



# KOSOVO / KOSOVA

As Seen, As Told

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**An analysis of the human rights findings of the  
OSCE Kosovo Verification Mission  
October 1998 to June 1999**

The OSCE Kosovo Verification Mission (OSCE-KVM) was created in October 1998 as part of the international response to events in Kosovo. Recognizing that the Kosovo crisis was in large part a human rights crisis, the mission had a mandate to monitor, investigate and document allegations of human rights violations committed by all parties to the conflict. By the time the OSCE-KVM stood down on 9 June 1999, its Human Rights Division had amassed hundreds of in-country reports, and had taken statements from nearly 2,800 refugees.

This report presents a comprehensive analysis of the human rights findings of the OSCE-KVM. It gives an overview of the nature of the human rights and humanitarian laws violations in Kosovo. It looks at the specific impact of those violations on different groups in Kosovo society. It also gives a geographical human rights "map", describing events in hundreds of towns and villages throughout Kosovo.

The analysis reveals a pattern of human rights and humanitarian law violations on a staggering scale, often committed with extreme and appalling violence. The organized and systematic nature of the violations is compellingly described. Surveying the entire period of the OSCE-KVM's deployment, it is evident that human rights violations unfolded in Kosovo according to a well-rehearsed strategy.

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## THE MUNICIPALITIES

### A human rights map of Kosovo October 1998 to June 1999



The purpose of this section is to give a detailed "map" of human rights and humanitarian law violations in Kosovo, as they were observed by and reported to the OSCE-KVM. It indicates the impact of the conflict, as it unfolded during the time that the OSCE-KVM was operational, on hundreds of communities, large and small, throughout Kosovo. It describes changes in patterns of human rights violations over the reporting period. It also seeks to place the reported human rights violations against the background of the prevailing local security situation, and what can be surmised of the military objectives being pursued by both parties to the conflict.

All 29 of Kosovo's municipalities have a separate entry here, presented alphabetically; in addition there is an entry for Pristina/Prishtina city. In the reporting period not all were affected on an equivalent scale, or in the same way.

Each municipality entry opens with basic population data, followed by a brief description of the security and human rights climate prevailing at the time of the OSCE-KVM's deployment. Thereafter, events in the municipality are surveyed, location by location, drawing on the information gathered by the OSCE-KVM while deployed inside Kosovo, and on statements given by refugees to the OSCE-KVM after its evacuation.

The information presented here deriving from refugee statements (indicated by the four-digit footnotes with alphabetical prefix, which is the file number of the refugee's confidential interview record, made in either Albania - prefix A/ - or the former Yugoslav Republic of Macedonia - prefix M/) should be read with the clear understanding that this is as it was recounted to the OSCE-KVM (see also the "Methodology" section in the Introduction, and Chapter 2: The OSCE-KVM human rights operation). In many cases descriptions are based on the statements of several victims or witnesses to the same incident. Other descriptions are based on the statement of one person only. This is made clear in the text and/or by the footnotes. Where information is acknowledged by the interviewee to be hearsay, rather than the statement of a direct victim or witness, this is noted, as are inconsistencies in the details given by

different interviewees about particular incidents.

Efforts have been made to verify as many of the reports as possible, mainly through the activities of the human rights division of the OSCE-MiK, the OSCE-KVM's successor, which was deployed into Kosovo (initially as the Transitional Task Force) from 14 June 1999. OSCE-MiK human rights officers have visited locations previously identified in refugee statements, and have conducted further interviews. There has also been follow-up investigation in Kosovo by analysts working for the OSCE/ODIHR on this report, with the support of the OSCE-MiK. The findings of these verification efforts are cited here wherever relevant.

It must be stressed, however, that it has not been possible to verify fully the mass of information available, especially as the OSCE has been confronted since its re-entry into Kosovo with the priority need to address a continuing serious human rights situation there, of a quite different but often no less grave character than the one described here. The OSCE is developing further human rights reporting on Kosovo to bring to public attention the continuing human rights violations there. The information and statements gathered by the OSCE-KVM both in Kosovo and among refugees nevertheless present a clear and credible picture of the situation inside Kosovo from October 1998 to 9 June 1999.

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## ACKNOWLEDGEMENTS

This report is the outcome of the tireless efforts of many people committed to the cause of human rights and justice. First, the women and men of the OSCE Kosovo Verification Mission (OSCE-KVM) Human Rights Division. With great dedication and professionalism, in often extraordinarily difficult circumstances, they documented the impact on the lives of people and communities of an unfolding crisis rooted in, and inextricably linked to, the denial and continuing violation of fundamental human rights and freedoms.

The data gathered by the OSCE-KVM was analysed and consolidated into this publication under the supervision of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) in Warsaw, Poland. The team of analysts working at Mokotow, Warsaw, from June to October 1999, included several former OSCE-KVM human rights officers, and independent human rights analysts.

During the development of this report, the team at Mokotow received ongoing advice and practical support from the Human Rights Division of the OSCE Mission in Kosovo (OSCE-MiK).

This publication was made possible by the generous material, technical and logistical support of the Government of Poland, and the generous financial support of the Governments of Austria, Denmark, Norway, Sweden, Switzerland and the United States of America. Additional logistical support was provided by the Government of Germany. These contributions are gratefully acknowledged.

The OSCE/ODIHR is grateful for the advice and assistance of staff of the International Criminal Tribunal for the former Yugoslavia (ICTY) in the development of this report.

The information on which most of this report is based comes from the people of Kosovo themselves. The OSCE acknowledges the courage and determination of people who, living through trauma, grief and conditions of extreme stress, felt compelled to recount their experiences.

**Ambassador Gérard Stoudmann**  
**Director, OSCE/ODIHR**



## FOREWORD

*Justice Louise Arbour*

For some considerable time during the armed conflict in Bosnia and Herzegovina, analysts were aware of the danger of a similarly disastrous breakdown of international peace and security in Kosovo. Unlike the situation in Bosnia, however, there was a much greater fear that an explosion of ethnic violence in Kosovo could not be contained, and that it might rapidly spread to engulf the whole of the Balkan region.

When it did come, the violence in Kosovo was horrific, and again proved devastating for the many ordinary people who became its victims. Civilised people throughout the world were shocked by the media reports of criminal conduct that began to emerge. The International Criminal Tribunal for the former Yugoslavia made it clear that its jurisdiction extended to Kosovo, and that persons responsible would be brought to justice for their crimes.

Justice must be part of any lasting and meaningful peace, but criminal justice is not an abstract quantity. In order to be effective as enforcement mechanisms for the rule of law, criminal courts and criminal tribunals must be able to get at the truth of what happened. They depend upon reliable evidence, impartially collected by their own staff or by other persons of trust and experience, who do not adhere to one side of another in the ethnic conflict. Media reports and instant reaction may be given a high profile, and they may "tell the story" for a broad public, but in themselves they are no substitute for the careful assembly of data and its systematic analysis.

The result of the work of the OSCE set out in this report covering the first half of 1999, is therefore an important contribution to the documentation of human rights abuses in Kosovo. A reliable database of this kind goes a long way towards establishing a solid foundation for deciding upon appropriate measures to restore and maintain international peace and security in the region. Bringing to justice those responsible for the crimes uncovered is a necessary part of such measures, but it is only part of the process involved in re-building torn societies. This report will therefore be a useful tool for policy makers and for all those involved in that difficult task.



## EXECUTIVE SUMMARY

### About the OSCE-KVM Human Rights Division

In 1998, after more than six months of escalating armed conflict between Yugoslav and Serbian forces and the Kosovo Liberation Army (UCK), the UN Security Council, in Resolution 1199, called for an immediate cease-fire in Kosovo, an international presence to monitor it, the withdrawal of “security units used for civilian repression”, and dialogue on the future of the province. On 16 October 1998 the OSCE Kosovo Verification Mission (OSCE-KVM) was established to monitor compliance with Resolution 1199 and with the cease-fire. The Human Rights Division within the OSCE-KVM became operational in December 1998, and was deployed extensively across Kosovo by the end of January 1999. A core activity of the OSCE-KVM Human Rights Division was to monitor, investigate, document and report allegations of human rights abuses committed by all parties to the conflict in Kosovo.

With the collapse of the Rambouillet peace process, the OSCE-KVM was withdrawn from Kosovo on 20 March 1999, in the face of an untenable situation of deteriorating security, including additional large-scale deployments of Yugoslav and Serbian military and security forces, and armed irregulars, into Kosovo, as well as the imminent internationalization of the conflict. The Human Rights Division was redeployed in Albania and the former Yugoslav Republic of Macedonia, and continued its collection of victim and witness evidence of human rights abuses by conducting interviews among refugees from Kosovo over the next two-and-a-half months, until it was stood down by decision of the OSCE Permanent Council, on 9 June 1999.

A mass of data about the prevailing human rights situation in Kosovo was collected by the OSCE-KVM in the two phases of its deployment, including hundreds of individual case reports, daily and weekly reports compiled by human rights officers at its Regional Centres and field offices during the period to 20 March, and 2,764 interviews with refugees in Albania and the former Yugoslav Republic of Macedonia.

This report is the product of an analysis of that data carried out at the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) in Warsaw.

### **Analysing the OSCE-KVM's human rights findings: the OSCE/ODIHR's approach**

The analytical methodology and reporting strategy applied by the OSCE/ODIHR, as described in more detail in the Introduction, is driven entirely by the data collection of the OSCE-KVM. Consistent with this methodology, the report does not therefore address itself to human rights violations that were beyond the reach of the OSCE-KVM's investigation and reporting efforts. Similarly, the report does not address itself to events that have occurred after the end of the mandate of the OSCE-KVM, except to the extent of incorporating specific information about investigative follow-up to the primary data of the OSCE-KVM.

There are clearly other human rights reports to be written on Kosovo, and on Yugoslavia, covering the same period as is covered here, and beyond.

### **Violations, their impact on Kosovo society, and the human rights map of Kosovo**

The OSCE-KVM's findings are presented by the OSCE/ODIHR from three perspectives. Approaching this data from any of these perspectives, the analysis reveals clear patterns and strategies of human rights violations.

The first perspective is an analysis of the nature of the human rights and humanitarian law violations that were committed in Kosovo. This reveals that:

Summary and arbitrary killing of civilian non-combatants occurred at the hands of both parties to the conflict in the period up to 20 March. On the part of the Yugoslav and Serbian forces, their intent to apply mass killing as an instrument of terror, coercion or punishment against Kosovo Albanians was already in evidence in 1998, and was shockingly demonstrated by incidents in January 1999 (including the Racak mass killing) and beyond. Arbitrary killing of civilians was both a tactic in the campaign to expel Kosovo Albanians, and an objective in itself.

Arbitrary arrest and detention, and the violation of the right to a fair trial, became increasingly the tools of the law enforcement agencies in the suppression of Kosovo Albanian civil and political rights, and - accompanied by torture and ill-treatment - were applied as a means to intimidate the entire Kosovo Albanian society.

Rape and other forms of sexual violence were applied sometimes as a weapon of war.

Forced expulsion carried out by Yugoslav and Serbian forces took place on a massive scale, with evident strategic planning and in clear violation of the laws and customs of war. It was often accompanied by deliberate destruction of property, and looting. Opportunities for extortion of money were a prime motivator for Yugoslav and Serbian perpetrators of human rights and humanitarian law violations.

The second perspective is to look at the specific and different ways in which communities and groups in

Kosovo society experienced human rights violations during the conflict. Findings include:

There was a specific focus - for killings, arbitrary detention and torture - on young Kosovo Albanian men of fighting age, every one of them apparently perceived as a potential "terrorist".

Women were placed in positions of great vulnerability, and were specific objects of violence targeting their gender.

There is chilling evidence of the murderous targeting of children, with the aim of terrorizing and punishing adults and communities.

The Kosovo Serb community were victims of humanitarian law violations committed by the UCK, especially in the matter of the many Serbs missing following abduction. However, many Serb civilians were active participants in human rights violations, alongside the military and security forces, against the Kosovo Albanians. Other national communities and minorities also had specific experiences of the conflict.

Prominent, educated, wealthy or politically or socially active Kosovo Albanians were a prime target to be killed. Local staff of the OSCE-KVM, and other people associated with the mission were harassed or forcibly expelled, and some were killed, after 20 March.

The third perspective is a geographical human rights "map" of Kosovo. Proceeding municipality by municipality, the report presents descriptions of events in hundreds of communities across Kosovo. In some cases the descriptions are of events on a single day or within a short time period, and reveal how the most characteristic human rights violations of the entire reporting period - forced expulsion, inevitably accompanied by deliberate property destruction, and often by killings or other violence, or extortion - could be visited on a community with little or no advance indication, with great speed, and with great thoroughness. Such experiences were replicated in rural areas all across Kosovo, and would be repeated if villagers attempted to return to their homes. In other locations, particularly the towns, communities of Kosovo Albanian civilians experienced an onslaught over many days or weeks combining arbitrary violence and abuse with an overall approach that appeared highly organized and systematic. Everywhere, the attacks on communities appear to have been dictated by strategy, not by breakdown in command and control.

### **Indicators of a strategy well rehearsed, and brutally implemented**

Most tellingly, the analysis of some of the most prevalent human rights and humanitarian law violations, as well as the analysis of their geographical organization and their impact on communities, demonstrate how the violations inflicted on the Kosovo Albanian population after 20 March were a continuation of actions by Yugoslav and Serbian military and security forces that were well rehearsed, insofar as they were already taking place in many locations in Kosovo well before 20 March. The mass killing at Racak on 15 January 1999 most graphically illustrates the descent into violence amounting to war crimes and

crimes against humanity, and was to become a precedent for numerous other atrocities recounted to the OSCE-KVM in the period after 20 March.

Other key events in this regard in the period before 20 March were the killings of Kosovo Albanians by police at Rogovo and Rakovina later in January, the launch of Yugoslav army "winter exercises" involving the shelling of villages and the forced expulsion of villagers in Vucitrn/Vushtrri municipality in February and March, a military and police offensive in Kacanik in February, in which a tactic of burning and destroying civilian homes to clear the area of the UCK was employed, and a violent police crack-down in an Albanian quarter of Pristina/Prishtina in early March after the killing of two police officers. Alongside the killings in Racak, these events reveal patterns of grave abuses by Yugoslav and Serbian forces against the civilian population. Such patterns of abuse recur after 20 March in the descriptions given by refugees.

The scale on which human rights violations recur is staggering. It has been estimated that over 90 per cent of the Kosovo Albanian population - over 1.45 million people - were displaced by the conflict by 9 June 1999. The death toll as yet can only be guessed at, but the prevalence of confirmed reports and witness statements about individual and group killings in this report is indicative. The violence meted out to people, as recounted vividly, particularly in the statements of refugees, was extreme and appalling. The accounts of refugees also give compelling examples of the organized and systematic nature of what was being perpetrated by Yugoslav and Serbian forces, and their tolerance for and collusion in acts of extreme lawlessness by paramilitaries and armed civilians.

The commission of human rights and humanitarian law violations during the internal armed conflict in Kosovo during the time it was being monitored by the OSCE-KVM was not one-sided. All parts of this report look at violations committed by both parties to the internal conflict. It must be stressed, however, that an obvious conclusion of the analysis is that there was certainly nothing resembling balance or equivalence in the nature or the scale of the human rights violations committed by each side. Suffering in Kosovo in the period monitored by the OSCE-KVM was overwhelmingly Kosovo Albanian suffering, at the hands of the Yugoslav and Serbian state military and security apparatus.

### **A catastrophe rooted in the long-term disregard for human rights and fundamental freedoms**

A guiding principle of the OSCE is that respect for human rights and fundamental freedoms, democracy and the rule of law is an essential component of security. A consistent pattern of human rights violations in Kosovo led eventually to a breakdown in security. The deterioration into a security crisis, armed conflict and a human rights and humanitarian catastrophe in Kosovo might have been avoided if the Yugoslav and Serbian authorities, rather than engaging in the persistent violation of the human rights of the Kosovo Albanian population in the past decade, had sought to construct in Kosovo an open and inclusive society founded on the principles of respect for human rights and fundamental freedoms.



## GLOSSARY

AK-47/Kalashnikov	Russian- or Chinese-made semi-automatic rifle
APC	armoured personnel carrier
Arkan	real name, Zeljko Raznjatovic, paramilitary leader during the wars in Croatia and Bosnia-Herzegovina. Indicted by the International Criminal Tribunal for the former Yugoslavia (on 30 September 1997 and publicly on 31 March 1999); wanted by Interpol
Arkan's Tigers	Serb paramilitary formation lead by "Arkan"
Black Hand	Serbian paramilitary group
BOV	armoured personnel carrier/Self-propelled anti-aircraft gun
BOV M-86	wheeled reconnaissance vehicle
CC	OSCE-KVM Co-ordination Centre co-ordinating two to four Field Offices
CDHRF	Council for the Defence of Human Rights and Freedoms in Kosovo
Chetnik	term with connotations to First World War combat forces under Kosta Pecenac, and to Second World War combat forces under Draza Mihailovic. The term is now derogatory, used to indicate a hard- line nationalistic Serb
Dervish	member of a Muslim Sufi order

DM	deutschmark/German mark, widely used as hard currency for transactions in Kosovo
ECMM	European Community Monitoring Mission
EU	European Union
FRY	Federal Republic of Yugoslavia
<i>Hoja (hodja or hoca)</i>	Muslim religious teacher
HQ	OSCE-KVM Headquarters in Pristina
ICRC	International Committee of the Red Cross
ICTY	(United Nations) International Criminal Tribunal for the former Yugoslavia
ID	identity documentation
IDP	internally displaced person
IOM	International Organization for Migration
KDOM	Kosovo Diplomatic Observer Mission
K-FOR	NATO-Kosovo Force
KLA	Kosovo Liberation Army - UCK (Ushtria Clirimtare e Kosoves)
KZRS	Criminal Code of the Republic of Serbia
KZSRJ	Criminal Code of the Federal Republic of Yugoslavia
KVM	OSCE Kosovo Verification Mission
LBD	United Democratic Movement (Levizja e Bashkuar Demokratike)

LDK	Democratic League of Kosovo (Lidhja Demokratike te Kosoves), leading Kosovo Albanian political party
M80	licence-built AK-74 semi automatic rifle
M-80	armoured fighting vehicle
Mahala	small settlement connected to a village or town
Mother Teresa Society	non-governmental aid organization
Mufti	Senior Muslim cleric and expert on the <i>Shariah</i> , Islamic religious teachings
MUP	Ministry of the Interior ( <i>Ministarstvo Unutrasnjih Poslova</i> )
NATO	North Atlantic Treaty Organization
NGO	Non-governmental organization
ODIHR	OSCE Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-operation in Europe
OSCE-KVM	OSCE Kosovo Verification Mission (16 October 1998-9 June 1999)
OSCE-MiK	OSCE Mission in Kosovo (from 1 July 1999)
OSCE-TFK	OSCE Task Force for Kosovo (9-30 June 1999)
Paris talks	round of negotiations between FRY representatives and Kosovo Albanians held after the Rambouillet talks, and beginning on 15 March at the Kleber Centre
Pinzgauer	small, Austrian-made armoured personnel carrier
PJP	Special Police Unit ( <i>Posebne Jedinice Policije</i> )

<i>plis</i>	traditional white hat worn by older Kosovo Albanian men
Praga	armoured truck with a twin mounted 30mm cannon
Rambouillet talks	round of negotiations between FRY representatives and Kosovo Albanians called for by the Contact Group of six countries opening in Chateau Rambouillet on 6 February 1999, and held until 23 February. Followed by Paris talks
RC	OSCE-KVM Regional Centre
RC1	OSCE-KVM Regional Centre 1, Prizren/Prizren
RC2	OSCE-KVM Regional Centre 2, Kosovska Mitrovica/Mitrovice
RC3	OSCE-KVM Regional Centre 3, Pec/Peje
RC4	OSCE-KVM Regional Centre 4, Gnjilane/Gjilan
RC5	OSCE-KVM Regional Centre 5, Pristina/Prishtina
RPG	rocket-propelled grenade
SAJ	Special Anti-terrorist Unit ( <i>Specijalne Anti-teroristicke Jedinice</i> )
SDB	State Security Service ( <i>Sluzba Drzavne Bezbednosti</i> )
Serbian cross	Serbian nationalist symbol, comprising a cross and four cyrillic "S"s derived from the slogan "Only Unity Saves the Serbs" ( <i>Samo Sloga Srbina Spasava</i> )
Seselj	Vojislav Seselj, Serbian paramilitary leader who became a politician and leader of the SRS
SPS	Socialist Party of Serbia ( <i>Socijalisticka Partija Srbije</i> ) led by Slobodan Milosevic
SRS	Serbian Radical Party ( <i>Srpska Radikalna Stranka</i> ) led by Vojoslav Seselj

T-55	Soviet tank, mostly build in Poland and Chechoslovakia
UCK	Kosovo Liberation Army ( <i>Ushtria Clirimtare e Kosoves</i> )
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNMiK	United Nations Mission in Kosovo
USAID	United States Government aid organization
VJ	Yugoslav Army ( <i>Vojska Jugoslavije</i> )
White Eagles	Serb paramilitary formation under Vojislav Seselj

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# Kosovo

## Administrative divisions

**Note:**

All municipalities have the same name as the main town or village, except the southernmost, centred on Dragas/Dragash village, which in Serbian is known as Gora.

Names of municipalities are links to corresponding chapters of Part V of the report. Note that Pristina/Prishtina area contains two links - the Pristina/Prishtina city only and the municipality excluding the city



Serbia

Montenegro

Albania

# The Former Yugoslav Republic of Macedonia

North

0 20 Kms

# Kosovo: Main road communication routes



The Former  
Yugoslav Republic  
of Macedonia



## INTRODUCTION

### Methodology, scope, timeframe, reporting style, terminology

#### Methodology

In developing this report, the analytical methodology and reporting strategy applied by the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) was driven by the data collection of the OSCE Kosovo Verification Mission (OSCE-KVM).

The methodology of the OSCE-KVM Human Rights Division, and the framework of international human rights and humanitarian law standards that it followed, are explained in more detail in Chapter 2 (legal standards applicable to this report also appear in the Annex). The data collection by the OSCE-KVM Human Rights Division took place in two phases and in two quite different environments. From the time when it became operational during December 1998 and January 1999, to its evacuation from Kosovo on 20 March 1999, it was engaged in systematic reporting, in a variety of formats, about human rights and humanitarian law violations that it could verify directly in-country. After 20 March, the Human Rights Division was engaged in taking victim and witness statements from refugees. All of this data has been scrutinized by the OSCE/ODIHR.

Extensive references by citation are made throughout this report to OSCE-KVM documents and refugee interview forms. As the OSCE-KVM Human Rights Division operated with strict security and confidentiality safeguards (see Chapter 2, and also below), these materials are not available to the public, but have been made available to the International Criminal Tribunal for the former Yugoslavia (ICTY). Even without access to the source materials, the citations throughout this report should serve as evidence to the reader that the conclusions of this report are the result of extensive documentation; they may also be useful to the ICTY. OSCE-KVM documents from before 20 March are referred to by their type (incident report, trial monitoring report, etc) and reference number. Information derived from refugee interviews is indicated by the four-digit footnotes with alphabetical prefix, which is the file number of the refugee's confidential interview record, made in either Albania (prefix A/) or the former Yugoslav Republic of Macedonia (prefix M/).

The information here deriving from refugee statements is presented as it was recounted to the OSCE-

KVM. Where information is acknowledged by the interviewee to be hearsay, rather than the statement of a direct victim or witness, this is noted, as are inconsistencies when interviewees differ in their accounts of the same incidents. Where priorities and conditions on the ground allowed, efforts have been made to verify as many of the reports as possible, mainly through the activities of the Human Rights Division of the OSCE Mission in Kosovo (OSCE-MiK), the OSCE-KVM's successor, which was deployed into Kosovo (initially as the Transitional Task Force) from 14 June 1999. OSCE-MiK human rights officers have visited locations previously identified in refugee statements, and have conducted further interviews. There has also been limited follow-up investigation in Kosovo by analysts working for the OSCE/ODIHR on this report, with the support of the OSCE-MiK. The findings of these verification efforts are cited here wherever relevant. In an on-going process, victim and witness statements collected by the OSCE-KVM are being substantiated with forensic evidence found at the crime sites by investigators of the ICTY, and by continuing investigations by the OSCE.

Aspects of the methodology applied in this report, and its format, were greatly inspired by an analysis and report prepared by a commission of experts established in response to humanitarian law violations in Croatia and Bosnia-Herzegovina.<sup>1</sup>

### **Scope of the report, and timeframe**

Consistent with this report's approach of concentrating on information collected by the OSCE-KVM, other information is used only to provide verification (or refutation) or background and context for this primary data.

The report does not, therefore, address itself to human rights violations that were beyond the reach of the OSCE-KVM's investigation and reporting efforts. For the period when the OSCE-KVM was deployed inside Kosovo it had no mandate for the rest of Serbia, so did not collect data on the human rights situation there. When deployed in Albania and the former Yugoslav Republic of Macedonia, the OSCE-KVM Human Rights Division focused on collecting statements from refugees in these two countries. People who remained in Kosovo, or who were displaced into the rest of Serbia or into Montenegro, as well as the majority of the casualties in Yugoslavia resulting from the NATO air campaign, were similarly beyond the reach of the OSCE-KVM. The framework of this report nevertheless incorporates an analysis of some incidents in Kosovo where casualties resulted from NATO bombing, as those incidents were witnessed or experienced and subsequently recounted to the OSCE-KVM by refugees. The report does not seek to assess the situation of the refugees in their host countries.

Similarly, the report does not address itself to events that have occurred beyond the end of the mandate of the OSCE-KVM on 9 June 1999, except to the extent of incorporating specific information about investigative follow-up to the primary data of the OSCE-KVM. The reporting period is the period in which the OSCE-KVM was in existence: 16 October 1998 to 9 June 1999. There are few references to OSCE-KVM human rights reporting prior to December 1998, when the Human Rights Division began to become operational on the ground.

## **Reporting style and terminology**

Complainants and interviewees gave statements to the OSCE-KVM on the understanding that strict confidentiality was assured. In the period after 20 March, when taking statements from refugees, the only concession asked of such interviewees was that consent be given to share confidential data with the ICTY. Only where such consent was given will confidential data be shared with the ICTY. No confidential data will be shared with any private parties, governments or other organizations.<sup>2</sup>

In the development and writing of the report the decision was made not to disclose the names of witnesses or victims, either dead or alive. The aim of this is to ensure the safety of victims or witnesses and safeguard confidentiality, to prevent possible retaliatory attacks based on statements, or interference with persons who may be called upon to give evidence in legal proceedings. Even where the person referred to has died family members could still be alive and in need of such safeguards and protection. The only victims who are identified by name are persons who were already prominently in the public domain, and where to not name them could be ambiguous or confusing.

Alleged perpetrators have likewise not been named, with the exception of persons who are already under indictment by the ICTY or persons about whom allegations are prominently in the public domain. Some alleged perpetrators have been identified by function or official position, however.

Utmost care has been taken in regard to specific locations where witnesses or victims lived in order to ensure confidentiality. Locations where rape and other forms of sexual violence occurred, where their disclosure might lead to identification of the victim (e.g. by the naming of a small community where a particular incident occurred) have been withheld. The exact locations of alleged grave sites have not been included in the report except when the site is known to the ICTY and the latter has completed exhumations and on-site investigations. This approach is intended to protect grave sites from any tampering or other consequences which could hinder the ICTY in its investigations.

## **Language issues**

During the period covered by this report, the practice of the FRY authorities was to employ the Serbian language in official correspondence in Kosovo. Where known, the authors of this report have employed a convention used by many international organizations operating in Kosovo by citing both the Serbian and Albanian language place names in the first mention within chapters, and subsequently wherever helpful; Serbian place names are used thereafter in the text. The decision to employ the Serbian language as the primary reference was made partly due to the fact that during the time of the OSCE-KVM, the official Serbian names were widely available, whereas the spelling in Albanian of place names was not standardized. In this report, Albanian place names generally follow the spellings provided by the office of the United Nations High Commissioner for Refugees (UNHCR), which produced a survey of villages in Kosovo municipalities in March 1999, although other spellings appear for some locations not mentioned by the UNHCR as well as some commonly understood spellings for other locations.

The language references, names, maps and other conventions used in this document do not imply any political position on the status of Kosovo contrary to that of the OSCE.

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## Notes

<sup>1</sup> The Final Report of the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992), S/1994/674, 27 May 1994 and its Annexes (Commission of Experts Report).

<sup>2</sup> All persons involved in compiling this report at the OSCE/ODIHR signed confidentiality agreements at the start of their employment, which were binding for the duration and thereafter. To ensure strict confidentiality, data handling was kept to a minimum and on a "need to know" basis. Chain of custody of information was recorded and safeguarded at all times.

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## KOSOVO: THE HISTORICAL AND POLITICAL BACKGROUND

In the early 20th century Kosovo and western Macedonia, emerging from the dismantling of the Ottoman empire in south-eastern Europe, were the main areas of collision between Albanian and Serb nationalist aspirations. The Albanian national revival, under way since the foundation in 1878 of the League of Prizren, aimed at uniting the areas of mainly Muslim Albanian-speaking populations. The Serb focus was on history and symbolism rather than on contemporary demographics. Serbian historians held the Kosovo area to be the cradle of their civilization, where some of the defining events relating to their sense of nationhood had taken place, notably the final and unavailing stand made by Prince Lazar against Ottoman forces at the Battle of Kosovo Polje in June 1389. The Orthodox monasteries of Kosovo were of great significance in their religious and cultural identity; Pec/Peja in particular was the seat of the Serbian Patriarchate.

Serbia, itself an independent principality only since 1878, after centuries of almost uninterrupted Ottoman rule, gained control of Kosovo in 1912 as a result of the First Balkan War. The Albanian state which came into being at this time thus did not include territory where some 800,000 Albanians lived. Only briefly during the Second World War, when the area was conquered by Italian and then German forces, was an Albanian vassal state allowed to administer most of Kosovo (1941-44).

Movements of population during this period are a matter of much dispute. From 1912 onwards, Serb families were moved into Kosovo in considerable numbers, the wealthier Albanians living there were dispossessed by land reforms, and possibly as many as half a million Albanians were moved out. Conversely, it is frequently asserted by Serbs that hundreds of thousands of Albanians moved into Kosovo between 1941 and 1945.

Under communist rule in post-1945 Yugoslavia, Albanians were recognized as a minority nationality, with legal rights to education in their own language and protection for cultural institutions. Kosovo, as part of Serbia, had a degree of home rule, extended in 1968.

### **Autonomous province status**

The 1974 Constitution - the third of the period of the rule of Marshal Tito - was a major step in the devolution of government and economic power to the republics - Bosnia-Herzegovina, Croatia,

Macedonia, Montenegro, Serbia and Slovenia - which made up the Socialist Federal Republic of Yugoslavia (SFRY). However, Tito had long been occupied with the problem of Serbia's weight within the SFRY. It was by far the largest republic, with over nine million inhabitants - 40 per cent of the total population. The 1974 Constitution addressed this issue by giving nearly one-third of Serbia's inhabitants a large degree of autonomy, in the provinces of Kosovo (where the population was 90 per cent Albanian, totalling some 1.7 million and rising) and Vojvodina (the home of a 400,000-strong Hungarian minority).

While they were defined as autonomous provinces of Serbia rather than given full republican status, Kosovo and Vojvodina were recognized by the 1974 Constitution as constituent members of the federation. Their leaders thus had separate membership of the rotating collective state presidency which took over after the death of Tito in 1981. The autonomous provinces each had their own central bank and separate police, educational systems and judiciary, a provincial assembly as well as representation in the Serbian parliament, and most importantly a provincial communist party, in Kosovo's case the League of Communists of Kosovo.

In 1981, demands by Kosovo Albanians for full republican status (notionally including the right to secede) gathered impetus in mass protests, but the demonstrations were countered by a hardline response. The federal army was deployed and a state of emergency was declared in the province. As unrest continued over the next seven years, according to official figures 7,000 Kosovo Albanians were sentenced to short prison terms, and over 1,750 more received longer sentences, of up to 15 years, in connection with nationalist activity.

### **The Serb nationalist backlash**

Although it was mainly Albanian activists and protesters who were being subjected to human rights violations in Kosovo post-1981, including arrest and imprisonment - by law enforcement bodies still at this stage mainly staffed by Albanians - the Serbs of Kosovo saw themselves as the disadvantaged minority there. Complaining of discrimination, of violent attacks upon them going unpunished, and of the domination of political and economic life by the Kosovo Albanian community, Kosovo Serbs had already been migrating from the area in growing numbers since the 1960s. Petitions began to circulate, and Kosovo Serbs' resentment was galvanized into protest and resistance following the sensational publication in a mass circulation newspaper in September 1986 of the Memorandum of the Serbian Academy of Arts and Sciences. An unfinished draft of an academic paper, the Memorandum ranged over issues including an alleged conspiracy against Serbia by Slovenia and Croatia. Such divisive nationalism was heresy in the SFRY and was duly denounced across the country. Its effects were nevertheless explosive, and nowhere more so than in Kosovo, where the Memorandum warned Serbs that they faced total genocide unless they could reverse the "Albanianization" of the province.

24 April 1987 was a critical day for Serb nationalism and for the future of Kosovo. Slobodan Milosevic, a prominent figure in the republican communist party, the League of Communists of Serbia, had gone to Kosovo for a dialogue with the local Serbs about their grievances. While he was in Kosovo Polje/Fushe

Kosovo meeting their representatives, a large crowd demonstrating in their support was driven back by local police using batons. The crowd fought back, and then Milosevic came out to address them. He made himself the instant hero of the Kosovar Serbs, telling them in front of the television cameras that "no one should dare to beat you", and making their controversial nationalist agenda his own. By the end of 1987 Milosevic was in firm control of both the party and government in Serbia.

### **The loss of autonomy status**

The following year, as both the Albanian nationalist agitation and Serb anti-discrimination rallies maintained their momentum, proposals were put forward to amend the Serbian constitution to give Belgrade more control over security in Kosovo and Vojvodina (as well as over financial and social policy), thereby reducing provincial autonomy. Leading members of the League of Communists in both provinces resigned before the constitutional amendments were approved in February-March 1989 by the Serbian parliament and the respective provincial assemblies.

Further stages in the removal of provincial autonomy followed. The main step, including dissolving the provincial assemblies, was taken in the form of amendments to the Serbian constitution proposed in May 1990, implemented in June and supported in a republic-wide referendum that July. The last visible political institutions of provincial autonomy - representation on the collective SFRY presidency and in the Federal Assembly - remained nominally intact, but in practice the presidency itself was in chronic crisis as the federation approached the end of its existence. At one stage in March 1991 the Kosovo representative was recalled for "anti-Serbian activities" and the Serbian Assembly voted to abolish the post. Although this was soon rescinded, two months later the Kosovo delegation walked out of the Federal Assembly when it voted to confirm a candidate chosen by Serbia as the new Kosovo representative on the Presidency.

Of greater real significance than this political manoeuvring within the Presidency were the withdrawal or closure of publicly funded Albanian language media in 1989, the publication in 1990 of a new schools curriculum for Kosovo to bring Albanian-language teaching into line with that in the rest of Serbia, the ending of teaching in Albanian in most secondary schools in 1992, and the cutting of Albanian-language teaching at Pristina University at the same time. Kosovo Albanians responded with a schools boycott and attempts to maintain a "parallel" system of Albanian-language education, often provided by teachers who had lost their jobs.

Periods of particularly acute tension in the continuing unrest included violent rioting over the 1989 constitutional amendments and the arrest of popular local political leader Azem Vlasi; disturbances in Pristina in early 1990, quelled by the temporary imposition of a state of emergency, after Milosevic had issued a call for Serbs to begin a campaign of mass settlement to reverse the decline in their numbers in Kosovo; protests over the dissolution of the provincial assembly that July; and a general strike in September 1990 over mass dismissals of Kosovo Albanian officials. A state of emergency, backed by a strong Serbian police and security presence, was in force in Kosovo from late 1989 until the latter part of 1992.

## **Parallel Kosovo Albanian administration in Kosovo**

After the Kosovo Assembly was dissolved in June 1990, an attempt was made by 114 of its 180 deputies on 2 July to declare Kosovo independent from Serbia and a full republic within the SFRY. This move was declared illegal by both Serbia and the SFRY, so on 7 September 111 of the deputies, meeting secretly in Kacanik/Kacanik, proclaimed an independent Republic of Kosovo. Criminal charges were subsequently brought against them. That December, Kosovo Albanians boycotted elections to the Serbian parliament.

In September 1991 the Kosovo Assembly deputies, still resisting Serbian efforts to declare their activities illegal, organized a referendum on sovereignty in which they reported an 87 per cent turnout and almost 100 per cent voting in favour. A provisional coalition government formed in October, and given diplomatic recognition on 22 October by Albania. It claimed to run its own police forces and to support its activities by collecting taxes from the Kosovo Albanian population, but had to act clandestinely to avoid the arrest of its members by Serbian police and security forces.

The first parallel elections organized in Kosovo did not take place until May 1992. By this time the wars of the Yugoslav succession had begun, the SFRY had ceased to exist, four of its constituent republics had declared their separate independence, and Serbia and Montenegro had joined in forming in April 1992 a new Federal Republic of Yugoslavia (FRY). Within the FRY structure, both Vojvodina and Kosovo and Metohija (as it was officially called by Serbia) were officially designated as autonomous provinces, but the confrontational situation in Kosovo meant that Kosovo Albanians continued to boycott Serbian and FRY federal assembly elections, while there was no official Kosovo assembly and Serbia condemned any parallel elections among the Kosovo Albanian community as illegal.

In the May 1992 parallel elections the Democratic League of Kosovo (LDK), founded in September 1990 and led by Ibrahim Rugova, won most of the seats in a 130-member "constituent Republican Assembly", and Rugova was declared to be President of the Republic of Kosovo. The attempt to hold an inaugural assembly session was abandoned in June, however, in the face of action by the Serbian security forces to seal off the building.

Thereafter, international attention turned mainly to the war in Bosnia-Herzegovina. At the outset of that conflict, the role of Serbia was generally seen by the international community as that of a bellicose protagonist. By the time of the Dayton peace agreement for Bosnia-Herzegovina in November 1995, however, the Milosevic regime in Serbia was regarded as a factor in bringing about a negotiated solution, and UN sanctions imposed on the FRY were revoked once that solution had been put in place.

In Kosovo, Rugova's approach of seeking a peaceful settlement did record one apparent success, an agreement in 1996 that an Albanian educational curriculum should be restored. This had yet to be implemented, however, and student demonstrations had been met with violent suppression, by the time the second parallel elections were organized in March 1998. These elections once again produced an overwhelming majority vote in favour of Rugova as president, although this was partly because groups

other than his LDK opposed the holding of the poll at a time of crisis and escalating Serbian military action (see below). As before, the Serbian authorities denounced the elections as illegal.

