first destroyed the roof and walls of Šaban's house and then the other houses. They set the hay and outbuildings on fire. We didn't have time to dress. Some of the houses were burning.

We hid under the staircase for a while but when they started firing mortars, the stairs came down and after that the doors and windows were shattered. We women and children huddled in a corner but they aimed right at that place. Then a voice over a megaphone repeated several times that we were to come out. They fired tear gas too. A policeman speaking Albanian ordered us to give ourselves up. The children were too scared to budge. The policemen were wearing greenish, black and yellow uniforms. Then we women agreed we would give ourselves up together with the children, but we didn't know what to do about the men. The women and children went out first and I told the police there were no men in the house. But Halilj Jašari shouted from inside to the police not to kill us. As soon as he came out, the police killed him. When we were all in the yard, the police killed the village schoolteacher, Čazim Jašari, in front of his wife and children. My son Nazmi took a child of one and a half years to hide him from the police and tried to help me along because I didn't have my crutch. The police grabbed him by both arms and stopped him from helping me. I begged them to let him go. They ordered my son to lie down and then searched him for guns. Then they ordered him to stand up with his hands in the air. It lasted only a few seconds. I clutched my head and started screaming. All of a sudden, the police ordered Nazmi to lie down again and emptied a whole magazine into his back. They didn't let me turn him face up. A policeman told me to get away from there but I didn't. I looked at my son for the last time and said good-bye to him.

Bećir Jašari was killed as he, his wife, sister, children and relatives were fleeing toward a hill. His sister spoke with HLC researchers:

When the attack started, my brother Halilj told all the women and children to go into one room. Then we went over to Bećir's house for safety. From there we heard the tanks tearing down the walls of Šaban's house and then the door and windows.

His house was shelled up until 1 o'clock in the afternoon. All the Jašari houses in our street were surrounded by tanks and soldiers with paint on their faces. The children prayed God not to be killed. We heard the police around Uncle Čazim's house. Then my brother Bećir ordered us all to get down on the floor. We had a one-year-old child with us. Suddenly the roof and second story caved in and the rubble came down on us. Then the first story started coming down and we hid under the staircase. When we saw the police trying to get inside to kill us, we decided to give ourselves up. Those men weren't police; they had paint on their faces and were in military uniforms. As soon as we came out, they killed Čazim Jašari and we started running from the yard. As we fled, the soldiers kept shouting they were going to kill all of us women and children like they used to do in Bosnia. They spoke Serbian. They killed Nazmi Jašari at the gate, in front of his mother. We had to pass through more than five cordons of those men with paint on their faces until we reached safety. The last cordon was made up of armed policemen. As we ran, we saw the wounded Riad. My brother Bećir was killed by the police in the last cordon; he fell in front of us.

2.3. Survivors go into hiding

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V. Jašari (18) was wounded during the police operation, while the circumstances of the deaths of his mother and brothers Bujar (11), Bljerim and Avdulah (15) remain unclear. V. tells how he survived:

I was sleeping at a neighbor's house before the attack started. There were two old people and girls in the house. There was no one in my house because my mother and father, Zen, and my brothers Avdulah, Bljerim and Bujar had gone to my uncle Haljiti's place. The house was in flames in the morning. We ran down to the cellar and when night fell tried to get away. I was wounded as I ran to the house where my family was. Later on, I went up into the attic of that house and saw my dead mother, brothers and others whose names I don't remember. I watched from the attic what they did with the bodies. I saw when the police came and said, "Come on, come on," hurrying each other to collect the bodies. They broke and destroyed everything they laid their hands on. I stayed up in the attic for 48 hours. I ate nothing from Thursday to Sunday. I was wounded and weary. I fled through the streets in which Ljuštaku families live. My father, Zen, has been to see me twice in the village where I am hiding. I hear that some people have gone back to Donji Prekaz. I'll have to go back soon. My father told me that he wanted to go into the room where the children were when the attack started but he didn't because he heard the policemen's voices close by. He heard the children screaming but didn't dare go in. He went to the shop near Šaban Jašari's house and hid under some planks and the door which had been torn off its hinges. It's a miracle the police didn't find him.

Tahir Jašari's son Faik (30) was killed. His younger son Ljuan (16) and two daughters, Minire (18) and Džemile, were wounded as they hid in the attic. HLC researchers spoke with one of the sisters:

There were about 60 armored cars near our houses. We went up to the attic and didn't dare move. Me, my sister Džemile and brother Ljuan were wounded up there in the attic, after which we went down to the first story. We kept moving around for safety's sake. When we realized that we were done for, at about 3 a.m. on 6 March, we slipped out through a window. We sisters and our mother climbed out first while our younger brother stayed inside with our father. My older brother Faik was killed after we had fled the house. When we got to the meadow, my mother got down on the ground and then crawled on, like a soldier. I still don't know how we two managed to get through all those police. Mother stayed in the brambles for 24 hours, until things calmed down. We thought she had already got to Gornji Prekaz. Me and my sister managed somehow to get to Gornji Prekaz and, by way of Mikušnica village, to Kosovska Mitrovica.

Independently of each other, several persons confirmed to the HLC that Halit Jašari and his wife Elhamete were killed in the police operation, as were also two sons of Halit's brother Hajzer (20) and Murtez (18). There has been no word about their two sisters and mother.

The HLC has been informed that Sinan Ramadan and Ali Ramadan Jašari, both over 70 were killed on 5 or 6 March. The circumstances in which they died are unknown. Nor was the HLC able to obtain independent confirmation of reports that there are still bodies in the cellars of houses in Donji Prekaz.

Sadik Miran Kačkini (42), Miftar Reci, Fatime Gaši (60) and her two children Makfiret (13) and Gazmen (16), all from Lauše village, were killed in unclear circumstances and were identified before they were buried on 11 March.

3. BEATEN AFTER SURRENDERING

The shelling in Donji Prekaz ceased at 10.30 a.m. on 6 March when police again entered the yards, called on those in the houses to come out and led the villagers to the Munitions Factory compound.

The house of E. Jašari (76), three of whose sons live in Germany and two in Kosovo, came under fire at 9.30 a.m. on 6 March. She says the shooting lasted for almost an hour. The room in which 17 members of the family were sheltering was not hit:

A part of the house started burning. It was surrounded by police and soldiers; they shouted in Serbian for us to give ourselves up. The soldiers were in uniforms of three colors - black, green and yellow. When we decided to turn ourselves over, the police grabbed my brother first and cuffed him. They immediately began hitting him, yelling that he was a terrorist. They ordered us to walk to the Munitions Factory through the woods belonging to Saban Jašari's family. We thought they would slit our throats there in the woods. When we got to the factory compound we saw lots of armed soldiers. They had all kinds of weapons and knives. They ordered us to sit down on the ground, near the road. A soldier stood guard over us with an automatic rifle. The others made threats and swore at us. They spat on us when they passed. We had a two-month baby and it cried all the time; we had nothing to give it to drink. They brought my brother Bekim into the compound and kept beating him and asking in Serbian if he had weapons and how he used them. He couldn't reply in Serbian, which got him an even harder beating. Later on, they brought in Rifat Jašari, the son of Arif, whose hands were cuffed, and our neighbor Naser Jašari. They held us there from 10 to 5 o'clock in the afternoon. They also brought in another neighbor by the name of Smajl Jašari (50). He hasn't been seen or heard from since. They took the handcuffs off the men who were with us but went on beating them. They let us go to Srbica and took the men to the police station there. We know they are alive.

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III. GLODJANE: THE MARCH CLASH AND THE AFTERMATH

On the basis of its research into the events at Glodjane village from 24 March to 22 April 1998, the Humanitarian Law Center registered serious violations in this period of fundamental human rights and international humanitarian law. The statements made to HLC researchers by 28 witnesses - ethnic Albanians, Serbs and Montenegrins - suggest that on 24 March this year, Serbian police forces killed in flight three Kosovo Albanians, shelled houses in which unarmed civilians had taken cover, placed in jeopardy the lives of children, women and arrested persons in order to defend themselves, and used the house of the only non-Albanian family as a military facility.

The statements further indicate that after 24 March 1998, members of the Liberation Army of Kosovo on several occasions abducted civilians and held them at their headquarters in Glodjane. Many of those held were physically abused and all trace of a number of Serbs has since then been lost.

1. BACKGROUND

Glodjane is situated in western Kosovo, seven kilometers south-east of the township seat, Dečani, and some 20 kilometers from the Albanian border. All the villagers are ethnic

Albanians. The village is bisected by a road leading to neighboring Gramačelj. Just after Glodjane the road forks to the village of Dubrava. The last house in Glodjane, which belongs to Eljmi Haradinaj, is only 100 meters from the first house in Dubrava, owned by the Stojanović family. The Stojanoviés are ethnic Montenegrins and the only non-Albanian family in a dozen or so villages in the area.

Local Albanians say the clash began when a police patrol tried to stop two men, Rasim Selmanaj, an activist of the Democratic Alliance of Kosovo, and an unidentified young man, to check their identities. According to one version, the two attempted to escape and someone in the vicinity fired at the police. The other version is that the patrolmen fired at Selmanaj and his companion when they refused to stop, and that their fire was returned.

Vladimir, the son of Ljubica Stojanović, says he heard gunfire at exactly 10.30 a.m. He noticed a white automobile with its door open standing some 100 meters from his house, that it was under machine-gun fire from the first house in Glodjane and targeted five or six times with hand launchers. He came to the conclusion that it must be the police patrol who frequently came to check up on them as they are the sole Serb family in the area. To the best of his memory, the initial gunfire lasted about 15 minutes.

According to a statement released by the Serbian Ministry of Internal Affairs, patrolmen carrying out their regular duties and travelling in a police car were attacked by armed terrorists at 10.45 a.m. on 24 March 1998. Officer Miodrag Otović was killed, and officers Rajko Rajković, Filip Raičević and Slobodan Jokić were seriously wounded. The patrolmen were all from the Dečani Police Station.

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2. DEVELOPMENT OF THE CLASH

Police reinforcements arrived from Dečani at 11 a.m. The police went into the Stojanović yard from where they opened fire at the house of Eljmi Haradinaj. Vladimir Stojanović says his house was fired at from the Haradinaj house when the police started shooting, and that one shell fell short and another landed in the branches of a nearby tree and exploded.

A police officer in the back-up group says the police moved from the Stojanoviés to the next-door house, where they found two women, and continued firing back at the attackers in the Haradinaj house. They led the women, one of whom was pregnant, under the staircase for cover. Somewhat later, he says, the police went over to the Haradinaj house but the attackers were no longer there. Rocket propelled grenades, hand launchers, Magnum pistols and a large quantity of ammunition were found in the house.

3. PANIC IN THE VILLAGES

When the gunfire broke out in Dubrava, villagers in Glodjane believed it would soon blow over. At around noon, however, the shooting came closer and some people left their homes, fleeing into the fields or to neighboring villages. Others locked themselves in their houses. Hisen Mehmetaj left on his tractor with trailer together with some 70 people, members of his own family and neighbors. He states the women refused to leave without the children, who were in school, and that his son Gazmend and nephew Agron stayed behind to get the children while the rest proceeded to relatives in nearby villages. I.B., the village electrician, and Dž.Z. also sent their families to relatives and then went to the school to collect the children.

Sixty-year-old Z.H. stayed at home with her younger son and grandchildren. When the gunfire intensified and came closer, they locked themselves in. They saw others fleeing and Z.H. noticed a helicopter above the house. Her older son, Ram, who had taken his children to the doctor's in the nearby village of Prilep, tried with some friends to get into Glodjane to help his mother and the children. On the road, they were fired at from a helicopter and had to abandon their plan. Ram saw three helicopters heading for Glodjane, and police around the village.

Word came to Gramaçelj of the attack on neighboring Glodjane. Teachers dismissed their classes and some 300 schoolchildren found themselves on the road just as a column of police vehicles - armored personnel carriers, Pinzgauers and trucks, was passing. Fourteen-year-old N.V. says he was terrified when four vehicles split off from the column and headed toward the children:

The police held their guns aimed at us. We screamed, thinking they were going to kill us. We scattered into the nearby streets. The younger kids kept going round in circles; they were so scared they didn't know where to run, and they kept crying. I was awfully scared and thought I'd never get home.

As soon as the police column had passed through Gramaçelj, many villagers fled their homes to seek refuge with relatives in neighboring villages.

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4. LULL BEFORE THE FRESH CLASH

Glodjane villagers say there was a lull at about 1 p.m. The police state that they were attacked again after having, as they believed, placed the situation under control. According to the police, they were moving through the village center with the intention of withdrawing when shelling started from all sides. Several officers were wounded and were evacuated by helicopter at about 4 p.m.