## **The intensification of armed conflict**

By the beginning of 1998, the nature of the Kosovo situation had changed. A new element had entered the equation in the form of the Kosovo Liberation Army (UCK), and the Serbian authorities were responding with a huge increase in military force.

The declared purpose of the UCK, a Kosovo Albanian paramilitary group which claimed its first actions in 1996, was to offer resistance to Serbian police and security forces in Kosovo and to pursue separatism by armed struggle. The UCK intensified its activity in 1997 and early 1998, with attacks on police stations, police officers, Serb civilians and Kosovo Albanians working for or with the authorities, but in the two years up to mid-January 1998 it had only claimed the killing of a total of 10 Serbian police and other officials, and 11 Kosovo Albanians.

The Serbian authorities brought in special security forces in January 1998. They responded to clashes with the UCK by reprisal attacks on villages, using military helicopters and armoured personnel carriers, accompanied by brutal house-to-house raids and indiscriminate arrests. Two such attacks on villages in late February were followed by an assault on the village of Donji Prekaze/Prekazi i Poshtem (Srbica/Skenderaj municipality) in early March, where at least 54 people were killed including a local UCK leader, most of his family and other women, children and elderly men. The reprisals continued with further attacks on villages in the central Drenica region, causing many villagers to flee their homes. In this downward spiral of violence, many Kosovo Albanians, including erstwhile supporters of the LDK's non-violent stance, became UCK members or active sympathizers.

Limited international sanctions against Serbia, as threatened on 9 March 1998, were intended to back up calls by the six-country "Contact Group" (France, Germany, Italy, Russia, the United Kingdom and the USA) for negotiations on autonomy in place of the use of force. The deadline for compliance was postponed, but to no effect, and the sanctions were eventually introduced in late April. The UN Security Council also imposed an arms embargo under Resolution 1160 of 30 March. In Serbia, however, in a referendum in April 1998 Milosevic gained overwhelming support for his stance of rejecting any international mediation in the Kosovo conflict. Substantial additional Serbian military reinforcements were sent in to Kosovo in May 1998. Ignoring a "strong final warning" from European governments in June, Serb forces began concentrating their actions in the Drenica region and along the south-western border, using artillery to force villagers out of their homes and then going in to loot and burn them. Aid agencies estimated that some 200,000-300,000 Albanians were driven from their homes between April and September 1998.

Western countries intensified their demands for a halt to this campaign in response to the evidence of a major Serbian offensive against the UCK, and the discovery of further massacres. The US ambassador to the former Yugoslav Republic of Macedonia, Christopher Hill, announced on 2 September that his

attempt to promote a negotiated settlement had achieved a procedural breakthrough, in that both Milosevic and Rugova had expressed a willingness to defer consideration of the long-term future of Kosovo. Kosovo Albanian leaders produced a draft proposal later in the month for an interim arrangement in which Kosovo would settle temporarily for republican status within the FRY, short of full independence.

### **UN Security Council Resolution 1199 and the Milosevic-Holbrooke agreement**

On 23 September 1998 the UN Security Council adopted Resolution 1199, acting under Chapter VII of the UN Charter. The vote was 14 to 0, with China abstaining. Resolution 1199 called for an immediate cease-fire in Kosovo, an international presence to monitor it, the withdrawal of "security units used for civilian repression", and dialogue on the future of Kosovo. The Serbian Prime Minister Mirko Marjanovic claimed on 28 September that all "anti-terrorist activities" had ended and that "peace reigns in Kosovo", but his claim was undermined by the lack of evidence of any withdrawal of Serbian forces, and the simultaneous discovery of three particularly shocking massacres of civilians in and near the neighbouring villages of Gornje Obrinje/Obri e Eperme (Glogovac/Gllogoc) and Donje Obrinje/Obri e Ulet (Srbica/Skenderaj).

Although Russia explicitly declared its opposition to the use of force to back up UN Resolution 1199, the use of air bombardments against the FRY for this purpose was officially approved by NATO, and a deadline issued for Serbia to comply. The deadline was repeatedly postponed in the succeeding days. On 16 October, however, the so-called Milosevic-Holbrooke agreement was announced.

This agreement was the product of protracted discussions between Milosevic and US envoy Richard Holbrooke during a succession of visits by the latter to Belgrade. Its text was not published, but its key provisions, in addition to the ending of hostilities, were threefold. All those who had fled their homes in Kosovo and become refugees were to be allowed to return. Serbian forces in Kosovo, including both army units and special forces, were to be scaled back to their pre-1999 levels. Under the Milosevic-Holbrooke agreement, and an agreement between OSCE Chairman-in-Office Bronislaw Geremek (Minister of Foreign Affairs of Poland) and the Yugoslav Foreign Minister Zivadin Jovanovic on the same day, international observers, in the shape of a 2,000-member OSCE mission, were to be allowed into Kosovo to verify compliance. This mission, the OSCE Kosovo Verification Mission (OSCE-KVM), began to be deployed in the field from November

### **The renewed escalation of human rights violations**

For two months the Milosevic-Holbrooke agreement appeared to be making progress on all these provisions, despite a number of violations of the cease-fire. Meanwhile United States and European diplomats pursued their efforts to promote a Kosovo settlement, although still without including the UCK in the process.

In the last week in December and the first half of January 1999, however, three things became clear. One

was that the reduction in fighting between Serb forces and the UCK had been no more than a temporary lull, which ended in December with a new Serbian offensive in the north-east. The UCK had used the lull to rearm and retrain, while a large force of Yugoslav/Serbian troops was being assembled just outside the province in apparent preparation for a spring offensive. The second was that in these circumstances the OSCE Kosovo Verification Mission (OSCE-KVM) was neither equipped nor mandated to play a peacekeeping role, so a 2,300-strong NATO "extraction force" was put in place just across the border in the former Yugoslav Republic of Macedonia to evacuate the monitors if necessary. The third was that atrocities against unarmed civilians had not ceased. In mid-January, 45 people - some of them children - were found murdered in Racak/Recak (Stimlje/Shtime), mostly shot in the head at close range.

It was this last development, and its immediate repercussions, which precipitated the next initiative by the six-country Contact Group. Ambassador William Walker, the head of the OSCE-KVM, was ordered out of the country by the Serbian authorities when he publicly accused them of responsibility - rejecting their claim that UCK guerrillas had been killed in a battle at Racak and their bodies then rearranged by their comrades to look like civilian victims of a massacre. Ambassador Walker refused to leave, while NATO threatened military action against the FRY unless the cease-fire was restored. In a bid to break the impasse by diplomatic means, the Contact Group then announced a conference on the future of Kosovo, to be held in Rambouillet near Paris on 6 February.

### **The Rambouillet negotiations**

At Rambouillet, the Serbian and Albanian leaders (the latter including both LDK and UCK) were presented with the latest version of the Western plan as a basis for a negotiated settlement.

The plan stipulated that the UCK must be disarmed within three months (the provision they most strongly opposed) and all Yugoslav/Serbian troops withdrawn from Kosovo apart from 1,400 border guards and 2,500 security forces. A 30,000-member NATO "enabling force" would be deployed in Kosovo (the provision most strongly opposed by the Serbian leadership) to ensure implementation of the agreement. For a three-year interim period, Kosovo would have autonomous institutions once again, as before 1989, including its own elected assembly, president and constitutional court. There would be greater devolution of power, however, to the province's municipalities, in areas such as policing. More contentiously, the different "national communities" of Kosovo would have powers to block legislation if it threatened their national interest, and official posts would be divided up among them on a quota basis. At the end of the three years, there would be a further international meeting "to determine a mechanism for a final settlement" - a formula which did not exclude independence, although the Contact Group was known to be against it.

The Kosovo Albanian delegation eventually agreed in principle at the end of February to sign the agreement, and returned to Paris for the signing ceremony on 18 March. The Serbian side, however, did not. As fighting continued in Kosovo, and reports indicated that 30,000 more Yugoslav/Serbian troops were being deployed along with tanks and irregular militia units, the OSCE-KVM was pulled out on 20

March. NATO issued another ultimatum demanding Serbia's signature, but the Serbian parliament confirmed the rejection of the Rambouillet proposals, and on 24 March 1999 the NATO forces began their campaign of aerial attacks on FRY targets.

### **The NATO air campaign and the June 1999 agreement**

An analysis of the situation on the ground inside Kosovo in the period from 20 March to the end of the NATO air campaign is central to the rest of this report, and is not summarized here. NATO air strikes, which inflicted considerable damage and loss of life within Yugoslavia, continued until June. The NATO action was formally suspended on June 10, once it was confirmed that Serbian forces were beginning their withdrawal under a peace plan embodied that same day in UN Security Council Resolution 1244 (on which China again abstained).

This peace plan, accepted by FRY President Milosevic and formally approved by the Serbian National Assembly on 3 June, had emerged from a series of efforts at mediation, starting with initiatives by Russian special envoy Viktor Chernomyrdin. General principles for a solution were agreed at the Bonn meeting of the Group of Eight (G-8, the seven major Western industrialized countries plus Russia) in early May, and eventually accepted by the FRY government in early June after further Russian and European Union mediation.

The basic elements of the June 1999 peace agreement began with the requirement that all Serbian forces should be withdrawn, and all refugees allowed to return. The UCK and any other armed Kosovo Albanian groups were to "end immediately all offensive actions" and comply with requirements for demilitarization. Implementation would be overseen by KFOR, an "effective international security presence with substantial NATO participation", meaning in practice a 50,000-strong joint NATO-Russian peacekeeping force, and by a 3,000-member UN civilian security force. Kosovo would have a civilian administrator, appointed by the UN Secretary-General, overseeing the establishment of "substantial autonomy" for Kosovo within the FRY and "provisional and democratic institutions" under an interim administration "pending a final settlement". No time limit was set on the life of the interim administration, nor was any specific mention made of a referendum on Kosovo's future status.

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## THE OSCE-KVM HUMAN RIGHTS OPERATION

### The OSCE-KVM mandate and human rights verification standards

The OSCE-KVM mandate was established in the "Agreement on the OSCE Kosovo Verification Mission" between the OSCE and the FRY on 16 October 1998. Under the terms of the Agreement the OSCE-KVM was responsible for verifying that all parties in Kosovo complied with UN Security Council Resolution 1199 and with the cease-fire. The Agreement also referred to respect for the UN Charter, the principles of the Helsinki Final Act<sup>1</sup> and the Paris Charter.<sup>2</sup> These references, together with a broad international recognition that the Kosovo crisis was in large part a human rights crisis, served to legitimize the OSCE-KVM's mandate to monitor, document, investigate and report allegations of human rights violations. The OSCE-KVM's focus on human rights was a logical consequence of the situation on the ground in Kosovo, and the OSCE's comprehensive concept of security. In addition, UN Security Council Resolution 1199 also required the OSCE-KVM to co-operate with other UN bodies, including the International Criminal Tribunal for the former Yugoslavia (ICTY).

The OSCE-KVM Human Rights Division utilized international human rights and humanitarian law standards when verifying allegation of violations. FRY is a party to the following international instruments:

Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment

Convention on the Elimination of All Forms of Discrimination against Women

Convention on the Rights of the Child

International Convention on the Elimination of All Forms of Racial Discrimination

International Covenant on Civil and Political Rights

International Covenant on Economic, Social and Cultural Rights

## Optional Protocol to the International Covenant on Civil and Political Rights

Geneva Conventions and Additional Protocols (see further the Annex to this report)

In addition, the OSCE-KVM relied on the standards and obligations of the Helsinki Final Act and the Paris Charter. With regard to domestic standards, the 1992 FRY Constitution provides that the Federal Republic of Yugoslavia is a democratic state "founded on the rule of law".<sup>3</sup> The Constitution includes 49 articles guaranteeing basic political, civil, economic, social and cultural rights and freedoms for all citizens without discrimination.<sup>4</sup>

The combination of international and domestic human rights law applicable in Kosovo is meant to provide the highest level of protection from abuse and violations. The OSCE-KVM verified allegations of human rights violations and abuses according to these internationally and domestically recognized standards. Although technically some of these standards may have been binding only on the FRY as a state which had ratified the international instruments, the OSCE-KVM held armed opposition groups to the same standards.

As a result of political developments in early June 1999, the OSCE anticipated the adoption of a Security Council resolution enabling the international community to re-commence work in Kosovo.<sup>5</sup> By decision of the OSCE Permanent Council, the OSCE-KVM ceased to exist on 9 June, being replaced by a transitional OSCE Task Force for Kosovo (TFK). The main priorities of the OSCE-TFK were to plan and prepare for deployment into Kosovo (which commenced on 14 June) and to continue assessing the human rights situation there.<sup>6</sup> The OSCE-TFK was in turn replaced by the OSCE Mission in Kosovo (OSCE-MiK) by decision of the OSCE Permanent Council on 1 July 1999.<sup>7</sup>

### **OSCE-KVM Human Rights Division field operation**

#### *Establishment of the operation*

The OSCE/ODIHR and the OSCE Conflict Prevention Centre took the lead in human dimension planning for the OSCE-KVM. The OSCE/ODIHR temporarily posted an adviser to the OSCE-KVM Support Unit in Vienna with the task of planning and activating the OSCE-KVM's election, human rights and democratization units. The OSCE/ODIHR and UNHCHR conducted a joint technical mission to Pristina in early December to work with the OSCE-KVM to activate an operational framework for implementing the OSCE-KVM's human rights tasks.<sup>8</sup> This team drafted an operational strategy for the Human Rights Division that focused on the following core human rights tasks: (i) monitoring and reporting; (ii) investigating specific violations of human rights; (iii) intervening with responsible authorities to address specific violations; (iv) training OSCE-KVM personnel for human rights tasks; and (v) adopting confidence-building measures (working with local authorities and civil society, and local human rights capacity building).<sup>9</sup>

By late December there were approximately 400 international personnel and 250 local staff at the OSCE-KVM.<sup>10</sup> Because recruitment for the OSCE-KVM initially focused on those with military and police backgrounds there were only 11 members in the Human Rights Division at the end of December.<sup>11</sup> By the end of January 1999, however, human rights officers were present in all five regional centres and most field offices.<sup>12</sup> At the time OSCE-KVM evacuated there were approximately 75 staff members in the human rights division (10 in headquarters and the rest deployed in the regional and field offices).

In addition to staffing regional and field offices, human rights officers also manned Outreach Offices in several locations. The Outreach Offices were initially set up in response to the highly charged issue of missing persons, and provided a place outside the Mission for citizens to speak to human rights officers about the details of the disappearance of family members.<sup>13</sup> The primary goal of the Outreach Offices quickly became documentation, in an effort to record all testimonies regarding human rights violations.<sup>14</sup> The long-term plan was to expand the Outreach Office in both size and function in order to become the focal point for all contact with members of the public about OSCE-KVM activities.<sup>15</sup>

### *Methodology*

Despite all the challenges of operating where there was a state of armed conflict, the OSCE-KVM Human Rights Division adopted a methodology consisting of full documentation, strict confidentiality, security protocols, independence in investigations and centralized reporting procedures.

*Documentation.* The sheer number of allegations of human rights violations received by the OSCE-KVM rendered it impossible to investigate them all thoroughly. Thus, accurate documentation became an essential component of the division. Standardized forms were used for incident reports, victim/witness statements, missing person reports and a related database was developed to index the information collected. Direct complaints from direct witnesses or victims of alleged human rights or humanitarian law violations were given priority. In such cases the human rights officers sought supporting documentation from, for example, medical authorities, corroborating statements from other witnesses, etc. Videotapes and photographs of crime scenes and killing sites were made, as well as of the victims, to assist in identification. Human rights officers monitored official investigations and at times documented those investigations (e.g., post mortem examinations were documented by the OSCE-KVM when allegations of humanitarian law violations were made).

*Independent and impartial investigation.* The Human Rights Division conducted investigations and interventions with local authorities. While the Head of Mission was advised of the activities of the division and the status of investigations, there was never any pressure to curtail or pursue a matter for political use. Senior OSCE-KVM staff respected the independence of the Human Rights Division to access information and draw conclusions based on the information uncovered. The Human Rights Division always had direct access to the Head of Mission, who strongly supported the independent position of the Division. This direct access further facilitated the "need to know basis" which was the

foundation for independent investigations. Investigative strategies were developed and issued directly from the Director of the Human Rights Division after consultation with the Head of Mission.

Impartiality is at the heart of human rights work, and it was imperative to the Human Rights Division that it was seen as impartial. Despite the fact that the OSCE-KVM was perceived by the Serb authorities to be pro-Kosovo Albanian, the Human Rights Division consciously and persistently investigated allegations of human rights abuses committed by the UCK, including against other national communities. While the vast majority of complaints came from Kosovo Albanians, a substantial effort was made to investigate UCK involvement into the issue of Serb abductions. The OSCE-KVM consistently put pressure on the UCK to allow human rights officers access to UCK "trials" and to persons abducted/detained by the UCK.

*Reporting.* Reports by the Human Rights Division served four basic functions: (i) to inform OSCE senior staff and others about the situation on the ground; (ii) to discourage authorities whose actions were being monitored and verified from committing violations; (iii) to inform governments, policy makers and OSCE participating states; and (iv) to provide a basis for interventions. The various types of reports utilized by the Human Rights Division were incident reports, initially daily reports, weekly reports, monthly reports, and special reports.

Incident reports were prepared: (i) when human rights complaints/abuses were brought to the attention of the Regional Centres; (ii) when verifiers were asked to investigate human rights complaints; (iii) when OSCE-KVM representatives intervened in a human rights matter; and (iv) on other matters which a human rights officer judged to be of sufficient importance to bring to the immediate attention of OSCE-KVM HQ. The senior human rights officers at the five Regional Centres were responsible for preparing weekly reports.<sup>16</sup> Weekly reports from the Regional Centres were collated and summarized in a consolidated HQ weekly report to the Head of Mission and the OSCE Secretariat.

Monthly reports were envisaged in order to identify and analyse trends in human rights. For example, attention would be given to identifying systematic patterns of discriminatory treatment of minority groups. Due to the late start-up of the Human Rights Division and the relatively early evacuation, the Human Rights Division completed only one monthly report, for February 1999.

The Human Rights Division produced a number of special reports. Among these were reports on alleged mass graves, particular violations of human rights and humanitarian law such as pillage and abductions, and a report on the killing of civilians in Racak/Racak (Stimlje/Shtime).<sup>17</sup>

The OSCE-KVM Human Rights Division also set up a comprehensive human rights database which, if fully implemented, would have had the capacity to record and track all reported violations in Kosovo.

*Confidentiality and security.* The OSCE-KVM Human Rights Division operated with strict security and confidentiality safeguards. Incident reports, reports on missing persons, and so on, were safely stored, with access restricted to international staff on a "need to know basis". When reports were submitted

from the field to headquarters, all names were eliminated and a reference numbering system was used. The security of photos, negatives, videotapes, and so on was ensured through log books, and all materials were kept in safes at headquarters. Human rights officers were instructed to attach their original notes to the files and they were not allowed to keep extra copies or to distribute them outside the OSCE-KVM. Information regarding ongoing human rights investigations was restricted, and relations with the media were centralized through the OSCE-KVM spokesperson.

In the days prior to the OSCE-KVM's withdrawal on 20 March, the Human Rights Division initiated strict procedures for the handling, evacuation and destruction of human rights information. All victim/witness statements, complaints, documents relating to investigations, computer disks, hard drives and physical evidence were collected by the five senior human rights officers for their areas of responsibility and were evacuated. Any related documentation that was not evacuated was either shredded or burned before the OSCE-KVM left Kosovo. All of the human rights data was then collected from the senior human rights officers and centralized by the director of human rights immediately after the evacuation. The OSCE-KVM Human Rights Division's files and archives were subsequently transported to the OSCE/ODIHR in Warsaw for safekeeping and analysis.

### *Tasking priorities*

Although it was extremely difficult to plan a long-term human rights strategy in a state of armed conflict, the Human Rights Division identified core human rights tasks and priorities. The immediate core tasks included monitoring/documenting the conduct of armed forces, police, investigative judges, allegations of humanitarian law violations (this took on a higher priority after the ICTY was prevented from entering Kosovo) and intervening with the FRY and Serbian security forces and the UCK on individual cases. In terms of giving priority as to which allegations of human rights violations would be investigated, the human rights division focused on the right to life, right to liberty, rights related to detention and fair trials and issues relating to missing persons.

Throughout the OSCE-KVM's tenure in Kosovo, the general situation was volatile, and flexibility regarding priorities was necessary. An event such as the killing of civilians in Racak on 15 January 1999 resulted in a shift of resources and the creation of regional "rapid response teams". The latter teams were formed to deploy immediately to critical human rights incidents. These teams were equipped with video and other equipment and included members trained in interviewing and investigative techniques. The teams were later used to investigate the killings in Rogovo/Rogove and Rakovina/Rakovine (both in Djakovica/Gjakova).

### *Training*

The OSCE-KVM induction centre in Brezovica was activated in November; it consisted of a four-day OSCE-KVM induction course that was mandatory for all mission members. The OSCE/ODIHR worked together with the OSCE-KVM, UNHCR, ICRC and UNHCHR to organize the four-hour briefing on human rights and humanitarian issues included in the induction course. The OSCE/ODIHR also prepared a field leaflet for OSCE-KVM members, "Guidelines for Human Dimension Tasks". The Guidelines provided a quick overview of how to spot and report alleged human rights violations in Kosovo. UNHCR, UNHCHR, ICRC, ICTY and IOM contributed information for preparation of the leaflet, which was distributed to all OSCE-KVM members at the induction centre.<sup>18</sup>



**The OSCE-KVM Co-ordination Centre (Urosevac/Ferizaj), after it was mined and blown up** [\[zoom\]](#)

A plan for continuation training for OSCE-KVM members in human dimension matters was proposed by the OSCE/ODIHR and accepted by the OSCE-KVM in late November. Implementation of the continuation training proposal began in early December when the OSCE/ODIHR and UNHCHR sent advisers to the OSCE-KVM to develop a series of training modules. UNHCHR's consultant expert in training and preparation for field operations, assisted in the preparation of an induction briefing module on human rights and left with the OSCE-KVM more than 20 human rights training modules, some of which he was able to adapt to the OSCE-KVM's specific needs before the Mission ended.<sup>19</sup> Two international staff members (one seconded by the Council of Europe), experienced in human rights training, were responsible for conducting continuation training for OSCE-KVM members. The continuation training was conducted at the various Regional Centres as well as at Co-ordination Centres.<sup>20</sup> The substance of the training was specific and was geared to enhance the verifiers' ability to monitor, report and verify human rights violations (rights of the accused, standards of conduct for police, trial monitoring, rights of minorities, treatment of vulnerable groups, and so on).<sup>21</sup>

## **Conditions in which the OSCE-KVM Human Rights Division field operation functioned**

### *A state of armed conflict - legal definition*

During the period covered by this report, the conflict in Kosovo can be classified as an internal armed conflict.<sup>22</sup> Thus, both provisions of international human rights law as well as provisions of international humanitarian law apply. The application of humanitarian law is triggered by Common Article 3 of the

Geneva Conventions<sup>23</sup> and additional Protocol II to the Geneva Conventions which apply to internal conflicts. Under Article 1(1), the Protocol applies to armed conflicts that take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol. The provisions place obligations on both the UCK and the FRY and Serbian authorities.

The primary responsibility of the OSCE-KVM was to verify compliance by all parties in Kosovo with UN Security Council Resolution 1199.<sup>24</sup> Although the Resolution imposed a cease-fire in Kosovo, the OSCE-KVM verified numerous breaches in the cease-fire. The fact that the cease-fire was kept for brief periods of time does not change the state of affairs of an armed conflict. In a judicial expression of what constitutes an armed conflict, and thus triggers the application of international humanitarian law, the Appeals Chamber of the ICTY maintains: "International humanitarian law applies from the initiation of ... armed conflict and extends beyond the cessation of hostilities until ... a peaceful settlement is achieved. Until that moment, international humanitarian law continues to apply ... in the whole territory under the control of a party, whether or not actual combat takes place there".<sup>25</sup>

The conflict in Kosovo meets the threshold of Additional Protocol II and the criteria of Common Article 3 for direct application of both Common Article 3 and Additional Protocol II. In the indictment of Milosevic, ICTY states that "[a]t all times relevant to this indictment, a state of armed conflict existed in Kosovo in the FRY".<sup>26</sup>

### *Conditions on the ground in Kosovo*

Conditions on the ground reflected the state of armed conflict. Kosovo during the tenure of the OSCE-KVM was a place of war, albeit restrained at times. Nevertheless, VJ forces deployed in the province with tanks and heavy war equipment. The FRY and Serbian security forces restricted the movement of civilians and at times fighting broke out with UCK forces. The majority of complaints received by the OSCE-KVM involved: extra-judicial killings, summary executions, arbitrary killings, persons going missing following abductions; incommunicado detention; abuse by the police and security forces; indiscriminate and disproportionate attacks against the civilian population, the destruction of civilian property, pillaging, illegal evictions; and restricted freedom of movement for Kosovo Albanians. Although the OSCE-KVM verified human rights violations, its ability to report and intervene was hampered first by personnel shortages and later by the escalation in military activity.<sup>27</sup>

*OSCE-KVM capacity to perform tasks.* External factors affecting the capacity of the Human Rights Division to work included restricted access to official personnel, courts, hospitals and other public services, and restricted freedom of movement. Experiences with FRY and Serbian authorities varied and co-operation depended to some degree on personalities and sometimes the nationality of the OSCE-KVM staff. The same was true for the UCK, which restricted access to their controlled areas, denied OSCE-KVM access to monitor their "trials" and restricted access to detainees.<sup>28</sup>

The OSCE-KVM did not have the full co-operation of the judiciary. For example, in Pristina District Court the Public Prosecutor and the President of the Court refused to meet human rights officers. Trial schedules were difficult to obtain and the OSCE-KVM was often misinformed about scheduled trials. In one instance, a human rights officer was only allowed in the courtroom after senior mission staff intervened.<sup>29</sup> Court officials displayed a high degree of distrust of the OSCE-KVM and alleged that the OSCE-KVM was likely to believe "Albanian propaganda".<sup>30</sup>

The OSCE-KVM encountered frequent obstacles to its access to Pristina hospital. This was particularly acute when human rights officers attempted to verify the location and condition of those wounded who were suspected of terrorist acts. The OSCE-KVM was often refused access to medical staff to discuss allegations of medical discrimination against Kosovo Albanians. Access to the morgue to verify the identification and condition of dead bodies was routinely denied. On several occasions, access was granted only after the Head of Mission intervened with officials in Belgrade.<sup>31</sup>

Freedom of movement was a problem throughout the time the OSCE-KVM was deployed in Kosovo. Both UCK and Serbian authorities set up checkpoints. The OSCE-KVM was at times refused access to areas beyond these checkpoints without any legitimate reason.<sup>32</sup>

### *The impact of the work of the Human Rights Division*

Despite the factors limiting the capacity of the Human Rights Division to perform its tasks optimally, the impact of the work done was significant. The OSCE-KVM contributed to a general reduction in the level of fear among the population in Kosovo. For example, the presence of human rights officers on inter-city buses resulted in fewer cases of abuse by the police, who often stopped buses at checkpoints and harassed the Kosovo Albanian passengers, beat them or arrested them. There was a noticeable change in the atmosphere on buses monitored by the Human Rights Division.<sup>33</sup>

Human rights officers reported that judges, who would otherwise convict a suspected terrorist on very dubious legal grounds, would hesitate when OSCE-KVM and other organizations were present in the courtroom. Families of those detained said that after OSCE-KVM began monitoring trials detention beatings were reduced. The substantial number of OSCE-KVM human rights officers made it possible to have a wide presence at these trials.

The impact of daily interventions at police stations was also evident. People who were afraid to go as ordered for an "informative talk" (see also Chapter 10, Violation of the right to a fair trial), or were afraid to approach the police in general, often asked OSCE-KVM to assist them or accompany them to the police station. The mere presence of OSCE-KVM improved the human rights situation in Kosovo, albeit the improvement must be viewed in the light of the overall appalling conditions for human rights in any state of armed conflict. Some of the OSCE-KVM's impact could be measured in a tangible way. For example, when OSCE-KVM opened a field office in the small village of Slapuzane/Slapuzhan (Suva

Reka/Suhareke), within days several hundred villagers returned to their homes. They had been too afraid to live in the village but the mere presence of OSCE-KVM gave them confidence.

The accumulation of time, presence and effort resulted in a high degree of trust by Kosovo Albanians towards OSCE-KVM. Serb civilians and some officials also developed an increased level of trust as a result of the Human Rights Division's commitment to impartiality and a genuine concern for the plight of many Serb civilians.<sup>34</sup>

### *The effect of the absence of a national human rights protection mechanism*

Although the Federal Republic of Yugoslavia is a party to major international human rights instruments,<sup>35</sup> there was no effective domestic human rights mechanism while OSCE-KVM was in Kosovo. The pervasive distrust of the Serbian police and judiciary limited the means of addressing effectively human rights violations.

When the OSCE-KVM Human Rights Division opened the first "outreach office" in Pristina on 27 December, the initial response from the Kosovo Albanian community and the Serb community was overwhelming. OSCE-KVM in effect functioned as a de facto human rights complaints mechanism. Between 27 December and the day of withdrawal, 20 March 1999, the Human Rights Division received more than 800 complaints and allegations of human rights and humanitarian law violations.

### **OSCE-KVM Human Rights Division field operations in the former Yugoslav Republic of Macedonia and Albania**

#### *Monitoring events in Kosovo post-evacuation*

The OSCE-KVM withdrew from Kosovo on 20 March 1999, by decision of the OSCE Chairman-in-Office, Norwegian Minister of Foreign Affairs Knut Vollebæk. Thereafter, the human rights division continued to operate and monitor the human rights situation in Kosovo. OSCE-KVM human rights activities were the only portion of the OSCE-KVM mandate that continued after the evacuation. Human rights officers collected first-hand information about the situation in Kosovo from refugees who were often victims of and direct witnesses to grave human rights and humanitarian law violations prior to and in the course of fleeing or being expelled to Albania or the former Yugoslav Republic of Macedonia.



In all, 1,111 refugee interviews were conducted in Albania and 1,653 in the former Yugoslav Republic of Macedonia.

**The body of a Kosovo Albanian man previously reported missing and found by the police, who informed the OSCE-KVM [\[zoom\]](#)**

*The former Yugoslav Republic of Macedonia - human rights field operation.* OSCE-KVM was based in Lake Ohrid when the Human Rights Division began to interview refugees at the end of March. When the original operation was set up it was impossible to foresee the eventual number of refugees who would cross into the former Yugoslav Republic of Macedonia and Albania over the coming two-and-a-half months. The first human rights teams interviewed refugees in Tetovo, Gostivar and at the border crossing points near Blace (FRY: Djeneral Jankovic) and Jazince (FRY: Globocica), often speaking to them only a few hours after their arrival.

In response to the massive inflow of refugees, camps were set up near the border at Blace, on the way to Skopje (Stenkovac, Brazda) and near the FRY border (Radusa), and between Skopje and Tetovo (Bojane). At the end of April, with thousands of the refugees pouring into the country, pressure mounted to set up additional camps in the mainly Albanian-speaking areas of Gostivar and Tetovo. Between Tetovo and the Jazince border, the Neprosteno camp was erected, and the largest camp, with a capacity of up to 50,000, was built in early May near Gostivar, Cegrane. The majority of refugees in the former Yugoslav Republic of Macedonia, however, found shelter with Albanian-speaking host families, in areas of Skopje, Tetovo, Gostivar and Struga.

The OSCE Human Rights Division established an office in Skopje, from where the refugees in Skopje area camps were contacted and interviewed. Another field office covering the Tetovo and Gostivar areas was established to cover the thousands of refugees who were accommodated by host families in those areas. OSCE human rights officers co-ordinated their interviewing with local NGOs such as El Hilal and the Mother Teresa Society, which were assisting the host families. By mid-April, OSCE human rights teams operated from three bases in Macedonia: Ohrid, Skopje and Gostivar, and thereby covered all the municipalities where refugees were located.

*Albania.* Shortly after events escalated in Kosovo at the end of March 1999, vast numbers of refugees started pouring across the border into Albania. The government of Albania estimated that as many as 135,000 refugees crossed the border at the beginning of April.<sup>36</sup> As a response, the OSCE Permanent Council on 1 April 1999 authorized the use of OSCE-KVM resources to "help alleviate the humanitarian catastrophe in Albania". From this decision a task force of 75 persons was generated. The OSCE-KVM Refugee Task Force (Albania) or RTF, deployed on 2 April 1999 to Tirana and worked closely with the OSCE presence in Albania to assist in the humanitarian crisis. Three days later the RTF had deployed teams to all 12 prefectures in Albania. The RTF operated as an action-oriented grouping aimed at achieving quick results in a situation of crisis. The RTF continued the human rights mandate of the OSCE-KVM by gathering information and monitoring the human rights situation in Kosovo through refugee interviews.<sup>37</sup>

The fact that the RTF was an operation geared towards a more comprehensive humanitarian response than the operation in the former Yugoslav Republic of Macedonia meant that the staff was not exclusively assigned to human rights tasks. The general situation in Albania was much more complex and desperate than in the former Yugoslav Republic of Macedonia and the collection of information about human rights and humanitarian law violations presented a particular challenge there. Nevertheless, the human rights activities in Albania and the former Yugoslav Republic of Macedonia were fully co-ordinated and directed according to the same operational protocols and methodology.

### *Collection of information*

Information about the human rights situation in Kosovo was collected in two ways. One method was the establishment of OSCE tents in the camps in the former Yugoslav Republic of Macedonia to provide privacy for the interviewing process. In Albania, however, it was not possible to establish tents, given the number of camps established throughout the country. OSCE-KVM vehicles were therefore used as mobile offices.

The other way in which interviews were collected was more proactive. Some human rights teams established networks through local NGOs, interpreters, former OSCE-KVM staff, teachers, imams and others in a position to direct the teams to refugees who had settled in host families outside the camps. In the course of the refugee crisis in the former Yugoslav Republic of Macedonia, approximately 170,000 refugees were accommodated with host families. The OSCE-KVM teams were actively involved in interviewing privately accommodated refugees.<sup>38</sup>

In the former Yugoslav Republic of Macedonia local "emergency councils" registered the arriving Kosovo Albanian families, and organized the local distribution of humanitarian aid. OSCE-KVM human rights officers spoke to refugees through various means: personal visits to local offices of emergency councils (run by local Albanian-speaking Macedonian citizens, but often assisted by Kosovo refugees), personal contact with local authorities (in particular the mayor's offices and humanitarian aid co-ordinators), announcements in the local press and radio, contact with local journalists, local clinics and hospitals, and so on.

In the course of more than two months of interviewing, almost every village hosting refugees was visited



**An OSCE-KVM human rights officer, assisted by an interpreter, takes a statement in a refugee camp [\[zoom\]](#)**

in both Albania and the former Yugoslav Republic of Macedonia. The OSCE-KVM developed a reputation among refugees and local authorities for conducting professional interviews in a confidential setting. International partners often approached OSCE-KVM human rights teams whenever they had identified a potential eye-witness. When the OSCE re-entered Kosovo in June, there were still many pending requests from refugees to give statements of their experiences.

It was a general policy not to interview small children and refugees who appeared traumatized. The Human Rights Division was aware of the limitations and varied expertise of its human rights officers. On the subject of sexual violence there were some human rights officers with extensive experience in interviewing rape victims from Bosnia and Rwanda. Whenever possible, only these staff members spoke to victims of rape and sexual assault.<sup>39</sup>

The OSCE-KVM had enjoyed the trust of Kosovo Albanians before its evacuation from Kosovo, and this trust continued in the camps. Refugees often commented to human rights officers that the widespread presence of the distinctive orange OSCE-KVM vehicles reassured them that their plight was not forgotten and that assistance would be given to them. In collecting information in Albania and the former Yugoslav Republic of Macedonia about human rights and humanitarian law violations in Kosovo this rapport was unique.

As it had done when deployed inside Kosovo (see above), when collecting data in Albania and the former Yugoslav Republic of Macedonia following its evacuation, the OSCE-KVM Human Rights Division implemented strict security and confidentiality safeguards. At the end of every interview with a refugee, the interviewee was asked if he/she would allow the information to be passed on to the ICTY. In all cases the interviewee consented and often insisted that the information provided be passed to the appropriate judicial body. Standardized interview forms were used in both the former Yugoslav Republic of Macedonia and Albania. Completed forms were collected daily by team leaders. No copies were retained in the field or kept by the interviewer. All completed forms were stored at the field operation headquarters in Tirana and Skopje. The completed forms were numbered, stored in binders and kept in locked facilities with restricted access. At no time did the Human Rights Division produce reports with names of victims or witnesses. The Human Rights Division shared general information from the interviews with UNHCHR officers working in Skopje, who agreed to treat the data in a confidential way. The Human Rights Division had strict press guidelines and restricted access to the information collected to those with a "need to know" only. These guidelines remain in effect.

All interview forms were then centralized, indexed, and catalogued in Skopje. A database was designed and used to index and catalogue the enormous volume of information collected.

### **Safeguarding and analysing the OSCE-KVM human rights files**

Ensuring confidentiality and the integrity of the information gathered by the OSCE-KVM Human Rights Division continues to be of the utmost importance to the OSCE.

As the NATO air campaign progressed, the need to find a permanent repository for safeguarding the information became a pressing priority. The OSCE-KVM Human Rights Division consulted the Director of the OSCE/ODIHR and requested assistance in securing the material and in the preparation of an analytical report of the Division's findings.<sup>40</sup> The OSCE/ODIHR agreed, and the OSCE-KVM human rights files that had been removed from Kosovo were transferred to the offices of the OSCE/ODIHR in Warsaw, Poland. The information collected from refugees in Albania and the former Yugoslav Republic of Macedonia was subsequently also transported to Warsaw at the end of the air campaign.<sup>41</sup>

The Kosovo Data Analysis Team was formed at the OSCE/ODIHR in early June 1999 with two full-time analysts and the Deputy Director of the OSCE-KVM Human Rights Division. During the following two months the team expanded to 12 members, consisting of former OSCE-KVM human rights officers and independent human rights experts. The Senior Human Rights Adviser at the OSCE/ODIHR headed the team and the Director of the OSCE-KVM Human Rights Division, now with the OSCE-MiK served as a consultant. This report, prepared at Mokotow in Warsaw in the period from June to October 1999, is an analysis of the enormous amount of information gathered by the OSCE-KVM Human Rights Division.

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## Notes

<sup>1</sup> Final Act of the Conference on Security and Co-operation in Europe (Helsinki Final Act), 1 August 1975.

<sup>2</sup> Charter of Paris for a New Europe - CSCE Summit, 21 November 1990.

<sup>3</sup> See also Chapter 10, Violation of the right to a fair trial.

<sup>4</sup> The Yugoslav Constitution also guarantees that the government will respect international law. Article 10 states: "The Federal Republic of Yugoslavia shall recognize and guarantee the rights and freedoms of man and the citizen recognized under international law." Article 16 adds: "The Federal Republic of Yugoslavia shall fulfil in good faith the obligations contained in international treaties to which it is a contracting party. International treaties which have been ratified and promulgated in conformity with the present Constitution and generally accepted rules of international law shall be a constituent part of the internal legal order."

<sup>5</sup> OSCE, The Secretariat, Press Release, "Permanent Council Establishes OSCE Transitional Task Force for Kosovo, Replacing Kosovo Verification Mission", No. 40/99, Vienna, 9 June 1999.

<sup>6</sup> OSCE, Permanent Council, 233rd Plenary Meeting, PC Journal No. 223, Agenda Item 1, Decision No.296/Corrected Version, PC.DEC/296/Corr., 8 June 1999.

<sup>7</sup> PC/DEC 305/99, 1 July 1999.

<sup>8</sup> OSCE/ODIHR, "Report on the Human Rights Tasks of the OSCE-KVM - The First 60 Days of the Mission (16 October-15 December 1998)", Warsaw, 7 January 1999 (internal document).

<sup>9</sup> OSCE/ODIHR, "Report on the Human Rights Tasks of the OSCE-KVM - The First 60 Days of the Mission (16 October-15 December 1998)", Warsaw, 7 January 1999 (internal document).

<sup>10</sup> OSCE-KVM, Human Rights Division (HQ), "Daily Report 29 Dec. 1998" (internal document).

<sup>11</sup> OSCE-KVM, Human Rights Division (HQ), "Weekly Report 11–18 Dec. 1998" and "Weekly Report 19–27 Dec 1998" (internal document.).

<sup>12</sup> OSCE-KVM, Human Rights Division (HQ), "Weekly Report 24–29 Jan. 1999" (internal document).

<sup>13</sup> In Prizren the contact office was located within the RC building.

<sup>14</sup> OSCE-KVM, Human Rights Division (HQ), "Weekly Report 19–27 Dec. 1998" (internal document). Later, the office transferred to the area of responsibility of first RC5 and subsequently CC Pristina.

<sup>15</sup> OSCE-KVM, Human Rights Division (RC5), "Weekly Report 27 Feb.–6 Mar. 1999" (internal document).

<sup>16</sup> In the case in Prizren the weekly report had to be cleared by the Head of RC before being submitted to the Human Rights Division.

<sup>17</sup> OSCE-KVM, Human Rights Division (HQ), Special Report, "Massacre of Civilians in Racak", 17 January 1999 (internal document). See also this report, entry for Stimlje municipality.

<sup>18</sup> OSCE/ODIHR, "Report on the Human Rights Tasks of the OSCE-KVM – The First 60 Days of the Mission (16 Oct.–15 Dec. 1998)", Warsaw, 7 January 1999 (internal document).

<sup>19</sup> OSCE/ODIHR, "Report on the Human Rights Tasks of the OSCE-KVM – The First 60 Days of the Mission (16 Oct.–15 Dec. 1998)", Warsaw, 7 January 1999 (internal document).

<sup>20</sup> OSCE-KVM, Human Rights Division (HQ), "Weekly Report 18–23 Jan. 1999" (internal document).

<sup>21</sup> OSCE-KVM, Human Rights Division (HQ), "Weekly Report 24–30 Jan. 1999" (internal document).

<sup>22</sup> With the NATO intervention, there was simultaneously an international armed conflict.

<sup>23</sup> ICRC Commentaries to Common Article 3 of the 1949 Geneva Conventions evoke certain criteria for application of Common Article 3 in conflicts of a non-international character, including: “That the Party in revolt against the de jure Government possesses an organized military force, an authority responsible for its acts, acting within a determinate territory and having the means of respecting and ensuring respect for the Convention”.

<sup>24</sup> OSCE, “Agreement on the OSCE Kosovo Verification Mission”, Belgrade, 16 October 1998.

<sup>25</sup> Tadic case, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, 2 October 1995, IT-94-1-AR72.

<sup>26</sup> International Criminal Tribunal for the former Yugoslavia, “Indictment of Milosevic & Others (‘Kosovo’)”, IT-99-37, 24 May 1999, para. 8.1. For a more thorough analysis of the existence of an armed conflict in Kosovo, see No Peace Without Justice, “Report on Serious Violations of International Humanitarian Law in Kosovo in 1998”, February 1999.

<sup>27</sup> OSCE/ODIHR, “Report on the Human Rights Tasks of the OSCE-KVM – The First 60 Days of the Mission (16 Oct.–15 Dec. 1998)”, Warsaw, 7 January 1999.

<sup>28</sup> OSCE-KVM, Human Rights Division (HQ), Meeting Report, “Record of Meeting on 18 Feb. 1999 with the Zone Commander and the Military Police Chief of the UCK in Llapashtica (Podujevo) Regarding Detention Visits” (internal document). Meeting report Podujevo – no date. For further detail see section Chapter 9, Arbitrary arrest and detention. OSCE-KVM did gain access to a group of alleged detainees in Gornja/Lapastica Llapashtica.

<sup>29</sup> OSCE-KVM, Human Rights Division (RC5), “Daily Sitrep 5/3/99” (internal document).

<sup>30</sup> OSCE-KVM, Human Rights Division (RC5), Meeting Report, “Meeting at the District Court of Pristina on 3/3/99 9–11 hrs”. (internal document).

<sup>31</sup> OSCE-KVM, Human Rights Division (RC5), “Daily Sitrep 7/3/99” (internal document).

<sup>32</sup> OSCE-KVM, Human Rights Division (RC5), “Weekly Report 6–12 Mar. 1999” (internal document).

<sup>33</sup> OSCE-KVM, Human Rights Division, Human Rights Officer.

<sup>34</sup> See also Chapter 9, Missing persons.

<sup>35</sup> See Annex to this report.

<sup>36</sup> OSCE-KVM, RTF Albania, “Progress Report – OSCE-KVM Refugee Task Force (Albania)”, 10 May 1999 (internal document).

<sup>37</sup> OSCE-KVM, RTF Albania, “Progress Report – OSCE-KVM Refugee Task Force (Albania)”, 10 May 1999 (internal document).

<sup>38</sup> Because of the absence of camps in the area, the Ohrid team limited itself to interviews with refugees in host families.

<sup>39</sup> See also Chapter 7, Rape and other forms of sexual violence.

<sup>40</sup> OSCE-KVM/TFK, Human Rights Division (HQ), Memorandum from Director Sandra Mitchell to Ambassador Gérard Stoudmann, Director of the OSCE/ODIHR, 18 June 1999.

<sup>41</sup> The OSCE-KVM Human Rights Division and the OSCE/ODIHR are grateful to the Office of the Foreign Minister of Poland for its assistance in transporting the human rights files and refugee statements and for its additional assistance in securing the material in Warsaw.

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KOSOVO / KOSOVA As Seen, As Told

OSCE ODIHR

## THE MILITARY/SECURITY CONTEXT

### Yugoslav forces in Kosovo, and the Kosovo Liberation Army

This section of the report is intended to give an overview of the armed forces in Kosovo, both Yugoslav/Serbian and the Kosovo Liberation Army (Ushtria Clirimtare e Kosoves - UCK).

This chapter does not seek to give a detailed and extensive analysis of the politico-military aspects of the internal conflict in Kosovo during the period when the OSCE-KVM was in existence. The intention is rather to put the human rights analysis of this report into context by presenting an understanding of the military/security units involved, the observation of their activities as reported by the OSCE-KVM when deployed inside Kosovo until 20 March 1999, and what can be discerned of their activities and objectives after 20 March. The section will therefore seek to explain the observations made by the refugees interviewed by the OSCE-KVM in Albania and in the former Yugoslav Republic of Macedonia.

#### The Armed Forces of Yugoslavia (Vojska Jugoslavije-VJ) in Kosovo

The Serbian and Montenegrin ground forces are split into three armies. The 52<sup>nd</sup> Corps, based in Pristina/Prishtina, was subordinate to the Third Army, centred in the southern Serb town of Nis under Lt.-Gen. Nebojsa Pavkovic. The VJ in total had approximately 85,000-114,000 personnel with a reserve force of possibly 200,000. In Kosovo, there were approximately 15,000-16,000 VJ troops in early 1999 and up to 20,000 by the end of April. There were in addition nearly 30,000 police and irregulars (volunteers and paramilitaries).

The VJ is divided into "regulars" and "reservists". While the VJ has a mobile capability and is designed for the overall defence of Yugoslavia, reserve units are responsible only for their area. In respect of Kosovo, reserve units were sent from towns near to the border to supplement those already in Kosovo. Regular units could be "topped up" with reservists, including in particular specialists (e.g. air defence trained forces, combat engineers, technical experts employed in civilian work with transferable skills such as in radar and communications), although the proportion of regular to reservist was not to fall below approximately 60 per cent.

The extent of the mobilization in Kosovo from March 1999 depleted the civilian sector. For example, where there had formerly been 148 employees in the local government administration in Gnjilane/Gjilan, after March only 52 remained out of uniform and working as normal.<sup>1</sup> Thus, although widespread mobilization took place, the VJ in Kosovo was still supplemented by "volunteers" and "armed civilians".

The role of the 52<sup>nd</sup> Corps (Pristina/Prishtina) was to protect the territorial integrity of the FRY (particularly Kosovo), protect key installations and keep the internal lines of communication open.

According to the Clark-Naumann Agreement of 25 October 1998,<sup>2</sup> the strength of the 52<sup>nd</sup> Corps (including the 52<sup>nd</sup> Military Police unit) was given as 9,068, although as already stated, the figure was far higher in reality. Yugoslav authorities declared a VJ equipment list during the establishment of the OSCE-KVM. According to this declaration, the VJ had 197 tanks, 178 ACV/APC/AIFV<sup>3</sup> and 358 artillery pieces. The Yugoslavs also announced that 37 MiG-21 jets were deployed at Pristina Airfield. Although the numbers were uncertain, additional equipment was present in Kosovo, such as anti-tank and surface to air weapons (AT-3 and SA-9 respectively), and this was monitored under a separate agreement by embassy defence attachés.

The FRY Baseline of the 52<sup>nd</sup> Corps consisted of the following units:

- 15<sup>th</sup> Armoured Brigade, Pristina
- 243<sup>rd</sup> Armoured Brigade, Urosevac
- 125<sup>th</sup> Motorized Brigade, Kosovska Mitrovica
- Tank Battalion, subordinated to the 125<sup>th</sup> Motorised Brigade, Pec
- 549<sup>th</sup> Motorized Brigade, Prizren
- 52<sup>nd</sup> Artillery Brigade, Gnjilane
- 52<sup>nd</sup> Military Police Battalion, Pristina

The FRY Baseline also included the 83<sup>rd</sup> Aviation Regiment, located at Pristina Airfield. In addition, the 354<sup>th</sup> Infantry Brigade was located in Kursumlija, close to the Kosovo border in Serbia proper.

VJ reserves needed to be drawn in from Serbia proper, although this was contrary to normal reserve practice, because of the limited number of male Serbs available in the province. Further, the addition of paramilitaries and volunteers from outside the province would have been a welcome addition to Serbian military planners.

*The Border.*<sup>4</sup> The 261 km of border with the former Yugoslav Republic of Macedonia and Albania was bounded by a 5 km wide security zone into which access was strictly controlled. The villagers who lived in the zone were free to move and graze their cattle, within limits defined by the security forces owing to the danger from minefields and set ambushes. The villagers had special permits.

The border, running through mountainous terrain up to a height of 2,600 m, was marked with concrete and stone posts, many of which were missing. There was no fence or other physical boundary. There were 32 border posts and observation towers. The towers were not usually manned as people on the Albanian side of the border used them for target practice. FRY patrols rarely patrolled along the actual border, as they were likely to be shot at. There were no known electronic surveillance or intruder devices securing the border.

Within the border area, the VJ manned the 32 platoon-sized border posts and six company positions. The minimum strength of a patrol was 10 men. In addition, there were three "Quick Reaction" battalions, held in barrack locations, which were ready to reinforce or deal with large-scale border incidents/incursions. The minimum manning for the border, as seen from the FRY perspective, was 10 men per km of border. Therefore for the whole border, including the boundary with Montenegro, there was a requirement for 3,000 personnel at any one time.

In addition to patrolling, the VJ mounted ambushes. The border area contained marked antipersonnel minefields that were intended to channel intruders into prepared ambush sites.

There was no administrative infrastructure within the border area. This meant that all permanent accommodation and support had to be provided by the barracks in Djakovica/Gjakova, Gnjilane/Gjilan, Orahovac/Rrahovec, Pec/Peja, Prizren/Prizren and Urosevac/Ferizaj.

On 4 March 1999, the extent of the VJ control of the border was increased by law to a width of 10 km. The reason given by the Yugoslav authorities was that it was intended to prevent the infiltration of terrorist groups into the province. The Reuters news agency quoted one government official as saying that the move might involve putting more troops into Kosovo. At this stage, the OSCE-KVM estimated that there were already at least 15 combat teams out of barracks - five times as many as had been agreed under the Clark-Naumann Agreement of 25 October.<sup>5</sup>

*Volunteers/Mercenaries.* Volunteer units included not only men from Serbia and Montenegro, but from a number of other countries. Refugees tell of Russian-speakers, as well as hearing other languages spoken. The UCK claimed other nationalities including Romanians and Bulgarians, Germans, Greeks and French were in the ranks of the Yugoslav/Serbian forces.<sup>6</sup> The volunteers were formed into units (for example, the "Wasps"), and were not only involved in fighting but were given tasks such as the movement of ammunition, laying of mines, building dummy armoured vehicles as well as fighting where necessary. A volunteer would have been paid in the region of DM 300-DM 400 per month and worked within the VJ chain of command.

Although volunteer units were within the VJ chain of command, on occasion they nevertheless stepped outside it. A volunteer unit of approximately 100 men is understood to have broken from military discipline and removed itself to the village of Zegra/Zheger (Gnjilane/Gjilan) in late March 1999, where they abused the local population. Two high ranking military commanders were removed from their posts

as this unit managed to worry even the local Serb population. In the attempt to control the volunteers, the unit was broken up, which only led to smaller "gangs" who went their various ways - causing problems in a number of other villages in the region. While the authorities managed to punish some members, others went unpunished. VJ and police units began to wear coloured cords on their arms in order to distinguish themselves from this renegade unit (as also appears in descriptions given by refugees).

*Equipment.* The main VJ equipment in Kosovo comprised:

T-55, M-84 tanks (The T-55 was by far the most common, the M-84 only deployed latterly)

M-80 (armoured fighting vehicle), M-60 (armoured personnel carrier), BRDM-2 (wheeled reconnaissance vehicle) and BOV M-86 (wheeled reconnaissance vehicle)

2S1 (122mm) self propelled gun, D-30 (122mm), M-1 (155mm) and M-84 (152mm) towed howitzers

M-63 (128 mm) and M-77 (128mm) multiple-rocket launchers, M-69 (82mm), M-74/75 (120mm) mortars.

M-53/59 Praga (armoured truck with a twin mounted 30mm cannon)

*VJ activities.* Prior to spring 1998, the VJ was not used in actions against the UCK. The situation changed when the VJ became actively involved in supporting the Ministry of the Interior (MUP) forces. Following the arrival of the OSCE-KVM in October 1998, the VJ initially restricted their involvement in operations against the UCK, although VJ forces were present during some MUP operations. With the exception of the border region, the MUP retained primacy for the security of Kosovo.<sup>7</sup>

VJ exercises were not restricted to any particular area within Kosovo. As described to the OSCE-KVM, "The training areas we use vary throughout the area and are subject to constant change. Warning signs or sentries are posted where live firing takes place."<sup>8</sup> This led to the VJ establishing positions outside their barracks - notably west of Vucitrn/Vushtrri - on "winter exercises" which in turn led to clashes with the UCK.

## **Paramilitaries<sup>9</sup>**

Armed men who appeared to have been neither VJ nor police were described to the OSCE-KVM Human Rights Division by Kosovo Albanian refugees as "paramilitaries". Among those paramilitaries in Kosovo, the structure and task of the various groups are likely to have differed. However, the difference between a "paramilitary" and a volunteer was simply the chain of command - the latter often operated

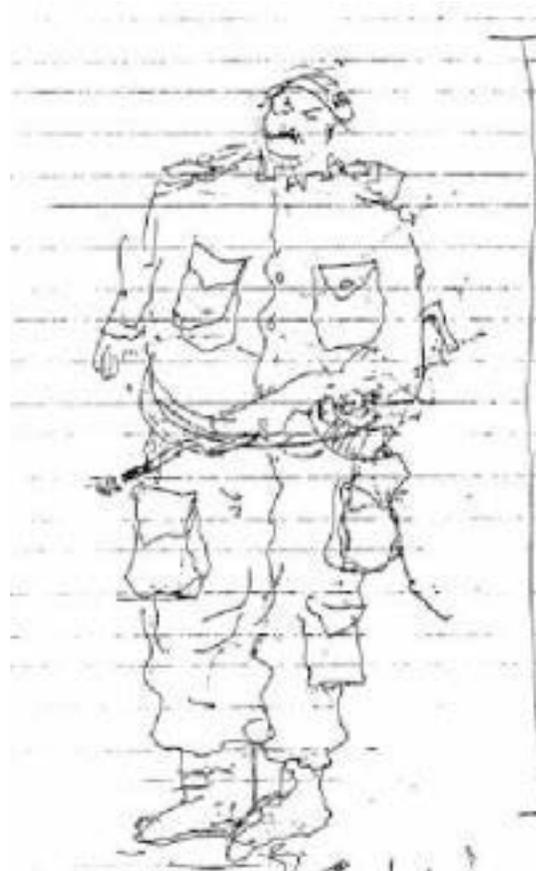
under political patronage or in conjunction with intelligence services under Franko "Frenki" Simatovic (see Ministry of the Interior, state security, below). Lt.-Gen. Pavkovic, the VJ commander in Kosovo, denied that there were "paramilitary or special volunteer units (operating independently)".<sup>10</sup>

Paramilitary units are hard to define and recognize. On a number of occasions, it is likely that there was confusion in distinguishing between armed local civilians and the organized paramilitaries who originated from outside Kosovo. The value of creating the rumour that "Arkan's Tigers" were about to enter a village was often sufficient to encourage the inhabitants to leave. Local or volunteer units may well have played on this myth on a number of occasions - creating a possibly misleading impression from the statements taken from the refugees. However, descriptions given by many refugees are consistent with known dress codes and other identifiers of certain paramilitary formations.

Moreover, some Serb individuals, as reported in the international media, do claim to have been recruited into paramilitary units through a close friend or relative at the behest of Zeljko Raznjatovic ("Arkan").<sup>11</sup> Some have claimed that they were released from jail with their sentence period quashed on the condition they join a paramilitary unit. It is believed that some units were given a list of houses to loot, prepared prior to the launch of the NATO airstrikes and from information collected at the local level in Kosovo. It has been claimed that elements of one unit arrived in Kosovo in the middle of February in order to prepare the logistics for transporting the goods back to Serbia proper.

It is believed that Arkan's units worked alongside "Frenki" Simatovic in dividing up areas to operate. Arkan's units were believed to have avoided operations until after the air war started. He is believed to have had a training camp between Leposavic/Leposaviq and Kosovska Mitrovica/Mitrovice, and his forces are believed to have operated mainly around Kosovska Mitrovica, Pec, Djakovica and Prizren.

Some refugee statements refer to "Frenki's",<sup>12</sup> as do a number of comments from media interviews given by Serb paramilitaries. These paramilitary units recruited by "Frenki" Simatovic were observed in "cream" coloured jeeps which could be augmented by a 20mm machine gun to the rear. They were known to operate in both green uniforms and in what has been described as a lighter cream uniform. They are also said to have favoured wearing cowboy hats.



**Sketch of a paramilitary given as part of an interview statement by a Kosovo Albanian refugee [\[zoom\]](#)**

Often described with some clarity was the existence of the "Republic Srpska Delta Force",<sup>13</sup> originating from the Ministry of Internal Affairs of the Republic Srpska. Refugees describe the unit as operating to the south of Gnjilane in early April and being involved in the forced expulsion of Kosovo Albanians from the hill villages north-east of Pristina by the middle of the same month.

## **The Ministry of the Interior (Ministarstvo Unutrasnjih Poslova-MUP)**

### *Police*

The police received a greater priority in resource allocation from the government of Slobodan Milosevic than had the VJ. It was indicative of the importance Milosevic placed on the functions of internal security to support his political survival, that he strengthened the police to the detriment of the VJ.

Within the Ministry of Interior (MUP) the most common group cited by Kosovo Albanian refugees were the militia (*milicija*). The "People's Militia" were equipped with light machine guns and armoured personnel carriers and were identifiable by their dark blue disruptive pattern (camouflage) clothing. Throughout the period of the KVM the militia were observed manning checkpoints in both the towns and in the rural areas as well as operating against the UCK. In addition to the regular militia, there was support from their reserve. Until March 1999, there were believed to be in the region of 5,000 militia in Kosovo.

### **Recognizing and differentiating among perpetrators: uniforms**

Refugee statements often included a description of the uniforms worn by the perpetrators of human rights violations which they experienced or witnessed. Regular VJ could be recognized by the contrast of their uniform to that of the reservists, who were described as wearing the old Yugoslav People's Army (JNA, predecessor of the VJ) style uniform and in some cases included the comment that the uniform smelt of mothballs. The blue uniformed militia was also evident, badges were sometimes clearly seen identifying PJP.

However SAJ also wore green at times, as did a number of volunteer and paramilitary units, leading potentially to a false claim that it was a regular VJ unit carrying out an act. The white uniforms of the White Eagles may have been the cream of an SAJ unit, local armed civilians could be mixed up with the ad hoc mixed dress of a paramilitary unit (Arkan's paramilitaries favoured black uniforms or civilian clothes). In short, a fixed rule for identifying perpetrators by uniform would be misleading; a description is only a valuable additional piece of information to a bigger picture.

Within the MUP there are also specialized groups, namely the Special Police Unit (Posebne Jedinice Policije - PJP) and the Special Anti-terrorist Unit (Specijalne Anti-teroristicke Jedinice - SAJ). The PJP

were more numerous, maintaining the blue camouflage uniforms with body armour and "police" written on it. They were more mobile than the militia and were there to maintain order. The SAJ was approximately 400-500 strong. Operating in Kosovo were believed to be two companies from the republican brigade, totaling approximately 200 policemen. Armoured with not only Praga, Pinzgauer<sup>14</sup> and armoured vans, it is believed that they also had a number of T-55 tanks. They dressed in green camouflage uniforms. Within the towns, the SAJ were believed to operate in white Audis and black BMW cars.

Finally, refugees describe on a number of occasions the regular traffic police, who wore the more formal blue uniforms, peaked caps and white armbands.

### *SDB (Sluzba Drzavne Bezbednosti) - state security*

The State Security Service (SDB) has not effectively existed on the federal level since the breakup of the Socialist Federal Republic of Yugoslavia in 1991.<sup>15</sup> While the SDB remained in name, files and databases were moved across to the Republic of Serbia State Security Service, a branch of the Ministry of Interior. It is believed that just prior to the start of the NATO air campaign on 24 March 1999, up to 3,000 members of the SDB moved into Kosovo with a view to collecting information on UCK structures and support. This would account for the numerous statements by refugees claiming to have been questioned by the security apparatus often referring to one or more interrogators as having been "DB".

The link between the SDB and the paramilitaries is understood to have been through "Frenki" Simatovic, Chief of Special Forces of State Security. Formerly of the SAJ, during the war in Kosovo, Simatovic was responsible for recruiting and organizing paramilitaries.

### **The Kosovo Liberation Army (Ushtria Clirimtare e Kosoves - UCK)**

*Background.* The early formation of the UCK<sup>16</sup> was based on the small, village units often formed around a family and concerned with the defence of the village. Kosovo Albanian rural social structure has managed to remain relatively horizontal, with loyalty to the family and village and less than to a central authority. The UCK therefore developed with a localized structure with central command being imposed thereafter.

*Structure.* Some regional structures of the UCK were developed from a political movement, others were harnessed from the village "gang". The flow of weapons from Albania (already occurring prior to, but considerably facilitated by the collapse of Albania into anarchy in 1997) provided impetus for the growth of the UCK. The General Staff was in existence by the end of 1998.

Placing the UCK's organization into a standard military format can be misleading. "Companies" in some cases were larger in number than a "brigade"; UCK sub-units tended to be organized around a collection of villages of varying size and disposition. The size and shape of a unit was not fixed and boundaries

between such units were often fluid.

The UCK could also boast a full administrative structure (education, culture, health, economic affairs) including a "policing" element. For purposes of organization, the UCK was divided into Zones (Drenica, Pastrik, Dukagjin, Shale, Llap and Nerodime, and a relatively inactive seventh in the Gnjilane region known as the Karadak) with a central General Staff commanding. The influence of the General Staff varied with the political climate and zone in question.<sup>17</sup>

*Tactics.* The early method of the UCK was to ambush rural police patrols using small arms. Only during 1998 did the UCK attempt a wide-scale offensive that eventually proved no match for Yugoslav/Serbian forces; the inability to hold Orahovac/Rrahovec town in July 1988 clearly demonstrated the failure of the UCK to operate in an urban environment.

A mixture of their cultural heritage and Yugoslav military doctrine influenced the UCK. They appear to have attempted to combine guerrilla war with Yugoslav-inspired trench warfare. The UCK attempted physically to hold villages by means of trenches, which proved futile under a VJ bombardment. The concept of the hit and run guerrilla tactic was only partially applied, although the professional ability and application of one zone varied greatly from that of another. Carefully planned ambushes, even employing the use of a remote-controlled detonation of a mine, were seen in some places; other areas witnessed ad hoc ambushes with a poorly conceived extraction and loss of UCK lives.

In general, until the arrival of Agim Ceku as commander in April 1999, with his vast experience from the war in Croatia, there was only a small core of well-trained UCK personnel with the knowledge to provide leadership and backbone. The vast majority of the rank and file remained villagers with a weapon and with, in the main, only a very rudimentary idea of infantry tactics.

*Weaponry.* The UCK used a variety of light arms, but the most common was the AK-47. Most of these came from Albania after that country fell into economic and political chaos in 1997 and army/police warehouses were looted. On the Albanian side of the border in early 1998, an AK-47 could be bought for approximately US\$60. Most were the Chinese variant, although European models were sought after. There was also heavier weaponry, including surface to air missiles, light anti-tank weapons, rocket-propelled grenades and heavy machine guns. The armoury also included sniper rifles, various handguns, anti-tank mines, explosives and detonation cord.

The UCK were always short of weapons and ammunition. Numbers of men were dependent on the quantity of arms available. During the war, it became increasingly difficult to obtain the supplies from Albania. A second route had been tried through Bosnia and although a number of lorries arrived, the Serbian authorities managed to close it down. Weapons could even be acquired through Serbia via Serbs - although the success and quantities are not confirmed.

*Communications.* The UCK was relatively sophisticated in the area of communications. Most of its communications equipment comprised commercially produced models (as opposed to military models)

and included cellular phones, satellite radios and phones and handheld Motorola radios. Some zones were well equipped with computers in order to establish databases and maintain efficient administration.

## **Security situation December 1998 to mid-March 1999**

The fighting in Kosovo in 1998 set a precedent for what was to happen in 1999:

Many villages have been destroyed by shelling and burning following operations conducted by federal and Serbian government forces. There are concerns that the disproportionate use of force and actions of the security forces are designed to terrorise and subjugate the population, a collective punishment to teach them that the price of supporting the Kosovo Albanian paramilitary units is too high and will be even higher in future. The Serbian security forces have demanded the surrender of weapons and have been reported to use terror and violence against civilians to force people to flee their homes or the places where they had sought refuge, under the guise of separating them from fighters of the Kosovo Albanian paramilitary units. The tactics include shelling, detentions and threats to life and finally short-notice demands to leave or face the consequences.<sup>18</sup>

Under the cease-fire agreement called for in UN resolution 1199 of 23 September 1998, as subsequently accepted (see Chapter 1), no ground advances or confrontations between the UCK and the Yugoslav/Serbian forces were permitted. This did not prevent a number of reactive operations by the Yugoslav/Serbian forces against UCK infiltration along the Albanian border in December 1998.<sup>19</sup>

Further, in December 1998, the UCK occupied and reinforced former VJ trenches overlooking the main supply route in Kosovo from Serbia proper by Podujevo/Podujeve. The Yugoslav/Serbian forces were unsurprisingly not willing to overlook this action, and immediately announced VJ "exercises" starting on 19 December 1998 in the vicinity. By 24 December, the VJ were once again in control of the ground following three days of fighting. The importance of the main supply routes to the Serbs was reiterated by the strengthening of positions straddling the Dulje/Duhel Pass (Suva Reka/Suhareke) on 30 December 1998.

There were frequent small-scale ambushes against MUP forces by the UCK during the first two-and-a-half months of 1999, clearly breaching any conceptions of a cease-fire. Tensions were raised further when eight VJ were held captive by the UCK in the north of Kosovo; Yugoslav/Serbian troops and equipment were moved into the vicinity. Further reinforced patrolling took place along the strategic Stimlje/Shtime Pass area following the death of three police near Dulje/Duhel (Suva Reka/Suhareke) on 8 January 1999. Fighting subsequently took place in the middle of January around Petrovo/Petrove and Racak/Recak (Stimlje/Shtime).

Tensions in the province were raised from the end of January through to the OSCE-KVM evacuation on 20 March 1999, as a result of a series of bomb and grenade attacks on cafés (both Kosovo Albanian- and

Kosovo Serb-owned/frequented) and on streets and markets (see Part V, various municipality entries).

### *Open hostilities*

Following the talks in Rambouillet, France (6-23 February 1999), there was a significant build up of VJ forces throughout Kosovo, leading to the arming of civilians<sup>20</sup> and the training of reservists,<sup>21</sup> the arrival of anti-aircraft weapons, the digging of tank pits<sup>22</sup> and the preparation of demolition explosives along key routes in from the south and an increase in military air activity<sup>23</sup>. Sightings of "paramilitary" units (with long beards, or hats with a Serbian badge on front, or using civilian vehicles, or other irregularities) were also reported.<sup>24</sup>

Of consequence were the numbers of VJ "exercises". Priority appears initially to have been given to the strategically important route to the west of Vucitrn that links Kosovska Mitrovica to Pristina by both rail and road and runs parallel to the eastern edge of the UCK-dominated Drenica region. The exercises started south of Kosovska Mitrovica and continued into the Bukos/Bukosh area, starting on 25 February.<sup>25</sup>

Part of Kacanik/Kacanik municipality suffered the violent attentions of the security forces following what was an alleged kidnapping by the UCK of a Kosovo Albanian local politician at the end of February. Tensions rose until full-scale clashes took place resulting in the burning of villages and the displacement of villagers. The operation was completed by 10 March when verifiers were able to visit Kotlina/Kotline where they found the residents still there (too frightened to move elsewhere) as well as a number of IDPs from nearby hamlets. While Kotlina was largely unaffected by the fighting, the nearby hamlet of Drosec had 10 or 12 houses burned and the hamlet of Ivaja/Ivaje had 28 out of 40 houses burned. Three male bodies identified as those of UCK members were also found.<sup>26</sup> Problems arose during the incident when the UCK refused the UNHCR access to IDPs in Kotlina. Although the situation was resolved and an apology issued, there were indications that the UCK was also responsible for creating a number of IDPs and using the villages as front line defences.<sup>27</sup>

The UCK was also clearly responsible for unco-operative behaviour and escalating tensions in other areas. OSCE-KVM verifiers from the Rastane/Rashtan field office (west of Suva Reka/Suhareke town) reported that the UCK commander refused to meet the OSCE-KVM unless they had "authorization papers". The verifiers informed the UCK that digging defensive positions overlooking the police checkpoint at Rastane was considered by the police as provocative and would result in police taking action unless the UCK desisted.<sup>28</sup> The UCK also dug positions west of Suva Reka near Mamusa/Mamushe (Prizren). The commander of the UCK element told the OSCE-KVM that he had been instructed by higher UCK command to build defensive positions.<sup>29</sup>

On 11 March, the security forces conducted a joint operation against the UCK in Jeskovo/Jeshkove (south-west of Prizren). The VJ deployed in Hoca Zagradska/Hoce e Qytetit, Bilusa/Billushe and Bijac/

Bllaq. Approximately eight tanks with armoured personnel carriers, artillery and mortars were used by the VJ. The OSCE-KVM verifiers observed a heavy bombardment of Jeskovo and reported buildings burning. The UCK was reported to have responded by mounting an attack in the area of Zociste/Zocishte (Orahovac) using mortars and heavy machine guns. The OSCE-KVM Prizren Regional Centre commented that the UCK had infiltrated into Jeskovo, a previously deserted village, approximately one week before. Residents in Hoca Zagradaska had informed the OSCE-KVM of their concern at this UCK move. The UCK was made aware by the OSCE-KVM that locals and the security forces both saw their presence in the area as a provocation.<sup>30</sup>

On 12 March, OSCE-KVM verifiers were invited by the police to visit Jeskovo. The verifiers saw the bodies of seven armed men in black UCK uniforms. All had been killed by small arms fire, according to the police, during the security force operation. The teams were not able to conclude that the UCK members had been killed where they were lying. During the investigation OSCE-KVM verifiers reported seeing approximately 20 to 25 members of the PJP.<sup>31</sup> In such a security force operation, when overrunning an enemy position it is likely that weapons would have been removed out of the victim's arm's reach regardless of whether the victim appeared to be dead or not, and the bodies given initial searches. It is therefore not surprising that bodies appear to have not been found exactly where they were killed and moreover, weapons may well have been placed back close to the bodies in an attempt to project the impression the Yugoslav/Serbian forces felt was needed to be seen by the verifiers.

Verifiers from Pec and Prizren OSCE-KVM Regional Centres reported a large security force operation centred on Svrhe/Sverke and Dus/Dush (Klina/Kline municipality) on 14 March. The operation included the use of tanks, mortars and a special combat police unit. The OSCE-KVM teams reported a heavy exchange of fire during the morning. Verifiers gained access to the villages in the afternoon and described heavy damage in Svhre. Four bodies were observed in Dus that appeared to be those of UCK members.<sup>32</sup>

Again south of Kosovska Mitrovica, approximately 50 VJ soldiers supported by four tanks and two anti-aircraft artillery vehicles attacked Vrbnica/Vernice on or around 15 March. Artillery impacts were observed near Balince/Balince (Vucitrn/Vushtrri municipality) and four houses were seen burning. Approximately 30 rounds of artillery hit the area of Glavotina/Gllavotin and Bivoljak/Bivolak. Bradas/Bradash (Podujevo) was seen to be shelled on three separate occasions on this date and local sources stated that one person was killed and two wounded.<sup>33</sup>

In the south of Kosovo, Korbolic/Korbuliq (Kacanik) was found by OSCE-KVM verifiers to be nearly deserted, the four remaining residents who were about to depart claimed that the VJ had told them to leave on 15 March. Although this could not be confirmed, observers noted that the school had been vandalized, houses looted and some set on fire.<sup>34</sup>

The official Yugoslav news agency Tanjug reported that the Yugoslav Army had extended by 30 days the military service of soldiers currently due to be demobilized. The soldiers were to form part of the

Army reserve forces. The measure was said to be a result of "threats of military intervention".<sup>35</sup>

On 17 March 1999 the OSCE-KVM Prizren Regional Centre reported a rise in tension with the start of a combined VJ and police operation against Korisa/Korishe and Kabas/Kabash (north-east of Prizren). The operation appeared directed at a unit of perhaps 20 UCK troops who were reported to have moved into Kabas a month earlier. Verifiers observed VJ and special combat police supported by tanks and anti-aircraft artillery.

The VJ became more obstructive towards the OSCE-KVM, denying it access to the VJ position at Dulje, one of the three authorized Combat Team locations as agreed in the 25 October Agreement. It was the second time access had been denied, when in the past they had been co-operative.

In effect, Yugoslav preparations for a confrontation with NATO and operations with the aim of defeating the UCK through piecemeal operations were well underway.<sup>36</sup>

### **Military operations 20 March - 10 June 1999**

As noted in Chapter 1, the OSCE-KVM withdrew from Kosovo on 20 March 1999 when it became apparent that the security environment was no longer conducive to fulfilling the mission mandate. From 24 March through to 10 June, NATO launched an air and missile campaign against Yugoslavia, including the targeting of the Yugoslav/Serbian military and security apparatus in Kosovo.

By March 1999, the Yugoslav military/security forces were coping with two tasks: defeating the UCK and preparing for an attack by NATO. The effect was to require the border areas to be secured, as seen with the VJ building up positions south of Gnjilane/Gjilan and entering villages in what otherwise had been described as a "quiet district".<sup>37</sup> However, more resources and attention went to the west of Kosovo and the border with Albania. Here existed not only a possible route for NATO to enter, but an area where the UCK was particularly active, with "safe havens" and supplies in Albania. Further, these supplies would be in a position to reach other UCK zones further into Kosovo if the military/security forces were not able to dominate the ground in the area.

The Yugoslav/Serbian forces initially concentrated on securing the lines of communication - a task that had always been a priority and, as described, had already been started. Those villages lying along strategic routes (for example the road north from Pristina to Podujevo) were immediately shelled and cleared. The villages lying at important crossroads were also targeted, notably Studencane/Studencan (Suva Reka/Suhareke) (prior to the OSCE-KVM withdrawal) and Komorane/Komaran (Glogovac/Glogoc).

The security forces also extended their push on Drenica and the areas in the west of Kosovo, particularly around Orahovac and Djakovica. While combating the UCK in the hills and villages, the security forces later attempted to deny the UCK their base of support including non-military supplies. In effect, this

meant the forced displacement of Kosovo Albanians from villages in known UCK areas and the pursuit of IDPs in the hills, particularly the targeting of men of fighting age. Operations in the east consisted of establishing and building up VJ defences, starting from the border and moving further into Kosovo.

By late April, it was believed that the Yugoslav military and police in Kosovo numbered at least 40,000, with assistance from elements of the Yugoslav Second Army based in Montenegro.

In attacks on rural communities, VJ forces were accused of firing shells, usually early in the morning, while what were often been described in refugee statements as a mixture of "police, paramilitaries, VJ and armed civilians" surrounded the village. Following a brief shelling, the surrounding units entered. This was evidence of the Yugoslav/Serbian forces carrying out a classic "horse shoe" move by surrounding the village on three sides. The artillery fire provided by the VJ initially shocked a village, possibly flushing out UCK members into the waiting forces outside. Militia, special police units and/or paramilitaries would then move into the village, assisted by armed civilians who often acted as local guides. A checkpoint was often established on the only open side of the village. Those IDPs who left in the direction of the checkpoint (away from the advancing forces) were subsequently robbed of any money and gold they were able to take with them. These checkpoints were also used to verify identification papers and again search for UCK members or active supporters.