According to a report released by the Serbian Ministry of Internal Affairs, two ethnic Albanians involved in the fighting in Glodjane on 24 March were killed, and Rasim Selmanaj was arrested. The report does not identify the two dead Albanians.

In its communique No. 47 dated 12 May 1998, the Liberation Army of Kosovo assessed the events in Glodjane as a successful operation against the occupiers, in which its members Gazmend and Agron Mehmetaj and Him Haradinaj were killed.

5. JEOPARDIZING THE LIVES OF CIVILIANS

5.1. Using arrested persons for self-defense

During the lull, I.B. endeavored to find the schoolchildren. On the way to the Glodjane schoolhouse, he came upon a large group of police who, he says, were leading Šaban Zećiraj, a retired ethnic Albanian police officer. He describes what happened:

When they saw me, a policeman aimed his sniper rifle at me. I wanted to run for it but Šaban shouted in Albanian that it would be too risky and I would be killed for sure. He told the police I was the village electrician, not a terrorist. They searched me and took me to the house of Besim Haradinaj. They led Besim, his brother Rifut and their guest Beka, out of the

house and then took us all to the house of Musa Zeciraj and broke down the door. Then we went to the Salja family's place where they arrested Ljan. They beat us with their rifle butts and nightsticks and kicked us, right there in the middle of the village. We were led off again, with our hands above our heads, toward the house of Smajl Haradinaj. A lot of spent cartridges were scattered on the road. At one point, they ordered us to lie face down on the ground, with our arms stretched out in front of us. Then we heard firing from the house of Hisen Riza and the police got jittery.

Bećir and Šemsedin, relatives of Besim and Rifat Haradinaj, were among the arrested men brought to the Riza house. Rifat Haradinaj describes how the police entered the house:

They made us break down the door. Šemsedin tried but couldn't, so they made Bećir do it. When the door had been forced, they put us in front of them, like a shield, and followed behind us. There was no one inside. Then they took us to Eljmi Haradinaj's house, where the attack was, and knocked us down on the sand. There were 10 or 11 of us; I don't know exactly because I didn't dare raise my head to look. They stomped on our backs, heads and legs and hit us with their rifle butts. They drove the Pinzgauer up very close, making like they were going to run us over. They said they would slit our throats, shoot us. Then the one in charge came and told them to knock it off. Later on, they moved us from the street into Dragoslav's yard because foreign reporters were coming. They didn't beat us in the yard, just handcuffed us.

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5.2. Children as a human shield

The children and teachers at the Glodjane elementary school rushed into the schoolyard when they heard the gunfire from Dubrava. The children were upset, crying and calling out for their parents, and the teachers tried to decide where to take them to safety. Endeavoring to avoid the police, the 130 schoolchildren, seven adults and two five-year-old boys climbed a hill, heading for the Catholic church in Novoselo. They were intercepted at the top by a group of police coming from the direction of Djakovica. The teachers stood in front of their students to shield them. M.S. says one of the officers recognized him and told the others to leave them alone. This officer advised them to remain on the hill as it was the safest place. Three officers placed the children and teachers in front of their Pinzgauer while they stood behind the vehicle, their guns in their hands. M.S. says it was about 2.30 p.m. when the police started to shoot:

We heard shots and dropped to the ground. A policeman with a sniper rifle said, "That's it; I've taken one out." A little later, he said he had taken out another one, and that two had given him the slip.

M.S. saw when a burst of shots was fired from a helicopter in the direction in which the two men were escaping, and barely 15 meters from the spot where the children were grouped. He subsequently heard that this was when Gazmend and Agron Mehmetaj and, somewhat later, Him Haradinaj, were killed.

The police escorted the children back to the school at about 4 p.m. The children and teachers walked in front, followed by the police in an armored personnel carrier and three Pinzgauers. Police officers entered the school building, smashed window panes and knocked down a picture of Ibrahim Rugova, the leader of the Democratic Alliance of Kosovo. Before leaving the building at about 6 p.m., they told the teachers everyone should get down on the floor in the event of an attack. The children and their teachers eventually

left the school and reached Šaptaj village after dark. They spent the night with a village family and continued the next day to the Catholic church in Novoselo.

5.3. Faze and Redžep Haradinaj's home shelled

The home of Faze and Redžep Haradinaj was first targeted at about 3 p.m. Only the elderly couple were in at the time: their daughter-in-law and grandchildren had fled after hearing the gunfire from Dubrava, and their son had gone out before that.

Some 15 police officers came into the house. They searched it from top to bottom, always keeping Faze in front of them. Once the search was over, the police led Redžep away. The house was again shelled by the police at about 6.30 p.m.:

A fire broke out. I ran to the barn to save the cows but they wouldn't come out. I tried to save the tractor. I don't remember how long I fought the flames. The house was burning and I didn't know what had happened to my family. Finally, I decided to flee. There wasn't anybody in the village any more. I walked through the woods and got to the house of our relatives in Prekoluka around two after midnight. I found my husband there and he told me our son was one of those who had been arrested, and that he himself took a chance and ran away.

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6. THE DEATHS OF GAZMEND AND AGRON MEHMETAJ AND HIM HARADINAJ

When the gunfire broke out in Dubrava, Dž. Z. first drove his sick sister-in-law to the next village and then went back to Glodjane to collect the children from the school. He met Gazmend and Agron Mehmetaj and Him Haradinaj outside the village cooperative. They told him they had already been to the school and that the children were not there. They walked aimlessly for a while and, when it seemed the firing had ceased, returned to the village and went again to the school. They stopped near a woods some 100 meters from the schoolhouse when Dž. Z. noticed a Pinzgauer. He describes what happened next:

The four of us decided to go back the way we had come. We hadn't gone three paces when we heard gunfire from automatic rifles. They shot at us, without first telling us to give ourselves up. We ran and they shot after us. I saw Gazmend, Agron and Him fall to the ground. They were still alive. I went on running for at least a kilometer without looking back and found myself near the Radonić water reservoir. I turned around and saw Him behind me, and he told me Gazmend and Agron had been killed. Gazmend was shot in the chest and Agron in the face. When the police got to them, they emptied a magazine into Agron's chest. They were killed at about 2.30. Him and I went down a gully near the reservoir and to a place called Suka e Paljabardit. We climbed a hill toward a woods. The police were still shooting after us. It was like we were going round in circles. Suddenly I heard Him scream. I went on running as long as the shooting lasted. It was 7.30 in the evening when the helicopter flew off in the direction of Priština. It took me until one after midnight to get to Djakovica.

7. EXTRACTION OF CONFESSIONS

The police withdrew from Glodjane at 7.30 p.m., taking with them the Stojanović family, 11 arrested villagers and the two women from the house next to the Stojanovići.

The arrested ethnic Albanians were taken to the police station in the town of Djakovica. Two bodies were lying besides the steps leading into the building, and they were asked to identify them. One of the arrested men describes what happened:

They lined us up and told us to identify them. I couldn't because the bodies were shot up real bad. I could hardly stay on my feet because of the beating I'd got. They beat an old man and, when I looked in that direction, they got mad and began hitting me again. It was one after midnight when the questioning started. The inspectors asked me how the attack began and what I knew about the UÇK. (Albanian acronym for Liberation Army of Kosovo). They questioned me the next day too. They made me say in front of a camera that what Dragoslav Stojanovic (Ljubica Stojanovic's second son) had said about his house being fired at from Eljmi's house was true. In the beginning I told them the truth - that there was no way I could see if there was shooting from Eljmi's house because mine is two kilometers away. But they finally made me say Dragoslav's statement was true. They let me go at 3.30 in the afternoon on 26 March.

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The arrested men were able to identify Gazmend Mehmetaj but not his cousin Agron. I.B. says this was why Agron Mehmetaj was reported to be a terrorist from neighboring Albania:

The inspectors were all in civvies and beat us while they questioned us. They said we were terrorists. They ordered us to say in front of cameras that we hate the UÇK. If we refused, we'd get beaten again. There was a policeman and an assistant in every room. They questioned us until four in the afternoon the next day. There were three of us in one room, and four in each of the two other rooms. The police would come in and threaten that we would be shot. They made us say we were terrorists. They cursed our "Albanian mothers." Before letting us go, they called each one in separately and said they had caught a terrorist, Rasim Selmanaj, who was supposed to be the chief organizer. Up until then they had acted like Sabun Zećiraj was the top man, probably because he used to be a policeman.

All the arrested men, with the exception of Rasim Selmanaj who was charged with terrorist activity, were released on 26 March 1998. That same day, Hisen Mehmetaj was officially notified that the bodies of his son Gazmend and nephew Agron were at the morgue of the Djakovica hospital:

State Security inspectors were waiting for me there. They did their best to be polite. They told me my children were terrorists and that I had sent them to Albania for military training. They wrote down my first and last names and ordered me to report to the police. But I didn't.

Several thousand people were at the burial of Gazmend and Agron Mehmetaj in Glodjane on 27 March. The seventeen-year-old Him Haradinaj was found dead in the woods on 28 March. His burial that same evening was attended only by his closest relatives.

8. ABANDONING THE VILLAGES

HLC field researchers visited Glodjane on 27 March, three days after the clash. They were able to see houses pockmarked by shells and bullets. Outside the house of Zećir

Mustafaj, they noticed a hand grenade on the ground, and another lying some 30 meters away. The houses had been ransacked. Smoke was still rising from the remains of Redžep Haradinaj's house.

The majority of villagers had not yet returned to Glodjane, Gramaçelj, Rznić and Dubrava at the time of the visit. The men would come only during the day to feed the farm animals, and leave before dusk for villages closer to Djakovica where they were staying with relatives. Among them was Hisen Mehmetaj with whom HLC researchers spoke on 27 March:

I don't know who killed my children, or how, or where. I have lost trust in everything. I don't want to live here with my family any more. We leave every evening and come back to our houses in the morning.

Ljubica Stojanović and her son Dragoslav had not returned to their village. HLC researchers spoke with her in Dečani, where she sought refuge after 24 March:

The Albanians hadn't attacked me until then. I'd like to go back home if I can. I was with them, the Albanians, every day until the police came. After the clash, I spent a week with my son in Dečani. I went to the village only to get some things I really needed. I'm scared to live there now. Nobody has bothered me but I'm still scared. If it was only the neighbors, I'd stay. But some strange armies are around all the time now. You can't spend the night there. I saw that my neighbors fled too. Some went back. But nobody sent me word that I would be safe if I went back. I hear from my sons that they haven't touched a thing in my house.

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9. GLODJANE CONTROLLED BY LIBERATION ARMY OF KOSOVO

Following the 24 March clash, the Liberation Army of Kosovo (LAK) set up checkpoints at the entrance and exit of Glodjane, and barred news reporters from the village.

9.1. Beaten at the LAK headquarters

Dragoslav and Mijat, the sons of Ljubica Stojanović, and their cousin Veselin Stijović went to Dubrava in the morning of 18 April to pick up some essentials from their house. They were seized there by uniformed men and taken to the headquarters in Glodjane. Mijat Stojanović states:

Almost all of them were in uniform and they were armed with light weapons. None of them were masked. They were mainly my neighbors, men I had gone to school with, kept company with, and shopped in their stores. But some were strangers to me; I suppose they were from other villages.

We weren't armed so, when they came into the yard, we gave ourselves up. Dragoslav opened the door and 10 to 15 soldiers barged in. They hit Dragoslav with a rifle butt and dropped him with kicks. They ordered me and Veselin to lie down next to Dragoslav. They beat us. They took us to their headquarters in the house of Nasim Haradinaj. The house had been empty since 1990 and we had heard the family was in Sweden. We had

to lie on the concrete floor. Dragoslav was the first to be taken into a small room with a table and two chairs. There were two soldiers inside, and a third one who questioned him. Then they took Veselin in. I was the third. I saw the marks of blows on Dragoslav's chest; he was choking and I thought his lungs had been hurt. Veselin was facing the wall. His back was as red as a lobster. He was naked to the waist. Nemonaj Zići, I knew him from before, ordered me to strip too. Two of them beat me with clubs and a rifle butt. It lasted about 40 minutes.

The Stojanović brothers were released later that day. They say Nasim Haradinaj, a Glodjane villager who they know, told them they were being allowed to go because they were Montenegrins. Blindfolded and with their hands tied, the brothers were driven by Nasim to Babaloč village and left there. Dragoslav Stojanović was taken to the Peć hospital where doctors established serious spleen, stomach and duodenum injuries. He was subsequently transferred to the Priština hospital for surgery.

On 22 April 1998, LAK members seized the elderly Kostadin Stijović in the village of Požar, and took him, his daughter-in-law Milka, and neighbor Stana Popović to their headquarters in Glodjane. The three were not ill-treated. HLC researchers spoke with Kostadin on 25 April at the Youth Vacation Center in Dečani where Serb families from villages in the area found refuge:

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They said they wouldn't harm us old folks. They didn't touch the women. They let us go the same day, taking us to Rznić by tractor. At every 200 meters or so we'd come upon one of their patrols but they left us alone. We walked home and left Požar for Dečani in the morning. Neighbors asked why we were leaving. I left because nobody can guarantee that I'll live to see the morning if I stay in the village. They didn't hit me at the headquarters. But they beat my son when he came to the village to get me.

Not knowing that his father had been taken, Novak Stijović went to Požar early on 22 April to take Kostadin to Dečani. He was accompanied by Staniša Radošević and his mother Rosa. In Požar, they were stopped by a group of armed Albanians. Novak describes what happened:

There were about 30 of them and we recognized them. They aimed their guns at us, searched us and said they had to take us to their headquarters in Glodjane. One held his rifle to my head. There were groups of 50 to 60 armed civilians posted every 50 meters on the road to Rznić. From there to Glodjane they were all in uniform.

They started beating us with bars, and kicking and punching us as soon as we arrived. It lasted about half an hour. They asked where we were going and why. I said we had been on our way home, and they replied that we were no longer allowed to come to our homes. Every time they questioned us, we got another beating. Several of them beat us at the same time; we couldn't see from who the blows were coming. A soldier came up and asked what kind of weapons we had. I had to tell them I had a hunting carbine at home, and my neighbor had to tell them about his. They told him to go and get the two carbines and bring them.

At about 2.15 p.m., Staniša Radošević returned to the LAK headquarters with Novak Stijović's carbine, and said his own was in Dečani. He was given an hour to bring it. Novak says that Radošević told police in Dečani what had happened and was advised not to return to Glodjane. Stijović and Rosa Radošević were released the same day.

9.2. The disappearance of Slobodan Radošević

Staniša Radošević, a Serb from Dašinovac, left the village on 21 April with his mother and neighbor Novak Stijović. His father Slobodan stayed to look after their farm. He has not been seen or heard from since. The son has heard different stories: that the old man was wounded or that he was killed.

The Humanitarian Law Center was unable to obtain any information about the fate of Slobodan Radošević. On 27 April, the Kosovo Albanian-language daily *Koha Ditore* reported that the Liberation Army of Kosovo had executed five abducted Serbs but did not identify them. The pro-government Media Center in Priština reported on 30 April that the bodies of Radošević and Miloš Radunović, another missing Serb, had been seen at the side of the road in Dašinovac. There was no independent confirmation of either report.

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RECOMMENDATIONS

In view of the fact that at least 80 ethnic Albanians were killed in the police operations in Kosovo from 28 February to 6 March 1998, and that the authorities have instituted no inquiries or ordered autopsies to be performed, the Humanitarian Law Center points out that an independent and impartial investigation into the nature and causes of the deaths can be conducted only by international experts. In order to ensure an effective investigation of the grave violations of human rights, the FR Yugoslavia authorities must provide unimpeded access to the region and to all sources of information, including those who ordered and those who were directly involved in the extra-judicial executions and arbitrary killings.

Members of the Serbian police forces must cease using the clashes with armed groups of Kosovo Albanians as a motive or excuse for placing in jeopardy the lives of civilians, in particular women and children.

The Liberation Army of Kosovo is bound to treat civilians in accordance with the laws of humanity and the requirements of the public conscience.

The intensity and frequency of the clashes indicate that Kosovo has entered a state of armed conflict as defined by international humanitarian law. The Humanitarian Law Center underscores that in the case of an armed conflict not of an international character, each party to the conflict is bound to apply Common Article 3 of the 1949 Geneva Conventions, which provides that:

1. Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end, the following acts are and shall be prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) ... murder of all kinds, mutilation, cruel treatment and torture;
- (b) taking of hostages;
- (c) ... humiliating and degrading treatment;
- (d) the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court.

APPENDIX

HLC Press Releases

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LAWYERS DENIED ACCESS TO UKŠIN HOTI

30 March 1998

On 30 March 1998, the Humanitarian Law Center protested strongly with the Serbian Ministry of Justice against counsel being denied access to their client Ukšin Hoti, a political prisoner. The authorities at the Niš Penitentiary and Correctional Institution have not allowed Hoti to meet with his lawyers, Husni Bitići and Hajzer Susuri, since 20 February, thereby depriving him of a right to which he is entitled by law.

The last time Bitići was denied access to his client was on 25 March, although he was previously informed by telephone that his request to visit Hoti had been approved. Bitići was told that Hoti "is unable to meet with his lawyers for technical reasons" and that this situation would continue indefinitely.

The Humanitarian Law Center urges the Ministry of Justice to intervene on behalf of Hoti as the conduct of the Penitentiary authorities is in flagrant contravention of Article 69 of the Law on the Execution of Criminal Sentences under which prisoners have the right to meet with their lawyers.

TEN DAYS SINCE HAFIR ŠALJA DISAPPEARED

20 April 1998

The Humanitarian Law Center protests strongly with the Serbian Ministry of Internal Affairs against the unlawful detention of Dr Hafir Šalja of Glogovac, Kosovo, who has been missing since his arrest ten days ago. The HLC urges the Minister of Justice to come out publicly with information on Šalja's whereabouts and his condition.

Dr Šalja, a physician at the Glogovac Medical Center, traveled to Priština on 10 April 1998 in the company of Hetem Sinani and Šaban Neziri. They were stopped by a police patrol including a man in civilian clothes at about 8 a.m. near Slatina village for an identity check. According to information obtained by the HLC, a black four-wheel drive bearing the license plates PR 689-16 was parked close by. As the police were checking the men's IDs, three civilians got out of the four-wheel drive and ordered Dr Šalja into the vehicle. The man in civilian clothes who was with the police patrol took Sinani and Neziri to another automobile, and both vehicles drove off in the direction of Priština.

Sinani and Neziri were taken to the Priština Police Department for investigative interrogations and were released at about 2 p.m. the same day. The four-wheel drive in which Dr Šalja was riding also entered the courtyard of the Police Department. Over the past few days, Dr Šalja's lawyer and family have made inquiries with the Priština Police Department, the District Court and the District Prison but have been unable to learn anything.

Although the Criminal Procedure Code requires police to either release detainees or bring them before an investigating judge within three days, the HLC points out that non-

compliance with this legal provision has become routine in Kosovo. The HLC recalls the case of Nait Hasani, who was last year brought before the investigating judge a month after his arrest in Priština. In the meanwhile, state bodies claimed to have no knowledge about him.

The practice of disappearances indicates widespread violation in Kosovo of the right to liberty and security of person, and of due process of law. Most concerning is that persons held in custody in excess of the period envisaged by law are as a rule tortured for the purpose of extracting confessions.

00649687**DJAKOVICA TEENAGER WOUNDED BY POLICE****30 April 1998**

Rozafat Kamberi, a 15-year-old boy, was wounded by police on 28 April at 8.40 p.m. outside his home at 15, Zejneta Hajdini Street in Djakovica, Kosovo. The teenager sustained a gunshot wound in the hip, and is reported by doctors to be out of danger.

Kamberi's mother, Derviša, told an HLC researcher that she heard three shots and then saw her wounded son in the yard. Half an hour later, about 30 police came to the house while an armored police vehicle remained parked in front of it. The mother said the police appeared to be upset over the incident and immediately took the boy to the local hospital.

Derviša Kamberi and Adem Bratić, a refugee from Bosnia-Herzegovina who lives in the same house, were taken to the police station where they were questioned for two hours by uniformed police and a State Security inspector. According to Derviša, the police claimed her son was hit by a stray bullet when police responded to an armed attack on them in the street. She states, however, that she heard no gunfire prior to the shooting in which her son was wounded.

**POLICE CARVE CROSS IN
ETHNIC ALBANIAN'S CHEST****8 May 1998**

Arsim Krasnići was subjected to torture by officers of the Priština Police Department on 30 April 1998. During the severe physical abuse which lasted several hours, the officers carved a cross in Krasnići's chest with a knife.

According to Krasnići, an ethnic Albanian employed by the Priština Sanitation Department, he was approached by six police officers when sweeping the streets near the Priština District Court. As they questioned him about members of the Liberation Army of Kosovo and his connections with them, the officers struck Krasnići with nightsticks and kicked him. He was then taken to the police station where the beating and threats continued. At one point, Krasnići was handcuffed to a radiator and a cross was carved in his chest with a knife. HLC researchers were able to see and photograph the injuries sustained by Krasnići.

Krasnići recognized three of the officers: the station chief Paunović, and two others he identified by their first names, Zuka and Skenda, and who, he said, dealt out the roughest treatment. Though Krasnići was known to the officers as a street-sweeper barely able to support his family with his meager wages, they mockingly asked if he was in command of the Liberation Army of Kosovo, where LAK members were hiding in his neighborhood, and where LAK artillery was located.

Police officers in Peć last month burned the first name of Montenegrin President Milo Đukanović on the chest of Soko Rugovac with a red-hot soldering iron. The case of Arsim Krasnići is thus the second incident of extreme physical abuse by police of non-Serbs.

The Humanitarian Law Center insists that the competent authorities and the Serbian Ministry of Internal Affairs thoroughly investigate both cases and take the appropriate steps to bring the perpetrators to justice.

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HAFIR ŠALJA NOW MISSING FOR 20 DAYS

28 April 1998

The Humanitarian Law Center addressed the District Public Prosecutor in Priština, Slavko Stevanović, in connection with the disappearance of Dr Hafir Šalja, who was last seen on 10 April in the courtyard of the Priština Police Department. The Prosecutor informed the HLC his office had no knowledge of whether Dr Šalja had been arrested or of his whereabouts. On 17 April, a day after a Priština lawyer, Destan Rukčić, informed him of Šalja's disappearance, the Prosecutor made inquiries with the Chiefs of Public and State Security in Priština and was told they had no information about the missing man.

Dr Šalja, who works at the Medical Center in Glogovac, traveled to Priština on 10 April in the company of Hetem Sinani, a medical technician, and Šaban Neziri, an economist. They were stopped by two traffic policemen around 8 a.m., where the road forks to Slatina village. A black four-wheel drive with the license plates PR 968-16 was parked near by, with four men in civilian clothes standing beside it. As the traffic police were checking Šalja, Sinani and Neziri's papers, three of these men ordered Dr Šalja into the black four-wheel drive. The fourth man led Sinani and Neziri to another automobile. Both vehicles drove off to Priština, where they entered the courtyard of the Police Department.

Neziri states that he and Sinani were taken up to the third floor of the building where they were separated. Neziri was questioned and released at about 2 p.m. As he was leaving, he heard the cries of Dr Šalja, coming from a room on the same floor. He asked the police officer escorting him what would happen to his companions. The answer was "Beat it!" Hetem Sinani was also released the same day after being questioned.

Since these two witnesses saw Dr Šalja being brought into the Police Department courtyard, it is highly unlikely that the Chiefs of Public and State Security know nothing about him. The HLC therefore again calls on the Serbian Minister of Justice to make a public statement on this case, and on the relevant authorities to inform the family of Dr Šalja of his whereabouts and condition.

ONE KOSOVO ALBANIAN KILLED, TWO WOUNDED

28 May 1998

Sadri Komoni, a 62-year-old Kosovo Albanian from Peć, was shot dead near his home on the night of 25/26 May this year. Komoni was returning from visiting a friend when an unidentified man got out of an automobile parked near his house and fired three shots. Members of his family witnessed the incident from a window and saw a body lying on the sidewalk. It was only the next day that they learned it was Komoni.

At the Peć hospital morgue, relatives were told that Komoni was killed by members of the Liberation Army of Kosovo. They did not believe this explanation. Komoni's murder was preceded by the wounding of Dragan Djukić, a police officer, who died at the Peć hospital in the afternoon of 25 May. The news quickly spread through the town. Serb restaurant owners closed their locales in protest and mourning. Fearing reprisals, ethnic Albanians followed suit. The streets were virtually empty until somewhat after 9 p.m. when HLC researchers saw about 30 Serb youths gathering near the Metohija Hotel.

In the morning of 26 May, the researchers noticed that stores owned by Kosovo Albanians were bullet-riddled. The owners were waiting for the arrival of police investigators who, however, had not appeared by noon. Store-owners told the researchers that young men drove around the town the night before, firing into the air and display windows, and that they killed one and wounded two men.