On occasion, the statements given by the refugees refer to the sudden shelling of a village where the UCK was not present. In a number of cases, it appears that reprisals were carried out in retaliation for a UCK success or a NATO air strike.

In most cases, inhabitants were given a short period (five minutes, 30 minutes or by a specified hour) to be out of their homes. This would have limited the possibility that those departing would have had time to take valuables with them or bury them. Paramilitaries were therefore able to move into relatively untouched homes. Inhabitants were questioned for weapons or about particular persons or were simply ordered to hand over valuables. In many cases, it was reported that the homes of rich people were targeted. At the end of February and beginning of March, lists are believed to have been drawn up in Belgrade with the assistance of Kosovo town halls. The lists gave details of rich Kosovar Albanians and were given to certain paramilitary groups responsible for transporting the goods back to Serbia. Some units had lists of people to be "arrested".<sup>38</sup>

As noted above, rumours were often spread concerning the impending arrival of a unit to a location.<sup>39</sup> It would have been from these rumours that many refugees claim that "Arkan's Tigers" were coming to a village.

Men were routinely separated from women and children. This was done in order to identify possible members of the UCK. In some cases, it appears that orders were given simply to shoot the men.<sup>40</sup> (See other chapters in this report for common patterns of events in such situations, for example Chapter 5, Violation of the right to life; Chapter 9, Arbitrary Arrest and detention; Chapter 14, Forced

displacement; Chapter 15, Young men of military age.)

*Weapons caches.* A number of reports relate to the caching of weapons in mosques, hospitals and basements. Yugoslav/Serbian military equipment and ammunition was distributed from military compounds to locations less likely to be targeted by NATO. Armoured vehicles were placed amongst houses (in some cases they were driven right inside houses) and security forces were billeted in Kosovo Albanian homes. One interviewee describes seeing how on 21 April the VJ had hidden APCs and tanks in the yards of Kosovo Albanian houses in the village of Dragacina/Dragaqine (Suva Reka) and covered them with the corn harvest. Tanks and weapons were also hidden behind houses in a nearby village.<sup>41</sup> In Pristina city, VJ and MUP moved around in civilian vehicles, while the hospital was described as being used as a store for ammunition.

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## Notes

<sup>1</sup> OSCE-MiK interview with Serb authorities in Gnjilane, August 1999.

<sup>2</sup> An agreement concluded by Gen. Wesley Clark, NATO Supreme Allied Commander in Europe, and Gen. Klaus Naumann, Chairman of the NATO Military Committee, with FRY President Slobodan Milosevic to restrict FRY military deployments.

<sup>3</sup> ACV - Armoured Combat Vehicle; APC - Armoured Personnel Carrier; AIFV - Armoured Infantry Fighting Vehicle.

<sup>4</sup> OSCE-KVM internal memo, "Kosovo Border issues", 13 February 1999.

<sup>5</sup> OSCE-KVM Daily Report 4 March 1999.

<sup>6</sup> Interview with former UCK Commander, 11 October 1999. Also M/0922; M/1722; M/1777.

<sup>7</sup> For example OSCE-KVM, RC3, "Internal Spot Report", 8 January 1999.

<sup>8</sup> OSCE-KVM RC 4, "Minutes on Meeting with VJ", 5 February 1999.

<sup>9</sup> Information in this section derives from research under the auspices of the OSCE/ODIHR, and international media sources, notably *NRC Handelblad* (Petra de Koning).

<sup>10</sup> Anthony H. Cordesman, *Air and Missile Campaign in Kosovo*, 3 August 1999.

<sup>11</sup> Zeljko Raznjatovic has been indicted by the International Criminal Tribunal for the former Yugoslavia in connection with the 1992-95 conflict in Bosnia-Herzegovina. He is also wanted by Interpol.

<sup>12</sup> A/0806; M/0884; M/1267.

<sup>13</sup> M/0962; M/1163; M/1164; M/1174; M/1214; M/1215; M/1373; M1447; M/1528; M/1641; M/1771; M/1815.

<sup>14</sup> A Pinzgauer is a small, Austrian-made armoured personnel carrier.

<sup>15</sup> According to FAS Intelligence Resource Program, see [www.fas.org/irp/world/serbia/sdb.htm](http://www.fas.org/irp/world/serbia/sdb.htm) as accessed on 23 October 1999.

<sup>16</sup> There is lack of clarity over the precise date of the emergence of the UCK. The UCK itself claims that it came into being in 1996, but it did not make an appearance publicly until early 1998.

<sup>17</sup> For example, OSCE-KVM, "Spot Assessment", 9 March 99, "Internal Memo", 9 March 1999.

<sup>18</sup> United Nations, *Report to the Secretary-General prepared pursuant to resolutions 1160 (1998) and 1199 (1998) of the Security Council*, 3 October 1998, para 7.

<sup>19</sup> OSCE-KVM, "Daily Reports", 14 December 1998, 11 and 27

January 1999.

<sup>20</sup> OSCE-KVM, "Daily Reports", 15 and 16 March 1999.

<sup>21</sup> OSCE-KVM, "Daily Report ", 17 March 1999.

<sup>22</sup> OSCE-KVM, "Report [Blue Book]", 16 March 1999.

<sup>23</sup> OSCE-KVM, "Daily Report", 4 March 1999.

<sup>24</sup> OSCE-KVM, "Report [Blue Book]", 8 March - 18 March 1999.

<sup>25</sup> OSCE-KVM, "Daily Report", 2 March 1999.

<sup>26</sup> OSCE-KVM, "Daily Report 10 March 1999.

- <sup>27</sup> OSCE-KVM Human Rights Urosevac, "Chronological events concerning Kacanik situation", 11 March 1999.
- <sup>28</sup> OSCE-KVM, "Daily Report", 8 March 1999.
- <sup>29</sup> OSCE-KVM, "Daily Report", 12 March 1999.
- <sup>30</sup> OSCE-KVM, "Daily Report", 11 March 1999.
- <sup>31</sup> OSCE-KVM, "Daily Report", 12 March 1999.
- <sup>32</sup> OSCE-KVM, "Daily Report", 14 March 1999.
- <sup>33</sup> OSCE-KVM, "Report [Blue Book]", 15 March 1999.
- <sup>34</sup> OSCE-KVM, "Daily Report", 17 March 1999.
- <sup>35</sup> OSCE-KVM, "Report [Blue Book]", 15 March 1999.
- <sup>36</sup> OSCE-KVM, "Report [Blue Book]", 17 March 1999.
- <sup>37</sup> OSCE-KVM, RC 4, "Liaison office report" (MUP, 19 January 1999 / 22 January 1999) (VJ, 5 February 1999).
- <sup>38</sup> James Dorsey, *Wall Street Journal Europe*; Petra de Koning, *NRC Handelsblad*, Rotterdam; Bernhard Odehnal; *Format*, Vienna.
- <sup>39</sup> Ibid.
- <sup>40</sup> Ibid.
- <sup>41</sup> A/1124.



## INTRODUCTION: THE VIOLATION OF HUMAN RIGHTS IN KOSOVO

The violation of human rights was both cause and consequence of the conflict in Kosovo.

Respect for human rights and fundamental freedoms, democracy and the rule of law as an essential component of security is a guiding principle of the OSCE. It was a principle flouted by the Yugoslav authorities. A consistent pattern of human rights violations in Kosovo led eventually to a breakdown in security. This in turn produced a human rights and humanitarian catastrophe, with violations on a massive scale.

The chapters in this part of the report do not reach back across the past decade of human rights violations that produced the 1998-99 crisis, but are organized to present a thematic analysis of the human rights and humanitarian law violations in Kosovo as they were monitored and recorded by the OSCE-KVM. The range of themes covered is indicative of how extensive was Kosovo's human rights crisis within the time period of October 1998 to 9 June 1999, albeit many of the issues covered had been of growing concern for years.

The treatment of each theme here gives an indication of its relative prevalence in the two phases of the OSCE-KVM reporting period. There were clear indications of both continuity and change in patterns of violations.

In the standardized approach adopted by the OSCE-KVM human rights department to documenting and investigating human rights violations, some 30 categories of possible human rights violations had been identified. These included both civil and political rights as well as economic, social and cultural rights. Priority was given to complaints received from direct witnesses reporting human rights and humanitarian law violations; likewise, the assessment of information from refugees interviewed in Albania and the former Yugoslav Republic of Macedonia gave priority to first-hand accounts.

From within the data gathered by the OSCE-KVM, the themes to be presented for analysis here were in essence self-selecting, as the sheer volume of information collected by the Human Rights Division regarding certain human rights and humanitarian law violations significantly exceeded others. The gravity of certain violations, and their discernible impact on Kosovo communities and society, were also

taken into account.

Although the range of themes covered is indicative of the extent of Kosovo's human rights crisis, it is by no means an exhaustive list of the types of human rights and humanitarian law violations which took place in the period covered by this report.

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KOSOVO / KOSOVA As Seen, OSCE ODIHR  
As Told



**Burial ground, Likosane/Likoshan, for the bodies of 83 people found nearby [\[zoom\]](#)**



## VIOLATION OF THE RIGHT TO LIFE

During the deployment of the OSCE-KVM the internal conflict in Kosovo between the Serbian security forces and the UCK was ongoing and thus both parties to the conflict were under obligations of applicable international humanitarian law. Article 3 common to the four Geneva Conventions prohibits "violence to life and person" carried out against civilians and others "taking no active part in hostilities". Protocol II additional to the four Geneva Conventions provides further protection to civilians in certain situations of internal armed conflict, prohibiting direct attacks on civilians and acts or threats of violence aimed at terrorizing the civilian population. The provisions of Common Article 3 and Additional Protocol II are binding on all parties to an internal armed conflict. The FRY authorities have additional obligations under international human rights law to prevent and punish extrajudicial killings by state forces or agents acting with their consent or acquiescence. These killings violate the right to life enshrined in Article 6 of the International Covenant on Civil and Political Rights (ICCPR).

There are also relevant prohibitions in the criminal law of the FRY.

Violations of the right to life feature extensively in this report, from numerous single arbitrary killings to mass killings involving scores of victims. Particularly in the period after 24 March 1999, communities in Kosovo were subjected to a state of lawlessness precisely at the hands of those authorities charged with the maintenance of security and law and order, and those authorities demonstrated a sweeping disregard for human life and dignity. The loss of life of large numbers of Kosovo Albanian civilians was one of the most characteristic features of the conflict after 24 March and accounts for a very high number of reports and witness statements received by the OSCE-KVM.

This chapter is intended to give an overview of the phenomenon of summary and arbitrary killing in both phases of the OSCE-KVM's deployment, illustrative examples, and a description of common patterns.<sup>1</sup>

### **The situation during the OSCE-KVM deployment in Kosovo**

The summary or arbitrary killing of unarmed civilians was a much reported occurrence when the OSCE-KVM was deployed in Kosovo. There were killings by the Serbian security forces of Kosovo Albanians, and killings by the UCK of Serbs as well as of Kosovo Albanians who were believed to be

"collaborators" or sympathizers with the Serbian authorities.

The mass killing at Racak/Recak (Stimlje/Shtime municipality) on 15 January 1999 was an event both definitive in terms of establishing international recognition that human rights violations were at the core of the Kosovo conflict, and (together with two other incidents later that month in Djakovica/Gjakova municipality, at Rogovo/Rogove and Rakovina/Rakovine) indicative of what was to follow in the period from late March. The more frequent occurrence in the period of the OSCE-KVM's presence in Kosovo was, however, killings on an individual basis.

### *The phenomenon of unattributed killings*

The OSCE-KVM dealt with many cases which appeared linked to the security crisis, which appeared to follow a given pattern, but which could not be attributed firmly to one party or the other. The effect of these very frequent incidents was to heighten fears and tensions in both the Kosovo Albanian and Serb communities.<sup>2</sup> Regularly in such cases a victim would be abducted then killed usually within a very short period of time.

The situation in the town of Pec/Peja is illustrative. Eleven suspicious [and unresolved] deaths of local Kosovo Albanian men occurred between 1 and 31 January 1999, all within a short distance from Pec and all shot in the head at close range. The police were quick to conclude that they were "loyal Albanians" and therefore the likely suspects were the UCK. The term "loyal Albanian" was a common term often used by the police for many of the killings they investigated where the victim was a Kosovo Albanian. The term was used to indicate that the UCK had killed the person because of the victim's real or supposed loyalty to Serbia. Local Kosovo Albanians, however, feared that there were extreme Serbian nationalist group(s) at work. These killings quickly led to fear in both the Kosovo Albanian and Serb communities of Pec, who were afraid to go out at night. Some of the dead were professional people and there was an increasing fear amongst the professional and educated Kosovo Albanians that they would be targeted.

### *Killings of Kosovo Albanians by Serbian forces*

At Racak on 15 January, 45 Kosovo Albanians were killed. Events at Racak and facts as verified by the OSCE-KVM indicated evidence of arbitrary detentions, extra-judicial killings and the mutilation of unarmed civilians by the security forces of the FRY. The OSCE-KVM team, upon investigation on 16 January, found 40 bodies in different locations (five others had already been removed for burial by relatives). All had been shot. Some of the dead showed signs of having been killed arbitrarily at close range, including 20 men who were reportedly arrested the day before; others appeared to have been shot whilst running away. Some of the bodies had been decapitated. Among the dead were a woman and a 12-year-old child. Accounts of surviving residents said they recognized some of the policemen who took part in the actions as being from Stimlje/Shtime town. They also claimed that they recognized some of the assailants as being Serb civilians from Stimlje dressed in police uniforms. At a meeting in February the OSCE-KVM noted that a police commander in Urosevac/Ferizaj attributed the Racak killings on 15

January 1999 to the abduction of a Serb police man from Stimlje in early December 1998. He maintained that the tension in Racak had built up and that the colleagues of this policeman had reacted in such a furious way because of the abduction. (The mass killing at Racak, and the chain of events leading up to it, are described in more detail in Part V, under Stimlje municipality.)

On 14 March five Kosovo Albanian males from the village Hoca Zagradaska/Hoca e Qytetit in Prizren municipality were cutting wood when they encountered five Serbian policemen. One man who was able to escape but was too frightened and in fear for his life to take the OSCE-KVM to the scene of the incident gave details as follows. The five men left the village of Grejkovce/Grejkoc (Suva Reka/Suhareke) at 07:00 hours on 14 March to cut wood. At approximately 14:30 hours on their way home five policemen shot at them. One man was shot in the face and as the group took cover the injured man was arrested. The policemen ran after the others and killed two of them; another man pretended to be dead and later escaped. He did not know the fate of the fourth man or of the man who was arrested. When an older man from the village took the OSCE-KVM team to the scene of the incident they found the bodies of the four victims and shell casings from an automatic rifle lying near the bodies. A small back-pack containing bread and meat and two axes for cutting wood were also found nearby.

*Suspicious deaths in custody.* Suspicious deaths of persons in police custody, as a result of torture and ill-treatment, were an established phenomenon before the time of the OSCE-KVM deployment (see the references to this in Chapter 6, Torture and ill-treatment and Chapter 10, Violation of the right to a fair trial), but the OSCE-KVM during its deployment inside Kosovo dealt with fewer cases where suspicious deaths appeared to have occurred in police custody, than with killings that could not be attributed.

One particular case where a detainee died while presumably in police custody occurred on 8 March 1999 when a 20-year-old Kosovo Albanian man was driving to the Suncani Breg/Bregu i Diellit district of Pristina/Prishtina. At a traffic light police stopped the car, dragged the man out and drove him to Police Station No. 92 (for which see also Part V, entry for Pristina/Prishtina city). The police informed the relatives that their son would be released within the next few hours. The father of the detainee reportedly spent the whole night in front of the police station and waited the next day until 15:00 hours. He was later informed that the dead body of his son had been found with 33 bullet wounds near the bridge in Donje Dobrevo/Miradi e Ulet (Kosovo Polje/Fushe Kosove). Another man saw the victim's car on 9 March around 15:00 hours full of bullet holes near the Police Station No. 92. The OSCE-KVM examined the dead body on 10 March, but the circumstances of the death remained unclear. The information available, however, suggests that the police executed him extra-judicially.

### *UCK killings of Serb civilians or of suspected Albanian "collaborators"*

The examples given below are illustrative of the general patterns in evidence in killings perpetrated by the UCK, and are not exhaustive.

In Bukos/Bukosh (a mixed village 4 km west of Vucitrn/Vushtrri town) in February 1999 two Kosovo Serb residents were abducted by the UCK, as notified to the OSCE-KVM by police. After the abduction

the hostages were allegedly taken back to their homes by eight members of the UCK. One of the hostages was made to call for his father, who went to meet with the UCK and took his oldest son with him. During the meeting the two detainees made an attempt to escape. The two hostages were wounded and the oldest brother was killed. In a meeting with the UCK zone commander, OSCE-KVM verifiers were told that the abductions were carried out by "uncontrolled elements" in the Vucitrn area. (See Part V, entry for Vucitrn/Vushtrri municipality, for further details and citations)

In another incident in February the UCK admitted to the abduction of two Serb civilians and the killing of one of them. The two men were abducted while cutting wood in the village of Velika Hoca/Hoce e Madhe (Orahovac/Rrahovec). When the men were finally handed over by the UCK one of the men was dead and the other was wounded after having been severely beaten.

The UCK were also the suspected perpetrators in the death of two Kosovo Albanians in February. The wife of one of the victims claimed that her husband was abducted by two gunmen at 01:00 on 3 February 1999. They came to the house, put a bag over his head and took him away. She saw their vehicle leaving the street. She reported that several weeks previously her family gave refuge to a friend. He had told her family that he had been arrested previously by the UCK for "collaboration" with the police but was later released. In a follow up investigation by the OSCE-KVM team, neighbours confirmed that this man had had serious troubles with the UCK. On 18 February the bodies of both men were found together in the vicinity of Troje (Orahovac). The two men had apparently been beaten to death and their bodies showed traces of severe torture. It was believed that they were killed by the UCK for "collaborating" with the police.

### **After 20 March 1999 - Killings of Kosovo Albanians by Yugoslav/Serbian forces**

All of the data available to the OSCE-KVM for this part of the reporting period concerns the killing of Kosovo Albanians by Yugoslav and Serbian forces and those acting in concert with them (with the exception of the issue of civilians killed during the NATO bombing, which is addressed at the end of this chapter). There is no information about whether the UCK was targeting civilian non-combatants at this time.

The level of incidents of summary and arbitrary killing escalated dramatically immediately after the OSCE-KVM withdrew on 20 March. For example, on 20 March VJ and police went to the village of Trnava/Ternave (Podujevo/Podujeve) and started shelling and shooting in the village. While people were fleeing a tractor was hit with grenades thrown by VJ troops. As a result two boys aged seven and eight were killed and four others were wounded. Another hand grenade killed two others and wounded seven people. In a separate account from Podujevo municipality on the same day, a Kosovo Albanian man recounted: "On the Saturday before the start of NATO bombing [20 March] at 15:30-16:00 hours I was at my uncle's house in Podujevo [town]. I saw four people - three men and one woman - lined up and killed. They were shot in the forehead. Fifteen to twenty policemen were present at the time."

Kotlina/Kotline, an area 6 km south-west of Kacanik/Kacanik town, was attacked on the morning of 24

March. Many statements gathered from villagers from this area attest to the mass killing of 22 men that occurred during this attack. Statements vary somewhat as to the chain of events that led to the death of these men. Follow-up investigation has been undertaken by the OSCE-KVM, the findings of which mostly corroborate the killing.

The village was first shelled by artillery, then VJ infantry dressed in various uniforms came to the village with tanks and Pragas. Approximately 500 women and children were sent away by truck to Kacanik. Twenty-two men were captured. The group of men was led up the side of the mountain into a wooded area. The men were heavily beaten, after which shots were heard, followed some time later by the sound of explosions. Six of the men were found in a well approximately five metres deep, and 16 bodies were found in a larger well approximately seven metres deep. The International Criminal Tribunal for the former Yugoslavia confirmed evidence of the 22 bodies found in the two wells. In the follow up investigation by the OSCE/ODIHR (in connection with the writing of this report) it was disclosed by a villager that, of the group of 22 men who were killed arbitrarily, 11 were apparently unarmed UCK soldiers in civilian clothes. The ages of the 22 men ranged from 17 to 47 years. Three other bodies were also found in the village. Two of the men had gunshot wounds in the neck. A third man had been shot in the right arm and his right leg was severed. Two of these men were 55 years old and one was 70 years old. (For more details and citations see Part V, entry for Kacanik municipality.)

*Further escalation after 24 March 1999.* Summary and arbitrary killing became a generalized phenomenon throughout Kosovo with the beginning of the NATO air campaign against the FRY on the night of 24-25 March.

Up to that point, the attentions of the Yugoslav and Serbian military and security forces had been generally directed towards communities in Kosovo in areas that were on UCK transit routes or where there were UCK bases. In some of these areas the conflict was ongoing through 1998 and 1999. After 24 March however the general pattern changed and included areas that had previously been relatively quiet. Although the UCK may have been present in or around many areas where large numbers of killings occurred, the background security situation is frequently not clear from the statements of refugees. Moreover, the killings as recounted by refugees appear overwhelmingly to have occurred in circumstances which clearly violated international humanitarian law. Large numbers of civilian non-combatants were deliberately targeted and killed solely because of their ethnicity.

The areas that were under the influence of the UCK or of strategic importance were among the first to be targeted simultaneously on 24 March, and continued to be targeted for some time thereafter. Many of these areas witnessed a high level of mass killing of men with utmost brutality, in comparison to the towns where individual as opposed to mass killings were more prevalent. In the village areas one of the most common patterns was that, as groups of people were fleeing, men were rounded up, separated from women and children (who were sent away), and then were killed arbitrarily.

In the many accounts gathered the majority of killings as described were carried out by a mixture of VJ forces, police and paramilitaries, sometimes with the co-operation of armed Serbian civilians. It is

difficult to determine, however, how co-ordinated these groups were. Many interviewees also mentioned "Arkan's" groups and "White Eagles" as well as other named paramilitary groups as being present (see Chapter 3, The military/security context, for further details). The individual names and/or official functions of perpetrators were also mentioned in many statements.

Examples given here are but a few and only give a general outline of the pattern of events in which many people lost their lives. No-one, it seems, was immune, as people of all ages, including women and children, were killed in large numbers. Many people witnessed the killing of family members or neighbours.

Witnessing a killing or even seeing dead bodies is traumatic. Instilling fear and terror in people appears to have been the intended effect of at least some of the many killings carried out in public places, with bodies left in the open for all to see. One result was that many people, upon seeing such killings or their aftermath, left out of fear before they were forcibly expelled.

In Podujevo on 24 March one interviewee's brother and cousin were stopped on the street and shot by police reservists. On 25 March in the same area masked VJ and police officers entered the town in tanks, Pragas and other vehicles. They expelled Kosovo Albanians, while firing their weapons at the same time and killing many people. One man said he saw 36 bodies afterwards. On 28 March in the same area a 15-year-old boy had a heart attack after watching the killing of a man in what was described by an interviewee as a "drive-by killing". At the time the town was surrounded by VJ, police, paramilitaries and local Serbs, and the perpetrators of the killing were described as being four people in a black four-wheel drive vehicle.

On 3 April one interviewee witnessed the killing of seven people near the cemetery in the Dragodan/ Dragodan area of Pristina. The perpetrators were five masked men in green camouflage uniforms. They first robbed a group of IDPs and then opened fire on the crowd. On 30 April VJ forces and paramilitaries shot at a crowd of people and killed a small boy.

In numerous cases in the process of forced expulsion, large numbers of Kosovo Albanian men were gathered together in one area and killed arbitrarily. Although they were certainly a particular target of the Yugoslav and Serbian forces (see Chapter 15, Young men of fighting age), it was not exclusively young "fighting age" men who were singled out and killed. In one particular mass summary and arbitrary killing of 55 unarmed men in the village of Bela Crkva/Bellacerke (Orahovac/Rrahovec) at least eight of the victims were over 60 years old and two were 70 or over, while a young boy of 13 was also in the list of the dead. In that particular incident, which occurred on 25 March, Serbian forces had surrounded the village and began shelling the 850 homes and burning the houses. A group of people including women and children fled towards the Beli Drim/Drini i Bardh river. The UCK were in the area and advised the group to move on as paramilitaries were advancing. The group of people fled in different directions and in the process a number of men who were running along the railway line were shot and killed, according to a 65-year-old man who was hiding nearby. As groups of fleeing people were caught and brought together the men were separated from the women and children, who were then

ordered to leave. Numerous accounts were given, one man who survived describing the following: The men were ordered to give up their weapons but they had no weapons. Twenty men were stripped and searched by the Serbian forces who it was stated were looking for evidence of the UCK but there was none. The 55 men who had been collected together were again forced to strip to the waist and stand with their hands behind their heads while they were searched. In the course of the search a bullet was found in the pocket of a 13-year-old boy who was amongst the group of men. It was explained that the boy had picked up the bullet on the road. The police asked who supported the boy's statement and his uncle stepped forward. The uncle was then taken to one side by one of the policemen and shot. The men were then told to dress and face the water and ordered to walk into the river with their backs to the police. They were shoulder to shoulder. One of the men in the group heard an order given in Serbian to shoot. He was one of the first into the water, which was up to his neck. As the police opened fire, men fell all around him. One man was injured and crying for help. Police came over and fired again and killed him. The man who survived the mass killing remained in the water for one more hour and became so cold that he had to leave the water. Another man who hid in the river for seven hours with 15 others, said that "the river ran red with blood".

In the process of rounding up and expelling Kosovo Albanian residents, Suva Reka/Suhareke town experienced many large-scale killings. The most compelling statement from one of these events was given by the wife of the owner of the OSCE-KVM building, the only survivor of the killing by Serbian forces and civilians of her extended family, including many young children - one only two years old.

On 25 March, police questioned her husband regarding the OSCE-KVM and why OSCE-KVM personnel had been allowed to live in his house, and then proceeded to beat him unconscious. Around midday on 26 March the police again called at the house where the witness was staying. A policeman whom she knew called her brother-in-law's son outside and shot him dead. The police "screamed" at them and when the families ran outside they found their house "under siege" from police, and Serb and "Gypsy" (*Maxhupi*) civilians. She witnessed as some of her family were shot dead immediately. She and others were chased to another location, apprehended and pushed into a café. The police shot every person in the room of the café with machine guns and rifles. The witness had her four children, two girls aged 16 and 14 and two sons aged 10 and 2 years old, gathered around her. They were all killed. She was trying to protect her two-year-old son with her legs. She was also hit in the abdomen with a bullet that passed through her elder son. She urged him to pretend he was dead. As they took the bodies outside they saw that her eldest son was still breathing and shot him again. She heard him cry out. At least 12 children under 17 were killed and 10 adults including a pregnant woman. The witness pretended to be dead as the police removed all valuables from their bodies. She saw them cutting off fingers from dead bodies to remove rings. She was placed in a truck on top of other bodies including the children. During the journey towards Prizren she jumped from the truck and was found by people who took her to UCK-held territory where her wounds were treated (this incident is also covered, including with citations, in Part V, entry for Suva Reka/Suhareke municipality).

In the Kacanik area a number of people died in a spate of separate killings that occurred on 28 March. A pharmacist, aged 30-35, was shot in his yard when he attempted to escape. Seven police and one Serbian civilian were described as being involved in this incident. Four policemen shot another man in front of a

grocery store. Two police wearing regular blue uniforms shot a 70-year-old man. They first took his ID card from him, threw it into a river, ordered him to retrieve it and then shot him.

On 1 April a man from Jablanicka in Pristina stated that a neighbour was killed instantly by a burst of gunfire while trying to escape approaching masked paramilitaries and police officers. The same man subsequently witnessed a friend of his being shot dead when a single shot was fired by a masked paramilitary, while the man was trying to assist a religious leader who was wounded in the street.

Sometime between late March and mid-April a group of people was surrounded in the forest between Ljubizda Has/Hasi i Lubizhde (Orahovac) and Djonaj/Gjonaj (Prizren). The group, who stated that they were all civilians, was then questioned about the UCK. Men between the ages of 15 and 60 were separated from the main group and between 10 and 16 of them were placed in a line. One of the VJ soldiers placed his weapon on a tripod and positioned himself in front of the men. Another soldier pleaded with him not to shoot and sat down and started to cry, but the first soldier proceeded to open fire and shot at the men while their families were forced to look on. At least eight of the men died while others escaped with injuries. Police then forced villagers to hide the bodies in various places.

A number of killings occurred on 17 or 18 April in the village of Ade/Hade (Obilic/Obiliq municipality) when approximately 14 police, VJ soldiers and paramilitaries arrived. They shelled the village, burned houses and carried out a series of killings of members of the same extended family in which five men died. All five victims are widely named in statements. One man was shot as he came out of the house with a white cloth to "surrender". He died some hours later of his wounds from lack of medical assistance. One police officer and one VJ soldier, both armed with AK-47s, then went to the house of that man's brother and separated women and children (whom they sent away) from four men aged approximately 27 and 78 years old, some of whom they burned alive in the stable. When members of the family and other villagers returned a few days later they found two bodies (variously described as tied with cables and without legs) under the carcass of a cow. Another body was found shot in the yard; the fourth was not found.

One man recounted that in Grastica/Grashtice (Pristina) on 18 April: "There were four paramilitaries, three of them were wearing black nylon [mask]s over their heads. They separated five young males who were all under 30 years old. Two of the paramilitaries wearing masks executed them by the side of the road. I was three metres from the scene and could hear the man who gave orders say: 'Shoot them, kill them, do not let them go alive'."

Reports also attest to attacks on civilians travelling in convoys. In one particular incident a convoy of Kosovo Albanian IDPs was caught between the villages of Gornja Sudimlja/Studime e Eperme and Donja Sudimlja/Studime e Poshtem, respectively 5 and 2 km east of Vucitrn town. One man who was near the front described it as being led by Kosovo Albanian political leaders from the area who were carrying a white flag. According to the interviewee, they stopped to rest at approximately 20:00 hours. News arrived from the back of the convoy that villages behind were being burnt and people killed, and that the convoy should move on. As the convoy moved on Serbian forces arrived at the front of the

column and told them to keep moving to the asphalt road further along. When they reached VJ positions further down the road they were initially met with anger, as it was late at night and movement was restricted during this time. The VJ troops were also surprised to hear that it was Serbian forces that had ordered the convoy to keep moving. The troops then indicated that the convoy should move on and threatened to kill the passengers of any tractor that veered out of line. The convoy moved on and finally stopped in a field at 01:00 hours. The head of the convoy was already in Donje Sudimlje while the rear was still in Gornje Sudimlje (i.e. approximately 3km away). Serbian forces started shelling and shooting in Gornje Sudimlje, and the IDPs in the convoy lay down on the road in order not to be hit. As the convoy moved on again at about 22:00 hours VJ forces, police and paramilitaries surrounded it on both sides. Men were pulled off their tractors, shot and killed. Some reported that between 90 and 160 people were killed this way on the night of 2 May. One woman recounted that as she walked past abandoned tractors she passed approximately 40 bodies. (For full description of events and citations see Part V, entry for Vucitrn/Vushtrri municipality. See also below for reference to investigative follow-up to the killings.)

### *Indiscriminate attacks on Kosovo Albanian civilians*

Indiscriminate attacks on populated areas, sporadic prior to 24 March 1999, became a widespread occurrence after that date. For many civilians there was no chance to escape and many were killed due to indiscriminate shelling or grenade attacks by Serbian forces.

*Shelling and grenade attacks.* In Gornja Dubnica/Dumnica e Eperme (Podujevo/Podujeve municipality) between 29 March and 11 April one woman recounted: "Serbian forces were continuously shelling toward the village, but there was no way out. Six people were killed by grenades, among them were three children."

One man recounted an incident in the Vucitrn area on 28 March:

After the NATO bombing [started] VJ, police and paramilitaries wearing different uniforms, [their] faces coloured in red, blue, black, green, and wearing bullet-proof vests started the action in my village. Fifty people including myself heard an explosion in my house. My father went home to check what happened, and he found my brother's dead body. We discovered that the cause of the explosion was a grenade or mortar. Armed Serbs had been firing mortars and grenades into the town from the Lllamarina area 7km from our home.

*Indiscriminate arms fire.* A man recounted an incident that occurred in the second half of April in Kolic/Koliq (Pristina) that led to many deaths of civilians:

On 22 April a UCK soldier, at 08:20 hours, told us to leave immediately because Serbs were about to enter the area. We immediately left for Kolic and came under grenade attack. We had not realized we were surrounded by Serb forces. We tried to find a way to

escape from a cordon but were unable [to] because they had set a circle of fire enclosing us. We continued to walk and arrived at a field in Kolic and stopped. As soon as we did the Serbs opened fire with automatic weapons killing 20 or 21 people. It was about 16:30 hours. I witnessed 20 or 21 of these deaths, [of] women, children and old people as well as men. We had to flee. We went towards UCK positions near Kolic. Later UCK members recovered the bodies. We were in the mountains. After the UCK returned I was informed that 56 people had been killed in that field. This, however, was a mistake as there had been two fields in which people were killed. Twenty-one in one field and 56 in the second field: 77 in total. The Serb offensive stopped at this stage.

*Aerial bombardment.* Nogavac/Nagafc village (Orahovac municipality) came under heavy attack by Yugoslav and Serbian forces at the end of March. One grenade hit an area where a group of people was hiding. Seven people were killed in that attack. On or around 1 or 2 April Nogavac was bombed by Yugoslav aeroplanes. Over 100 civilians were reportedly killed when houses they were sheltering in were hit in this attack. Villages in the Popovo and Majaca valley in Podujevo municipality were also bombed in late March/early April, although it is not clear if one or more bombing raids took place. Either one or two aeroplanes, recognized as Serbian MiGs, are described as dropping bombs on the villages. The number of people given as killed ranges from 11 to 18. There is also a refugee report from Djakovica/Gjakova municipality of Yugoslav planes bombing a building in Bardonic/Bardhaniq used as a UCK hospital on 28 March when a mother and child were killed in the bombing, and two children injured. Another interviewee reported that five days later Yugoslav planes also bombed the nearby village of Jablanica/Jabllance, causing more people to leave the village. (For casualties caused by NATO bombing, see below.)

#### *Killing by Serbian forces of civilians with UCK connections*

There was a pattern of targeting people who had or were perceived to have UCK connections. Whereas prior to 20 March this might have led to arrest (see Chapter 9, Arbitrary arrest and detention), after that date the intentions of the Yugoslav and Serbian forces were more likely to be murderous.

On 27 March at about 08:00 hours a tank was seen shelling the house of one family (named in reports) in Obilic/Obiliq town. Around 14:30 there were four Pinzgauers and a heavy machine gun sited on top of a Russian-made vehicle in the area, while 30 to 40 mostly masked men were seen approaching the house. They were variously described as men in green camouflage with police insignia, as paramilitaries and local Serbs in black uniforms, some of whom were masked. Members of the family who were unable to flee were told to go back to the house, where shooting suddenly began. Ten members of the family, including three women, were later found dead. The family reportedly had a son who was in the UCK and who had been visiting at the time.

Another incident where family members had connections with the UCK and were targeted by Serbian forces happened in Veliki Kicic/Kqiqi i Madh (Kosovska Mitrovica/Mitrovice) on approximately 28 March. Heavily armed, masked police forces shot dead a man whose brother was a UCK commander in

Veliki Kicic. Police officers, whom a witness describes as speaking Albanian with Serbian accents, took the man into the garden and shot him in the head numerous times with a machine gun. A witness stated that the police said their action was in retaliation for an attack on their police station.

### *Killings by NATO*

As noted in the introduction to this report, the methodological framework of this report does not include addressing events that were beyond the reach of the OSCE-KVM's investigation and reporting efforts. For the period from 20 March, when it was deployed in Albania and the former Yugoslav Republic of Macedonia, the majority of the casualties in Yugoslavia of the NATO air campaign were beyond the reach of the OSCE-KVM. The framework of this report nevertheless incorporates an analysis of incidents where casualties were inflicted by NATO bombing in Kosovo and where those incidents were subsequently recounted to the OSCE-KVM by refugees. Two incidents on the same day in April where NATO bombed IDP convoys at Meja/Meje and Bistrazin/Bistrzhin are covered in Part V, entry for Djakovica/Gjakova municipality, and in Chapter 13, Human shields and other endangerment of non-combatants during military operations.

### **Grave sites and treatment of mortal remains**

Although a fundamental concern regarding the burial of bodies in armed conflict is honour and respect, principles in humanitarian law on the treatment of the dead are prompted mainly by the right of families to know the fate of their relatives.<sup>3</sup> Responsibilities include searching for and recovering the dead, burying them honourably in individual graves, as well as marking, respecting and maintaining gravesites.<sup>4</sup> The FRY authorities did not always fulfil their responsibilities towards the dead even before the OSCE-KVM evacuated, but after the escalation in summary and arbitrary killings after 20 March their practices became particularly dilatory. The full extent of violations regarding treatment of those killed during the armed conflict in Kosovo will only be made clear in the long term, when graves are exhumed and forensic analysis is completed. However, the procedures observed by the OSCE-KVM and as recounted by refugees who fled to Albania and the former Yugoslav Republic of Macedonia already indicates that the FRY authorities did not comply with their responsibilities.

The majority of Kosovo Albanians are Muslims whose religious practices require that the burial of the deceased be carried out within a day of death. In the FRY, flexibility in observing this custom was always necessary when a violent death was suspected. According to FRY law, examination of a corpse and autopsy is mandatory when there is suspicion or it is obvious that death was caused by or related to the commission of a crime, and it was not always reasonable to expect this to occur within 24 hours of a death.<sup>5</sup>

However, on some occasions, the Serbian authorities' negligence toward the dead adversely affected any later investigation into the killings. Following the killings of 45 people in Racak described above, bodies were left in the open, leaving them vulnerable to interference by animals. Bodies were moved to several

locations before forensic analysis.<sup>6</sup>

Serbian authorities also failed to undertake appropriate procedures following other killings. In Donje Korotica/Koretice e Poshteme (Glogovac/Glllogoc), the relatives of a Kosovo Albanian man shot dead by police on 12 February in disputed circumstances were immediately allowed to bring the body back to their house, where OSCE-KVM viewed it (see Part V, entry for Glogovac municipality). Although an autopsy was later conducted, the authorities had to be encouraged to take action to investigate the shooting.