00649689

MASS KILLING AT LJUBENIĆ VILLAGE

30 May 1998

On the basis of its research into the events at Ljubenić village near Peć, Kosovo, the Humanitarian Law Center has established that at least five ethnic Albanians were killed on 25 May 1998. All the victims were men whose ages ranged from 23 to 68. All were members of the Hamzaj family and were killed in their homes. The bodies were found in the yard shared by the Hamzaj family, dressed only in underwear and with visible marks of torture. Two houses were destroyed and four burned.

Villagers heard automatic gunfire from the main road, which runs close to Ljubenić, at about 6.45 a.m. when armed Albanians attacked a passing automobile and wounded three ethnic Serb men. One of the wounded stated that an armed man in camouflage fatigues signed to them to stop. The five men in the car, four civilians and a police officer, disregarded the signal and continued, upon which six Albanians concealed near the road opened fire at the car.

Around 1.30 p.m. the same day, a 250-300-strong police unit arrived in Ljubenić from the direction of Strelac village in trucks, buses, four-wheel drives and several armored personnel carriers. The police were equipped and armed for action in the field. They entered the village after first subjecting it to heavy artillery and small arms fire. Some of the police were bearded, which indicates that they were not regular members of the force. The artillery and small arms fire, which lasted for over an hour, was heard by an HLC researcher who was in the area at the time.

The wife of one of the men killed saw the police lining up the victims, beating them, forcing them to strip to their underwear and then shooting them.

The police remained in the village until 3.30 p.m. Witnesses say their currency and other valuables were taken. Houses were ransacked and furniture and appliances destroyed. Following the attack, many villagers fled to nearby Peć and Dečani.

About 30 Serb families live in Ljubenić. Albanian villagers told the HLC researcher they suspected that some of these Serb put on police uniforms and took part in the attack, and that their leader was a villager who is a member of the regular police force.

The HLC, on the basis of its findings, arrived at the conclusion that the police probably carried out the attack in reprisal for the incident on the road, whose perpetrators they were unable to apprehend, and to intimidate the local Albanians. The Hamzaj men who were killed could not have taken part in the preceding attack on the road as they were in the village that morning. Persons who offered no resistance to the police were physically abused and then shot.



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Kosovo - Disappearances in Times of Armed Conflict

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**REPORT
No.27**

Humanitarian Law Center • 5. avgust 1998.

KOSOVO - DISAPPEARANCES IN TIMES OF ARMED CONFLICT 15 January - 30 July 1998

This Spotlight Report is based on information received by the Humanitarian Law Center (HLC) from relatives of missing persons, statements of witnesses who were the last to see them, news reports in Serbian- and Albanian-language media, and information provided by local human rights organizations.

The cases investigated by the HLC bring out that the responsibility for the enforced disappearances can be attributed to both the police force and the Kosovo Liberation Army (KLA). There are serious indications that at least 20 Kosovo Albanians were killed after being deprived of liberty, and that the Serbian police force is responsible for these extra-judicial executions.

The information gathered by the HLC indicates that KLA members are responsible for the disappearance of several tens of Serbs, Montenegrins and Roma whose whereabouts and fate remain unknown, and the deaths of several of these abducted persons. KLA members are responsible also for the disappearance of a number of ethnic Albanians, described as "collaborators of the Serbian regime" and "loyal citizens of the Republic of Serbia" by the ethnic Albanian public and Serbian authorities, respectively.

Finally, the HLC has registered several disappearances in circumstances which remain unclear.

I. DISAPPEARANCES OF ALBANIANS ATTRIBUTABLE TO THE POLICE

1.1. Unknown fate of Idriz Idrizi

Idriz Idrizi (46), a janitor at the Petro Marko elementary school in Srbica, was last seen on 23 January on the road outside the former Munitions Factory in the outskirts of the town. Following his disappearance, local police officers unofficially told his family that Idrizi was alive and at the factory, in which Serbian special operations police were stationed at the time. On 6 March, the second day of the police operation in the nearby village of Donji Prekaz, about 60 villagers were detained at the factory. Some of the men were beaten. In the evening, the villagers were transferred to Srbica; the men were taken to the local police station, while the women, children and elderly were allowed to go. The villagers told HLC researchers there were soldiers in the factory compound, but none of them saw any prisoners. Albanian sources do not cite the Munitions Factory as a possible detention facility for Albanians.

Source: HLC

1.2 Unknown fate of 14 Jašari family members

On 1 April, the Human Rights Committee in Pristina listed as missing 14 Kosovo Albanians of whom all trace was lost during the 5-6 March police operation in Donji Prekaz, and another

four who disappeared in the Drenica area in the aftermath of the operation. The 14 are all men and women of the extended Jašari family: Sadik (65), Hafie (60), Hamdi (33), Elfie (28), Fatima (20), Ramiz (24), Mihrie, Sabrie, Hanife, Smajl (48), Šaban (25), Ukšim (21), Hajrie, and Ajvajz Jašari. The four who disappeared in the Drenica region were identified as Fatima Bazaj (21) and her brother Smajl from Trstenik, Glogovac Township, Baškim Sadiku from Tušilo, and Iljmija Kastrati from Broj.

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Since 18 persons killed during the police operation in Donji Prekaz were buried without being identified, it is possible that these missing members of the Jašari family were among them. As for the fate of Smajl Jašari, HLC researchers spoke with a woman who was among those detained at the Munitions Factory on 6 March. She said she saw police bring her neighbor Smajl to the factory, after which all trace of him was lost.

Source: HLC

1.3 Unknown fate of at least six men from Novi Poklek

Citing the local Human Rights Committee in Glogovac and the Kosovo Democratic Alliance as its sources, the Kosovo Information Center (KIC) reported the deaths on 31 May of a least six Albanians in Novi Poklek, looting of homes and torching of many houses in the village. The six killed were identified as Ahmet Beriša, Adrijan Deliu, the brothers Hajriz and Ahmet Hajdini, Sahit Čori and Sefer Čori. That same day, the pro-government Media Center in Pristina reported that Tomislav Fatić, a police officer, was killed in an ambush in Novi Poklek.

From 2 to 12 June, HLC researchers spoke with 12 Albanians displaced from Novi Poklek. According to some, the attack on the police was preceded by a traffic accident in the village, just outside Dr. Adem Rusta's medical practice, in which a police officer nicknamed "Lutka" was injured. The officer called Glogovac, said he had been attacked by terrorists and requested reinforcements. According to these witnesses, he told the Albanians who came to his assistance that he had called for backup and advised them to leave the village. Three interviewed Albanians told HLC researchers they had heard from others that the police attack occurred after a police officer was killed in Novi Poklek, but were unable to say who fired at him or where. Most witnesses, some of whom were present during the incident, said a police officer was either killed or seriously wounded after the police reinforcements came to the village, that there was shooting from the house of Fatmir Zogaj, and that they saw a Land Rover with a policeman lying inside coming from that direction.

The HLC witnesses recounted that some 100 police from Glogovac arrived in Novi Poklek at about 2 p.m., and that the gunfire lasted about half an hour. Though they did not expect any serious trouble as there were no KLA units in Novi Poklek, the villagers withdrew into their homes and some descended to their cellars. The police then entered the houses, searched them, and took the families to the house of Sahit Čori, a process which lasted some two hours. The witnesses said Ahmet Beriša and Sahit Čori were beaten in front of the villagers. When all the village families had been collected, they were ordered into one room. Somewhat later, the men were moved to another room. Between 4 and 4.30 p.m., the women and children were told to go to the nearby village of Vasiljevo while the men were retained.

One witness recounted to a Human Rights Watch researcher that he hid behind a wall about 200 meters from Sahit Čori's house from where he saw what happened after the women and children left. He said Ahmet Beriša and Hajriz Hajdini came out of the house and started off in the direction of Vasiljevo, by a different route from that taken by the women and children. The two men had traversed some 70 to 100 meters when police fired at them. The witness

Kosovo - Disappearances in Times of Armed Conflict

saw Beriša and Hajdini fall and remain lying on the ground. Sefer Ćori came out 10 minutes later and he too was fired at by police. Somewhat later, the witness noticed that several houses were burning. He saw another two men leave Sahit Ćori's house. He did not recognize them but saw them fall to the ground after being shot at.

Interviewed by HLC researchers on 12 June, a villager from nearby Gornja Koretica said he saw smoke above Novi Poklek, which is situated about 1.5 kilometers from his house. In the evening, he and his brother went over to see if they could help. As they walked through the fields and woods, they saw people from Novi Poklek who were still hiding, afraid to return to their homes. In the village itself, they encountered several men with whom they looked around the village. They found only the body of a young man, Ardian Deliu, with a gunshot wound in his neck. Some houses were in flames; the others were locked. This witness claims to have seen two human hearts, one with lungs still attached, on the ground outside the local pharmacy, near the house of Sefer Ćori. He did not know what happened to the organs afterwards.

At around 7.30 that evening, from the window of his apartment in Glogovac, another HLC witness saw the police returning from Novi Poklek. The convoy passed through the main street and on to the Feronikl industrial plant outside the town. Three police Pinzgauer vehicles passed through the witness's street. He did not pay much attention to the first. In the second, however, he noticed a large man lying on his back, hands behind his head, and face covered with some clothing. Another man, who seemed to the witness to be of smaller build, was lying on the floor of the third Pinzgauer, also with his face covered:

They didn't move so I'm not sure if they were dead or alive. But I suppose they must have been alive because their hands were behind their heads. I saw this from about 20 meters; that's how much there is from my window to the spot where the Pinzgauers went by. Together with a jeep and truck, the Pinzgauers went off in the direction of the Feronikl plant.

On 12 June, five Priština attorneys - Bajram Keljmemdi, Destan Rukići, Fazli Baljaj, Lirije Osmani and Nekibe Keljmemdi - addressed the District Public Prosecutor and investigating judge in Priština, the Serbian Public Prosecutor and the Federal Public Prosecutor in connection with the events at Novi Poklek. They called for a full investigation, locating of the bodies of nine killed villagers, performing of autopsies, delivery of the bodies to their families for burial, and the filing of criminal charges against those who ordered and carried out the crime against the civilian population. In the complaint, they identified the following men as killed: Ahmet (father: Amruš) Beriša, 40; Hajriz (father: Ejup) Hajdini, 48; Muhamet (father: Ejup) Hajdini, 45; Sahit Ćori, 60; Sefer Ćori, 55; Ferat Hoti, 39; Rama Aslani, 60; Fidai (father: Nazmi) Beriša, 17; and Bljerim (father: Brahim) Šišani.

On 15 June, the attorneys were officially notified by the investigating judge that their complaint had been forwarded to the Priština District Public Prosecutor.

In the meantime, the HLC received further information: that Sahit Ćori's brother was told at the Glogovac police station that it was not true that the Novi Poklek villagers had been killed; that the families of some of the missing heard from Serb friends that their relatives were being held at the Feronikl plant, that were alive and well but would not be released until they told the police the identity of a KLA commander known by the nickname "Škumbin."

Rumors also reached the HLC that the bodies of the Albanians killed in Novi Poklek were disposed of by incineration at the Feronikl plant.
Source: HLC

Kosovo - Disappearances in Times of Armed Conflict

1.4. Unknown fate of Iljmi Prteši

According to the HLC's information, Iljmi Prteši (31) was wounded in his village, Dulje, in early July as he was driving his tractor. He was hospitalized in Prizren and then transferred to the state hospital in Priština. His family heard that he was taken from the Priština hospital in mid-July, reportedly to Belgrade for further treatment. They were not officially notified of his transfer to a Belgrade hospital, and have no knowledge of his whereabouts and condition.
Source: HLC

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1.5. Unknown fate of Jakup Ćerimin of Uroševac

Jakup Ćerimin was arrested by seven police officers after an argument with a State Security inspector. His mother inquired at the local police station and was told that Ćerimin was with the KLA. When she said she knew the police officers who had arrested him, she was allegedly told she would never see her son again.
Source: Human Rights Committee, Priština

1.6. Unknown fate of Hadži Adem of Jablanica and Žuj Seljmanin of Rosani

Ademin and Seljmanin, two women and a one-year-old child were on their way to Bučan village on 26 June. They were stopped on the road by police who, retreating from the KLA, used them as a human shield.

Source: Human Rights Committee, Priština

1.7. Unknown fate of Sulejman Zekaj

At about 10 a.m. on 27 May, while fighting was under way between Serbian police-military forces and the KLA in Dečani, Sulejman (father: Uka) Zekaj and Hadži Brući of Istinić were crossing the main Dečani-Djakovica road. They ran into police who opened fire at them. Brući managed to get away and did not see what happened to his companion. Zekaj's body was not found and there were no traces of blood on the scene.