After the KVM evacuated, morgues appear to have been operational in some cities until at least the end of March. Several interviewees were able to identify relatives who had been killed and then taken to the relevant morgue; however it is not known whether autopsies had been performed or investigations into the killings initiated.<sup>7</sup> For example, the bodies of at least seven men who were killed in Srbica/Skenderaj on 20 March 1999 were later photographed and taken to the Kosovska Mitrovica/Mitrovica morgue by men wearing white police uniforms (see Part V, entry for Srbica municipality). Relatives later retrieved the bodies there and buried them in Supkovac/Shupkofc, a suburb of Kosovska Mitrovica.<sup>8</sup> None of the many interviewees who reported that people were killed after 1 April 1999 reported that autopsies were performed or that the bodies had been taken to the relevant morgue. Instead, bodies were left in the open or buried by relatives or, in other unofficial initiatives, collected and taken to an undisclosed location, or the remains were destroyed or concealed. State of war legislation passed by the Yugoslav authorities which broadened the circumstances under which law enforcement officers could employ firearms cannot excuse law enforcement agencies from undertaking appropriate investigations when lethal force was employed.

### *Disregard for the dead*

An overwhelming number of interviewees who reported killings after the OSCE-KVM evacuated described bodies lying in the open for days. Many Kosovo Albanians returning to Kosovo, as well as international organizations, found decomposing human remains lying where the victims had been killed, not only in remote villages but also in cities and towns; some of the victims had been dead for several months.

However, where possible, many Kosovo Albanian villagers or the UCK recovered bodies and buried them themselves in local cemeteries or in other impromptu locations. Assisted by the fact that their location was known, some of these gravesites or makeshift cemeteries were among those which were exhumed by international investigators after international organizations returned to Kosovo in June 1999. For example by 1 October ICTY investigators exhumed gravesites in Gornja and Donja Sudimlja, where a total of 110 bodies of people from the IDP convoy described above had been buried by local villagers (See Part V, entry for Vucitrn municipality). Others buried their relatives in their gardens or other locations in the vicinity. In some cases they did so clandestinely, afraid either of ongoing military operations in the area or of being deliberately prevented from doing so by the perpetrators or police. For example, after heavily armed police forces shot dead the husband of one woman in Veliki Kicic/Kqiq i

Madh (Kosovska Mitrovica) on approximately 28 March 1999, they did not allow her to bury the body for three days; on the fourth day, after dark, she buried her husband in a shallow grave in the garden.<sup>9</sup>

*Failure to identify or mark gravesites.* When Yugoslav authorities did recover and bury bodies themselves (frequently near or at the edge of the town cemeteries), the graves were not always marked. In some places, including Vucitrn, Pristina, Kosovo Polje and Suva Reka, interviewees reported that workers from the local sanitation department collected and buried bodies.<sup>10</sup> Often, these graves were marked with simple wooden markers, sometimes containing only a date and the initials "NN" (indicating the victim was unidentified). In many cases these markers were vandalized or became dislodged, thus rendering more difficult any future identification. In some cases, bodies were disposed of in mass graves, ignoring the responsibility to bury victims individually. In Nakarada/Nakarada (Kosovo Polje/Fushe Kosove), residents observed employees of the local sanitation department bring bodies wrapped in plastic and bury them, typically four or five to a grave. At other times in Nakarada 20 to 40 bodies were thrown into one hole at the same time. Bulldozers flattened the ground afterwards (see Part V, entry for Kosovo Polje municipality).

Even when relatives had not fled or been expelled from Kosovo, the authorities made little if any attempt to notify relatives about the dead or where they had been interred. In some cases, this appears to have been deliberate: one grave site in Vidomiric/Vidomiriq (Kosovska Mitrovica), where 28 bodies had been exhumed by 1 October 1999, was located on a slope covered with vegetation, impossible to be seen from any path running through the hills.<sup>11</sup>

#### *Deliberate attempts to conceal or destroy evidence about the dead*

Rather than identify and bury the dead, perpetrators of killings often attempted to destroy or conceal evidence of killings. Such practices lend credibility to interviewee's claims that the victims were civilians or other people protected under international humanitarian law who were unlawfully killed. It is difficult to comprehend why such violations of international standards would be so deliberately committed were the victims of the killings legitimate targets who had died lawfully in armed conflict.

Although house destruction was a widespread and deliberate phenomenon in itself, in some cases circumstances suggest that houses were set on fire deliberately to disguise or destroy the bodies of people who had been killed inside. For example, when the OSCE returned to Barane/Baran (Pec/Peja municipality) at the end of June, the killing site of three residents was documented. The position and condition of the remains suggested that the elderly victims had been surprised in their bedroom by the offenders, and shot in their beds. They were then covered with doors and set on fire, obviously using a highly flammable agent since all items in the room were entirely burnt and only metal parts and small pieces of human bones were visible.<sup>12</sup> In Poklek/Poklek i Vjeter village (Glogovac/Gllogoc municipality), a house containing the bodies of some 46 people was also set on fire by the perpetrators.

Bodies of those killed were also disposed of in wells (one example being the case of Kotlina, cited

above).<sup>13</sup> Although this may have been an attempt to conceal the evidence of the killings, it also contaminates wells for residents who rely on them for their water supply.

On other occasions, the corpses themselves were tampered with. Many interviewees report that bodies of had been mutilated, for example by cutting off extremities.<sup>14</sup> In other cases, victims of killings were put in different clothing (identifiable, for example, by discrepancies between holes in clothing and bullet wounds.) Regardless of motivation, they make posthumous identification difficult.

Gravesites themselves were also tampered with. In one well-documented case, Serbian forces removed bodies from a make-shift cemetery in Izbica/Izbice (Srbica) where local villagers had buried approximately 150 victims, after the existence of the gravesite had been confirmed by NATO and by a videotape of the burial process made public to international news sources. The Serbian forces took the bodies to an unknown location. Villagers, desperate for a place to mourn the dead, replaced the grave markers over the now-empty graves (see Part V, entry for Srbica municipality). In Staro Cikatovo/Cikatove e Vjeter (Glogovac), Serbian forces returned three days after 24 men had been killed and removed the bodies from the gardens where relatives had buried the bodies themselves. They used excavators to break down the walls of the family compounds in order for the machinery to be able to access the graves.

As is the case for relatives of missing persons, the anguish of those whose loved ones were killed is exacerbated when they do not have a place to mourn the dead.

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## Notes

<sup>1</sup> Cases mentioned here are also featured, with citations, in the relevant entries in Part V of this report.

<sup>2</sup> There were also a large number of inexplicable killings not consistent with a general pattern, of both Serbs and Kosovo Albanians, which may have been common criminal acts rather than connected to the security crisis. These also contributed to the general climate of fear, and were often still attributed to one or other side to the conflict. It should also be noted that vendetta type killings and family blood feuds have been prevalent in Kosovo for hundreds of years. Although blood feuds have declined over the years they do still play a part in Kosovo society.

<sup>3</sup> See 1977 Protocol I to the 1949 Geneva Conventions, Article 32.

<sup>4</sup> "Whenever circumstances permit, and particularly after an engagement, all possible measures shall be taken, without delay, to search for the dead, prevent their being despoiled, and decently dispose of them." (1977 Geneva Protocol II, Article 8). The responsibilities for treatment of the dead are also articulated in international humanitarian law applicable in situations of international armed conflict. See in particular 1949 Geneva

Convention IV, Article 130, and 1977 Protocol I to the Geneva Conventions, Articles 33 and 34.

<sup>5</sup> FRY Code of Criminal Procedure, Article 252. See also Articles 253-256, which regulate autopsies.

<sup>6</sup> See the report of the EU Forensic Team on the Racak incident, 17 March 1999.

<sup>7</sup> For example, A/0494; A/0810 (Kosovska Mitrovica); A/0651 (Djakovica); M/0153; M/0241; M/0368; M/1098; (all Pristina).

<sup>8</sup> A/0810.

<sup>9</sup> A/0443.

<sup>10</sup> Many interviewees report seeing "Gypsies" (*Maxhupet*) removing, transporting, or burying corpses (see Chapter 20, Kosovo "Gypsies" (*Maxhupet*) - Roma).

<sup>11</sup> OSCE-MIK "Report on Vidorimic [sic] site", 2 October 1999.

<sup>12</sup> PE/0007/99.

<sup>13</sup> Other examples are in A/0599; A/1093; A/1124; M/0422; M/0757.

<sup>14</sup> In some cases, what appeared to be mutilation may have in fact been caused by the impact of projectiles or by subsequent animal interference.

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KOSOVO / KOSOVA As Seen, As Told

OSCE ODIHR



## TORTURE AND ILL - TREATMENT

### Freedom from torture as an inalienable and non-derogable right

The right to freedom from torture and ill-treatment is safeguarded by numerous international human rights treaties based on a well-established international consensus that such violations of human dignity shall not be permitted under any circumstances.<sup>1</sup> According to the Yugoslav Federal Constitution (and in line with international standards) this right cannot be derogated even during the state of war (although in the Constitution of Serbia, the effect of the absence of a list of non-derogable rights is that every right can be derogated during times of war).<sup>2</sup> The prohibition on physical abuse is also laid out in the Yugoslav legislation on the use of force by law enforcement officers,<sup>3</sup> as well as by criminal law and criminal procedure law. Yugoslav federal criminal law explicitly prohibits the inflicting of physical injuries and harm by officials<sup>4</sup> and the extraction of statements or confessions by force.<sup>5</sup> The decree on changes to criminal procedure during the state of war<sup>6</sup> contains a wide range of extensive powers for the executive organs, which are hardly in compliance with international human rights standards, yet even they do not alter the strict prohibition of torture and ill-treatment.<sup>7</sup>

In an internal armed conflict, certain provisions of international humanitarian law also apply which place binding obligations on all parties to the conflict to prevent and prohibit torture and ill-treatment. Article 3 common to the four Geneva Conventions specifically prohibits torture, cruel, humiliating and degrading treatment and the taking of hostages. Protocol II additional to the four Geneva Conventions, applicable in particular kinds of internal armed conflict,<sup>8</sup> reiterates these prohibitions and adds rape and indecent assault to the list of prohibited "outrages upon personal dignity", as well as providing additional protection for civilians against the dangers arising from military operations.

Nevertheless, the OSCE-KVM has received a disturbingly high number of reports from victims of Serbian police abuse, which have been sufficiently documented by medical reports and first hand eyewitness statements. At times the use of torture has even been admitted by the officers themselves, who considered their actions justified by a kind of supra-constitutional necessity, particularly following the start of the NATO air campaign.

## Use of torture and ill-treatment by officials

In interviews victims of ill-treatment and torture related a wide variety of methods used by Serbian police officers and others under their control. These included being beaten with batons, iron rods, iron poles, axe handles, table legs, baseball bats, rifle butts, shovels, chains, and so on. Preferred body areas for beatings seem to have been the kidneys, legs and soles of the feet, the head, hands and palms of the victims. Many times it has been reported to the OSCE-KVM that people were tied to radiators in police stations when they were beaten up. Many victims were kicked, their heads banged against the floor and walls, and knives used to cut their skin and even mutilate them by cutting off their ears and noses. On many occasions the ill-treatment had specific sexual elements: people had to undress and were beaten on their genitals. Rape and other forms of sexual violence were frequently used as a form of torture against women (see Chapter 7, Rape and other forms of sexual violence).

Article 1 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment defines torture as any act which:

- Causes severe physical or mental suffering
- Is intentionally inflicted for a particular purpose
- Is inflicted by or with the acquiescence of an official, and is therefore attributable to the state.<sup>9</sup>

"Cruel, inhuman and degrading treatment" is less clearly defined in international standards.<sup>10</sup> It can be said to comprise comparable acts or omissions by state officials which also cause pain or suffering but which differ from torture in their severity, intent or purpose. If there is a progression of seriousness, with torture at the top and degrading treatment at the lower end of the scale, all points on the scale are illegitimate and violate international law. It is often difficult, especially in field conditions, clearly to qualify acts of state organs as torture or ill-treatment. By the same token, it is hard to make this distinction if the reports are based on eye-witness statements alone. In this section, therefore, examples are given which doubtless amount to ill-treatment, whereas their qualification as torture remains a question of degree.

Ill-treatment was one of the most characteristic features of the conflict in Kosovo, and accounts for the highest number of reports and witness statements received by the OSCE-KVM. The majority of reports refer to acts of violence in the context of the forced expulsion of hundreds of thousands of Kosovo Albanians during the months of March to June 1999. Examples of torture and ill-treatment can be found in every part of the section of recorded events in Kosovo's municipalities, as well as in most other sections on specific patterns of human rights violations (Freedom from Arbitrary Arrest, Right to Fair Trial, Sexual Violence, etc).

The cases selected for this section, should, therefore, be read as typical examples of circumstances under which people in Kosovo were deliberately and individually targeted for violence amounting to torture or cruel, inhuman and degrading treatment. It is most probably not possible with this form of representation to reflect the amount of suffering individuals have experienced, when they helplessly had to witness the cold-blooded killing or mutilation of their loved ones, the group-rape of their children, the deliberate destruction of their family homes and their personal belongings, and whenever they were confronted with the arrogant display of impunity of the offenders. The amount of hatred and mistrust still so characteristic of Kosovo is doubtless a legacy of the violence suffered, and a reaction to the experience of defencelessness against the brutal methods commonly and systematically used by forces of the state.

## **Contexts in which torture and ill-treatment were inflicted**

### *Torture and ill-treatment in police stations and detention facilities*

Citizens in Kosovo, but in particular Kosovo Albanians, came to expect to be subjected to violence and ill-treatment in one form or another whenever they were under immediate police authority, whether during "informative talks", during or before interrogation or in detention. The OSCE-KVM received many complaints concerning torture and ill-treatment from the very beginning of its deployment in the field. Many of these allegations were confirmed by medical reports or first-hand evidence. Extensive photographic material exists on wounds and bruises inflicted while in police custody.

Violence, it appears, was an essential element of the treatment of persons under arrest or in detention and was applied as a general means of emphasising the authority of the police over the detained individuals. It was also used to extort certain actions, such as the "confession" of criminal activities, the signing of certain self-incriminatory documents, the naming of other suspects, or a promise to co-operate in the future. Systematic ill-treatment and torture was, it seems, especially applied during interrogations of the state security and special anti-terrorist units.<sup>11</sup> Systematic beatings could last up to several hours and be repeated on a daily basis.

The OSCE-KVM took a statement in Albania from two Kosovo Albanian refugees, the mother and wife of a man arrested in Suva Reka/Suhareke in July 1998 (i.e. before the OSCE-KVM's establishment and deployment into Kosovo), concerning his treatment while held by police in Prizren/Prizren and then at Lipljan/Lipjan prison. His mother recounted:

The first time I went to see him he lied to me He said that he was OK and his friends (Serbian police) were treating him very well. [However, I] could see through the bars [that] my son's face was very dark and swollen and both his hands had scars on them. Furthermore, all he was wearing was his underwear. Three weeks later I returned to visit my son at the jail in Prizren. This time his scars appeared much worse... He had dry blood on his body and he was throwing up blood during the visit. I looked at his hands and feet. I noticed that all of his finger and toe nails were missing. A few weeks later he was transferred to Lipjan Prison. When I went to see him at Lipjan the police there let me talk

to him alone. He told me that he had suffered a lot during his imprisonment.

This detainee was released in March 1999. His wife recounted:

He was very weak and had a great deal of difficulty walking. I noticed that one of his fingers had a piece missing and he was having other problems, such as pain in his stomach and feet. My husband told me what happen to him while he was in jail. He said that the first few days after his arrest they would beat him all over his body two to three times a day. Most of the beatings were on his head, back and legs. They believed that he was a [UCK] member, or at least a sympathizer. ... One day they took him from his cell and to [another] room where they lad him on the floor and attached cables to his feet and hands. They applied electricity to the cables and administered electrical shock to him. He said that he screamed so loud that people could hear him next door. Also, there were times when the police would remove him from his cell for a short period and upon his return there would be other police officers waiting for him with clubs. They would beat him about his body. Another time, he was taken from his cell to a different room and the Serbian police stuck long needles under his fingers and toenails. After he was removed to Lipjan prison they tried to get him to confess that he had knowledge of [UCK] positions. They tortured him by puncturing the surface of his skin with a knife. He has scars on his chest and shoulders.<sup>12</sup>

Systematic and repeated ill-treatment became even more prevalent after the OSCE-KVM's withdrawal and the start of the NATO air campaign, with the police's powers having been extended significantly by to state of war legislation, and the OSCE-KVM no longer present to monitor close at hand and attempt to intervene; prior to the evacuation on 20 March, it was a common occurrence for a victim of alleged torture or ill-treatment to complain at the nearest OSCE-KVM office.

[The interviewee] was brought to the Police Station No. 92 [in Pristina], to an isolation cell filled with water. Then he was sent to the Pristina District Court, where he was threatened with a knife, and beaten by police officers, as he was supposed to give a confession in front of four judges. In the courtroom, police officers in civilian clothes placed electrical wires on his body. When the electricity was added, he jumped high up from his chair. The torture lasted for five hours, during which he lost consciousness six times. [Every time he fainted] police officers threw water on him [to wake him up]. Then he was again sent to an isolation cell filled with water for one night. He was again taken to the District Court and beaten with a baseball bat, after which they sent him to Lipljan prison.<sup>13</sup>

[Another interviewee] told of constant beatings and torture in the Lipljan Prison. The guards and interrogators used all kinds of material to beat up the prisoners. The Serb prisoners and personnel in the prison were also forced to beat up the Kosovo Albanian inmates. [The interviewee's] brother's arm was broken and still he was continuously

beaten until he lost his memory. [The interviewee] himself lost consciousness and was full of bruises all over his body.<sup>14</sup>

On 3 May [1999] they sent us to the [interrogation] officers [in Pristina] for questioning about UCK activities. They made us take off our clothes and lie down. They beat us with wooden clubs, on every part of the body, back and head. They also put our penises on the table and beat them ... They beat us until they were tired (about two hours). Again they placed us together in a corridor. We had to carry some people who could not move. For 17 days I had blood in my urine and also [spat blood]. Then we were put on to buses. We were beaten when we got on the bus and were sent to Lipljan.<sup>15</sup>

In June 1999, after international agencies again had access to Kosovo, rumours spread about alleged torture chambers used by the Serbian police. In particular, a room in the basement of the Pristina main police station was believed to be a torture chamber, since several torture instruments, including an electric chair, had been found there. Also, in Pec/Peja police station, a rotating chair was found which some observers considered to have been used as a torture instrument. These allegations, although prima facie plausible, have so far not been corroborated with consistent witness statements or with forensic evidence. The data of the OSCE-KVM points to the torture that occurred in police custody generally having involved extended beatings and other physiological ordeals, and not accompanied by the use of sophisticated torture instruments. Reports of such instruments remain isolated and need further substantiation.

During the Yugoslav/Serbian offensive in Kosovo, and while hundreds of thousands of Kosovo Albanians were on the run from their homes, various buildings were used as improvised detention facilities, as is also documented in Chapter 9 Arbitrary arrest and detention. Torture and ill-treatment seem to have been very common under such circumstances:

At the end of April, [an interviewee] went from Lukare (Pristina) to Pristina. On the way, [the interviewee] was stopped by police. Seventy-five young Kosovo Albanian men were separated from the convoy and forced to get into a private house next to the main road. Out of the 75, [the interviewee] was the only one who was kept in the basement, all the other men were sent somewhere else. [He] was beaten up in the basement by two police officers. They beat him with an iron pole, and their fists. He was beaten on his genitals several times and broke some of his ribs [X-ray available].<sup>16</sup>

[Another interviewee] stated that he and his brother were arrested and taken to the Park Hotel in Orahovac by Police and Arkan's paramilitaries. [The interviewee] was held there with his brother and three other men. The witness saw his brother being tortured to death by these Serbs over a period of a couple of hours. They cut designs into the skin of his brother before killing him. Then the Serbs beat the witness [to extort money].<sup>17</sup>

*Torture and ill-treatment in private homes during police searches*

Police stations and detention facilities were known to be locations of frequent violence against individuals. But many Kosovo Albanians, especially those residing in areas close to UCK-controlled territory or which were known to be sympathetic to the UCK, also came to expect violence when they were visited in their homes by Serbian police. House searches were frequently carried out in violation of the right to privacy and all procedural safeguards. Beatings, threats and insults were common during Serbian operations such as the search for individuals based on a court summons (as witnesses in a trial, for instance), weapons searches or searches for wanted members of criminal gangs alleged to be hiding in certain locations.

The following case was reported in detail by the OSCE-KVM Co-ordination Centre in Decani, under the Pec Regional Centre.

On 30 January, about 30 police officers armed with machine-guns came to a house in Slup (Decani) in two Lada Niva jeeps and one armoured truck.<sup>18</sup> Their commander was wearing a black uniform and had a mask over his face. He stayed in his jeep while his men conducted the house search. They stated that they were looking for a specific Albanian villager and weapons. The wanted man and several other men were placed in one room, the women and the children in another. The men had to let their trousers down. ¼ Different policemen came into the room and the men were kicked and beaten all over their bodies with a belt. They were also threatened with weapons and told that they should be killed or sent in uniform to the front. The men were terrified. The abuse continued for about one hour. At the same time, three women and five children were being held in another room. After a while, the policemen arranged it so that two policemen were alone with one woman. They then threatened her with a knife and with a long metal stick. They told her that she was going to be killed if she did not answer their questions. One of the policemen approached her and put his hands on her breasts. He asked her if she was a woman or a girl. She was too terrified to answer. Then the policemen suddenly left, but on their way out, one of them took a portable radio from the house.

In this case the OSCE-KVM discussed with the victims about what they themselves could do and what the OSCE-KVM could do and considered the risks involved. They came to the conclusion that they should go to the local police in Decani and make a complaint. The OSCE-KVM arranged the meeting and the group met with the police commander, who was the Deputy Chief of Police, on 2 February. The complainants were very nervous but the Deputy Chief of Police calmed them and acted in a very friendly fashion. He took all necessary notes, he looked at the injuries and at the belt that had been used. He became very upset when he was told about the radio that had been stolen and said that that was the worst of it all. He apologized to the complainants and assured them that something like this would not happen again and that he would find and punish the policemen who behaved incorrectly. On 3 February, OSCE-KVM met again with the police commander,

who assured them that the policeman who had taken the radio had been identified and punished with a reduced salary. The policeman also had to get a new radio, give it to the family and apologise, which happened on 3 February. However, the second visit also had the effect that the family once more had to have about 15 policemen on their premises, which they again felt to be very threatening.<sup>19</sup>

The following two incidents are from the period after the OSCE-KVM's evacuation.

On 21 May, a Special Police unit surrounded [the interviewee's] neighbourhood in Bandulic (Lipljan). They went from house to house. At [the interviewee's] house they ordered out the entire family [and lined them up outside]. The women were forced to face the men. [The interviewee] and his father were taken a bit further and were beaten until they lost consciousness. [Later] they were sent to their house, where [the interviewee] was threatened to be killed. The person who gave those orders was [a local police commander]. The police told them that if they do not leave by the next morning they would be killed. [The interviewee] and his family took the train to Blace.<sup>20</sup>

On 23 May [an interviewee] was in his house in Pristina with his family when five or six [armed men] arrived. They were dressed in green camouflage, flak jackets, no head gear, neat short hair, automatic weapons and knives on belts. The witness identified Special Anti-Terrorist Unit insignia. These men started to smash up the house, doors, windows etc. They took [the interviewee] to another house [he owns] in Pristina. When he got there they placed a bucket on his head and then proceeded to kick him in the stomach and the ribs. After this they demanded money and weapons while threatening to kill him if he did not [hand them over], but he did not give any money as he had none. After this they took him outside and searched him. When this was finished they held a lighter to his face and burnt his moustache and mouth area. After this they proceeded to beat him with butts of rifles [witness showed cut over his eye]. Then they said if they found him there again they would kill him, and left. On the next day, [the interviewee] left by train to Blace.<sup>21</sup>

### *Torture and ill-treatment in hospitals*

In terms of violation of human rights standards and medical ethics, hospitals were not the zones of protection which they should have represented during the conflict, but in some instances were used as theatres of torture. Serbian police in particular appear to have considered hospitals a convenient place for ill-treatment and harassment of individuals, especially if they had been wounded in armed confrontations with the Serbian forces.<sup>22</sup> Wounded UCK members hardly ever chose to surrender themselves into the care of Serbian state hospitals and often preferred the uncertainties of makeshift UCK field clinics, rather than being subjected to brutal investigation methods in Serbian state hospitals. Hospitals were guarded by Serbian security forces, regularly police, around the clock. On several occasions, access by OSCE-KVM members to patients in hospitals was bluntly denied, whenever the

patients were under investigation and a criminal proceeding had been instituted against them. It happened that the competent Investigating Judge would either falsely assert that the Criminal Procedure Code prevented him from giving his permission to either lawyers or OSCE-KVM members to visit patients under investigation, or would refer back to the local police command, who would regularly refer back to the competent Investigating Judge. Nevertheless, ill-treatment of patients was a relatively isolated occurrence, since it attracted considerable attention from the OSCE-KVM, and could therefore be curbed, although never eradicated.<sup>23</sup>

### *Torture and ill-treatment during forced expulsions*

The experience of being forced out of one's home at gunpoint is itself traumatic. Serbian forces, including notoriously brutal paramilitary units, tended to use violence as part of the coercive efforts to make individuals, families and communities leave their homes. In many cases, the victims of ill-treatment and torture died from their injuries, or were summarily and arbitrarily killed after having first been made to suffer.

The forced expulsion of people from the village of Lesane/Leshane (Suva Reka), is illustrative of the way in which violence was employed. One interviewee described to the OSCE-KVM how, on 28 March 1999, at around 13:00, Serb forces arrived in the village, after burning the nearby village of Trnje. They began shooting into the air, shouting: "You wanted NATO to attack us! Do you know what NATO did in Serbia? Now we are going to kill all of you!" The interviewee was with other villagers at the school building, where people had gathered because Serbs were burning houses and shooting into homes. Then Serbs entered the school area and ordered men to one side, women and children to other. Those who did not comply or walk fast enough were beaten with gun butts. The men were ordered to make the three-finger Serb salute and shout "Serbia! Serbia!" Then the men were lined up against a wall and the Serbs began taking aim at them, in a mock execution. The women began crying and shouting out for their husbands and sons. Then a Serb who appeared to be a policeman ordered the women and children to leave immediately for Prizren. The men were then ordered to sit down. A large police vehicle approached with a machine-gun mounted on top. The mounted gun was rotated towards the sitting men. Then one man (named in the interview) was picked out and assaulted (kicked, punched, hit with a gun butt). The interviewee says they were taking this man to be killed when another police officer said that it was not necessary, he had been beaten enough.<sup>24</sup>

Groups of IDPs were an easy target for members of Serbian forces, whether they were travelling on Kosovo's roads towards a presumably safer place or towards the border with the former Yugoslav Republic of Macedonia or Albania, or sheltering on remote hillsides or in forest areas in central Kosovo. Police officers, reservists and members of paramilitary units would detain and ill-treat Kosovo Albanian IDPs, often with the aim of extorting money from them. The OSCE-KVM has received numerous reports where some of the groups were singled out (most often young men or children) and threatened with death if a certain sum of money and amount of jewellery were not handed over. Sometimes the "hostages" were beaten and threatened at gunpoint, often enough they were actually killed, which made such threats credible.

## Access to medical assistance

Access to medical care is an important element of redress for victims of torture and ill-treatment. In addition to prolonging the victim's suffering, the denial of such assistance reinforces impunity as it almost guarantees that no criminal investigations or other judicial proceedings with view to compensation will ever go ahead. The responsibility of medical personnel in this respect cannot be underestimated. Under international human rights standards, it is a contravention of medical ethics for health personnel to engage in acts which constitute participation in or complicity in torture or ill-treatment or to participate in the certification of the fitness of detainees for any treatment or punishment that may contravene international standards.<sup>25</sup>

Some of us were then brought to Lipljan prison, where we were registered. At the entrance 20 guards were lined up. Everybody had to pass them and was beaten up. Some Kosovo Albanian men fainted because they had been so badly injured in the police station. Over the next three days everybody was beaten up. After three weeks the guards invited the Serb prisoners and the cooks to beat them up. The request for a doctor was refused, with the retort, "Terrorists don't need doctors". [Some days later] only one doctor eventually appeared but he didn't want to know about the injuries of the detainees. He only measured blood pressure.<sup>26</sup>

## Accountability, redress and compensation vs. impunity

Under international law victims of torture and ill-treatment have an enforceable right to reparation, including compensation. Redress for victims should also include measures to bring the perpetrator to justice, as well as the enforcement of safeguards to prevent the recurrence of torture or ill-treatment. These safeguards include maintaining stricter judicial controls over detention procedures and ensuring lawyers and doctors have prompt access to detainees.

During the OSCE-KVM's presence in Kosovo, reports of ill-treatment and torture were frequently the subject of consultations with Serbian authorities, regular local police commanders, and members of the judiciary, such as presidents of district courts and public prosecutors. Generally, the OSCE-KVM was given assurances that all cases of torture and ill-treatment would be followed up and have the legally prescribed disciplinary and judicial consequences for the individual officer responsible. Such action on behalf of the competent state organs would, however, only be possible if concrete allegations were made including the name of the officer and the time and location of the alleged offence. When the OSCE-KVM confronted the Chief Prosecutor of Pec and the President of the District Court of Pec with the question as to whether allegations of torture and ill-treatment by police would be actively investigated and prosecuted, the Prosecutor affirmed this, but said that he had never heard of such a case.<sup>27</sup> Concrete action was rendered difficult for several reasons: first, Kosovo Albanians, or other citizens for that matter, who had become victims of torture or ill-treatment by the police, did not trust the state institutions to protect their rights and interests in pursuing legal redress and eventually receiving

compensation. Second, in most cases, the identity of the offenders was unknown to the victims, and the co-operation of regular police officers in an attempt to identify potential offenders was practically non-existent. And thirdly, even if the individual, most often with the active support of the local OSCE-KVM office, reacted swiftly and courageously and filed a complaint with the local police commander, the consequences for the officer who had abused the complainant were insufficient to dissuade him from repeating the crime. (In Part V several such cases are reported.)

The near-total absence of a response by the judicial authorities to these allegations only served to foster a sense of impunity within the police system, encouraging the continuation and escalation of such human rights violations.<sup>28</sup>

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## Notes

<sup>1</sup> For a more detailed analysis see: OSCE/ODIHR, "Preventing Torture, A Handbook for OSCE Field Staff", Warsaw 1999.

<sup>2</sup> Human Rights in Yugoslavia, Belgrade Centre for Human Rights, 1999.

<sup>3</sup> In the Kosovo context, the relevant texts are the Internal Affairs Act of Serbia, the Act on Execution of Penal Sanctions of Serbia, and the Rules on the Conditions for and the Manner of the Use of Force. International human rights standards, including the UN Basic Principles on the Use of Force and Firearms for Law Enforcement Officials, also place clear restrictions the use of force against detainees. Force may be used only when strictly necessary, and to the minimum extent required in the circumstances.

<sup>4</sup> Article 191 of the KZSRJ reads: "An official who in the exercise of official duties abuses another person, inflicting serious physical or mental suffering, harasses, insults or generally treats that person in a manner which adversely affects that person's human dignity, shall be punished by imprisonment..."

<sup>5</sup> Article 190 KZ SRJ on the use of forcibly extracted confessions and statements.

<sup>6</sup> Yugoslav Federal Government's Decree on the Application of the Criminal Procedure during the state of war, Sl. List 21/99.

<sup>7</sup> This is in line with the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Torture Convention), adopted by the UN General Assembly in 1984. Article 2 of the Torture Convention states that "No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture".

<sup>8</sup> Protocol II is applicable to conflicts between a state's armed forces and "other organized armed groups which, under responsible command, exercise such control over part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol" (Article 1(1)).

<sup>9</sup> Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 1: "1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected or having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful actions."

<sup>10</sup> However, several international instruments set detailed standards for the treatment of detainees. See, e.g., the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Body of Principles), adopted by the UN General Assembly in 1988, and the Standard Minimum Rules for the Treatment of Prisoners, adopted in 1955 by the UN Congress on the Prevention of Crime and Treatment of Offenders.

<sup>11</sup> On 8 March, the Chief of police of Suva Reka explained that the local police were not involved in alleged beatings and torture by striking legs and soles of the feet of detainees with rubber batons to extort statements. He added that a Special Security Force investigates people in such a manner whenever it suspects terrorist activity. These units, he further explained, were out of his command and were placed higher up in the chain of command. RC1 CC3 Meeting report.

<sup>12</sup> A/0929 includes the statements by both the mother and wife. At the time when this interview was given the man was believed to be still in Kosovo. No corroborating medical evidence was available.

<sup>13</sup> M/1413, a similar statement is contained in M/0670, but there the torture was described as having taken place in a school in Pristina.

<sup>14</sup> M/1389.

<sup>15</sup> M/1777.

<sup>16</sup> M/1617.

<sup>17</sup> A/0764.

<sup>18</sup> PE/03/014/99.

<sup>19</sup> Following another incident involving this policeman, OSCE was informed that he would be transferred, and,

after the conclusion of the investigation, he would be fired. PE/03/036/99.

<sup>20</sup> M/1318.

<sup>21</sup> M/1257.

<sup>22</sup> Most of these allegations were received by human rights lawyers, whose defendants in terrorism trials were ill-treated while in hospital. The OSCE-KVM was regularly prevented from independently verifying such allegations, which was generally read as an indication that the accusations were well-founded.

<sup>23</sup> In this context, OSCE-KVM hosted a seminar on 11 March organized by Physicians for Human Rights for local Albanian medical staff in Pec, where issues like these were addressed. Serb medical personnel were contacted as well and co-operation agreed, but the realization of a joint seminar of the medical community in Pec was rendered impossible by the events following OSCE withdrawal.

<sup>24</sup> A/0673. Events at Lesane are corroborated by a number of interviewees, and are covered further in the entry for Suva Reka municipality.

<sup>25</sup> Principle 1 of the Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Principles of Medical Ethics).

<sup>26</sup> M/1391.

<sup>27</sup> Meeting on 17 March between OSCE-KVM and Pec Chief Prosecutor and District Court President.

<sup>28</sup> This practice was in clear violation of the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, which in its Article 12 states that "Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction." This obligation is defined in Article 13: "Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given."



## RAPE AND OTHER FORMS OF SEXUAL VIOLENCE

### **Incidents of rape and sexual violence occurring in the period before the OSCE-KVM's departure from Kosovo**

Rapes by officers of state authorities and paramilitaries were occurring even before the dramatic escalation of the conflict in March 1999. Very little has been documented on this subject, however. When the OSCE-KVM human rights officers in the former Yugoslav Republic of Macedonia took statements about violations that had occurred after the evacuation of the OSCE-KVM from Kosovo, they would also come across acts of sexual violence that had been committed earlier. It is difficult to judge how widespread rape was in the earlier period, but the examples given below may give some indication of how it was used. (This chapter should be read in conjunction with Chapter 6, Torture and ill-treatment.)

*Rape following abduction from public places.* Young women were vulnerable to attack in any setting in their everyday lives. One 21-year-old Kosovo Albanian woman described how she and a female relative were subjected to a six-hour ordeal of abduction and rape by Serbian police in mid-February 1999, after being arbitrarily detained as they were on their way to attend a wedding:

At 18:00, as we were having some food in the bus station while waiting for the bus ..., five [police officers] arrived. They were around 25-30 [years old], except one who was 50, was bald and had some insignia of rank on his arm. They asked what we had in our suitcase. "You have bombs," they said. They searched the suitcase, [and said] "You have to come with us to the police station." ... I showed them my ID. "Your family name is [name omitted], you're certainly in the UCK". They took my suitcase and asked us to enter the car. We said we wanted to go on foot to the police station. They caught us by the arm and we were pushed into the police car ... The old [police officer asked whether] we wanted to follow them to a hotel. I said it was not our tradition, I pretended to be married. I knew something dangerous was going to happen to us. He said, "Just be good girls. Even if you do not want to do it, you will." The [police] driver, who was the youngest of the group, said to the other to let us go. The old [police officer] said they would not because "our people were killed by the UCK today". We drove for three hours outside Prizren.

We arrived in an open field near an Orthodox church and a lake. It was still snowy and cold. We had to empty our pockets and my ID was torn. They took our clothes off and each of them raped us. We were raped more than once by each of them. After we were raped we had to enter the lake. The water went up to our chests. It was freezing. They also put our heads under the water for a while. They raped us again. They took my head and [forced me to perform] oral sex, while I was threatened with a stick. They made jokes on us. Then they played with the barrel of their rifle on our breasts. I told them that I would inform the police and they answered that if I did they would kill all the members of my family and burn our house. Some of them understood Albanian, because they could understand when we insulted them. I spat on them and they beat me. They left at midnight.<sup>2</sup>

### **Collecting information on sexual violence: the approach taken by the OSCE-KVM<sup>1</sup>**

While victims of other kinds of human rights violations may be eager to tell the world what they have suffered, this is often not the case with victims of sexual violence. It is important to bear in mind that if, for instance, a woman is a survivor of sexual violence, she could face negative social responses. She should not be victimized a second time by being made an outcast in her own society. The OSCE-KVM was concerned to avoid re-traumatizing survivors of sexual violence, and also to avoid, having taken statements from them, leaving them alone with their traumas afterwards. Although recounting the experience to another person can sometimes help a survivor of sexual violence, the traumas can often return more strongly after a time. The OSCE-KVM therefore strove to take a more holistic approach. By working in close collaboration with local women's NGOs from Kosovo and the former Yugoslav Republic of Macedonia, it was able to find support for the women identified by the OSCE-KVM, and also to see that those who wanted to share their experience knew where to turn. This work was developed particularly in Cegrane Camp, where two "women's tents" had been installed by the Swedish NGO, KtK (see also the text box in Chapter 16, Women).

#### *Breaking the silence*

Traditionally in Kosovo Albanian society sexual violence is a topic that is met with a compact of silence. The stigma of rape is so deep that it is often stated that a "good" woman would rather kill herself than continue to live after having been raped. A woman who admits having been raped can be rejected or expelled by her husband, her family or her husband's family. A survey undertaken in April 1999 by the OSCE-KVM among the local NGOs showed that these also experienced extreme difficulties when trying to collect information on such crimes; some stated that they had given up even trying to gather information. It was also suggested that it might be easier for representatives of an international organization, as "outsiders", to gain the confidence of victims of sexual violence, since they would give them a greater sense of confidentiality.

The OSCE-KVM was able to collect information on crimes of sexual violence from witnesses and

from victims themselves. However, experience of other similar situations shows that it takes time before women are prepared to talk about their experiences. This was also the experience of the OSCE-KVM; while taking statements from the refugees, the officers would come across those who had been the victims of sexual violence that had occurred several months previously. It is therefore important not to see the information below as in any way exhaustive; there is still much work on documenting sexual violence which remains to be done.

Having developed the approach mentioned above the OSCE-KVM was able to collect more information than had been expected. In none of the statements that were taken concerning sexual violence was any kind of condemnation articulated, and when family members were reporting the crime against relatives they stood fully behind them. The OSCE-KVM officers thus received several signals that the attitude towards these kinds of crimes is in fact changing. Generally, the OSCE-KVM officers received the support of the men in trying to make the women feel secure enough to talk. They would leave the room or the tent and let the OSCE-KVM officers talk to the women in private, and often they would encourage the women to tell the whole story with all details.