Source: Human Rights Committee, Priština

1.8. Arbitrary detention of Dr Hafir Šalja

On 10 April, Hetem Sinani and Šaban Neziri were traveling to Priština by car together with Dr Hafir Šalja, a doctor at the Glogovac Medical Center. According to Sinani and Neziri, they were stopped by traffic police at about 8 a.m. near Slatina village. Four men in civilian clothes and a four-wheel drive with the license plates PR 968-16 were standing near by. These four men took Dr Šalja, Sinani and Neziri to the Priština Police Department. Sinani and Neziri were released later that day; Dr Šalja never returned to his home. His family and lawyer, Destan Rukići, turned to the District Public Prosecutor and the warden of the District Prison in Priština for information on Dr Šalja's whereabouts, but were unable to learn if he was in custody.

In late June, the HLC received contradictory reports about Dr Šalja. According to some sources, his family celebrated after hearing that he was alive and had joined the KLA. The family did not contact Dr Šalja's lawyer, so that he was unable to confirm this story. On the other hand, lawyers in Priština do not rule out the possibility that Šalja is in custody at the Military Court in Niš. No independent confirmation of either report is available.
Source: Destan Rukići (lawyer), HLC

1.9. Arbitrary detention of Izet Ajazi of Sankovac and five unidentified men

Police stopped a bus running between Priština and Mogile village near Velika Slatina on 29 June, separated out six ethnic Albanian passengers and took them away. According to the Kosovo Information Center (KIC), several passengers recognized Izet (father: Sadriza) Ajazija, 40, among the detained men.
Source: KIC

Kosovo - Disappearances in Times of Armed Conflict

1.10. Arbitrary detention of Arben Barjaktari, Baškim Mehmetaj and Ljuan Ahmetdjekaj of Rudica

On 6 July in the village of Dobrodol, police and members of a Serbian paramilitary group detained 10 Albanians from Rudica who were planning to take their family members to a safer place. The 10 men were tied to a tractor and taken to the all-Serb village of Gorazdevac. Two days later, criminal charges were filed against seven. There is no information on the whereabouts of Arben Barjaktari, Baškim Mehmetaj and Ljuan Ahmetdjekaj.

Source: Human Rights Committee, Priština

1.11. Arbitrary detention of Škeljzen Pepšin of Junik

Škeljzen (father: Jah) Pepšin was arrested by police on 17 May when he came to Junik to console with a bereaved family. All trace of him has been lost.

Source: Human Rights Committee, Priština

1.12. Arbitrary detention of Gazmend Imeri, Avni Ahmeti, Agron Sila, Nedžet Ziberi and Sulejman Sadriu

Gazmend Imeri of Popoci, and Agron Sila, Nedžet Ziberi, Avni Ahmeti and Sulejman Sadriu of Ponoševac were arrested in mid-May. There is no information on their whereabouts.

Source: Human Rights Committee, Priština

1.13. Arbitrary detention of Škeljzen and Avduh Barjaktari and unidentified student

On 15 June, police stopped a Žurtrans bus at Štimlje on the Priština-Prizren road and took away Škeljen (father: Žićeri) Barjaktari, an electrical engineering student, Avduh (father: Ramadan) Barjakatri, a dentistry student, and a third, unidentified university student. All trace of them has been lost.

Source: Human Rights Committee, Priština

II. DISAPPEARANCES OF SERBS ATTRIBUTABLE TO THE KOSOVO LIBERATION ARMY

2.1 Unknown fate of Dara and Vukosava Vujošević, and Milovan and Milka Vlahović of Gornji Ratiš

The Serb inhabitants of Gornji Ratiš fled on 21 April when the KLA took control of the area, and found refuge at the Youth Center in the town of Dečani, close to the medieval Visoki Dečani monastery. Only four remained in the village: the sisters Dara (69) and Vukosava (65) Vujošević, and Milovan Vlahović (60) and his wife Milka (62). No Serb has managed to enter Gornji Ratiš since 21 April to find out how these four elderly people are faring. The Vlahovics' daughter, who left the village with her brother on 21 April, told the HLC they tried to return the next day for their parents but were stopped and turned back by KLA members.

Source: HLC

2.2. Unknown fate of Slobodan Radošević, and Milica and Miloš Radunović of Dašinovac

The KLA took control of Dašinovac on 22 April. Most Serbs fled the village the day before; only Slobodan Radošević (64), Milica Radunović (59), her husband Miloš (60), and the Marković family remained.

Radošević's wife Rosa and their son Staniša tried to return for Slobodan the next day. They were able to reach Požar village where they were stopped at an KLA checkpoint and taken to

Humanitarian Law Center • 5. avgust 1998.

Kosovo - Disappearances in Times of Armed Conflict

the KLA headquarters in Glodjane, where, they told the HLC, Staniša was physically abused. They were released later that day but were not allowed to go to Dašinovac for Slobodan.

Miloš and Milica Radunović were last seen by their son and daughter-in-law on 22 April when they came from Dečani to take the elderly couple back with them. They were, however, unable to persuade Miloš and Milica to leave and returned home the same day. They have had no news since then. Albanian friends of the family went to Dašinovac to look for Miloš and Milica but with no success.

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According to several sources, including the Albanian-language daily *Koha Ditore*, Slobodan Radošević and Miloš Radunović were killed. Relatives have heard that they were buried by the roadside in Glodjane but no one has seen the graves.

Source: HLC

2.3. Arbitrary detention of Vladan, Igor and Slobodan Mikić of Klina

Vladan (31), Igor (21), and Slobodan Mikić (17) were released on 30 April after being held for four days. They said they were accosted by a group of armed Albanians on Popova Glavica hill, blindfolded, taken to Ozrim and, later, to Vočnjak village. They were not ill-treated.

Source: Belgrade media

2.4. Arbitrary detention of Krsta and Dejan Jeftić, and Stanko Stanković of Rečane

Krsta Jeftić (19) and his twin brother Dejan, and Stanko Stanković (48) of Rečane, Suva Reka Township, were released on 5 July. They were taken the day before while pasturing their livestock.

Source: Belgrade media

2.5. Arbitrary detention of Vojko and Ivan Bakrač, refugees from Croatia

A group of armed Albanians stopped a Djakovica Ekspres bus near Crnaljevo on the Prizren-Štimlje road on 29 June. Four passengers, of whom three Serb refugees from Croatia, were taken off the bus and to an unknown destination. Two of the abducted, Vojko Bakrač and his 18-year-old son Ivan, were released on 8 or 9 July through the efforts of the International Committee of the Red Cross (ICRC). There has been no news of the other two passengers.

Source: Belgrade media

2.6. Arbitrary detention of three women from Veliki Djurdjevak

Four Serb families left Veliki Djurdjevak in the afternoon of 20 June. An HLC witness said they were evacuated swiftly by police because of an expected attack, and had no time to take any belongings.

On 23 June, three women, including the HLC witness, returned to feed their livestock. They had just entered their homes when three armed Albanians appeared, one in uniform and two in civilian clothes. One of the latter was from the neighboring village. The women did not know the other two. At gunpoint, the women were put into a Mercedes car with Ivograd license plates and two of the men drove them to Likovac.

Likovac had its own police station up to 1987. As in many other all-Albanian villages, the police were withdrawn by 1990, after which the building served as the village community center. This is how the HLC witness describes the place where she was held for 36 hours:

There were some trees, big ones, in front of the building. As you go in, there were beds and a doctor's office. There were tidy beds, a bathroom, a table in the middle and chairs. They took the three of us into a small room and gave us three chairs to sit on. There were uniforms

Humanitarian Law Center • 5. avgust 1998.

Kosovo - Disappearances in Times of Armed Conflict

in the room, and car license plates with UCK 1/11, 1/12, 1/13 on them, standing for Drenica. The uniforms were complete, black and dark blue, almost like police uniforms. There were boots and shoes also. They offered us food but we couldn't eat. I heard the voice of Drago Voštić in the next room; the connecting door was a thin one. Then I also heard Radomir talking in that room (HLC note: Drago and Radomir Voštić from Jelovac went missing on 20 June while they were making hay outside the village.) The Vostić brothers speak very good Albanian. I heard them talking but couldn't make out the words. They asked Drago Voštić about his son. They questioned us too, asked where we were from, where our husbands, our brothers-in-law work. Nothing else. Then they let us go; it was Wednesday (HLC note: 24 June), about three or four in the afternoon, and they said: "Don't you even think about going back home; we won't let you go next time."

According to the witness, a senior officer drove them to Duševica village in a white van, from where they walked to the police station in Jošanica.

Source: HLC

2.7. Arbitrary detention of Milosav and Vojislav Šmigić of Leočina

On 18 May, 25 Serbs left their homes in Leočina, Srbica Township. Five, all with the last name Šmigić, of whom four over the age of 70 - Milosav and his wife Sultana, Aleksandra "Lenka" and her son Radomir, and Krstiva Šmigić - stayed in the village. On 9 June, a group of armed Albanians in military uniforms forced their way into their houses. The incident was described by Krstiva Šmigić, who reached the police station in Rudnik village early in the morning of 13 June, and told the police she feared something had happened to her relatives Milosav, Sultana, Radomir and Lenka. That same day, she joined seven Serb families who moved out of Rudnik for Zubin Potok, a small town with a majority Serb population near the boundary with Serbia proper.

The Leočina Serbs said they were forced to leave their homes. In April, their Albanians neighbors stopped speaking to them although relations between the two communities had been normal until then.

Earlier that month, Milosav and Vojislav Šmigić were walking home to Leočina from Kosovska Mitrovica. They were stopped by three armed Albanians, put in a car and taken to the KLA headquarters in Turičevac village. Milosav Šmigić's relatives said he did not realize immediately that he had been abducted, believing he and Vojislav were being given a lift. They were taken to a store in Trnava and, as they got out, Milosav said, "Thanks children, you've saved us a long walk." In front of the store, one of the Albanians used a walkie-talkie to ask what should be done with two Serbs they had captured. Milosav realized then that he and Vojislav had been abducted. He heard an elderly Albanian who came by tell the three uniformed men, "Don't you hurt them now; they've done nobody no harm."

A van with dark windows arrived and drove the two Šmigićs to the KLA headquarters in Turičevac, where an officer was expecting them. Milosav recounted to his relatives that guns were pressed to his and Vojislav's necks but that they were not otherwise mistreated. They were each given 10 aspirin "so their heads wouldn't hurt" and ten cigarettes. Milosav wished the KLA men a happy Bayram holiday. Vojislav said to his relatives that the men at the KLA headquarters told them, "This isn't your country," and warned them that they could no longer stay in their village.

On 9 May, the teenage brothers Bojan and Goran Šmigić were harassed by unidentified Albanians while bussing to school in Rudnik, and told that there was no more school for them. After this incident, the Leočina children transferred to a school in the small town of Istok, where there is a police station.

Humanitarian Law Center • 5. avgust 1998.

Kosovo - Disappearances in Times of Armed Conflict

Source: HLC

K 0078705

2.8. Arbitrary detention of Jovan Lukić of Brnjača

At about 6 p.m. on 17 July, when he was driving past Šeljazin Breg at the crossroads outside Orahovac, Jovan Lukić was stopped by a group of armed Albanians. Some were in civilian clothes, others in uniform, and Lukić said later he knew most of them by sight. He was taken to Crvenica on a mountain near Orahovac, where he saw two Serbs, Srdjan and Srećko Vitošević, who had been taken before him. Čeda Čabarkapa and Duško Džinović were brought in somewhat later.

The abductors tied the hands of the Serbs, pulled caps over their eyes, and used Lukić's and their own car to drive them to the former police station in Mališevo. Among the prisoners there, Lukić recognized a Roma man by the first name of Azem, his wife and 12-year-old daughter, a Duško from Orahovac, a Toma and his son, and a man and his son from Mlečane whose names he did not know. They were separated into groups and led into different rooms. Lukić was in a room with two doctors from the Orahovac Medical Center, one of whom from Serbia proper and other from Velika Hoča, and the two Vitoševićs. They were held in the building for two days and two nights. Five or six Albanians came into the rooms at intervals of 10-15 minutes and beat the prisoners.

During the second night, Lukić noticed that groups of men were being taken out and driven away in a van, which later returned empty. He and the others in his room were the last group to be taken out. Their hands were tied, they were bundled into the van and four soldiers took them into the woods. As they were coming out of the van, Lukić managed to break his bonds and attempted to seize a gun from one of the soldiers. The soldier struck him and broke his arm. Lukić started running, shouting to the others to follow suit. The soldiers fired after him and chased him for a while. Lukić went cross country to Suva Reka, from where the police took him to the Prizren hospital. He does not know what happened to the other prisoners.

Source: HLC

2.9. Arbitrary detention of seven monks, a nun, and villagers from Orahovac vicinity

Serbs from Zocište recounted that the village was attacked on 19 July by around 1,000 armed Albanians - local inhabitants and "some strangers." About 200 armed Serbs tried unsuccessfully to repulse the attack. Younger people fled to neighboring Velika Hoča, a village with some 400 Serb homes; others, mostly elderly, sought refuge in the Serbian Orthodox monastery of Saints Cosmas and Damian. Early next morning, the monastery came under fire and its guest house was hit by two shells. Local Serbs said the Albanians did not target the church, aiming at the other monastery buildings, and that the attack lasted about two hours.

The monks tried to resist with the four rifles they had but, realizing it was in vain, decided to surrender. The Albanians searched the monastery, led out the people hiding inside, and demanded that all Serbs leave "because we don't want to see you in the village any more." In a bus belonging to the Termomont company of Orahovac, the Serbs were taken to the Albanian-language elementary school in Semetište near Suva Reka. They were held there under guard until 22 July when they were handed over to the ICRC. They told news reporters they were not mistreated but that a visiting priest from Serbia was whipped.

The following Serbs were released to the ICRC: Stanoje Mišić (25), Mitra Mišić (25), Darinka Mišić (70), Borka Trpković (18), Zagorka Stojanović (33), Vukadin Krstić (83); Father Jovan from the monastery; Dragomir Prodanović, Radmilo Jelić (25), Vladimir Rančić (25).

Humanitarian Law Center • 5. avgust 1998.

Kosovo - Disappearances in Times of Armed Conflict

Andjelka Djordjević (49), Branko Preradović (22), Ivan Trajković (48), Goran Djordjević (36), Radomir Krstić (67), Olga Simić (53), Slavica Bandžić (42), Ljubica Krstić (88), Branko Krstić (50), Dobrila Božanić (26), Dragica Božanić (42), Duška Božanić (59), Milutin Djurdjić (85), Desanka Bandžić (80), Stanoje Kostić (66), Momirka Kostić (53), Slavka Djurdjić (57), Kosara Kostić (62), Danica Kostić (54), Lazarka Kostić (62), Petra Kostić (60), Danica Kostić (54), Mirjana Nikolić (38), Leposava Mišić (84), and Desanka Čučurević (72).

Source: Belgrade media, Kosovo Red Cross

2.10. Unknown fate of Milosav, Sultana, Radomir and Aleksandra Šmigić

Krstiva Šmigić told HLC researchers that all Serbs moved out of Leočina apart from herself, Milosav, Sultana, Aleksandra "Lenka" and Radomir Šmigić. Milosav flatly refused to leave his home and his wife Sultana did not want to leave without him. Aleksandra decided to stay because she was very close with Sultana, and her son Radomir was unwilling to leave her. On 8 July, an Albanian neighbor came to warn them that they would be attacked. Krstiva said neither she nor the others believed him. At about 10 a.m. the next day, four men in camouflage fatigues and caps came into her yard. She describes what happened next:

As soon as I saw them, I ran over to Milosav and Sultana's. The soldiers beckoned to me but I was afraid to let them get close up. The four of them came after me and asked us, "What are you doing here? This is Albania; there's nothing here for you." To which Milosav replied, "It's been Serbia up to now. And even if it's Albania, we can find a way to live together in peace." Then they hit Milosav with their gun butts and kicked me and Sultana. They ransacked the house, broke the furniture. They put us in one room, set fire to the bedding and said they'd be back in an hour. The quilts were burning and we tried to put them out. We opened the window and climbed out. Milosav told me and Sultana to flee.

Radomir and Lenka saw what was happening from their yard and called to us. We left Milosav in his yard. We talked about where we could hide. Radomir told me, Sultana and Lenka to go into the wheat fields and said he would hide upstairs. Us three women left the house and went into the fields. After a while, Sultana and Lenka said they wanted to go back. Sultana went to her husband, and me and Lenka went back to her house, to Radomir. But about 30 of them were going into the yard and, when they saw us, they came toward us. They were armed, some in uniform and some in civvies. Ten of them went into Radomir's house. They found him upstairs. We heard screams and Lenka rushed upstairs. I stayed below. I heard terrible screams and moaning from above. I couldn't bear it any more and went out again. I heard three rifle shots before I got into some high grass. I didn't see them drag Radomir or Lenka downstairs.

From her hiding place, Krstiva saw the Šmigić houses in flames. The next day, she cautiously approached Milosav's house, called Sultana, and then went to Radomir's house and called him and Lenka. There was no response. Krstiva spent the next two nights near the fire-gutted remains. On the fourth night, she set out for Rudnik, knowing there were Serbs and police in the village.

2.11. The abduction of Dostana Šmigić of Srbica

Hearing that her mother Krstiva had stayed in Leočina although almost all the other Serb inhabitants had left, Dostana Šmigić went to get her on 19 May. She left Srbica, where she lived, in her Yugo car (license plates KM 316 06). According to information gathered by the HLC, Dostana Šmigić was seen as she passed through Rudnik and several other villages near Leočina. She was reportedly stopped in Ozrim and taken to Likovac village, also in the Drenica area. According to many Serbs, the former police station in Likovac has been turned into a detention facility for Serbs and for Albanians who fail to comply with KLA orders.

Kosovo - Disappearances in Times of Armed Conflict

K 0078706

2.12. The abduction of Čedomir Kandić of Kotor

Čedomir "Čedo" Kandić (55), an employee of the Belgrade-based Termoelektro company, was taken from his home in Kotor, Srbica Township, on 13 June. His brother, a police officer with the Kosovska Mitrovica Police Department, said Čedo was in poor health: he was convalescing following an ulcer operation, and suffers also from rheumatism and a vascular disorder. Čedo, his brother says, "never hurt a fly in his whole life."

Seven armed Albanians came to the Kandić house, in which Čedomir lived with his step-mother Angelina "Draginja", took a pistol for which he had a permit, and a knife used to slaughter pigs. They took Čedomir away, telling Draginja he would be back in half an hour, after he made a statement. The other five Serb families in Kotor fled as soon as they heard Čedomir had been taken. Only Draginja and Mileva Vuković (73) stayed. Čedomir's relatives told the HLC that ICRC delegates managed to take Draginja Kandić and Mileva Vuković out of the village on 29 June, when they visited Kotor for the second time. After the first visit, the ICRC delivered to Čedomir's brother a note someone had written on behalf of the illiterate Draginja: "I am in good health. But I can't live alone and I can't get out of here either."

2.13. The abduction of Miroslav Šulinić of Vidanje

Miroslav Šulinić (29) of Vidanje disappeared on 21 May on his way home from Dobri Dol near Kuršumljija (Serbia proper) where he worked at a lumber mill. He was last seen passing through the police checkpoint at Komorane in his Toyota Corolla car. At some point after the checkpoint, he was reportedly stopped by a group of armed Albanians. Šulinić was carrying a pistol for which he had a permit. His relatives have heard that he is being held in Likovac and that, as a civilian, he is not ill-treated and is put to work with other prisoners on digging trenches.

Source: HLC

2.14. The abduction of Branko Staletić of Mlečane

On 20 June, armed Albanians in camouflage fatigues appeared in Mlečane and forced the Serb families to move out to Kijevo. They retained one villager, Branko Staletić, and took him away.

Source: Belgrade media

2.15. The abduction of Ratko and Čedomirka Miljković of Pantina

Thirteen Serb families fled Pantina amidst gunfire in the early morning of 26 June. Ratko Miljković (55) and his wife Čedomirka (52) remained in the village. Cveta Simić (65), was the only person to stay in Hercegovovo, about one kilometer from Pantina. The Miljkovići's daughter, Snežana, last saw her parents on 25 June, when her father went to negotiate with their Albanian neighbors:

My father went over to our neighbor Bajram, to ask him to go with him to Dr Ismet Šaćiri, the most respected Albanian in the village, and negotiate our moving out peacefully. So they went together. But they came back soon because they were told the doctor wasn't there and would send for them when he returned. And, at about 7.30 a.m., some children came for my father. He went and never came back. At around 9 o'clock, I heard my mother's voice from the front of the house, crying out to us to take care, that we were surrounded.

With her uncle and other Serbs families - the Vasići, Milenkovići, Živkovići and Spirići - Snežana fled through the fields to Svinjarevo. On 14 July, the HLC learned that Cveta Simić was found beside the road between Pantina and Vučitrn and subsequently hospitalized in Belgrade. When they visited her in the hospital on 18 July, HLC researchers observed serious injuries on her body. Cveta Simić was unable to say how she was hurt or how she got to the spot where she was found, and mentioned only an elderly Albanian giving her a glass of water.

Source: HLC

Kosovo - Disappearances in Times of Armed Conflict

2.16. The abduction of Žarko Spasić of Sibovac

Žarko Spasić (35), employed as a driver at the Belačevac strip mine, was abducted at 9.30 p.m. on 14 May near the bus station at Grabovac village. People who were waiting at the station told his father, Milorad Spasić, that Žarko was stopped by armed and uniformed Albanians and taken in the direction of Dobroševac, Glogovac Township.

Source: HLC, Belgrade media

2.17. The abduction of Božidar Lempić and 10 employees of the Belačevac mine

After taking control of the Belačevac strip mine on 22 July, KLA members abducted nine mine workers: Zoran Andjančić, Pero Andjančić, Dušan Andjančić, Filip Gojković, Dragan Vukmirović, Mirko Buha, Mirko Trifunović, Srboljub Savić, and Božidar Lempić.

Investigating the incident, the HLC found that six KLA members stopped a bus taking 40 employees of the mine from Obilić to Belačevac. Twelve were reportedly taken off the bus. Two Albanian mine engineers were released immediately while 10 Serbs were taken away. Among them was Božidar Lempić from Gojbulja near Vučitrn, who is not a mine employee.

The HLC also established that Mirko Buha, a manager at the mine, was not among those taken off the bus. He went missing the same day while on his way to Belačevac from Obilić via Crkvene Vodice and Ade in his Lada automobile (license plates BR 657 67).

Source: HLC, Belgrade media

2.18. The abduction of Zvonko Marinković and Jefta Petković of Mušutište

According to Aleksandar Našpalić, the parish priest in Mušutište, two villagers, Zvonko Marinković and Jefta Petković, and another four Serbs from Račan were abducted. The priest refuted a report in the Belgrade daily *Blic* that "the terrorists castrated three of the men and killed another."

Source: Politika, Blic.

2.19. The abduction of Stamen Genov and Djordje Ćuk, a refugee

Stamen Genov, an ethnic Bulgarian from Bosilegrad (eastern Serbia), employed as a medical technician at a military medical facility in Djakovica, took a bus to Belgrade on 29 June to enroll in college. He, Djordje Ćuk, and a man identified only by his last name, Bakrač, both Serb refugees from Croatia, were taken off the bus. Bakrač was subsequently released. There is no information on the fate of Genov and Ćuk.

Source: HLC, Belgrade media

2.20. The abduction of Djordje Djorić of Orahovac

Djordje Djorić (28), was taken from the Orahovac Medical Center early in the morning of 18 July. Djorić was driving a neighbor, a woman who had started her labor pains, and her husband, to the Medical Center. They were stopped by armed Albanians who ordered Djorić out of his Yugo car and said they knew his two brothers were police officers. After some 20 minutes, the KLA members brought the three to the Medical Center, went inside with them and took them up to the fourth floor. There were no patients on the floor. A midwife told them that several KLA groups had come into the Medical Center on 17 July, that some doctors had fled, and that a Dr Duško from Velika Hoča, and Drs Stojanović and Isuf had been taken by the KLA.

Djorić was interrogated by the KLA members who had stopped his car and others who came during the night. He was taken into the hallway, asked questions about his brothers, and beaten. A KLA group appeared at about 3 a.m. on 18 July and said they were members of the

Kosovo - Disappearances in Times of Armed Conflict

Drenica KLA. They asked who the Yugo outside the Center belonged to, took the keys from Djorić and drove him away.

Source: HLC

K0078707

2.21. The abduction of Siniša Lukić and Veselin Lazić of Gornje Nerodimlje

Siniša Lukić and Veselin Lazić were abducted at about 7.30 p.m. on 20 July while on their way from Gornje Nerodimlje to the nearby town of Uroševac. According to the *Politika* newspaper, they were taken to Jezerac village where the KLA has a headquarters and runs a detention camp for Serbs from this area of Kosovo.