*Rape in women's own homes.* Women were not safe in their own homes, as shown by the following example, also from mid-February 1999, of a woman who was raped by one police officer and three civilians in her home while her husband was at work. The woman was four-and-a-half months pregnant at the time.

About 21:30 I heard a knock at the door and I asked who it was. There was no answer but there was a knock at the window. I opened. There were three men in civilian clothes and one armed [police officer]. I screamed. They said they were looking for someone. I told them that I would call my husband to ask about who they were looking for. The policeman grabbed my hand and said in the Serbian language "We don't need your husband." Immediately the three civilians pushed me by force back into the apartment. Two civilians pushed me inside a room, one went into my children's room and the policeman stayed outside guarding the house. The two civilians ripped off my clothes. I begged them not to rape me, all four of them. They forced me to have oral sex. When I tried to refuse they beat me. They raped me in different ways. When they had finished they invited the other two in. Before the two others entered I took a wooden stick and tried to defend myself, but I was too weak. I tried to break the windows to get outside. But they stopped me and tied my hands on the back and put something in my mouth to stop me from shouting ... They pushed me down, one sat on my legs and the other on my chest. I tried to refuse, but they gave me something to drink [and] I don't know any more what happened to me. I know only at one moment I had a terrible pain in my stomach and felt something metal inside my stomach. I don't know what exactly.

... I don't know what time they left, I only know that at some point my children were crying on my body but I couldn't move. When my husband came home [the next morning, at 08:30] I told him what had happened ... The same day he fetched my mother ... We

went to the doctor [because] I was bleeding. After the examination he proposed an abortion because the baby was completely destroyed. After two days I had an abortion.<sup>3</sup>

*Gang rape by paramilitaries.* The following case of gang rape that took place in November 1998 follows the same pattern as was frequent during the period March-June 1999. A mother described how her 13-year-old daughter was raped by five paramilitaries.

On 16 November police and VJ surrounded us in the village and immediately divided men from women. The women were sent to the village school. The VJ and police were kissing and hugging us and they would abuse us verbally saying things like "Now you will see how Serbs fuck", and "From now on you will have Serb babies in your stomachs". At 18:00 paramilitaries, I think they were White Eagles, arrived. They chose the 20 most beautiful young women [including the interviewee's 13-year-old daughter; the others were aged from 17 to 38] and took them to a location about 20 metres away from us. From 18:00 to 23:00 they were kept. We heard how the girls screamed and shouted.

The [women] were left in the mountains and we went to pick up our [women]. At 23:00 hours the paramilitaries left and we went over to pick up the women [they had been scattered in different directions]. I found my daughter bleeding and traumatized, she could not speak until the day after. I found a needle sticking in her arm, which was bruised. All 20 women were in the same state.

This interviewee recounted that one of the women who had been raped had told her afterwards what the paramilitaries had done to them, as follows: "When we were sent to the mountains they first kissed and hugged us, then took off our clothes by force. Four or five men raped every [woman]. They did not give drugs first, but after the second person that raped us. After they drugged us, we weren't aware of anything any more."<sup>4</sup>

## **Incidents after 20 March**

In the statements that the OSCE-KVM human rights officers collected in the former Yugoslav Republic of Macedonia and Albania there are many reports by eyewitnesses to, and also by a number of victims of, rape and other forms of sexual violence. It is, however, still too early to draw any firm conclusions as to how widespread this was, and how many women were victims of rape and other kind of sexual violence. Further investigations will be needed as the time passes and women become prepared to talk about what happened to them.

### *Situations where women were raped*

It is fair to say that Kosovo Albanian women were at risk of being raped in almost all situations and locations in Kosovo during the conflict. It did not matter whether they were by themselves or if they still

had their men with them. Many women described how they would try to make themselves as unattractive as possible. Sometimes their own family would not recognize them as they arrived in the refugee camps because they were so dirty and untidy. One 15-year-old girl described how she and two friends dressed up as old women as they were going to a nearby village to get some food. They put on old women's dresses and scarves on their heads. In this case, however, the ruse failed. The interviewee reported: "As we were heading home, a jeep stopped us with paramilitaries. They tried to take me but I gave them some gold and they let me go. One of my friends did not have any gold or money to give them so they took her with them into a nearby house. We could hear her scream and cry but then the paramilitaries told us to leave or they would kill us. After some time my friend came to my house and she told me she had been raped by two men. Her body was full of bruises, also on her neck and she was bleeding from the groin. She told us that they had done what they wanted to her and then they had released her. We wanted to take her to a doctor but there was no doctor around. We couldn't help her."<sup>5</sup>

The following statement from a Kosovo Albanian woman illustrates how ever-present the threat of being raped was: "On 24 March four policemen entered our house in Pristina. They shot around them, killing one person, and then they set the house on fire. They forced us to enter another house and there they took a group of women and girls to the second floor, among them were my two daughters and three daughters-in-law. Upstairs the women were then raped by the police and I could hear them scream. Afterwards we were ordered outside and a lot of shooting began. In the confusion I lost my daughter but I still had her two children. I hid in a house for two days, but then the owner got scared and told me I had to leave. So I went to the railway station." This interviewee also reported that there had been many rapes at Pristina station, and that as the train she was on neared the border at Djeneral Jankovic/Hani i Elezit, young women were separated and taken away.<sup>6</sup> Another 28-year-old woman told how she and her friends were stopped by five police officers on a street in Pristina. The women were made to enter a house by the police and there the 28-year-old woman was forced to perform oral sex.<sup>7</sup>

*Rape during attacks on villages.* One of the situations where women would be at great risk of being raped was when Serb forces attacked the villages. A common scenario was as follows: the village would be surrounded by Serb forces, who would gather the villagers together. Men would be separated from women and the women would be gathered in a house. From the house "young and beautiful" women would be taken and returned after some time. A typical case is described below. From the statements of refugees this pattern was repeated in villages all over Kosovo.

As the inhabitants of a village outside Gnjilane/Gjilan were hiding in the mountains nearby in mid-April, they were surrounded by a group of paramilitaries. The inhabitants were forced back to the village and women were separated from men. One pregnant woman was immediately singled out by the commander who started to molest her publicly. The women were all put into a big house and from the house the paramilitaries would single out women they found most attractive. Some of the women were taken to a nearby house and others were driven away. When the women returned to the house, some of them showed signs of ill-treatment such as bite marks or bruises. Some also behaved as if they had been drugged, acting erratically and walking unsteadily. This continued for a day; the following day the villagers were forced to leave for the border.<sup>8</sup>

A 32-year-old man described how in another village the inhabitants were forced to gather around an empty house by some paramilitaries. The paramilitaries picked out the women from the crowd and pushed them into a house nearby and screams were heard from the inside. They stayed there for an hour.<sup>9</sup>

*In the convoys.* While travelling in convoys between villages or to the border, young women would often be targeted by surrounding Serbian forces. Women would be taken out from the convoy; sometimes they would be returned but in other cases they were never heard of again. One man described how 10-15 police took his niece away from a convoy in Pristina in April. As the family tried to get her back, the paramilitaries fired their weapons into the air and sent the family away as the young woman was taken into a nearby building. Half an hour later, she was released and she told her family she had been raped. She had been injured in the groin and later it was discovered she had become pregnant because of the rape.<sup>10</sup> A 28-year-old woman tells how she herself was raped together with her cousin as they were going in a convoy from Glogovica/Gllogovc to Pristina. She added that there were many rapes on this route.<sup>11</sup> Thirty young women were seen being taken off tractors in another convoy in Pristina. There is no further information on their fate, but the women had been threatened with rape as they were being taken away.<sup>12</sup> A 36-year-old man described how the convoy he was in was stopped on the way to Pristina by paramilitaries. Young men, and women who were found attractive, were separated from the group; the fate of the women is unknown.<sup>13</sup> As a group of 2,000-3,000 people walked towards Albania, in the area west of Djakovica/Gjakova, Serbian police took "several hundred" women to the woods for a period of about one hour. As recounted by the interviewee: "This went on the whole night."<sup>14</sup> While walking to Albania, one interviewee described how the Serbian police stabbed young girls in their legs. Girls and young women who were found attractive were taken away and were still missing at the time when the statement was taken.<sup>15</sup>

*In the home.* Rapes occurring in women's homes were not as frequently reported as those in the circumstances described in the examples above. Sometimes the paramilitaries would apparently quite randomly enter houses and take away and rape the young girls who were there. It is mentioned in several statements that the Serbian forces would ask for young women while entering houses to evict and rob people. A 28-year-old woman described how four paramilitaries entered her apartment and pointed their weapons at her. They raped her and beat her severely all over the body, while her mother was held in the next room.<sup>16</sup> A 20-year-old man saw how four paramilitaries went into his neighbour's house and took three of the neighbour's daughters and his daughter-in-law. The women were blindfolded and put into a car. While one paramilitary stayed with the women, the other three demanded money of the neighbour and then beat him, his wife and son for not having any. The four women (still blindfolded) were taken to another village from where they returned the next morning at 07:00.<sup>17</sup>

## *Patterns*

*Young women as targets.* From statements cited above and below, it is clear that the Serbian forces targeted young women in their operations against the civilian population. One man from Pristina described how the police and paramilitaries, as they looted the area, threatened that women would be sent to special camps. He further stated that the police separated the beautiful young girls and drove them away in the police cars.<sup>18</sup>

The following is an extract from a statement by a 15-year-old girl, which illustrates the way in which the Serbian forces would look for young women:

At the beginning of May police came to our house. Two police officers entered the house while one was staying in a car outside. Inside the car I also saw a woman about 18 years old, her mouth was covered and she had a gun held to her head. Her clothing was ripped and she was bruised and bleeding. The police inside asked for our papers and seemed mostly interested in young women. They asked how old I am, and my father answered 14. The police did not believe him and took me outside. He told me that since he had not his wife with him there I would become his wife. He started to kiss me and fired his weapon through the windows when my family tried to look out to see what was happening. He tried to rip off my clothes and when I tried to resist he slapped me. At that time the policeman inside the car stepped out and said that he wanted me for himself. The first policeman took me back into the house. He continued to kiss and grope me in front of my family and said that he would return later that evening. After that the police proceeded to our neighbours' house where they tried to force a young woman with a baby in her arms into their car. As she resisted they took her baby and threw it on the ground where it lay crying. These police went from house to house and afterwards the villagers discussed that it seemed as they had only been interested in taking young girls.<sup>19</sup>

*Detention of women for sexual slavery.* Although not a widely reported phenomenon, there were cases in which groups of women were held as hostages and violated in different ways. In the example below all the women of a village were gathered together and held as prisoners for four days after the village was attacked by a mixed force apparently comprising Serbian police and "soldiers" (it is unclear whether they were VJ or "paramilitaries"). They were forced to work for the Serbian forces and were raped and otherwise sexually humiliated and ill-treated. They were also told they were being used as human shields.

On 6 April the Serbian forces arrived in the village. They divided the men from the women and children. The women were taken to an open place in the village and there they were divided into three groups. Their assailants said, "We can use [you] so that NATO can't strike against this village and the UCK can't shoot at us."<sup>20</sup> The women were put into three different houses. There were between 30 and 50 women in each house.

Before the women entered the houses they were forced to leave all jewellery and other valuable things, documents and money. One woman described how she was unable to get her ring off her finger, and one

of the police officers cut into her finger with a knife so that the ring slid off by means of the blood.<sup>21</sup> In the house the women were forced to undress down to their underwear. The police searched the bodies of the women for more money. One of the police officers took a child and put a knife to its throat. He threatened to kill the child in front of the mother if he was not given more money.<sup>22</sup>

During the day the women were forced to work for the Serbian forces, cleaning and cooking. At night the "soldiers" would come with flashlights looking for which women they wanted to take away. The women who would be selected were the educated, beautiful and young ones. The women who were selected would be taken to another house where the "soldiers" were based. There they would be interrogated and raped and forced to do different domestic chores. The women would be taken away one by one; as they returned some would tell the others that they had been raped while others would claim only that they had been forced to work. However, one of the women who was taken away was reported as having told the others that they need not lie that they were taken away just to prepare coffee or to clean and wash, because "they are doing the worst to us".<sup>23</sup>

One woman gave a statement about what happened to her when she was taken away one night.

The third night they came looking for me. They said they wanted information. I was taken into a room with a white blanket on the floor. They closed the door and the commander told me that I would not leave that room alive if I didn't allow them to do what they wanted to me. After that I was left alone with one man. When we were alone the man took his knife and held it against me throat. He told me what he wanted to do with me and he used dirty words. He forced me down on the blanket, I was lying with my face down. The man took my trousers and underwear off and made me stand on my knees and hands. He raped me from behind, also in the anus. It hurt and I wanted to scream but he put his hand over my mouth. When he was finished he took his trousers up again and left the room. I put my clothes back on. After a while two other men came in. They tried to take off my jumper but I started to cry and I told them that one of them had already done this thing to me and I begged them to let me go. They let me leave and I went back to the other house.<sup>24</sup>

After three days the women were ordered to go to a school in a neighbouring village (near a pass on a strategically important highway). They were forced to stay two days in the school. One paramilitary among the group detaining them told them they were being used as human shields against NATO air strikes.<sup>25</sup>

In another case similar to that described above, about 500 "young and beautiful" women were selected by the paramilitaries and sent to Staro Cikatova where they were required to clean village houses for use as lodging. The women were kept in two houses and fed once a day. Each woman would be taken to a separate room where she was told to take their clothes off. When they refused they were beaten, harassed and raped. The women were released the next day.<sup>26</sup> One 16-year-old woman was reported to

have committed suicide by throwing herself into a well after having been raped.<sup>27</sup>

*Killing preceded by rape.* There are some reports of women having been raped before being killed. The actual number of women who were raped before they were killed can be expected to be significantly higher than is indicated by the reports. Experience suggests that in conflict situations women are at great risk of being raped before they are killed, and that those killed frequently outnumber those who survive. Since the subject of rape is extremely sensitive in the Kosovo Albanian society, it may therefore be suspected that in many cases an interviewee would choose not to give this kind of detail out of respect for the person who had been killed.

That having been said, there are eyewitnesses who have described how they witnessed women being raped and then killed. In Pristina an old woman recounts having seen a 17-year-old girl raped and killed. In another statement a young man described how he saw a woman who had been shot in the leg and the body of another woman who had been shot in the chest. The wounded woman told him that they had both been raped by paramilitaries before they were shot.<sup>28</sup>

Rape before killing can be inferred from descriptions of the state of the woman's body when it was found. One old man, for example, described how he went inside a house and saw the body of a woman lying on a sofa. She was partly undressed, her jacket was open so that her breast was exposed, and the lower part of the body was naked. She had been repeatedly stabbed in her back and shot in the head and abdomen."<sup>29</sup>

*Rape accompanied by other forms of torture and ill-treatment.* Rape is itself a crime of torture.<sup>30</sup> Additionally, rape was reported as having been committed in connection with other kinds of physical violence. For example, one 75-year-old man described how in late April 1999 he met three women who told him that 12 masked men had raped them together with 20-30 other women. Their bodies had been cut on their breasts, in the genital area, and on their faces.<sup>31</sup>

*Rape following abduction.* There are many accounts of young women being abducted either individually or in groups. In most cases they would be returned after some hours, but in other cases the interviewee would not have any further information concerning the fate of these women. Given the pattern of deliberate selection of young women for rape, as noted above, it is reasonable to fear that rape is what befell women who were abducted and subsequently were unaccounted for. In instances when abducted women were returned they were very often in such a state that it would be quite clear to others what had happened to them.

One interviewee who had left Staro Selo to go to Urosevac was told by fellow villagers arriving later in Urosevac that six young girls had been taken away by paramilitaries, and no one knew what had happened to them.<sup>32</sup> In Velika Krusa (Urahovac) VJ had gathered 1,000 people (women and children) in the mosque. Every hour VJ came and demanded money and also took two or three girls away with them

and returned them later.<sup>33</sup>

A 30-year-old man from Pristina described how he heard a woman scream that police had taken her 17-year-old daughter. An hour later, he saw the girl in the street crying with her clothes torn. She said, she did not want to go on living any more and that "they have done things to me".<sup>34</sup> A 29-year-old man saw five policemen in Urahovac taking three girls aged between 15 and 20 by force. They took them into the stadium. One hour later, the same girls came back crying from the stadium. The policemen were seen rearranging their own clothing (doing up their shirts and belts). Two of the girls had scratches on their faces and the other one had blood on her head.<sup>35</sup>

In a village in Vitina/Viti municipality, eight paramilitaries were seen taking two young women, aged 19 and 21 years old, into a house for an hour. When the women came out their skirts had been removed, around their genitals they were covered with blood and they looked to be in shock.<sup>36</sup> Elsewhere, a 17-year-old girl described how her friend was taken away from the house where they had been put by paramilitaries. Afterwards the friend had told the girl: "If they take you, they can do anything they want."<sup>37</sup> A woman in Pristina was told by two 13-year-old girls that they had been raped by police.<sup>38</sup> A 39-year-old woman who was in a convoy from Mitrovica to Albania in March, saw young women join the group after they had been "somewhere". The women were covered in blood and some of them had torn clothing.<sup>39</sup>

*Rape and sexual violence connected with extortion.* There are many accounts of sexual violence in connection with extortion. In some occasions the perpetrators would rape women if they did not get money, in other cases relatives would hand money over in order to get women back. One man described how two paramilitaries took his neighbour's wife because the neighbour had been unable to give them any money; he was tied up and his wife was taken away in a car. He continues: "I saw how her three children ran screaming after the car. She returned home four hours later crying and visibly shaken."<sup>40</sup> A 32-year-old woman saw how VJ in Makovac/Makofc (Pristina) pulled her sister-in-law from her tractor as they were in a long convoy heading for Pristina. The VJ threatened to rape her but released her after the interviewee gave them some money. The interviewee further saw about 30 young women standing on the side of the column as the paramilitaries continued to select from the crowd. When they wanted to put her sister in that group the interviewee handed over some more money and they let her go.<sup>41</sup> A 17-year-old girl saw a group of police abduct two young women. The father of one of them offered DM 8000 in order to get his daughter back. The police took the money but did not release his daughter.<sup>42</sup>

*Rape in public, or in front of others.* A way to increase the humiliation of a woman was to rape her in front of others. There are several statements recounting how women were raped in public, or in front of their families. One interviewee recounted how a 17-year-old girl was raped in front of her parents in Pristina.<sup>43</sup> A 28-year-old man described how at the end of March, on the Pristina-Urosevac road, he and two young women were stopped by a military convoy with many tanks and trucks. A VJ soldier and an

armed civilian took one of the women 50 metres away from the road and raped her in front of numerous laughing VJs. She was taken back unconscious and naked to the young man's car.<sup>44</sup>

An 18-year-old tells how in mid-May three paramilitaries entered a house occupied by IDPs in Pristina. After beating some of the men present, they turned their attention to a young woman, who was 19 years old. They took her clothes off and two of them raped her in front of her family and the interviewee. When they started to touch her the girl fainted, so that they waited until she regained consciousness. Her mother tried to protect her, but one of the paramilitaries put a knife to her chest and made her watch the scene. When they left they took another young woman with them.<sup>45</sup>

*Drugs.* There are accounts of women being drugged while they were raped. This is in contrast to patterns that have been reported in connection with sexual violence in Bosnia-Herzegovina. In some cases where this was reported in Kosovo, the women were drugged in the course of gang rape after having been already been raped by two or three men. In other cases the woman was drugged straight away and did not know what had happened to her afterwards: also an extremely traumatic circumstance.

Two of the cases mentioned above include mention of drugs having been administered to the women in the course of the rape. In another example, at the end of March 1999 police came to a house in Pristina. They threw everybody out except one young woman, whom they tied to a bed; she was held for some 15 minutes. When she came out of the house she was normally dressed, but there was froth around her mouth. Afterwards she appeared depressed and spoke irrationally. According to the interviewee who recounted this, the woman was unable to tell anyone what had happened in the room.<sup>46</sup>

A 28-year-old woman described how Serb paramilitaries went to the villages around Glogovac and took women away. When they were brought back, they were naked and covered in bruises, and froth was coming from their mouths. After three to four hours they died.<sup>47</sup> In another incident, a 22-year-old man described how police and paramilitaries entered his house in Pristina and told him and his sister to leave, but then kept his sister back. He stated: "I was soon called back by a paramilitary and he told me to take my sister who had fainted. When I came inside I saw my sister lying on the ground with water in her face and foam in her mouth. My sister told me that they had tried to rape her but that they had not succeeded as she had fainted, and the paramilitaries had let her go."<sup>48</sup>

## **Rape and sexual violence as a weapon of war**

From refugee statements it appears that those who raped and committed other acts of sexual violence in the course of the conflict in Kosovo were from the same groups as had perpetrated other human rights violations. The VJ, police, paramilitaries and Serb civilians are all mentioned as perpetrators of rape against Kosovo Albanians women.

That rape and other forms of sexual violence were used as a mean of humiliating Kosovo Albanian women and the whole of Kosovo Albanian society stands out quite clearly from the refugee statements.

There are several descriptions of Serb perpetrators gloating over raping Kosovo Albanian women. One woman described how the police, after having been in a house where they had put the young women from the village, laughed and said that they could do what they wanted with Kosovo Albanian women.<sup>49</sup> Another young woman who had been assaulted by a police commander described how the commander boasted the morning after the assault: "In the morning the police forced our family onto a bus. When the police commander saw me he stated that he 'had been with me during the night' and he bragged how bad he had made my brothers look."<sup>50</sup>

Rapes and other sexual assaults were sometimes committed in a very public way so that as many people as possible would come to know about them. By this means the Serb forces made sure that the word was quickly spread among the Kosovo Albanian population, and this became yet another weapon of intimidation during the most violent period of the internal conflict, from late March 1999. When rape is committed in an armed conflict it is directed towards the whole society rather than the individual victim.

Another dimension to the use of rape as an instrument in the conflict is that many women who are raped violently, and sometimes mutilated, are afterwards physically unable to bear children. Or the victim may suffer psychological effects from the rape such that it is impossible for her thereafter to have a normal heterosexual relationship. Again, society may reject the victim and see her as "debased" and not worthy of marriage.

Furthermore, it is clear that sexual violence was used as an instrument of "ethnic cleansing" following patterns similar to those seen in Bosnia-Herzegovina. Comments by Serb rapists as reported from Kosovo, such as "you are no longer Albanians because you will carry Serb children", are very similar to those reported as having been made by similar perpetrators in Bosnia-Herzegovina, in a way that indicates that rape was being used as a weapon to nullify the ethnicity of the women.<sup>51</sup>

## **Sexual assault on men**

The cases of sexual assault on men, reported below, are further indications that sexual violence was used as a deliberate tactic to undermine Kosovo Albanian identity by breaking down the physical, psychological and sexual identity of the victims.

Where it is mentioned in the statements collected by the OSCE-KVM, sexual violence against men appears to have taken place most commonly in detention. Outside these situations, it appears that forcing men to strip naked was the most common way of sexually humiliating men. The statements below should not be seen as in any more exhaustive than those concerning women, as men have just as much difficulty as women in talking about being victims of sexual violence. It is therefore quite possible that incidents took place that were not reported to the OSCE-KVM.

*Sexual assaults in detention centres.* Much violence took place in the detention centres, some of which can be classified as sexual violence (see also Chapter 6: Torture and ill-treatment). One 55-year-old man

described the violence that took place in a police station in Pristina as follows: "On 3 May, they sent us to the officers for questioning about UCK activities. They made us take off our clothes and lie down. They beat us with wooden clubs, on every part of the body, back and head. They also put our penises (mine too) on a table and beat them. Different kinds of screams were heard. But you scream as you want. There is no way to escape. They beat us until they were tired (about two hours). Afterwards they placed us again together in a corridor. We had to carry some people who could not move. Then we were put onto buses. We were beaten when we got on the bus and were sent to Lipjan [Serbian: Lipljan]. I had blood in my urine for 17 days."<sup>52</sup>

One interviewee, describing his detention in Lipljan prison, stated that he saw two male detainees being raped by two policemen who declared that they had AIDS.<sup>53</sup> Another man recounted how "all the men were taken to Novi Dom near Kosovo Polje the next day, in an armoured vehicle. They entered the shopping centre where the police had set up an office one by one, and were interrogated. We were beaten with batons, kicked in the groin, [had our] heads banged against walls, some to unconsciousness. One man who had refused to talk after repeated beating, was told to take all his clothes off. A policeman opened a desk and told him to put his penis between the lid of the desk and the base. [The man] gave a (fake) name of a UCK suspect and was released."<sup>54</sup>

*Sexually humiliating and degrading treatment.* Many men were humiliated by being forced to undress in public. An 18-year-old man described how he and some other men were hiding in a forest in Prizren municipality when they were surrounded by police. They were ordered back to their village and there they were beaten, forced to lie on the ground, eat grass and sing Serbian songs. The younger men (including the interviewee) were taken to the forest, stripped and made to stand naked in the rain for two hours, while their clothing was searched."<sup>55</sup>

In another case, from Decani municipality, a 33-year-old man refused when police tried to make him undress in front of a group of women. For this he was beaten so badly that three bones were broken.<sup>56</sup> In Kraljane/Kralan (Djakovica) about 400 men were stopped at a checkpoint as they tried to flee. They were forced to undress completely, body-searched and made to remain on their knees with hands behind the head."<sup>57</sup>

A 36-year-old man was stopped on the road by police in Kosovska Kamenica/Kamenice. After showing his ID, police ordered him to walk to the nearby forest. There seven police officers began to beat him. They ordered him to take off his clothes and then to put them on again, several times over.<sup>58</sup> In Varos Selo/Varosh (Urosevac) a group of men were ordered by a dozen paramilitaries take off their clothes. One of the men refused, and for this he was stabbed in the side. The paramilitaries then opened the gate of the courtyard where the men were being held and told the naked men that they could "go now to Macedonia".<sup>59</sup>

## Notes

<sup>1</sup> Rape falls within the broader category of "sexual violence", which is defined as any violence, physical or psychological, carried out through sexual means or by targeting sexuality. Sexual violence covers both physical and psychological attacks directed at a person's sexual characteristics, such as forcing a person to strip naked in public, mutilating a person's genitals, or slicing off a woman's breasts. "Contemporary Forms of Slavery: Systematic rape, sexual slavery and slavery-like practices during armed conflict. Final report submitted by Gay J. McDougall, Special Rapporteur of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities. E/CN.4/Sub.2/1998/13.

<sup>2</sup> M/1736.

<sup>3</sup> M/1017.

<sup>4</sup> M/1173.

<sup>5</sup> M/1023.

<sup>6</sup> A/0534.

<sup>7</sup> M/1782.

<sup>8</sup> M/0312; M/0315; M/0343; M/0750; M/0962; M/1053; M/1158; M/1266; M/1333; M/1447.

<sup>9</sup> M/1701.

<sup>10</sup> M/0745.

<sup>11</sup> M/1411.

<sup>12</sup> M/1190.

<sup>13</sup> M/1378.

<sup>14</sup> A/1099.

<sup>15</sup> A/0928.

<sup>16</sup> M/1411.

<sup>17</sup> M/1806.

<sup>18</sup> M/0573.

<sup>19</sup> M/1278.

<sup>20</sup> A/0225.

<sup>21</sup> A/0225.

<sup>22</sup> A/0225.

<sup>23</sup> A/1124.

<sup>24</sup> A/0230.

<sup>25</sup> A/0230, A/0228, A/0225, A/1124, A/0229.

<sup>26</sup> M/0830.

<sup>27</sup> M/1292.

<sup>28</sup> M/1416.

<sup>29</sup> M/0813.

<sup>30</sup> Report of the UN Special Rapporteur on torture, Mr Nigel S. Rodley, submitted pursuant to Commission on Human Rights resolution 1992/32, E/CN.4/1995/34, Paragraph 19, 12 January 1995.

<sup>31</sup> M/0875.

<sup>32</sup> M/1168.

<sup>33</sup> M/0457.

<sup>34</sup> M/1260.

<sup>35</sup> M/0547.

<sup>36</sup> M/1498.

<sup>37</sup> M/1214.

<sup>38</sup> M/1760.

<sup>39</sup> M/1339.

<sup>40</sup> M/1806.

<sup>41</sup> M/1458.

<sup>42</sup> M/1278.

<sup>43</sup> M/0101.

<sup>44</sup> M/0454.

<sup>45</sup> M/1759.

<sup>46</sup> M/0912.

<sup>47</sup> M/0717.

<sup>48</sup> M/0816.

<sup>49</sup> M/0312.

<sup>50</sup> A/0922.

<sup>51</sup> M/1173.

<sup>52</sup> M/1777.

<sup>53</sup> M/1617.

<sup>54</sup> M/1418.

<sup>55</sup> A/0909.

<sup>56</sup> A/0538.

<sup>57</sup> A/0065; A/0066; A/0068; A/0167; A/0168.

<sup>58</sup> M/0423.

<sup>59</sup> M/0459.

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## MISSING PERSONS<sup>1</sup>

The many cases dealt with by the OSCE-KVM in which the UCK was confirmed or alleged to have abducted Kosovo Serbs are dealt with in Chapter 19, Kosovo Serbs. When the OSCE-KVM was deployed inside Kosovo, most of the civilians who were reported to it as "missing persons" as a result of the conflict had in fact gone missing between June and September 1998, i.e. before the signing of the agreement between the FRY and the OSCE on 26 October 1998. The OSCE-KVM Human Rights Division worked with the Serb community in an attempt to locate those people and addressed itself to the UCK on this issue. Priority was given, however, to the cases of those who were reportedly abducted during the time of the OSCE-KVM deployment in Kosovo, and extensive resources were employed, often successfully, in securing a release from the UCK.

Judging by statements taken by the OSCE-KVM from refugees which relate to the period 20 March-9 June 1999, there are a large number of Kosovo Albanians whose fate is reported as unknown after they had last been seen in the custody of FRY or Serbian forces. It has been beyond the scope of this report's analysis and follow-up of the OSCE-KVM's data to determine specifically whether any of those people have "disappeared" according to the definition as set out in the UN Declaration on the Protection of all Persons from Enforced Disappearance,<sup>2</sup> i.e. that a person has been "arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government, or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, which places such persons outside the protection of the law".<sup>3</sup>

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### Notes

<sup>1</sup> To read further on issues relating to missing persons in Kosovo, see Chapter 9, Arbitrary arrest and detention, and Chapter 19, Kosovo Serbs.

<sup>2</sup> Declaration on the Protection of all Persons from Enforced Disappearance, General Assembly Resolution 47/133 of 18 December 1992.

<sup>3</sup> Allegations of such enforced disappearance are being followed up by the OSCE-MiK, which has been deployed in Kosovo since July 1999.

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## ARBITRARY ARREST AND DETENTION

The right to personal liberty and to freedom from arbitrary arrest or detention have been violated on a massive scale during the conflict in Kosovo in the time frame covered by this report. Hundreds of people were arrested or otherwise deprived of their liberty by both the Serbian and Yugoslav authorities, with a complete disregard for the guarantees contained in domestic law and international standards. This was particularly the case following the Yugoslav and Serbian military operations after 20 March 1999. Individuals were also held by armed civilians, paramilitaries and criminal gangs operating outside any legal framework, as well as by the UCK. This section focuses on arbitrary arrest and detention by the Yugoslav and Serbian authorities, but also looks at human rights abuses in the context of detentions by the UCK.

### **Arbitrary detention in Kosovo: law and practice**

It is important to note that Yugoslav and Serbian laws in force in Kosovo throughout this period incorporate many of the safeguards against arbitrary detention which are provided for in international standards such as the International Covenant on Civil and Political Rights (ICCPR). These safeguards include strict limits on the duration of detention, limitations on the police's powers of arrest and detention and guarantees for the respect for the physical integrity and dignity of the detainee.<sup>1</sup>

A person reasonably suspected of having committed a criminal offence may only be detained and held in confinement on the basis of a decision of a competent court of law. Custody shall be ordered by the investigating judge of the competent court, but only when this is indispensable for the conduct of criminal proceedings or for reasons of public safety.<sup>2</sup>

However, certain provisions of the Criminal Procedure Code (ZKP) appear to conflict with Yugoslav constitutional guarantees and international human rights standards, in that they are interpreted by Serbian police as far-reaching *carte blanche* to detain individuals for as long as three days (72 hours).<sup>3</sup>

Although widely criticized from a human rights perspective by Yugoslav jurists in the past,<sup>4</sup> these provisions, which predate the FRY Constitution, continue to apply and give the Serbian police a welcome loophole for justifying many of its activities.

After the declaration of the state of war the Yugoslav government decreed a far-reaching modification of the rules governing arrest which gave broad powers to the police, including the right to conduct house searches without a court warrant and detain persons for up to 30 days.<sup>5</sup>

### *Arbitrary arrest procedures*

The OSCE-KVM reported numerous cases where persons were detained in contravention of established procedures, rendering such arrests unlawful under national law as well as international standards. For example, in many instances arrests were made without the detainee being promptly informed of the reasons for the arrest. When challenged by the OSCE-KVM in the period January-March 1999, the Serbian police acknowledged that it had carried out widespread arrests and detentions, but denied that these were arbitrary in nature. The authorities argued, for instance, that there was no legal requirement to inform the detained person of the reasons for the arrest.<sup>6</sup> This position was affirmed by interpretations of Serbian laws which allowed the police the largest possible operational options, and the lack of judicial control of libertarian constitutional guarantees provided the Serbian police with a general privilege of impunity.

Particularly during the period of the NATO air offensive, individuals were randomly taken into custody, to be given only later a "legal document" (i.e. an arrest warrant). This indicated the reasons for their detention but failed to provide any particulars of the infractions they were accused of having committed, except for the accusation itself. This procedure was often explicitly based on the new Yugoslav state of war legislation. The random factor of many arrests and the merely formalistic issuing of an arrest warrant are highlighted by a number of cases reported to the OSCE-KVM.

An [identified and named] inspector asked [an interviewee] to co-operate and become a spy for the police. [The interviewee] refused. [The officer] threatened that if [he] did not comply [his] family would not be safe and said: "Today, the price of a man's head is cheaper than a kilo of flour. We killed Fehmi Agani, so it will be easy to kill you, too!" [The officer] knew that [the interviewee] was an activist and that [he] had spent time in prison. He gave [him] a paper saying [he] was detained on the basis of "Hostile Activity against the State" [Article 136(1) KZSRJ]. The document also mentioned that the pre-charged period was prolonged to 30 days, following a change in the law.<sup>7</sup>

### *Arrests for arbitrary reasons*

There was, furthermore, a general pattern by which Kosovo Albanians were taken into custody for completely arbitrary reasons. In such cases, the only basis for the detention was that it was often linked to situations such as individuals being from a particular village believed to be sympathetic to the UCK, or because the person happened to be a "man of fighting age", which cannot be considered an objective reason for arrest. The most common pretext for arrest was, however, the lack of any proper identification documents and the purported necessity for the police to establish someone's identity. Given that a very

large number of Kosovo Albanians did not have any proper ID cards - passport, *licna karta* (personal identity card), and so on, - they ran the permanent risk of being arrested by random patrols on roads, or in buses or market areas.

In turn, motives for the Serbian police to take persons into custody could be far more banal. In a large number of cases reported the police simply extorted money or other valuables from citizens.

On 3 February at 15:40 hours, the police went to the market behind the prison and began to threaten the people who were [buying and selling goods in the market]. Two [Kosovo Albanian] men did not know Serbian and they did not know what the police were saying. ... The police arrested them and took them to the police station. The police did not [harass] or torture them, they just took money [reportedly DM 310] and [valuables] from them and released them with the threat that, next time, they would arrest them and take them to jail.<sup>8</sup>

### *Denial of basic rights of detainees*

The constitutionally guaranteed rights of a detainee to appear in front of a judge and to challenge the legality of his/her detention were regularly violated. Any person detained must also immediately be informed about his/her right to remain silent.<sup>9</sup> The investigating judge must also immediately inform a person who has been arrested and brought before him that he may engage a defence lawyer who may attend his examination.<sup>10</sup> However, according to Yugoslav law, the defence lawyer cannot correspond and talk with his client in private prior to the examination by the Investigating Judge.<sup>11</sup>

Any person taken into custody is entitled to demand that the authorities inform his next of kin of his detention.<sup>12</sup> The court or police must notify the family of an arrested person within 24 hours, unless he objects to that notification. However, the OSCE-KVM received many complaints from family members of arrested persons (most often young men) who reported them as missing persons. In February and early March in some regions, the OSCE-KVM was inundated with telephone calls from citizens requesting to follow up and verify with the police arrests of family members who were temporarily unaccounted for. It is difficult to establish whether family members were in fact informed by police or the detainee, as the authorities tended to claim, or whether the allegations of family members were well-founded.

The denial of basic detainees' rights in the crucial phase of the first hours and days after arrest often triggered a chain of further human rights violations. It left detainees particularly vulnerable to torture and ill-treatment, used systematically to extract self-incriminatory statements subsequently used as evidence in proceedings against the detainee. Arbitrary arrests could also lead to even more serious consequences, culminating in instances of death, either through summary killing or torture (see Chapters 5, Violation of the right to life, and 6, Torture and ill-treatment).

The use of force against a person who has been detained or whose freedom has been restricted, as well as any forcible extraction of confessions or statements, is prohibited and punishable in Yugoslav law.<sup>13</sup> As has already been stated, in practice torture and ill-treatment of detainees was widespread and an apparently integral element of police conduct towards detainees.

On 6 March, [the victim, a high ranking member of the LDK in Djakovica,] ¼ and two other men were approached by plain clothes State Security police ¼ They asked to see their IDs and then drove them in [a civilian car] to the police station in Djakovica. They were initially interviewed in separate rooms on the second floor. They were asked what kind of jobs they had and how they knew each other. After that interrogation, they were taken to the fourth floor ¼ They could hear the screams of other people that were already there. [The victim] was placed in a room and three men in civilian clothes entered. They hit him on the palms with a rubber baton and asked him about [people named in his phone book]. They wanted to know how he knew the people and what their functions were. They found the names and numbers of [two OSCE-KVM members]. He told them we were OSCE. They asked him [what kind of information he would give] to these OSCE people. One of the questions was also: Are the Albanians using women to get to OSCE members? During the questioning, he was slapped on the face about 12 times. They wanted more information about the LDK and told him that they saw no difference between the UCK and the LDK. They told him that they were going to get the other two leaders and do the same to them. If they did not quit [the LDK], they would use the Chetnik-knife and cut their throats.<sup>14</sup>

### *Bypassing detention procedures by means of "informative talks"*

In order to control the maximum number of individuals without having to follow the formal requirements for lawful arrest, "informative talks" (Serbian: "*Informativni Razgovor*") were a common feature in Kosovo, and indeed throughout Serbia, since long before 1998. Individuals, particularly influential persons, knew that at any moment they could be "invited for talks" by the police or, worse, by members of the State Security Police (SDB). This practice was evidently favoured by the Serbian police because it allowed them to control citizens' movements (often amounting to an infringement of personal liberty for periods of less than 24 hours), without formally arresting the individual. For the individual concerned, such an invitation was more often than not an ultimatum, not infrequently accompanied with the threat that if the invitation were ignored, the individual would have to face "serious consequences" and would regret the lack of co-operation shown. Experience taught most Kosovo Albanians to consider the invitation an obligatory summons. "Informative talks" were therefore a means of depriving persons of their liberty while disregarding the safeguards set down in domestic law and international standards. Ill-treatment during such talks has been amply documented.<sup>15</sup>

Rather than passively waiting for the person to be interviewed, the "invitation" could also consist of taking a person to a police station whereupon, for the next few hours, security officials would question the person, trying to elicit - through various forms of coercion - information on matters of interest to

them. Additionally, threats were often made against the interviewed individual or members of his or her family, so as to force the individual to act as an informant for the security forces. The talks usually ended with the interviewed person being released on having promised further co-operation with police and having agreed to report to the police at a later date.