Source: Politika

2.22. The abduction of police officer Dejan Stamenković

Dejan Stamenković, a police officer from Ropotovo, Vitina Township, was taken off a bus running between Kosovska Mitrovica and Peć. The bus was stopped at Čubrelj village in the Drenica area on 19 May. There has been no information on his whereabouts since then. The official Serbian media reported that Stamenković was off duty, in civilian clothes and traveling on personal business.

Source: Belgrade media

2.23. The abduction of police officer Ivan Bulatović

Police officer Ivan Bulatović was taken off a Peć-Kosovo Polje train when it stopped at the Banjica station on 23 May. His wife has heard that he is being held at a KLA detention center in Likovac. Quoting as its source the Albanian-language *Gazeta Shqiptare*, *Politika* reported that Bulatović was at the KLA camp in Izbica, also in the Drenica area.

2.24. The abduction of police officers Nikola Jovanović and Rade Popadić

Two Serbian police officers, Rade Popadić of Šabac and Nikola Jovanović of Loznica, went missing at Babaloč village on 25 May. On 29 May, the Belgrade daily *Danas* quoted senior police sources in Kosovo as saying the two police officers had been taken prisoner and were believed to be well-treated by the KLA. The paper further reported that there had been contacts between the police authorities and the KLA on exchanging captured police officers in return for food supplies.

On 10 July, *Danas* said the District Court in Peć had been asked to institute a judicial investigation against Dem Ramosaj and another four Albanians on charges of involvement in the abduction of Popadić and Jovanović. The paper added that the investigations until then had indicated that the suspects had no knowledge of what happened to the two police officers after their abduction. It noted also the increasing talk in police circles in Kosovo about the possibility of exchanging abducted Serbs for arrested Albanians.

Besa Arlati, member of the Democratic Alliance of Kosovo organization in Djakovica, was questioned at the Djakovica Police Department several times in connection with the abduction of officers Popadić and Jovanović. The first time was on 26 May when Police Chief Sreten Čamović demanded that she tell them everything she knew about the alleged abduction. Besa Arlati said the police inspectors cursed her "Albanian mother" and called her a whore, and Chief Čamović punched her in the face. She was held all night in a cellar, flooded with sewage some 10-15 centimeters deep. On 28 May, she was questioned continuously for nine hours. She was then allowed to go on condition she returned the next day, dressed in track suit and sport shoes, ostensibly to accompany police on a search for the abducted officers. When she reported on 29 May, police took off her jewelry and again took her down to the same cellar, where she remained until 11 p.m. on 1 June when she was released.

Source: Belgrade media

**III. DISAPPEARANCES OF ALBANIANS
ATTRIBUTABLE TO KOSOVO LIBERATION ARMY**

3.1. The abduction of Agim Ademi, Veselj Ahmeti and Šučrija Zumeri of Donji Godanc.
Armed Albanians abducted three co-nationals - Agim Ademi, Veselj Ahmeti and Šučrija Zumeri - in Donji Godanc in the night of 26 June because of their collaboration with Serbian government authorities.
Source: Priština Media Center

**IV. DISAPPEARANCES OF SERBS
AND ROMA IN UNCLEAR CIRCUMSTANCES**

4.1 Radomir Ivanović of Maznik
Radomir Ivanović went missing on the night of 23/24 April on the road to Maznik. He had fled the village two days earlier and, with other Serbs families from Gornje Ratište and Maznik, was placed at the Youth Center in Dečani.
Source: Politika

4.2. Branko Stamatović
At the end of April, HLC researchers learned from displaced Serbs at the Dečani Youth Center that Branko Stamatović had been missing since 25 April. On 27 April, *Politika* quoted an unidentified Albanian family as saying Branko Stamatović of Prilep had been taken "to the notorious village Glodjane." In mid-June, HLC researchers were told by a displaced Albanian in Montenegro that he saw Stamatović come to Prilep with police at about 3 p.m. on 28 May and set fire to the house of his Albanian neighbor, Avdilj Lokaj.
Source: Politika, HLC

4.3. Gurim Bejta, Agron Beriša and Ivan Zarić of Dolac
Gurim Bejta and Agron Beriša (16), both Roma, and Ivan Zarić (24), a Serb, left Dolac on 20 May with a cart-load of corn for milling in the neighboring village of Grabanica. They never returned. They were last seen by Gurim's father, Ramadan Bejta, when he saw them off.
Source: HLC

4.4. Ragip Gutić and Vučić Vuković of Kruševac, and Novica Vujisić of Dubovik
Ragip Gutić, Vučić Vuković (35) and Novica Vujisić (17) disappeared on 18 June at Kruševac, a village in Suva Reka Township.
Source: Politika

4.5. Radomir and Dragutin Voštic of Jelovac
The Voštic brothers from Jelovac, Radomir (67) and Dragutin (69), disappeared on 20 June. Radomir's wife told the HLC they left home early in the morning to make hay between Jošanica and Duševići villages. When they did not return, she went to look for them. All she found were their scythes and their jackets hanging from a bush.
Source: HLC

4.6. Djuro Latas of Rakovica
Disappeared on 4 July on the Priština-Suva Reka road.
Source: Kosovo Red Cross, Belgrade daily Glas

4.7. Jugoslav Kostić of Retimlje
Disappeared on 11 July at Brestovačke Padine.
Source: Kosovo Red Cross, Glas

K 0078708

4.8. Slobodan Mitrović and Milovan Krstić of Rečane
Disappeared on 24 June at Kruševac, Suva Reka Township.
Source: Kosovo Red Cross, Glas

4.9. Željko Kovačić of Javoran
Disappeared on 24 June on the Priština-Suva Reka road.
Source: Kosovo Red Cross, Glas

4.10. Svetomir Biševac of Ostrog
Disappeared on 4 July on the Priština-Prizren road
Source: Kosovo Red Cross, Glas

4.11. Srdoljub Miladinović of Rečane
Disappeared on 24 June on the Priština-Suva Reka road.
Source: Kosovo Red Cross, Glas

4.12. Srdjan Perović of Peć
Disappeared on 6 July at Lobj.
Source: Kosovo Red Cross, Glas

4.13. Alija Nasret of Dolovo
Disappeared on 20 May at Grabanica.
Source: Kosovo Red Cross, Glas

4.14. Rešad and Suhad Hadža of Kosovoska Mitrovica
Rešad and Suhad Hadža were last seen while on their way to the bus station in Kosovska Mitrovica in a van belonging to Rešad Hadža (licence plates BR 369 74). They had been at the house of the Hadža family to buy plastic products and asked them for a lift to the bus station.
Source: HLC

4.15. 52 persons from Orahovac, Velika Hoča, Opušica, Djakovica and Retimlja
The following persons disappeared during fighting between the police-military forces and the KLA in the period from 17-22 July: Duško Dolašević and Duško Patrnođić of Velika Hoča; Djordje Baljošević, Tomislav Baljošević, Slavka Baljošević, Srdjan Vitošević, Srećko Vitošević, Čedo Čabarkapa, Duško Djinović, Krsta Stanojević, Azem Isaku, Visar Isaku, Aleksandar Stojanović, Ivica Simić, Svetozar Tomić, and Milorad Filjdžokić of Orahovac; Mladen Božanić, Nemanja Božanić, Duška Božanić, Spasa Banzić, Slavica Banzić, Desanka Banzić, Srećko Banzić, Olga Simić, Spasa Djurdjić, Pedja Djurdjić and Jova Vasić of Opušica; Lazar Kostić, Todor Kostić, Saško Kostić, Živko Kostić, Srećko Kostić, Mirosljub Kostić, Veroslav Kostić, Svetomir Kostić, Nebojša Kostić, Miodrag Kostić, Zvonko Kostić, Rajko Nikolić and Cvetko Nikolić of Retimlje; Nenad Tomić of Djakovica.

The names of Vitko Kostić and five members of the family of Jovan Lukić of Orahovac, Olga Simić, Milutin Djurdjić, Stanojka Djurdjić and Slavka Djurdjić were also on this list. The HLC has learned in the meantime that Vitko Kostić was released, and that the five Lukićs were not abducted. The Kosovo Red Cross and local Serbian authorities reported that Olga Simić, Milutin, Stanojka and Slavka Djurdjić were also released.
Source: Belgrade media, HLC

**V. DISAPPEARANCES OF ALBANIANS
IN UNCLEAR CIRCUMSTANCES**

5.1. Nagip Cacaj, Haljit Cacaj and Ibrahim Muškoli of Dečani

Nagip Cacaj (37) was last seen on 30 May at the home of Isa Kući in Dečani. Haljit Cacaj and Muškoli disappeared later that day, during the police-military attack on the old part of Dečani.

Source: HLC

5.2. Džezair Sila of Grabanica

Disappeared on 22 May at Grabanica.

Source: KIC

5.3. Wife and children of Kamer Morina of Obilić

All trace of the wife of Kamer Morina and their three children was lost on 29 June.

Source: Human Rights Committee, Priština

5.4. Vedat Komani

Hatiže Komani from the Dardanija neighborhood of Peć reported to the Human Rights Committee in Priština the disappearance of her brother Vedat (father: Riza) Komani on 6 July when Lodj village was attacked.

Source: Human Rights Committee, Priština

5.5. Rahman Taći of Mališevo

Disappeared on 9 June at Miruš, a village near Mališevo.

Source: Human Rights Committee, Priština

5.6. Zenel Ahmeti and Hira Ahmeti of Ponoševac

Disappeared on 16 July during the police-military operation in Ponoševac.

Source: Human Rights Committee, Priština

5.7. Bajram Avdulj and Sokol Sula of Brovina

Disappeared on 16 July in the border area with Albania.

Source: Human Rights Committee, Priština

5.8. Avni Bećiri of Ačarevo

Disappeared on 9 June.

Source: Human Rights Committee, Priština

5.9. Selim Kriezju of Peć

Left his home at 7.20 a.m. on 13 June to buy some items at the Nora shop and did not return.

Source: Human Rights Committee, Priština

5.10. Brahim Rušiti, Čerime Rušiti, Afrim Rušiti, Osman Osmani and Redžep Osmani of Suvo Grlo

The families have had no information about their missing members since 19 June.

Source: Human Rights Committee, Priština

5.11. Over 50 persons from Orahovac

There has been no news of the following persons since 22 July when the police-military

forces regained control of Orahovac: Hadi Sokoli (32); Hivzi Šehu (30); Sabit Šehu (26); Sedat Šehu (27); Esat Šehu (20) and his family; Gani Hadžija (35); Nijaz Muljauk (68); Nijaz Rama and his ten-member family; Jonuz Jupa and his family; Muhamet Kolari and his five-member family; Hanife Kolari (70), Ilir Hasaku and two family members; Osman Muljabazi (68) and his family; Muhamet Sulejmani; Ekrem Derguti and his wife; Bademe Draga (70); Nesim Šala and his family; Ramadan Dina and his family; Fahredin Dina; Latif Velju; Čerim Cena (32); Šefket Derguti (52); Sadik Derguti (32); Muzair Mejzini; Fatime Kasapi; Čazim Kasapi; Lirije Kasapi; Sanie Kasapi and her sons Bekim and Burim and daughter Leoneta.

Source: KIC

5.12. Džafer Badžaj of Lodi

This 34-year-old villager from Lodi disappeared after 6 July.

Source: Democratic Alliance of Kosovo.

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Update:

1. 10 Orahovac Serbs released

Ten Serbs captured by the KLA during the fighting in Orahovac were released on the night of 29/30 July. Only the released members of the Baljošević family have been identified by name: Slavka, her daughter-in-law Snežana, and her 13-month-old grandson Ninoslav.

2. Ratko and Branko Staletić killed

On 30 July, police found the bodies of the Mlečane villagers Ratko Staletić and his son Branko near the village of Orlate, on the Priština-Peć road. The Staletićs were taken from Mlečane on 20 June by a group of armed Albanians in camouflage fatigues.

RECOMMENDATIONS

The police and military forces of Serbia and FR Yugoslavia, and the Kosovo Albanian military forces are bound to take immediate and effective measures to terminate the practice of enforced disappearances and for the release of all abducted persons. This obligation clearly ensues from the generally recognized principles and standards of international humanitarian law embodied in the 1949 Geneva Conventions and 1977 Protocols, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the UN Declaration on the Protection of All Persons from Enforced Disappearance.

The Declaration, adopted by the United Nations General Assembly by consensus in December 1992, states that any act of enforced disappearance is not only an offense to human dignity but also of the nature of a crime against humanity. It constitutes a violation or grave threat to the right to life, the right to liberty and security of the person, and the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment.