During the time the OSCE-KVM was deployed in Kosovo, the practice of "informative talks" continued to be reported regularly, and even increased, apparently for two reasons. First, as OSCE-KVM scrutiny increased so did the attempts by the Serbian authorities to evade that scrutiny while still satisfying their own requirements for information. Second, while in 1998 security officials could disregard legal requirements more easily, particularly in relation to the duration of detention, OSCE-KVM monitors now requested that officials account for the whereabouts of individuals, particularly if the detention became prolonged. In this context, the use of more informal "informative talks" proved useful, since the victim's family and others might only learn of the arrest after or at about the time of the victim's release.

In the period after the OSCE-KVM's withdrawal, many people who had been employed by the OSCE-KVM and others who had had a closer relationship with the organization, such as lawyers, intellectuals and political activists, were systematically summoned for "informative talks" and questioned about the OSCE-KVM's activities, which were often considered spying by the Yugoslav authorities. Later, after the passing of the state of war legislation, refugees interviewed by the OSCE-KVM did not report "informative talks" as being a common occurrence. The reason for this appears simple: in contrast to the pre-evacuation period, the Serbian authorities did not need to disguise their actions to the same extent, as the state of emergency gave them even wider powers to infringe personal liberty. They could arrest, interrogate and detain persons for as long as they pleased and, as indicated further, did so en masse. The need to adhere to the legal standard of criminal procedure, already watered down by state of war legislation, was practically eclipsed.

### *Mass arrest in the context of forced displacement*

When the Serbian police began a new series of arrests, in early 1998, it usually meant that individuals, or small groups of persons with particular links, would be sought and taken into custody. By midsummer of that year, with military operations taking place in many parts of Kosovo, large groups of villagers were being chased out of their homes and forced to move to other locations. The Serbian forces then used these movements of people as an opportunity to round up people and detain them. A pattern emerged in these incidents: IDPs would be assembled in a particular village or area, whereupon men would often be separated from women and detained in particular enclosed buildings, often school compounds. A first "screening" would be conducted in situ, and some of the detainees would be released while others would be taken to the local police station for further questioning or the "paraffin glove test" to establish whether they had residues of explosives on their hands. This pattern was found repeatedly throughout the whole period:

On 19 May 1999 [the victim], his fiancée and cousin were together in the apartment of the fiancée [in Pristina]. Four police officers [forced the door, entered the apartment] and

asked for documents. [The victim] gave his passport, the cousin did not have any documents, because they had been taken by paramilitaries in Kacanik one week before. The two men had to go out in the street, where already approximately 30 other men were gathered holding their hands behind their heads. They had to walk in a queue to the police station, where they were led to the basement. [The victim] was hit in the nose and neck with fists and kicked in the back. Had to wait for two hours. One by one they were taken to a separate room and beaten up; while lying down [the victims] were beaten with a club. At one point a police officer came and told them to stop, but that lasted only a short time.

The victim's fiancée went to the police station to ask about his whereabouts, where she saw a lot of other [detainees] arriving (approx. 200). Afterwards they took them five by five to the first floor for the paraffin test. Afterwards everybody had to wait in the basement for two inspectors [to hold] "informative talks" one by one. [The victim] was asked about his exams, his professors, etc. He had to stay until 20:00 hours and was released together with a few other people. <sup>16</sup>

[Another interviewee] said that on 30 April he was stopped in Prugovc for two hours by police with a convoy from Majance. Police separated 300 men between 15 and 65 and sent them into the yard of a house. Police applied the paraffin test. The interviewee was sent back to the convoy, but although their test were negative as well his son and two brothers were sent with the rest of the group to the prison in Lipljan. <sup>17</sup>

While several individuals were released, others would be charged and sent to pre-trial detention. It was a common feature that during all of this time in detention there would be reports of ill-treatment, and sometimes torture. These mass arrests led to a dramatic increase in the number of persons charged and later tried on accusations of "terrorism". <sup>18</sup>

During the period of the OSCE-KVM's deployment, up to the point of its evacuation, occurrences of mass arrests were almost non-existent, the only exception being the round-up of people that followed the Serbian forces' offensive in villages south of Kacanik/Kacanik in March 1999. This constituted a significant change of pattern from 1998, even though incidents of significant displacements of population still took place as of December 1998 and thereafter. In this respect, it is most probably because of the OSCE-KVM's monitoring of IDP movements that such mass arrests did not take place. The incident in Kacanik was indicative of the deteriorating situation by March 1999, and of events to follow.

On 9 March all during the day groups of IDPs were coming out of the woods from the hills to be taken to shelter facilities in Kacanik. The OSCE-KVM observed that the men were being separated from the group and taken to the Kacanik police station for "informative talks", or eventual arrest. The OSCE-KVM counted some 125 men taken in this way. The Police Commander said that they were looking only for higher-ranking UCK members and that the others would be released within hours. <sup>19</sup> On 10 March

the OSCE-KVM inquired of the police about the 125 men; they were told that all but 23 were released the previous night. The acting Police Commander in Kacanik promised to provide a list of the 23 men who had been brought to Urosevac for further interrogation.<sup>20</sup> After their release, one of the those detained gave the following statement to the OSCE-KVM:

My family and I were remaining in our village of Laj (210 inhabitants) even if we were aware of the police offensive. We did not want to escape. We have been living in a camp for 12 days. On 8 March, the police came to the village at around 13:00 hours and separated the men from the women. They told the women that their brothers, fathers and husbands would be brought to the police station for informative talks and that they would be brought back home soon. Twenty-two men from 15 to 58 years were put in a truck and sent to the Kacanik police Station. We stayed approximately half an hour in front of the police station and then we were brought to the Urosevac police station. We were beaten in the hall of the police station, punched, kicked by both police officers with uniforms and civilians clothes. Then, we were brought to a sports centre near the police station on the road to Stimlje where we stayed all night long. We had to put our elbows on the wall while they were beating us on our back. I was three or four times unconscious. I was there with my two brothers and my father. They told us we were UCK members. I denied and swore I was only a simple civilian taking care of his family. They asked us questions such as: `who told you to get out of the village, who gave you weapons..?'<sup>21</sup>

After the OSCE-KVM's evacuation, and with the large displacement of population, the pattern of rounding up people and mass arrests intensified to dramatic levels. The OSCE-KVM interviewed dozens of individuals who were subjected to such practices, taking place more or less all over Kosovo and even in southern Serbia proper.<sup>22</sup> By late April and early May, dozens of men were being taken on a daily basis and sent to various prisons, notably Pristina/Prishtina, Smrekovnica/Smrekonice (Vucitrn) and Lipljan/Ljipan. The OSCE-KVM interviewed a large number of men who indicated how they were rounded up as the IDP column they were in was stopped. A large number of men was also arrested when the Yugoslav and Serbian forces conducted arrest operations in particular areas of some of the main towns in Kosovo, particularly Pristina, Kosovska Mitrovica/Mitrovice, Glogovac/Gllogovc, Djakovica/Gjakova, and Pec/Peja. All of these men ended up spending weeks in harsh detention conditions (see Chapter 6, Torture and ill-treatment, and the entries in Part V for Vucitrn and Lipljan municipalities) during which time they were regularly ill-treated or even tortured, before being released, only to be driven to the border with Albania and the former Yugoslav Republic of Macedonia effectively in order to be deported.

On 30 March an interviewee and 13 other men were arrested in Decani/Decane. They and 60 other Kosovo Albanians were first held in a storehouse for several hours and then placed on a truck and brought to Pec police station where they had to stand up in a packed narrow room all night. On 31 March they were beaten by police and prison guards wearing black uniforms, and were interrogated about the UCK by five police officers. In the evening they were taken out of the building and ordered to remove their shoes, and had their hands and feet hit with batons while being questioned about the UCK.

police officers said: "Tell us what you know about the UCK or we will kill you!" They were held in the narrow room for eight days. On 9 April they were trucked by the police and VJ to Zur near the Albanian border.<sup>23</sup>

In mid-April, after a mass killing in Vrbovac (Glogovac), 175 men were taken from there to the mosque in Cirez (Srbica) and from there to the police station in Glogovac, where they were severely beaten for six hours. Afterwards they were sent to Pristina. In Pristina they were again beaten for several hours with police batons, iron poles and rifle butts. The day after, all 175 men were transferred to Lipljan.<sup>24</sup>

One of the most detailed descriptions of an example of mass arrest and ensuing systematic forced self-incrimination is found in a statement made by a boy who had just turned 15, when he was detained in Kosovska Mitrovica on 16 May:

Police wearing military uniforms surrounded my quarter at 05:00 hours. People in the quarter were gathered together in a convoy to leave. As they were departing from the town, police stopped the convoy and separated men from women and children, telling them that this was being done to issue (humanitarian aid) cards. Women were taken to the bus station and (about 500) men were put in trucks. The men were taken to Smrekovnica prison [near] Vucitrn. Upon arrival, the men were forced to run into the prison. [The interviewee] was beaten with a club by a Serb while running.

The following day the police came with a "confession document" for everyone. The document stated that the [undersigned] person was a terrorist since 1 May until his capture by police, they were in possession of arms at the time of capture. [The interviewee] signed the document. The group was taken in two queues to another building being beaten for the entire walk. The documents were done by one person on a computer and handed to the detained men to sign. Everybody signed it because of fear.

Every day 80-100 men were taken to the Medical and Technical Schools for questioning about UCK involvement. We were beaten while questioned.

On 25 May [the interviewee] was taken to the Medical School [and] was asked where [they] lived, [whether they] were UCK, [whether they] knew certain UCK members, etc. The police put [the interviewee] up facing the wall and told [him] to think about it. After a few minutes they put [him] back in the chair and asked if [he] knew [interviewee's neighbour]. [He] answered "yes, but I don't know where he is". The questioning lasted about 30 minutes. During that time [he] was beaten on [his] back seven times. Afterwards, [he] was returned to the prison.

On 26 May [the detainees] were given back the ["confession documents"] which now [included their] statements from the questioning and [they] were told to sign again."<sup>25</sup>

Many of those arrested and detained during the conflict, as well as detainees who had been in pre-trial detention in Kosovo prisons or serving prison sentences after convictions, were not released, but were transferred to prisons in Serbia proper accompanied by Serbian and Yugoslav forces when they withdrew from Kosovo in early June. Whereas many of them are accounted for, there are many unconfirmed reports of hundreds of men (but also some women) who were arrested and detained by the Serbian authorities and whose fate and whereabouts remain unknown. These allegations of enforced disappearances are currently being followed up by the OSCE with the Yugoslav authorities.

### *Arbitrary arrests as a method of restricting freedom of movement*

Checkpoints and other forms of police control, particularly on public transport, increased the possibility of Kosovo Albanians' being victims of arbitrary arrest. This, in turn, played a significant part in generating fear of movement among the population.

Prior to the OSCE-KVM's deployment, arrests during police controls were common occurrences and, as a result, movements in and out of certain areas were almost non-existent. Even travels in or out of Kosovo could expose individuals to such arrests, as highlighted by the case of the arrests of several Kosovo Albanian men returning from working abroad.

[The informant] stated that after working in [the former Yugoslav Republic of] Macedonia for two months ... he became concerned about the safety of his family in Suva Reka [and returned to Kosovo]. On 3 July 1998 ... the bus he was travelling on was stopped by the police in Prizren. [The] police gathered 61 men including the complainant and transferred them to the police station in Prizren, [where] they [took] his personal property and [detained] him. During this time he was beaten severely by several police [officers], and tormented when they placed electrical devices on his hands and ears. While they were doing this they kept asking questions about the UCK. When he told them that he didn't even know what the UCK was they kept up this type of treatment for hours. [The complainant] stated that they released him at about 03:00 hours. All they gave him at this time was a document release form and his ID card. They kept three boxes of cigarettes and his passport.<sup>26</sup>

The OSCE-KVM's verification activities assisted in many ways in restoring freedom of movement as, in the beginning at least, checkpoints were taken down. As the situation deteriorated, police controls reappeared on a larger scale although in more deceptive ways, and numerous cases of arbitrary arrests again started to be reported. In turn, fear of travelling increased.

It can be argued that the Serbian authorities had some legitimate purposes in conducting police controls, since they were conducting a widespread anti-terrorist operation. However, the arbitrary nature of the actions taken by the police in exercising these controls, particularly through arrests, had a significant impact on restricting the otherwise legitimate movement of persons.

*Treatment during pre-trial detention*

Yugoslav laws and international standards require that persons in detention be treated humanely and with respect for their dignity. Also, persons in pre-trial detention accused of having committed a crime and those already convicted of criminal offences should be segregated, not least to uphold the principle of the presumption of innocence unless proved guilty in a fair trial. The OSCE-KVM received a large number of complaints that principles governing correct detention were blatantly violated in Kosovo by Yugoslav and Serbian authorities.<sup>27</sup> The following prisons and other established places of detention are dealt with in Part V of this report, in the relevant municipality entries: Dubrava Prison (Istok), Lipljan Prison (Lipljan), Smrekovnica Prison (Vucitrn), Pristina police station (Pristina), Pec police station (Pec), Djakovica police station (Djakovica).

The general policy of the OSCE-KVM was that, in order not to undermine the role of the ICRC, visits to detention facilities were the prerogative of the ICRC and that no prison should be visited unless in coordination with them. In practice, no such OSCE-KVM visits to detention facilities were conducted. All information on those facilities therefore originates from former detainees themselves, their family members and human rights lawyers. The conditions for detainees at the various detention facilities in Kosovo were altogether bleak (see also Chapter 6, Torture and ill-treatment).

As the detainees arrived at Lipljan prison they were beaten by the guards from the gate until they reached the building.<sup>28</sup> Some 40-50 guards were lined up in two columns and while the detainees passed through them, they were beaten with rubber batons and kicked by the guards.<sup>29</sup> One interviewee could see the path going to the gate from his cell and described how he saw the guards washing off the blood on the ground after the beating.<sup>30</sup>

A former detainee who was in the group of approximately 120 Kosovo Albanian men arrested in Vrani Do/Vranidoll (Pristina) describes his arrival at Lipljan prison sometime in May 1999<sup>31</sup>:

When we were out of the bus [we were] beaten again. In the prison we were [registered], taken to the cells and beaten again. We were 38 people in one room, where we stayed for two weeks (there were some mattresses). I heard that 1,000 ... deserters arrived, and we were taken [out] of the room and sent to an empty room. During one week we were beaten every day and [verbally harassed]. Then we were sent to a sports hall. We were 400 to 500 people there. Every day when the guard came we had to say: "I am here according to Articles 125 and 136 of the Yugoslav anti-terrorist law!"<sup>32</sup>

...The Serbian prisoners were allowed to receive visits from their families. We did not have this chance.

During [the time in prison] they [would] bring one quarter of [a loaf of] bread with water

around 10:00 hours and the same again at 16:00 hours. ... [When going to the toilet] we were just washing our face quickly with cold water. The schedule was three times a day. But any time we had to go to the bathroom, we were sure in advance to be beaten. So it was better not to go. ... When the cook [came] to distribute the bread, he [would make us say]: "Long live Serbia!" Otherwise [there was] no bread. Also the Serbian prisoners were free to come and beat us. ... We were often beaten on our hands. ... At any moment, we had to [hold] our ears, [in order] not to hear the screams."<sup>33</sup>

As this example showed, the treatment of detainees, especially according to reports referring to the period after the OSCE-KVM's withdrawal, was often anything but humane and respectful of human dignity. During the Serbian offensive, garages, empty private buildings, factories, schools, barns and other buildings were used as improvised detention facilities, which had even lower standards than ordinary prisons. This type of detention was most often accompanied by ill-treatment or torture.

When detainees arrived at Smrekovnica prison they had to run the gauntlet of lines of guards, and were all beaten severely at this time. Conditions of detention at the prison were humiliating: cells were overcrowded, detainees were deprived of food and water, and toilet facilities were lacking. In all cases, when the victims described their detention in Smrekovnica prison, they mention the fact that before, during and after the continuous process of interrogations they were severely beaten. At the interrogations they were asked questions about their connections with the UCK and forced to sign statements admitting their membership of the UCK.<sup>34</sup>

One statement described the document the detainees were forced to sign:

On the second day in prison we were given a document with the statement on the back dealing with Yugoslavian law on terrorism. The front page was empty. Stated on this document was "you are accused of taking part with the UCK against the Serbian armed forces from March to 16 May". The prisoners believe this document was written [in such a way that the] one whose name is on the document could never return to Kosovo.<sup>35</sup>

According to Article 24 of the Constitution of FRY (and the almost identical Article 16 of the Constitution of Serbia) "...The length of detention [before trial] must be of the shortest possible duration." The Criminal Procedure Code institutes a maximum of six months. In practice, this maximum rule tended to be taken as stipulating the time expected to be spent in detention before trial. There were frequent cases of this time limit expiring without a formal bill of charges being presented. The reason for this was often the complete lack of evidence for any criminal offence. Often, persons were found guilty, convicted for time served and released. Hence, the state would not have to compensate for any damages incurred for being wrongfully detained, as guaranteed by the Constitution.

### *Impunity and lack of redress*

According to Yugoslav criminal law, an official who takes advantage of his official authority with the intention of causing damage to a third person commits a criminal offence.<sup>36</sup> This is particularly true so if it leads to substantial damage to or a serious breach of another person's rights, such as the right to personal liberty. Since violations of this law were largely made with impunity, for many Kosovo Albanians the sight of Serbian security officials carried the fear that, for arbitrary reasons, they could face the prospect of restriction of liberty, theft, abuse of physical integrity, or even the loss of life.

The OSCE-KVM was not aware of any case where a Kosovo Albanian who had been arbitrarily arrested, and whose right to liberty was therefore restricted, actually exercised their right to ask for compensation.

### **Arbitrary detention by the UCK**

In an effort to assert its legitimacy, the UCK early on decided to create its own military police and judicial system. Through this exercise the UCK tried to justify what amounted to abductions of civilians who had contravened UCK dictates or its conduct of operations. Individuals and small groups of people, often accused of being "traitors or collaborators", were forcibly taken and sometimes subjected to summary trial procedures for infractions that were defined to embrace conduct deemed inappropriate by the UCK.<sup>37</sup> There appeared to be no legal basis for these proceedings under international or domestic law.<sup>38</sup>

Even if a legal basis had existed to enable the UCK to organize such a judicial system, the absence of predictability as to what constituted punishable conduct under this system would have rendered all detentions effected under it arbitrary. Moreover, these detentions were generally the result of on-the-spot decisions made by UCK members in the field, which the UCK command then tried to justify as amounting to some kind of lawful detention under a so-called "Criminal Code of War" (see below). This again underscored the arbitrary nature of such detentions.

The OSCE-KVM made several attempts at gaining access to UCK detention facilities which were denied "for security reasons". It was explained that those in the custody of the UCK were kept in houses and had to be moved around depending on the level of fighting. However, the OSCE-KVM was on one occasion granted access to eight alleged detainees, Kosovo Albanians charged with "looting, stealing, or collaboration with the enemy", and was able to interview the detainees in private.<sup>39</sup> The OSCE-KVM was also informed by UCK commanders that several people were also kept under some form of house arrest.

The general detention procedures of the UCK were described as follows: after information was received by the UCK police that a "crime" (i.e. infraction of UCK codes) had been committed or collaboration was alleged, an "invitation" was issued to the person concerned. If that person did not respond to the summons, he was taken into custody by the UCK police. These were reported to have acquired a degree of sophistication, with files, fingerprints, witness statements, UCK intelligence and so on, which

corresponded to the claim of legitimacy and procedural correctness. With respect to procedure, the UCK asserted that each brigade in the UCK had a military police chief who had the authority to indict according to UCK military rules. UCK officials claimed that when people were indicted they were held in detention for up to two to three months before being brought before a military court, which was said to be composed of a board of judges, an investigative judge, and a jury, all of whose members were lawyers or officers; the OSCE-KVM was not permitted to observe these trials. The OSCE-KVM was assured that the ill-treatment of detainees/prisoners was forbidden according to the Geneva Conventions and the UCK "Criminal Code of War" and that should it nevertheless occur, disciplinary action would be taken. According to the UCK military police, conditions for the detainees were the same as for UCK fighters themselves, that is, they received food three times a day, were able to work and walk outside, and had access to toilets and showers. Even family visits and medical assistance were possible whenever the circumstances allowed.<sup>40</sup> However, there were a number of reports of ill-treatment and killings of people abducted by the UCK.

An illustrative example of detention by the UCK occurred on 11 February 1999 in Racak/Racak and Stimlje/Shtime. The UCK abducted nine Kosovo Albanians in Racak, either during the funeral of the victims of the mass killing of 15 January 1999 or on their way back to Stimlje after the funeral. They were detained by armed young men dressed in black civilian clothes and were driven in private cars to Petrovo. All of them stayed in a stable for the following night. Two later said that they had been ill-treated. Most of them were interviewed by the UCK Commander of Petrovo and informed of the reasons for their detention: "having a brother working with the police and being suspected of having weapons; drinking with Serbs and having Serb friends; having a police officer as a friend." They were all released in the evening of 12 February but most of them stayed the night in Petrovo because they were afraid to go back home that late.<sup>41</sup>

In a meeting on 22 February, the UCK confirmed that nine people had been detained on 12 December 1998 in Dramnjak/Dramnjake (Stimlje) and gave assurances that they were alive and well treated. The reasons for holding them were given as: "prostitution, relations with Serbs, suspected espionage activity". They were awaiting further proceedings against them. The UCK said that their families could send them letters and clothes through the UCK command in Petrovo.<sup>42</sup> However, the UCK admitted that Serb policemen who had been detained had not been treated in the same way as other prisoners.<sup>43</sup>

The OSCE-KVM was denied a copy of the UCK's "Criminal Code of War", so had no information about any punishments laid down by the UCK for people convicted under this code.

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## Notes

<sup>1</sup> Articles 23 and 24, Constitution of the FRY; Articles 1(2) and 190(2) ZKP.

<sup>2</sup> Article 16, Constitution of the FRY.

<sup>3</sup> Article 196 ZKP; Article 9 (1) of the ICCPR states that "Everyone has the right to liberty and security of the person. No one shall be subjected to arbitrary arrest and detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law".

<sup>4</sup> Human Rights in Yugoslavia 1998, Belgrade Centre for Human rights, pp. 75-88.

<sup>5</sup> Decree on Application of the Law of Criminal Procedure during the State of War. Official Gazette of the Federal Republic of Yugoslavia, vol. VIII, no. 21, 4 April 1999.

<sup>6</sup> Although international human rights standards and the Yugoslav Constitution (Article 24) demand that the person arrested be informed immediately about the reasons for his or her arrest, the Constitution of Serbia does not give such guarantees to the arrested person.

<sup>7</sup> M/1786. The interviewee, a political activist (LDK) from Gnjilane, was arrested on 10 May 1999.

<sup>8</sup> PR/00/063/99.

<sup>9</sup> Article 23, Constitution of the FRY.

<sup>10</sup> Article 193(1), ZKP.

<sup>11</sup> Article 74, ZKP.

<sup>12</sup> Article 23, Constitution of the FRY

<sup>13</sup> Article 24, Constitution of the FRY. This constitutional rule is defined in Article 190, KZSRJ.

<sup>14</sup> PE/03/58/99. Pec, 6 March

<sup>15</sup> See, for instance, reports on events at the Djakovica Police station.

<sup>16</sup> M/1801.

<sup>17</sup> M/1510.

<sup>18</sup> As documented in Chapter 10, Violation of the right to a fair trial, the fact that a number of men were

randomly arrested at the same day in the same area would follow them through an entire trial and was supposed to indicate the "association for terrorist motives" as described in Article 136, ZKP.

<sup>19</sup> OSCE-KVM/RC5/CC Urosevac, Special Report, 11 March 1999.

<sup>20</sup> Ibid.

<sup>21</sup> PR/03/081/99, PR/03/082/99.

<sup>22</sup> M/0273 and M/1489.

<sup>23</sup> A/0976.

<sup>24</sup> M/1390; M/1389.

<sup>25</sup> A/1069.

<sup>26</sup> PZ-003-061-99.

<sup>27</sup> Some notable examples are given in Chapter 6, Torture and ill-treatment.

<sup>28</sup> M/1606; M/1390.

<sup>29</sup> M/1734.

<sup>30</sup> M/1734.

<sup>31</sup> See also M/1739.

<sup>32</sup> For the text of these legal provisions see Chapter 10, Violation of the right to a fair trial.

<sup>33</sup> M/1777.

<sup>34</sup> For more examples and references see Part IV, the material relating to Smrekovnica prison in the entry for Vucitrn municipality.

<sup>35</sup> A/0807.

<sup>36</sup> Article 174, KZSRJ. According to Article 189, KZSRJ, "an official who, in the course of his duty, unlawfully deprives another person of his freedom of movement, shall be punished with three months' to five years' imprisonment. If the unlawful deprivation of liberty lasted for more than 30 days, or was carried out in a brutal way, or if such treatment of the person who was illegally deprived of his liberty caused a severe impairment of his health, or if other serious consequences occurred, the offender shall be punished by between one and eight years of imprisonment."

<sup>37</sup> For example PZ/00/60/99; PR/01/0027/99; PR/01/0071/99 (UCK abducted a Kosovo Albanian who allegedly served in the Serbian paramilitary forces in Bosnia and committed war crimes); PR/01/0072/99; PR/02/0017/99; PR/02/0041/99; PR/02/0049/99; PR/02/0062/99; PR/02/0077/99.

<sup>38</sup> Article 6 (2) of Protocol II additional to the four Geneva Conventions states that "no sentence shall be passed and no penalty executed on a person found guilty of an offence except pursuant to a conviction pronounced by a court offering the essential guarantees of independence and impartiality". Few if any of the guarantees listed in the Article were provided in UCK proceedings.

<sup>39</sup> OSCE-KVM, Human Rights Division (HQ), Record of a meeting on 18 February with the UCK Zone Commander and the UCK Military Police Chief in Lapastica (Podujevo) regarding detention visits, 26 February 1999.

<sup>40</sup> OSCE-KVM, Human Rights Division (HQ), Record of a meeting on 18 February with the UCK Zone Commander and the UCK Military Police Chief in Lapastica (Podujevo) regarding detention visits, 26 February 1999; PZ/00/60/99.

<sup>41</sup> PR/U/047-PR/U/052/99.

<sup>42</sup> OSCR-KVM, CC Urosevac Weekly Report, 25 February 1999.

<sup>43</sup> OSCE-KVM, Human Rights Division (HQ), Record of a meeting with the UCK Zone Commander in Petrova on 23 February 1999 regarding detention visits.

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KOSOVO / KOSOVA As Seen, As Told

OSCE ODIHR

## VIOLATION OF THE RIGHT TO A FAIR TRIAL

### Background: trials in Kosovo

#### *Introduction*

A major human rights task of the OSCE-KVM while deployed in Kosovo was the monitoring of trials. At the time of its initial deployment, in late 1998, the trials of people facing charges relating to "terrorism" or "subversive activity" were far from being a new phenomenon in Kosovo. In previous years, groups of Kosovo Albanians were tried and convicted of such offences in a few instances per year (for example, three such trials were held in 1997), usually following waves of arrests carried out by the Serbian police. Two trials took place in the early months of 1998, albeit it was not until August 1998 that another similar case would be heard.<sup>1</sup>

However, by May 1998 growing numbers of people were arrested, up to the point that, on the conclusion of the Milosevic-Holbrooke and Geremek-Jovanovic accord (see Chapter 1, Kosovo: the historic and political background), hundreds were awaiting trial, while others had been convicted and were serving prison sentences.

The October 1998 accords contained provisions that could have been interpreted, at least in the view of the international community, as providing amnesty to the individuals awaiting trial, and a review of sentence for those convicted prior to the accords.<sup>2</sup> Overall, this resulted in a confused period when court proceedings scheduled to take place in late October and November 1998 were generally postponed while Presidents of Courts awaited instructions from Belgrade on the interpretation to be given to the accords. The Serbian Government reportedly decided that pending cases should be re-examined, which resulted in the release of a few individuals, but that the prosecution of the vast majority of the accused should proceed. As a result, by the time of the OSCE-KVM's deployment, Belgrade's instructions had apparently been received and trials resumed in earnest in all of the district courts.<sup>3</sup>

Within the next few months, hundreds of individuals would stand trial - and mostly be convicted - for having participated in terrorist activities. The OSCE-KVM monitored a significant number of those trials, which most probably had a positive impact on some individual cases and on the overall conduct of

the trials. However, a large number of accused persons were convicted in circumstances where the proceedings cannot be considered to have been fair according to international standards.

The material contained in this section focuses on the period prior to 20 March, the date of the OSCE-KVM's withdrawal from Kosovo, when the OSCE-KVM was able to gather first-hand information by its monitoring of trials. The material here also refers to incidents that had taken place before the deployment of the OSCE-KVM but that were revealed during the trials, as defendants endeavoured to tell of their treatment during arrest and in pre-trial detention. After the evacuation of the OSCE-KVM, information about the conditions of detainees, as received from refugees interviewed by the OSCE-KVM in the former Yugoslav Republic of Macedonia and Albania, indicates that standards of fair trial were even less respected under the legal provisions of the state of war declared by the FRY government on 24 March 1999 (see Chapter 9, Arbitrary arrest and detention).<sup>4</sup>

Throughout this section, examples are provided mainly from two trials, as they are indicative of the various violations covered under the right to fair trial, as laid down in international and Yugoslav national instruments. One of the trials took place in Pristina/Prishtina in January-February 1999,<sup>5</sup> and concerned 26 men, nine of them arrested near Urosevac/Ferizaj in late June 1998, the rest being tried in absentia (the "Urosevac group" trial). The second trial took place in Pec/Peja in February 1999,<sup>6</sup> and involved 14 men arrested in a forest near Ponorac/Panorc (Orahovac) on 3 September 1998 (hereafter referred to as the "Pec group" trial). Excerpts from reports of other cases monitored by the OSCE-KVM are used to highlight particular points.

### *Trials monitored by the OSCE-KVM*

The judiciary in Kosovo comprised the Municipal Courts at municipality (*opstina*) level and five District (*okrug*) Courts in Pristina/Prishtina, Pec/Peja, Prizren/Prizren, Kosovska Mitrovica/Mitrovice and Gnjilane/Gjilan. Outside Kosovo, the Republican and Federal Supreme Courts in Belgrade served as courts of appeal. Furthermore, Municipal Courts for Misdemeanours (Sud Za Prekrasaje Opstinski Organ) dealt with special cases foreseen as proscribed in law.

During the period when the OSCE-KVM was deployed in Kosovo, trials were held at all levels of the Serbian and Yugoslav judicature in Kosovo and Serbia. Limited resources, however, constrained OSCE-KVM monitors to focus on trials where charges were based on accusations of crimes related to the conflict, in particular those based on terrorism and subversive and conspiratorial activity which were held at District Court level. On several occasions, however, trials were also monitored at Municipal Court level.<sup>7</sup>

Generally, access for OSCE-KVM monitors to trials at District Courts was granted without difficulty. Often, judges were courteous and jovial, stressing that "of course" they would accept international monitors to endorse the high standards of the Yugoslav judiciary. The reaction was less enthusiastic when OSCE-KVM endeavoured to monitor trials at the Municipal Courts and Courts for

Misdemeanours.<sup>8</sup> Although no trials involving terrorism charges would be heard at those courts, many charges relating to the conflict, as well as cases with a human rights dimension such as those concerning property and housing, and minor criminal offences which could lead to punishment involving imprisonment, would be dealt with at these levels.

The OSCE-KVM encountered serious problems obtaining information on trial schedules, and was sometimes probably even deliberately misinformed on when or where a trial would take place.<sup>9</sup> Many trials were postponed, often for no obvious reason (and although no new evidentiary material was to be expected), while the detention of the accused was regularly prolonged by court decision.

In Pristina only three large cases were monitored, each stretching over several weeks as sessions were often postponed ("Urosevac group" - 26 accused, four weeks in session in January and February; "Pristina group" - eight accused, seven days in session in February and March; another case with one defendant, two sessions on 19 February 1999). In Pec, 35 trials involving terrorist charges were monitored at the District Court, the highest number of defendants in a single case being 14, with most cases involving only one or on average two or three defendants. In Djakovica/Gjakova, one trial was monitored at the Municipal Court. In Gnjilane, one trial with 16 defendants was monitored.

In Prizren, the OSCE-KVM first started to monitor terrorism trials in December 1998. At a trial on 28 December at least 30 people were accused in the same case, although only 26 defendants were present during the court proceedings. The OSCE-KVM monitored two further trials in February (seven defendants) and March (24 defendants, all of whom were found guilty of terrorism). In that region the OSCE-KVM established a good working relationship with the local judges and even achieved a visible improvement in the conditions in the courtroom, as court guards carried only small arms after the OSCE-KVM had complained about the presence of machine-guns during the trials. In Kosovska Mitrovica, several trials were monitored relating to terrorism charges, which resulted in prison sentences of three to four years.<sup>10</sup>

Sentences handed down for terrorist activities could be well over 10 years' imprisonment.

The OSCE-KVM being only mandated for Kosovo, it was not in a position to cover the few trials of Kosovo Albanians arrested in Kosovo but tried in Serbia proper. At least two types of such cases were tried. Largest in number were the cases of Kosovo Albanians arrested by VJ forces in the border area, particularly the FRY/Albania border. In these cases, since the VJ forces deployed in Kosovo were part of the Third Army Corps, individuals arrested in such circumstances were detained and eventually tried in the Military Court in Nis (Serbia), the town where that particular VJ corps was headquartered. In a separate instance, a group of Kosovo Albanian men, originally over 50 persons, was arrested on a bus in Podujevo/Podujeve (Podujevo) and tried in Prokuplje (Serbia) in February 1999.<sup>11</sup>

*Criminal law applied*

The criminal legislation in force in Kosovo was based on two penal codes, the Criminal Code of the Republic of Serbia (KZRS) (republican law), and the Criminal Code of the Federal Republic of Yugoslavia (KZSRJ).<sup>12</sup> A special section of the KZSRJ deals with "Criminal acts against the bases of the socialist self-managing social system and the security of SFRJ" (Chapter XV). This section, and mainly Articles 125 and 136, contains the provisions that formed the basis for most of the "terrorist" cases tried in Kosovo during the period covered by this report.

### **Terrorism**

#### **Article 125 KZSRJ**

Whoever causes an explosion, fire or takes some other generally dangerous action out of hostile motives against the [FRY], or commits an act of violence which may create a feeling of personal insecurity in citizens or in a group of citizens, shall be punished by imprisonment for not less than five years.

#### **Associating for the purpose of hostile activities (against the people and the state)**

##### **Article 136 KZSRJ**

(1) Whoever sets up a cabal, band, group or any other association of persons for the purpose of committing criminal acts under [Article] 125..., or whoever forms a group for the purpose of transferring or dispatching citizens of the [FRY] abroad for the sake of carrying out hostile activities against the [FRY], shall be punished by imprisonment for not less than five years.

(2) Whoever becomes a member of an association referred to in paragraph 1 of this article, shall be punished by imprisonment for not less than one year.

(3) The member of an association referred to in paragraph 1 of this article who exposes the association before he has committed a criminal act defined in the provisions of this chapter in the association's ranks or on its account, shall be punished by imprisonment for a term not exceeding three years, but the court may also refrain from imposing a punishment on him.

#### **Being an accessory to criminal acts**

Article 137 (1) Whoever conceals, shelters or gives food, material, money and other means to the perpetrator of a criminal act referred to in [article] 136 ... of this law, whoever serves him in maintaining liaison, undertakes actions aimed at obstructing the discovery or apprehension of the offender, or renders him assistance in any other way, shall be punished by imprisonment for not less than one year.

(2) The sentence for the acts referred to in paragraph 1 of this article may not be more severe by neither its type nor its gravity [sic] than the sentence prescribed for the criminal act which was the subject of the assistance.

These provisions were used to penalise a wide range of activities. The following examples provide a general overview of the type of accusations laid against groups of individuals in relation to the type of conduct which supported these accusations.

**Assistance to the UCK:** On 12 July 1998, Fatima Boshnjaku, an activist of the Mother Teresa Society was arrested as she was attempting to deliver a shipment of humanitarian aid, mostly blankets, soap and food, to Seremet/Sheremet (Djakovica). The prosecution argued that this village was under UCK control, thus the supplies delivered by the defendant were intended to assist the "terrorists". The actual charge levied against the accused, under Article 137 KZSRJ, was that "she has assisted in committing the criminal acts of organizing hostile activities mentioned in Articles 136 and 125 KZSRJ, by abusing her function as secretary of the Djakovica branch of the humanitarian organization Mother Teresa Society and providing food, blankets and sanitary material to the so-called 'UCK', a terrorist organization active in Dobros and Seremet".<sup>13</sup>

**Organization or participation in UCK units:** In the "Pec group" trial, all 14 defendants were among a group of IDPs intercepted by the Serbian police on 3 September 1998 in a forest near Ponorac (Orahovac). After being surrounded by helicopters, and asked by megaphone to surrender, the men were separated from women and children. During the ensuing search, lists were allegedly found containing the names of presumed UCK members, and some weapons were found. All of the defendants were charged under KZSRJ Articles 125 and 136 (qualified by Article 139),<sup>14</sup> and the whole case revolved around establishing the presence of some UCK elements in the region from where the defendants originated, and the idea that those named on the list were actual UCK members. Six of the men were eventually acquitted when the evidence presented failed to establish any links between them and the list or the weapons but, by that time, they had already spent over five months in detention. The other defendants were convicted and sentenced to lengthy prison terms.

Ultimately, the bringing of charges under Article 136, particularly part 2 with its punishment for "association", usually without any other companion criminal charges, meant that membership of or even sympathy with the UCK became the determining, often the sole factor, in deciding a defendant's guilt. Article 136 made it extremely easy to interpret a large variety of circumstances as association with the UCK.