The relevant FR Yugoslavia authorities must adhere to the principles set out in the Declaration on the Protection of All Persons from Enforced Disappearance and may not invoke any circumstances, whether a threat of war, internal political instability or any other public emergency, to justify enforced disappearances:

1. Any person deprived of liberty shall be held in an officially recognized place of detention and, in conformity with national law, be brought before a judicial authority promptly after detention;

Kosovo - Disappearances in Times of Armed Conflict

2. Accurate information on the detention of such persons and their place of detention, including transfers, shall be made promptly available to their family members, their counsel or to any other persons having a legitimate interest in the information unless a wish to the contrary has been manifested by the persons concerned;

3. All persons deprived of liberty must be released in a manner permitting reliable verification that they have actually been released, and further, have been released in conditions in which their physical integrity and ability fully to exercise their rights are assured;

4. Each State shall ensure that any person having knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority;

5. Steps shall be taken to ensure that all involved in the investigation, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal;

6. An investigation should be able to be conducted for as long as the fate of the victim of enforced disappearance remains unclarified;

The military forces of Kosovo Albanians are obliged to take all possible measures to put an end to the practice of arbitrary detention, imprisonment or abduction of persons against their will or otherwise depriving them of their liberty, and must disclose the fate and whereabouts of these persons. Systematic practice of such acts is of the nature of a crime against humanity and is expressly prohibited by the provisions of the IV Geneva Convention and Protocol II. The Humanitarian Law Center urges local non-governmental organizations to exercise their right under the Declaration on the Protection of All Persons from Enforced Disappearance and to step up their activity in making complaints with regard to acts of enforced disappearance and for punishing those who ordered and carried out such acts.

DECLARATION ON THE PROTECTION OF ALL PERSONS FROM ENFORCED DISAPPEARANCE

General Assembly resolution 47/133 of 18 December 1992

The General Assembly.

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations and other international instruments, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind the obligation of States under the Charter, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Deeply concerned that in many countries, often in a persistent manner, enforced disappearances occur, in the sense that persons are arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government, followed by a refusal to disclose the fate or whereabouts of the persons con-

Humanitarian Law Center • 5. avgust 1998.

Kosovo - Disappearances in Times of Armed Conflict

cerned or a refusal to acknowledge the deprivation of their liberty, which places such persons outside the protection of the law,

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Considering that enforced disappearance undermines the deepest values of any society committed to respect for the rule of law, human rights and fundamental freedoms, and that the systematic practice of such acts is of the nature of a crime against humanity,

Recalling its resolution 33/173 of 22 December 1978, in which it expressed concern about the reports from various parts of the world relating to enforced or involuntary disappearances, as well as about the anguish and sorrows caused by those disappearances, and called upon Governments to hold law enforcement and security forces legally responsible for excesses which might lead to enforced or involuntary disappearances of persons,

Recalling also the protection afforded to victims of armed conflicts by the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, of 1977,

Having regard in particular to the relevant articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which protect the right to life, the right to liberty and security of the person, the right not to be subjected to torture and the right to recognition as a person before the law,

Having regard also to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which provides that States parties shall take effective measures to prevent and punish acts of torture,

Bearing in mind the Code of Conduct for Law Enforcement Officials, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the Standard Minimum Rules for the Treatment of Prisoners,

Affirming that, in order to prevent enforced disappearances, it is necessary to ensure strict compliance with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment contained in the annex to its resolution 43/173 of 9 December 1988, and with the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, set forth in the annex to Economic and Social Council resolution 1989/65 of 24 May 1989 and endorsed by the General Assembly in its resolution 44/162 of 15 December 1989,

Bearing in mind that, while the acts which comprise enforced disappearance constitute a violation of the prohibitions found in the aforementioned international instruments, it is none the less important to devise an instrument which characterizes all acts of enforced disappearance of persons as very serious offences and sets forth standards designed to punish and prevent their commission,

Proclaims the present Declaration on the Protection of All Persons from Enforced Disappearance, as a body of principles for all States;

Urges that all efforts be made so that the Declaration becomes generally known and respected;

Article 1

Any act of enforced disappearance is an offence to human dignity. It is condemned as a denial of the purposes of the Charter of the United Nations and as a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and reaffirmed and developed in international instruments in this field.

Humanitarian Law Center • 5. avgust 1998.

Kosovo - Disappearances in Times of Armed Conflict

Any act of enforced disappearance places the persons subjected thereto outside the protection of the law and inflicts severe suffering on them and their families. It constitutes a violation of the rules of international law guaranteeing, inter alia, the right to recognition as a person before the law, the right to liberty and security of the person and the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment. It also violates or constitutes a grave threat to the right to life.

Article 2

No State shall practise, permit or tolerate enforced disappearances.

States shall act at the national and regional levels and in cooperation with the United Nations to contribute by all means to the prevention and eradication of enforced disappearance.

Article 3

Each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction.

Article 4

All acts of enforced disappearance shall be offences under criminal law punishable by appropriate penalties which shall take into account their extreme seriousness.

Mitigating circumstances may be established in national legislation for persons who, having participated in enforced disappearances, are instrumental in bringing the victims forward alive or in providing voluntarily information which would contribute to clarifying cases of enforced disappearance.

Article 5

In addition to such criminal penalties as are applicable, enforced disappearances render their perpetrators and the State or State authorities which organize, acquiesce in or tolerate such disappearances liable under civil law, without prejudice to the international responsibility of the State concerned in accordance with the principles of international law.

Article 6

No order or instruction of any public authority, civilian, military or other, may be invoked to justify an enforced disappearance. Any person receiving such an order or instruction shall have the right and duty not to obey it.

Each State shall ensure that orders or instructions directing, authorizing or encouraging any enforced disappearance are prohibited.

Training of law enforcement officials shall emphasize the provisions in paragraphs 1 and 2 of the present article.

Article 7

No circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances.

Article 8

No State shall expel, return (refouler) or extradite a person to another State where there are substantial grounds to believe that he would be in danger of enforced disappearance.

For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the

Kosovo - Disappearances in Times of Armed Conflict

existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

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Article 9

The right to a prompt and effective judicial remedy as a means of determining the whereabouts or state of health of persons deprived of their liberty and/or identifying the authority ordering or carry out the deprivation of liberty is required to prevent enforced disappearances under all circumstances, including those referred to in article 7 above.

In such proceedings, competent national authorities shall have access to all places where persons deprived of their liberty are being held and to each part of those places, as well as to any place in which there are grounds to believe that such persons may be found.

Any other competent authority entitled under the law of the State or by any international legal instrument to which the State is a party may also have access to such places.

Article 10

Any person deprived of liberty shall be held in an officially recognized place of detention and, in conformity with national law, be brought before a judicial authority promptly after detention.

Accurate information on the detention of such persons and their place or places of detention, including transfers, shall be made promptly available to their family members, their counsel or to any other persons having a legitimate interest in the information unless a wish to the contrary has been manifested by the persons concerned.

An official up-to-date register of all persons deprived of their liberty shall be maintained in every place of detention. Additionally, each State shall take steps to maintain similar centralized registers. The information contained in these registers shall be made available to the persons mentioned in the preceding paragraph, to any judicial or other competent and independent national authority and to any other competent authority entitled under the law of the State concerned or any international legal instrument to which a State concerned is a party, seeking to trace the whereabouts of a detained person.

Article 11

All persons deprived of liberty must be released in a manner permitting reliable verification that they have actually been released and, further, have been released in conditions in which their physical integrity and ability fully to exercise their rights are assured.

Article 12

Each State shall establish rules under its national law indicating those officials authorized to order deprivation of liberty, establishing the conditions under which such orders may be given, and stipulating penalties for officials who, without legal justification, refuse to provide information on any detention.

Each State shall likewise ensure strict supervision, including a clear chain of command, of all law enforcement officials responsible for apprehensions, arrests, detentions, custody, transfers and imprisonment, and of other officials authorized by law to use force and firearms.

Article 13

Each State shall ensure that any person having knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain

Kosovo - Disappearances in Times of Armed Conflict

to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority. Whenever there are reasonable grounds to believe that an enforced disappearance has been committed, the State shall promptly refer the matter to that authority for such an investigation, even if there has been no formal complaint. No measure shall be taken to curtail or impede the investigation.

Each State shall ensure that the competent authority shall have the necessary powers and resources to conduct the investigation effectively, including powers to compel attendance of witnesses and production of relevant documents and to make immediate on-site visits.

Steps shall be taken to ensure that all involved in the investigation, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal.

The findings of such an investigation shall be made available upon request to all persons concerned, unless doing so would jeopardize an ongoing criminal investigation.

Steps shall be taken to ensure that any ill-treatment, intimidation or reprisal or any other form of interference on the occasion of the lodging of a complaint or during the investigation procedure is appropriately punished.

An investigation, in accordance with the procedures described above, should be able to be conducted for as long as the fate of the victim of enforced disappearance remains unclarified.

Article 14

Any person alleged to have perpetrated an act of enforced disappearance in a particular State shall, when the facts disclosed by an official investigation so warrant, be brought before the competent civil authorities of that State for the purpose of prosecution and trial unless he has been extradited to another State wishing to exercise jurisdiction in accordance with the relevant international agreements in force. All States should take any lawful and appropriate action available to them to bring to justice all persons presumed responsible for an act of enforced disappearance, who are found to be within their jurisdiction or under their control.

Article 15

The fact that there are grounds to believe that a person has participated in acts of an extremely serious nature such as those referred to in article 4, paragraph 1, above, regardless of the motives, shall be taken into account when the competent authorities of the State decide whether or not to grant asylum.

Article 16

Persons alleged to have committed any of the acts referred to in article 4, paragraph 1, above, shall be suspended from any official duties during the investigation referred to in article 13 above.

They shall be tried only by the competent ordinary courts in each State, and not by any other special tribunal, in particular military courts.

No privileges, immunities or special exemptions shall be admitted in such trials, without prejudice to the provisions contained in the Vienna Convention on Diplomatic Relations.

The persons presumed responsible for such acts shall be guaranteed fair treatment in accordance with the relevant provisions of the Universal Declaration of Human Rights and other

Kosovo - Disappearances in Times of Armed Conflict

relevant international agreements in force at all stages of the investigation and eventual prosecution and trial.

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Article 17

Acts constituting enforced disappearance shall be considered a continuing offence as long as the perpetrators continue to conceal the fate and the whereabouts of persons who have disappeared and these facts remain unclarified.

When the remedies provided for in article 2 of the International Covenant on Civil and Political Rights are no longer effective, the statute of limitations relating to acts of enforced disappearance shall be suspended until these remedies are re-established.

Statutes of limitations, where they exist, relating to acts of enforced disappearance shall be substantial and commensurate with the extreme seriousness of the offence.

Article 18

Persons who have or are alleged to have committed offences referred to in article 4, paragraph 1, above, shall not benefit from any special amnesty law or similar measures that might have the effect of exempting them from any criminal proceedings or sanction.

In the exercise of the right of pardon, the extreme seriousness of acts of enforced disappearance shall be taken into account.

Article 19

The victims of acts of enforced disappearance and their family shall obtain redress and shall have the right to adequate compensation, including the means for as complete a rehabilitation as possible. In the event of the death of the victim as a result of an act of enforced disappearance, their dependents shall also be entitled to compensation.

Article 20

States shall prevent and suppress the abduction of children of parents subjected to enforced disappearance and of children born during their mother's enforced disappearance, and shall devote their efforts to the search for and identification of such children and to the restitution of the children to their families of origin.

Considering the need to protect the best interests of children referred to in the preceding paragraph, there shall be an opportunity, in States which recognize a system of adoption, for a review of the adoption of such children and, in particular, for annulment of any adoption which originated in enforced disappearance. Such adoption should, however, continue to be in force if consent is given, at the time of the review, by the child's closest relatives.

The abduction of children of parents subjected to enforced disappearance or of children born during their mother's enforced disappearance, and the act of altering or suppressing documents attesting to their true identity, shall constitute an extremely serious offence, which shall be punished as such.

For these purposes, States shall, where appropriate, conclude bilateral and multilateral agreements.

Article 21

The provisions of the present Declaration are without prejudice to the provisions enunciated in the Universal Declaration of Human Rights or in any other international instrument, and shall not be construed as restricting or derogating from any of those provisions.

HUMANITARIAN LAW CENTER K0078713

- monitors human rights in Serbia and Montenegro
- reports its findings and makes recommendations
- provides legal aid to victims of human rights abuses
- organizes conferences on human rights
- investigates and studies violations of international humanitarian law committed during the armed conflicts in former Yugoslavia
- observes war crimes trials
- advocates the establishment of a permanent International Criminal Court
- organizes conferences on war crimes trials
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