### *Impartiality and independence of the judiciary*

As the autonomy of Kosovo was revoked in 1990, several hundred Kosovo Albanian state-employed legal professionals, including judges, were dismissed and eventually replaced by Serbs, albeit a minority of Kosovo Albanian judges, as well as judges from other national communities, remained in office, mainly in lower courts. As a result, Kosovo Albanians were very sceptical about the impartiality of a judiciary system wherein one ethnic group would basically be judging the other. This scepticism was also strengthened by the fact that lay judges sitting on benches hearing such cases as "terrorism" were often retired Serbian state employees, including former policemen. Furthermore, the independence of the judiciary presupposes that it is protected from undue influence by the executive branch. In this respect,

Kosovo Albanian legal professionals viewed the judicial system as no more than an arm of the Serbian executive's repressive effort. These professionals were often able to recount examples whereby organs of the executive, particularly Serbian State Security officials, had manipulated the judiciary or had disregarded judicial decisions. Such examples included consultations between the public prosecutor and judges before and during trials - a common occurrence.<sup>15</sup>

Members of the OSCE-KVM who monitored the trial of the "Urosevac group" recorded that they had the impression that the presiding judge was biased against the accused. He ignored and rejected without any comment the majority of the defence lawyers' requests and evidence that could exonerate the indicted. The court did not summon any witnesses, including expert witnesses, although the defence counsels requested this.<sup>16</sup>

The general trust in the fairness and impartiality of the Serbian judges was not enhanced by the temporary deployment of judges from Belgrade to Kosovo courts in order to tackle the rising case load. These judges - whose technical qualifications could not be doubted - were nevertheless considered to be hard-liners with a political task, and of questionable independence from the police and the prosecution.

## **Pre-trial procedure**

### *Investigations*

Under Yugoslav law, Investigating Judges conduct investigations into criminal acts. As such, they are given the responsibility of documenting the crime, through material or testimonial evidence, including interviews of suspects. They supervise police examinations of crime scenes and therefore determine the extent and diligence of police investigations. Investigating Judges are also responsible for deciding on the appropriateness of pre-trial detention for accused individuals, as well as on possible restrictions of pre-trial detainees' contacts with lawyers and others. Ultimately, they report to the prosecutor and advise on whether charges should be laid.

The OSCE-KVM monitored several examinations of crime scenes conducted by the police, under the supervision of Investigating Judges, and concluded that there was generally a lack of diligence in such examinations, which often amounted to no more than a rapid survey of the crime scenes. OSCE-KVM teams monitored crime scene investigations whenever bodies were found in Kosovo, up until 19 March 1999. In many cases, especially when it was an established fact that the police had killed the victims, no investigations were made which might have challenged the purported police version that the victims were shot in combat or police had acted in self-defence, although summary or arbitrary executions could not be excluded from the circumstances. The lack of proper investigations following the mass killings in Racak (Stimlje), Rogovo and Rakovina (Djakovica) are amply documented (see also the relevant municipality entries in this report).<sup>17</sup> Also, Investigating Judges regularly made a snap judgement, based on the presence of a dead Kosovo Albanian beside a road, that "another loyal Albanian citizen has been murdered by terrorists".<sup>18</sup>

As highlighted by examples in this section (as well as in Chapter 9, Arbitrary arrest and detention), the OSCE-KVM found that physical evidence was generally very scarce in "terrorism" cases and, even when it was present, it rarely amounted to more than circumstantial evidence.

### *Extraction of confessions under torture, and the right to silence*

The main type of evidence upon which the prosecution's case relied in most "terrorism"-related cases was a statement made by defendants during the course of police investigations, prior to any consultation with a defence lawyer. Although the Code of Criminal Procedure (ZKP) requires that the findings of these initial police investigations do not enter the file of the judicial proceedings proper, the initial statements were sometimes entered into the file, or the statements were repeated to the Investigating Judge himself at a later stage by the defendant, apparently under police coercion. However, many of these statements would subsequently be retracted in court, in full or in part, often after the defendant had received the advice of his or her lawyer, on the grounds that these statements had been extracted under torture or duress. Material collected by the OSCE-KVM indicates that the extent of the violations differed according to the profile of the various cases. While allegations of torture or duress were made in most cases, the extent to which they were used appeared to depend on the importance that was attached to particular cases by the Serbian authorities, more specifically by the State Security Police (SDB). Torture became used to such an extent as to result in deaths in detention (See Chapter 6, Torture and ill-treatment).

This is illustrated by the case of the "Urosevac group". Those indicted complained about confessions extracted under duress during questioning and also about torture and ill-treatment both during the questioning and the pre-trial detention. The defence lawyers declared that two of the accused had died from being tortured during this period. The detainees claimed that they had been beaten, burned with cigarettes and given electric shocks. In support of those claims, the family members of the accused, the defence lawyers and the local human rights associations handed over photographs and medical certificates to the OSCE-KVM. These photographs and documents appeared to corroborate the allegations of torture and ill-treatment. It was also reported that the accused were hung upside down and plunged into water (a method of torture called the "submarine"). The OSCE-KVM observed during the trials that two of the indicted had difficulties walking, and one had a sticking plaster on top of his head. Another of the defendants had a lump at the back of his head. Reportedly ill-treatment continued while people were detained during the hearings.<sup>19</sup>

In cases where individuals are tortured or otherwise coerced into making self-incriminatory statements it is clear that the right to remain silent is being violated.<sup>20</sup> Suffice to say that, if the defendants had been offered their right to silence, and had chosen to exercise it, most of the cases would not have had sufficient evidence on which to proceed.

### *Adequate preparation of defence and communication of evidence*

In conversations with lawyers, members of the OSCE-KVM were told how the right to a fair trial and to prepare one's defence adequately was compromised by difficulties experienced by defence lawyers in having confidential lawyer-client discussions in order to prepare the defence.<sup>21</sup> Generally, the lawyers reported on matters such as lawyer-client conversations having to take place in Serbian, and being systematically monitored, and that facts related to the case could not be discussed during these conversations. This situation often prompted requests for postponements of trials.

The attorneys declared during the hearing that some of the accused had not had the assistance of a lawyer, others had a lawyer but could not contact him/her. The defence lawyers had insufficient time and facilities to communicate with their clients and to prepare a defence. The attorneys also complained that they had had no confidential communication with the accused.<sup>22</sup>

The defence lawyers stated that on several occasions the guards had interrupted them when they met with their clients. When they were asking questions on ill-treatment or whether the accused had been re-interrogated by the police, the guards had intervened and said that, if they asked such questions, the meeting would end immediately.<sup>23</sup>

An important element in ensuring a proper defence to an accused person rests in the right of the defendant, or his or her counsel, to be shown the evidence assembled against him or her.<sup>24</sup> In Kosovo, several limits had been imposed on that right and, as the conflict intensified, it became increasingly difficult for lawyers to obtain information related to their client's file. The restrictions on this right were not only those based in law but also on the interpretations that particular Investigating Judges would place on the law. As a result, lawyers requesting the communication of evidence to which they believed they were entitled would be denied those requests by certain Investigative Judges, while others would allow it. Furthermore, if the lawyer insisted, he himself could be subjected to threats, or worse. In a notable example, in late July 1998 one of the lawyers in the "Urosevac group" trial requested information to which he believed himself entitled on behalf of his client. Upon being refused, he had a verbal confrontation with the Investigating Judge, in which he told her that she "should be wearing a police uniform". Shortly afterwards the lawyer was charged and convicted of having "disturbed the peace" and sentenced to 60 days' imprisonment. The lawyer suffered severe torture during his detention.<sup>25</sup>

## **Conduct of proceedings**

### *Language interpretation*

Procedural violations were common during the trials in Kosovo.<sup>26</sup> Generally, and although this varied according to particular courts, language interpretation for the accused would only be provided when the defendants were directly asked specific questions from the judge. In the case of the "Urosevac group", the OSCE-KVM noted that in the pre-trial period the accused did not receive the translation of any

police record, and no continuous interpretation was provided during the trial. In another example, from Gnjilane, the OSCE-KVM reported:

Another problem is that the interpretation mainly went one way, from Albanian to Serbian. The presiding judge very often read long parts from the statements that the accused were supposed to have given and this was not translated from Serbian to Albanian.<sup>27</sup>

In general, when a defendant was asked before the conclusion of the procedure whether he/she had understood everything that was said, the affirmative answer given hardly ever reflected the truth.<sup>28</sup>

Procedural breaches also occurred in relation to the legal obligation of the judges to confront the accused with the testimonies of others. Since the accused persons had not heard the testimonies of others when they were questioned, the judges should have provided them with a summary of the other testimonies and allowed them the opportunity to give answers as to possible inconsistencies.

### *Presence of armed police in the courtroom*

Throughout the trials monitored by OSCE-KVM, the presence of armed police in the court and in the court building was extensive and their demeanour normally intimidating, particularly for the accused persons and witnesses. The following example, taken from the trial of the "Pec group", describes a typical situation.

During the entire trial, the presence of some 15 heavily armed policemen (machine-guns, hand guns, bulletproof vests) gave the trial not only the air of a "high security - serious crime - dangerous terrorists" atmosphere, it also intimidated defendants, those family members present and international monitors alike. During the final pleadings, a guard was playing with his automatic gun which fell with a crack to the floor, sending a frightening chill through the room. The policemen giggled for some minutes, the judge did not react at all.<sup>29</sup>

### *Evidence presented*

Article 347(1) ZKP states: "The court shall base its verdict solely on the facts and evidence presented in the trial." As noted above, in most trials for offences of a political character monitored in Kosovo the accused persons, and sometimes the witnesses, would claim in court that they had been tortured and threatened in order to compel them to tell the Investigating Judge whatever the police wanted. In contravention to Yugoslav laws, neither the presiding judge nor the prosecutor made any further inquiries into these allegations, and routinely admitted the statements into evidence.<sup>30</sup> Ultimately, a large number of the accused persons were convicted mainly on such tainted evidence.

In the "Urosevac group" trial, the OSCE-KVM reported that the indictment was exclusively based on three statements given under torture by the accused during questioning by police. During the hearing these three indictees changed their statement and pleaded not guilty. They declared that after the torture they were in such a bad condition that they had signed everything the SDB wanted. The Presiding Judge ignored the new statements and did not exclude the confessions that were allegedly elicited under torture. Consequently, all the indicted were convicted and sentenced only on the basis of the first statements. In another case tried in Pristina, the OSCE-KVM reported that throughout the trial the lawyers tried to prove the allegations of torture, including by asking for an independent medical investigation. These demands were turned down, and the judges relied on the report of the prison doctor that gave no indication of any ill-treatment.<sup>31</sup>

Allegations of mishandling or fabrication of evidence were also made against the Serbian authorities in cases where material evidence had been collected. These allegations included the improper conduct of "scientific tests", such as the "paraffin glove test".<sup>32</sup>

The single statement which comprises the entirety of the prosecution's charges is a statement by a police captain about tests conducted on the total of 42 defendants from Orahovac, some of them before the court. Even without the close scrutiny born of knowledge of the Serbian legal system this document is, to say the least, defective and probative of nothing. Problems include but are not limited to:

The forensic test, the so-called "paraffin glove" test, has been discredited for many years as an inappropriate means of determining culpability.

One short statement covers all the accused.

There is no adequate breakdown of how the test was conducted, either in the generality or with respect to individual cases.

The statement is not made by a forensic scientist but by a police captain. If he is qualified in forensic science there is no indication of it in the statement.

There is no indication as to the precise conditions under which the test was conducted, or whether there is any other potential cause for the results given than that surmised.

The document states that "the majority of cases showed markings on various parts of the hand and fingers". Who precisely did and who did not display these features? Why might there be these exceptions? To what degree were the exceptions present?<sup>33</sup>

There were allegations of possible falsification or fabrication of incriminating documents, the "Pec group" trial again being illustrative:

In prison, the accused was forced to sign a document, which identified him as member of the UCK in the "operational zone no.76". When he signed the document, he was only shown its lower margin as the text was covered. OSCE-KVM is in possession of a copy of the "certificate". The document is signed by a "commander" with a scribble, and names the accused as member of the UCK since 20 January 1998 (when he was working for the tobacco company and the UCK [was] a little known fringe group in Kosovo). This document was found to be a falsification by the defence attorney, as the Albanian text contained syntax and spelling mistakes, which only a non-native speaker would make.<sup>34</sup>

Ultimately, the OSCE-KVM found that the material evidence and even some of the witness testimonies presented during the trials were, per se, of little probative value, to the point where they were sometimes ignored by the prosecution when it summed up its case.

In general, the contribution of witnesses in the trials tended to be inconclusive, to the point of being - in the words of one OSCE-KVM trial monitor - "farcical". Witnesses who attended at a trial were either too intimidated to make substantial contributions, or gave testimony entirely irrelevant to the question of whether the accused was guilty with regard to a specific accusation.<sup>35</sup> Moreover, the Serbian police abused the obligatory court orders for criminal trial witnesses as a pretext to engage in random village searches, often accompanied by harassment, beatings and intimidation.<sup>36</sup>

### *Trials in absentia*

According to international standards, trials of persons in absentia are only to take place as a matter of exception, as they inherently undermine the defendant's right to the fullest guarantees of due process. In Kosovo, most trials included individuals tried in absentia, to the point that, in some cases, they outnumbered the accused who were present. In such trials, the evidence presented against the absent accused was often even less substantial than that presented against the detained individuals, yet most of the former were convicted and sentenced regularly to longer terms of imprisonment. In the "Urosevac group" trial, for example, the majority of the accused (17 out of 26) were not present during the trial. The assigned (Serb) attorneys claimed that the accused had not been duly summoned to court. They stressed that the court had not mentioned anything about the 17 indicted persons who were tried in their absence and that consequently no proof of their guilt was given. In the "Pristina group" trial, out of eight defendants, four were absent and given longer sentences than those present during the trial.

## **Judgements and sentences**

### *Presumption of innocence*

The presumption of innocence places the burden of proof on the prosecution. It is enshrined in human rights standards which state that anyone charged with a criminal offence has "the right to be presumed

innocent until proven guilty according to law", as stated in Article 14 of the International Covenant on Civil and Political Rights. In Kosovo, all of the violations highlighted in the previous sections on pre-trial procedure and conduct of the trial culminate in negating the defendant's right to be presumed innocent. The practical effect is to shift the burden of proof to the defendant.<sup>37</sup>

Not all defendants were convicted. Some individuals had charges against them dropped while others were acquitted (not because they were given the benefit of the doubt, but mainly because evidence against them was totally absent).

During the trials, the judicial organs were supposed to safeguard the presumption of innocence. This would have meant standing up to the executive power by questioning the validity, reliability and admissibility of the evidence presented before the court by the executive. Instead, as has been noted above, the OSCE-KVM observed that the judiciary did not question the circumstances surrounding the origins of self-incriminatory statements obtained under torture. Defence lawyers' objections to presentation of evidence were noted, but the judiciary failed to inquire any further and admitted the contested evidence. Finally, the judges considered evidence presented in cases against absent defendants as if they had had the opportunity to challenge this evidence.<sup>38</sup> All of these actions effectively shifted the burden on to the defendants to prove their innocence.

### *The soundness of judgements and interpretations of the law*

Fair criminal laws should be laws that contain clear indications as to what conduct (*actus reus*) and what criminal intent (*mens rea*) are prohibited and categorized as crimes. During the trials, defence lawyers regularly presented arguments to the effect that the acts allegedly committed by the accused did not constitute a criminal offence under national law.<sup>39</sup> These arguments would highlight the situation whereby the Serbian authorities would seem to be able to interpret almost any factual settings as constituting "terrorist acts" or "hostile activities". Trials such as those the OSCE-KVM monitored were based on unclear interpretations of the constituent elements of serious criminal offences resulting, upon conviction, in long periods of imprisonment. The OSCE-KVM found that Articles 125 and 136 of the KZSRJ were so vaguely worded and were interpreted in such ways that, as a result, any type of factual circumstances could result in convictions. In the end, defendants were bound to deny any involvement with the UCK. This situation clearly affected the fairness of the proceedings.

In the "Pec group" trial the defendants were mostly elderly men, and most were farmers, one being a doctor and one a schoolteacher. All defendants pleaded not guilty. The OSCE-KVM noted that there was no evident proof of any criminal activity or membership of the UCK, except a list of alleged UCK members found by the police which included some of the defendants' names. Some defendants complained that they were mistakenly arrested due to this list, as they had common names which were the same as those of several other people in the same village.<sup>40</sup>

The following factual situation illustrates how a lawful activity could be interpreted as to constitute the

crime of "conducting hostile activities" under these particular dispositions of the Yugoslav law.

Son of a Serbian mother, the accused is a medical doctor currently finishing his degree at a Pristina State University. As a general practitioner he had worked in an ambulance in Klina from 1988. He had been asked by the UCK to work for them, which he had refused. He had left his village due to the general feeling of insecurity ... He never treated any persons who he could identify as wounded UCK soldiers, although once he examined a civilian who had been wounded lightly by a grenade and had been brought by a known person in UCK uniform. His medical supplies were entirely of civilian use. According to a witness in the trial, the doctor served only civilian people ... during summer 1998. The accused denied he ever treated seriously wounded persons. An employment certificate issued by the ambulance [station] in Klina shows that the accused was still employed there and never quitted to join the UCK.

It was never proven that the accused had joined the UCK and that he had become a "terrorist doctor". As his defence lawyer pointed out, according to Yugoslav law, it is a criminal offence for a doctor to refuse medical aid to anyone.

He was found guilty of charges under Article 136 KZSRJ as the court believes that he did give medical aid to wounded UCK soldiers, yet due to his humanitarian motivation, the sentence was mitigated to seven months of imprisonment. As he had already spent more than five months in prison, he was released.<sup>41</sup>

### *Differences in sentences*

It is often difficult to compare sentences given in criminal cases, as factual settings vary. In Kosovo, however, a certain pattern emerged whereby individuals accused in "higher profile" cases, such as the trial of the "Urosevac group", the majority of them influential in their community as political and human rights activists, would generally incur longer prison sentences than convicted individuals who were less well known.

In other cases, as international attention intensified, comparable "unlawful" conduct could result in noticeably lesser sentences than in cases that had not attracted such attention. For example, in the "Pec group" trial, as noted above, the doctor was sentenced to seven months' imprisonment while, in a trial held in Prizren in August 1998, three young women student activists were sentenced to two years' imprisonment for having put together and conducted a first aid course.

It is likely also that the international attention given to the Municipal Court trial in Pec of Fatima Boshnjaku (see above and the entry for Djakovica municipality), combined with the particular political and diplomatic climate in mid-February 1999, contributed to the unexpected passing of a sentence equivalent to time served, whereby she was released.

## Judicial review and obstacles to appeal

The possibility of obtaining judicial review is an important factor in the overall fairness of the judicial process. In Kosovo, during the period covered by the report, that possibility was almost non-existent, as written verdicts, the starting point in the appeal process,<sup>42</sup> were not handed down. After discussing the situation with judges in the District Courts, the OSCE-KVM summarized the situation in this manner:

Alarmingly, most judges have not issued official verdicts since October 1998. Thus, a formally correct appeal to the Supreme Court in Belgrade has not been possible ... Judges admit that delays occur, but deny responsibility as they blame it on "the situation", the extraordinary workload, and the slow translation, as all documents have to be translated into the native language of the defendant. Insiders suspect that a certain reluctance to deal with the case might be connected with the lack of evidence, as judges are to give detailed and comprehensive reasons for the court's decision.<sup>43</sup>

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## Notes

<sup>1</sup> UNHCHR trial monitoring report, Amnesty International "Human Rights Crisis in Kosovo Province", June 1998.

<sup>2</sup> A general amnesty for political crimes was also contained in the draft text of the "Interim Agreement for Peace and Self Government in Kosovo" (the Rambouillet Agreement), which however, was never agreed by the government of Serbia: "Each Party (a) shall not prosecute anyone for crimes related to the conflict in Kosovo, except for persons accused of having committed serious violations of international humanitarian law... (b) shall grant a general amnesty for all persons already convicted of committing politically motivated crimes related to the conflict in Kosovo. This amnesty shall not apply to those properly convicted of committing serious violations of international humanitarian law at a fair and open trial conducted pursuant to international standards." Article II (Confidence-building measures), al. 12 (Detention of Combatants and Justice Issues).

<sup>3</sup> Information from UNHCHR.

<sup>4</sup> Information given to the OSCE since its re-entry into Kosovo in June 1999 indicates that courts in Kosovo continued to hear cases during the period after 24 March.

<sup>5</sup> District Court Pristina, K 138/98; between 11 January and 5 February, 28 persons charged, nine defendants present, 17 tried in absentia, two more defendants died in custody ("Urosevac group" trial).

<sup>6</sup> District Court Pec, K 144/98; 15, 16 and 17 February, 14 defendants (Pec Trials Case 19).

<sup>7</sup> Most prominently the case against Fatima Boshnjaku at the Djakovica Municipal Court. This was an exception, however, since the competent judge at Pec District Court had refused to take the case. A Supreme Court decision then referred the case one level down, to the Municipal Court.

<sup>8</sup> OSCE-KVM monitors had difficulties in monitoring trials in the Municipal Courts in Pristina, Urosevac/Ferizaj and Klina/Klina. In Klina, for example, the local Municipal Court President furiously refused any contact with the OSCE-KVM, and even consistent friendly approaches and interventions from the level of the higher courts in the course of two months could not resolve this.

<sup>9</sup> As recounted by OSCE-KVM trial monitors.

<sup>10</sup> Podujevo municipality was put under the jurisdiction of the District Court of Kursumlije, in Serbia proper. Trials falling under the jurisdiction of this municipality would thus be held in Kursumlije and consequently could not be monitored by the OSCE-KVM.

<sup>11</sup> For an explanation of the competence of the Prokuplje court over Podujevo municipality see n. 6.

<sup>12</sup> This is simply the retitled criminal code of the Socialist Federal Republic of Yugoslavia (SFRY), the pre-1992 Yugoslav state.

<sup>13</sup> Djakovica Municipal Court, trial of Fatima Boshnjaku on 17 February 1999, bill of charges.

<sup>14</sup> Article 139, (1) The offender shall be punished by imprisonment for not less than 10 years or by the death penalty for a criminal act referred to in ... article 136, paragraph 1 of this law, which brought about the death of a person or caused danger to human lives, or was coupled by heavy violence or a large-scale destruction, or which led to the endangerment of the security, economic or military power of the country, or in other particularly heavy cases. (2) The sentence defined in paragraph 1 of this article shall be imposed also on those who commit a criminal act referred to in ... article 136, paragraphs 1 and 2 of this law in a state of war or in the case of an imminent war danger.

<sup>15</sup> As recounted by OSCE-KVM trial monitors.

<sup>16</sup> Summarized from the OSCE-KVM reporting of the "Urosevac group" trial.

<sup>17</sup> Also, the so-called "Panda Bar" incident in Pec (see Pec municipality entry) was never properly investigated, according to suspects' defence lawyers.

<sup>18</sup> As noted by OSCE-KVM members, this standard phrase was uttered by Investigating Judges especially during

the series of murders near Pec in January and February 1999.

<sup>19</sup> Summarized from the OSCE-KVM reporting of the Urosevac group trial

<sup>20</sup> Article 23(4) of the Constitution of the FRY state that "... The detained person must be promptly informed of his right to remain silent." Furthermore, according to Article 218 (2) ZKP, "after the accused has been informed of the charges against him and the grounds on which he is suspected, he shall be asked what he has to say in his defence, and he shall be told that he need not present his defence nor answer the questions put to him." See also Article 14(3)(g) of the International Covenant on Civil and Political Rights (ICCPR).

<sup>21</sup> Article 14(3)(b) ICCPR, Article 74 ZKP: "(1) If the accused is in custody and has been examined, defence counsel may correspond and talk to him. (2) The investigative judge may order that ... the accused may converse with defence counsel only in his presence or in the presence of some particular official. (3) When the examination is completed ... the accused may not be prohibited from freely corresponding and conversing with his defence counsel without surveillance. "

<sup>22</sup> From OSCE-KVM reporting of the "Urosevac group" trial.

<sup>23</sup> Final report from the Terrorist Trial in the District Court of Gnjilane on 16 and 17 February.

<sup>24</sup> Article 4(2) ZKP. Article 73 ZKP "(1) After the decision is rendered to conduct the examination or after the bill of indictment has been brought without an examination ..., or even before that if the individual has been examined after charges have been brought, defence counsel has the right to examine the record and the physical evidence that has been assembled. (2) As an exception, during preliminary proceedings, before the indictment has been brought, examination of certain documents or certain items of physical evidence by the defence counsel may be temporarily restricted if particular reasons of national defence or national security so require."

<sup>25</sup> The client died on 17 August 1998 as a result of torture allegedly inflicted by members of the SDB.

<sup>26</sup> Article 7(2) ZKP : "¼ If a judicial proceeding or the trial is not conducted in the language of that person, provision shall be made for oral translation of the testimony."

<sup>27</sup> OSCE-KVM, Final report from the Terrorist Trial in the District Court of Gnjilane.

<sup>28</sup> As recounted by OSCE-KVM trial monitors.

<sup>29</sup> From OSCE-KVM reporting of the "Pec group" trial. When the OSCE-KVM requested court authorities to reconsider the presence of heavily armed police in the courtroom, the president of the court referred to an incident in 1998 when two prison guards were shot in a courtroom during a hearing. What he omitted to mention, however, was that they had been shot by another policeman who was obviously mentally disturbed.

<sup>30</sup> Article 10 ZKP addresses the basic rule further specified in the Yugoslav Criminal Code: "It is forbidden and punishable to extort a confession or any other statement from an accused or other person participating in proceedings." Article 218 (8) ZKP states that "The statement or confession may not be extorted from the accused by the use of force, threat or similar means. (10) If action is taken contrary to the provisions of para. (8) ..., a court decision may not be based on the testimony of the accused. " Also stated in Article 25(3) FRY Constitution, and Article 15, UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

<sup>31</sup> OSCE-KVM, Report on the Trial of the "Pristina Group".

<sup>32</sup> A test whereby a coat of paraffin is applied to the hands of suspects and later analysed in order to determine whether explosive residues were present.

<sup>33</sup> OSCE-KVM, Trial Report on Proceedings in Prizren District Court 22 December 1998.

<sup>34</sup> OSCE-KVM reporting of the "Pec group" trial. Later, the document in question was shown to a local UCK commander, who confirmed that the person accused had never been a member of the UCK and that the document was a forgery.

<sup>35</sup> For example, the "Pristina group" trial.

<sup>36</sup> It should be noted, in this context, that it was a witness court order which served as a basis for an police operation on 25 and 26 November 1997 in Vojnik (Srbica), during which the police came under fire by the UCK. In retaliation, the police returned and started shooting indiscriminately, killing a Kosovo Albanian teacher. This incident was a trigger for the escalation of tensions between the police and the UCK in late 1997.

<sup>37</sup> Article 27(3) FRY Constitution; Article 3, ZKP.

<sup>38</sup> For example, the "Pristina group" trial.

<sup>39</sup> Article 347 ZKP: "(1) The court shall base its verdict solely on the facts and evidence presented in the trial. (2) The court has to conscientiously evaluate each piece of evidence individually and to frame a conclusion as to whether the fact has been proved in connection with the other evidence and on the basis of that assessment." Article 375(7): "The court shall specifically and completely state which facts and on what grounds it finds to be proven or unproven, furnishing specifically an assessment of the credibility of contradictory evidence, the reasons why it did not sustain the various motions of the principals, the reasons why it decided not to hear a witness or expert in person whose testimony or written finding and opinion were read without the consent of the principals ..., the reasons guiding it in ruling on points of law, and especially in ascertaining whether a crime was committed and whether the accused was criminally responsible and in applying specific provisions of the criminal code to the accused and to his acts."

<sup>40</sup> OSCE-KVM reporting of the "Pec group" trial. Reports note that the OSCE-KVM was in possession of a copy of the list mentioned.

<sup>41</sup> From the "Pec group" trial.

<sup>42</sup> Article 356 (1) ZKP: "A verdict which has been announced must be prepared in writing within 8 days from its announcement, or, in complicated cases and as an exception, within 15 days." This is relevant for the exercise of the right to appeal, as according to Article 359(1) the accused "may file an appeal against the verdict rendered in the first instance within 15 days from the date when the copy of the verdict was delivered". Article 14(5) ICCPR states the right to appeal.

<sup>43</sup> Manual for OSCE-KVM Trial Monitoring, February 1999.

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KOSOVO / KOSOVA As Seen, As Told

OSCE ODIHR

## OTHER FORMS OF PERSECUTION

### Intimidation and Harassment

When the OSCE-KVM deployed into Kosovo, there was a general restriction of freedom of movement within the province. Over and above the physical restrictions implemented by the Serbian police (checkpoints, random ID checks), this was the product of a prevailing climate of fear.

Freedom of movement restrictions were applied in Kosovo out of public emergency considerations, but the severity and excessiveness of the measures taken, and their disproportionate nature relative to the situation suggest that harassment of and the spreading of fear among the population constituted a purpose in itself. Among Kosovo Albanians, a considerable proportion of all complaints made to the OSCE-KVM Human Rights Division featured accounts of harassment, the confiscation of IDs and arrests at checkpoints. Because of repeated incidents where Kosovo Albanians were harassed, ill-treated, or arbitrarily arrested when stopped at checkpoints, particularly when travelling by bus, the OSCE-KVM began to deploy personnel to monitor bus routes, with a discernible positive impact. For example, on 19 February 1999 the OSCE-KVM monitored two bus routes in the Kosovska Mitrovica area in response to earlier incidents of harassment. That day no passengers were detained or ill-treated.<sup>1</sup>

For its part the UCK was also culpable of spreading fear with the consequence of restricting movement. Among Kosovo Serbs, as well as elements of the Kosovo Albanian population, there was a fear of abduction by the UCK (see also Chapter 8, Missing persons, and Chapter 19, Kosovo Serbs).

While the OSCE-KVM was deployed inside Kosovo, other issues of intimidation and harassment to which it was alerted by Kosovo Albanians included cases of house searches (usually for weapons), ID checks and police presence and harassment at schools. Furthermore, there were quite a few cases of extortion by either the security forces or the UCK. Examples of all of these violations appear in this report in Part V, The municipalities.

### Denial of access to health care

The FRY is a party to the entire range of relevant international human rights instruments prohibiting discrimination on ethnic and other grounds.

In the period of the OSCE-KVM deployment in Kosovo the Human Rights Division received complaints of violations of certain economic and social rights as a result of discrimination based on ethnicity. Kosovo Albanians complained about discrimination in work (access to work and at work), and in property title rights. However, the need to respond to daily events relating to the conflict had the consequence that such cases received a low priority. There was no possibility for extensive follow-up before the mission evacuated on 20 March 1999.

Another issue provoking complaints of discrimination was access to healthcare and quality of healthcare. This was followed up by the OSCE-KVM while in Kosovo. The issue of deprivation of access to health care became an acute concern in the period after 20 March, as reported to the OSCE-KVM by refugees.

### *The situation before 20 March 1999*

The problems of restriction of access to healthcare and medical assistance in Kosovo were manifold. The first problem a Kosovo Albanian would encounter was travelling the physical distance to a medical facility. The Serbian drivers of the ambulances and the international medical non-governmental organizations often were too afraid of going outside the major cities due to the uncertain security situation. As alluded to above, the lengthy ID checks, risk of arrest, detention and other harassment at checkpoints, and the general level of fear resulted in very little movement especially after dark. Another aspect of the problem was evident when Kosovo Albanians reached the hospital. They had to get past heavily armed police officers who patrolled both outside and inside hospital premises. If the patient succeeded in getting into the hospital, some medical staff discriminated against Kosovo Albanians either by refusing medical assistance or by giving Kosovo Serbs preferential treatment. The result was increased fear and intimidation in an already stressful situation.

OSCE-KVM human rights officers visited many patients at hospital in Pristina/Prishtina. Apart from the poor conditions in this hospital, the OSCE-KVM had reason to believe that Kosovo Albanians were systematically discriminated against in the exercise of their right to access to health care. Kosovo Albanians were arbitrarily charged for their treatment, while Serbs did not have to pay.<sup>2</sup> Furthermore, the conditions in the wards used for Kosovo Albanians were significantly worse than in the wards where Serb soldiers stayed for treatment. In early January 1999, after protracted consultations, the OSCE-KVM was allowed general access, but not to those patients who were under police investigation.<sup>3</sup> However, this limitation was waived when the OSCE-KVM interviewed the survivors of the Racak mass killing who were being treated in Pristina hospital (for details on the Racak mass killing in January see Part V, under the entry for Stimlje municipality). Generally, OSCE-KVM human rights officers were given access to the intensive care unit but only after the staff had time to "clean up patients" before they entered. The OSCE-KVM suspected that ill-treatment occurred but never found evidence. The intensive care unit had armed police officers outside at all times. They restricted entry into the unit.<sup>4</sup>

The OSCE-KVM was denied access to the hospital on 7 March after the Emshirova incident in Pristina (an extensive and violent search operation in which 37 Kosovo Albanians were injured by police, following the killing of two police and the wounding of a third) and after a bomb attack in Podujevo on 3 March, as is described in Part V under Pristina city and Podujevo respectively.<sup>5</sup>

(For account of similar problems in gaining access to patients under police investigation at Djakovica/Gjakova hospital see Part V, under the entry for Gjakovica municipality.)

### *The situation after 20 March 1999*

After the withdrawal of the OSCE-KVM and start of the NATO bombing of the FRY, refugee statements reveal how the situation in Pristina hospital deteriorated. Snipers positioned themselves on top of the hospital buildings, terrorizing the patients and killing several people outside.<sup>6</sup> Judging by accounts given by refugees, the response to Kosovo Albanians seeking medical assistance became even more arbitrary. One interviewee said that his wife and daughter were only accepted in the hospital on 27 March because he was a medical employee. Otherwise, he said, the only Kosovo Albanians to be treated were those who brought their own medicines. He observed that over the following weeks more and more VJ and police arrived and used the hospital to store ammunition.<sup>7</sup>

On 25 March a Kosovo Albanian interviewee who was stabbed by paramilitaries or armed civilians was successfully operated on in Pristina hospital, but the following day a Kosovo Albanian girl was refused treatment. A sniper had shot her in a village outside Pristina. The father took her - with the permission of the police - to Pristina hospital, but a doctor (named in report) refused to operate on the girl. She died two days later at home. At the end of March and beginning of April, the VJ told the remaining Kosovo Albanian employees that they should leave and not come back. Kosovo Albanian patients were also sent out of the hospital and sometimes beaten outside. The free space was used to accommodate Serb families seeking protection from the NATO bombings. Wounded VJ and police were also given priority.<sup>8</sup>

Several interviews indicate that staff at the hospital in Gnjilane were rejecting seriously wounded people. Wounded Kosovo Albanians were either rejected with no explanation or told they should seek medical assistance from NATO or that there was "no space available for terrorists".<sup>9</sup> There is a similar account concerning Prizren. An interviewee recounted how his daughter was shot in the hip by police when they attacked the house where she was staying in the village of Sopina/Sopine (Suva Reka/Suhareke) on 26 March. A local man took her to hospital in Prizren, as she was bleeding badly from the wound, but they were turned away by unidentified people at the hospital who told them "go to NATO". The family set off for Albania, but the injured woman died on the way, on a tractor trailer, from her wound.<sup>10</sup>

## Notes

<sup>1</sup> However, the driver on one bus route was arrested and fined after completing his route. He was questioned about the UCK, and was given no explanation for the fine, MI/00/0062/99.

<sup>2</sup> The OSCE-KVM noted how arbitrary the charging of some persons was when the mission members accompanied a Kosovo Albanian family which was asked to pay for complicated surgery. As soon as the OSCE-KVM questioned this policy, the man was let go without paying. OSCE-KVM, RC 5, "Human Rights Office", February 1999.

<sup>3</sup> OSCE-KVM HQ, "Weekly Report 4-10 January 1999".

<sup>4</sup> OSCE-KVM, human rights officer.

<sup>5</sup> PE/04/0024/99; OSCE-KVM, RC 5, "Daily Sitreps", 7 and 17 March 1999.

<sup>6</sup> M/0499; M1204; M/1208; M/1312, M/1747 (March and April).

<sup>7</sup> Many civilian houses and almost all public buildings, including medical facilities, were used to store or hide military hardware or as locations for snipers. In Urosevac/Ferizaj, for example, the VJ moved their command centre, weapons and ammunition to a local ambulance and health centre: M/0417; M/0855; M/0931; M/1048; M/1127; M/1202; M/1496.

<sup>8</sup> A/0902; M/0006; M/0009; M/0320; M/0450; M/0499; M/1202; M/1307; M/1483 (gave the name of the Serb doctor who did not help); M/1529. One interviewee who worked in the morgue said that after the OSCE-KVM left dead bodies were only returned upon payment of DM 500. According to M/0321 two doctors allegedly falsified documents and handed out false identities of victims.

<sup>9</sup> M/0244; M/0439; M/0579; M/1055

<sup>10</sup> A/0874. He recounted also that the woman's husband, mother-in-law, a cousin and three neighbours were also killed in the attack on Sopina on 26 March.

## DELIBERATE DESTRUCTION OF CIVILIAN PROPERTY, LOOTING AND PILLAGE

In the period of OSCE-KVM monitoring, and especially in the period of the escalation of the armed conflict from 20 March, deliberate destruction of civilian property, looting and pillage were defining characteristics of the actions of the Yugoslav and Serbian forces. These attacks on property appear to have had a threefold purpose: they were meant to weaken and undermine the Kosovo Albanian population, to serve as an additional profit incentive for the military and security forces and their collaborators, and to destroy houses to ensure that the population did not return after expulsion.

Pillage and destruction of property are prohibited under Articles 4 (2) (g), 14 and 16 of the 1977 Protocol II Additional to the Geneva Conventions of 12 August 1949. These prohibitions are general in scope, and concern not only organized pillage but also pillage through individual acts without the consent of the military authorities. The Federal Republic of Yugoslavia, as a High Contracting Party to Additional Protocol II, is not only obliged to stop individual pillage, but also to prevent those acts.<sup>1</sup> Criminal offences such as theft, robbery and blackmail are also forbidden under the Criminal Code of Serbia.

The findings during the time when the OSCE-KVM was deployed in Kosovo, and to a greater extent the analysis of the refugee statements taken by the OSCE-KVM in Albania and the former Yugoslav Republic of Macedonia, lead to the conclusion that in Kosovo civilian property was systematically damaged or destroyed and looting and pillage was a common occurrence.

This chapter gives an overview of the phenomena of destruction of civilian property, looting and pillage in Kosovo. Examples given are indicative. For more detailed examples and an indication of the scale based on the frequency with which incidents were reported to the OSCE-KVM, this chapter should be read in conjunction with the entries in Part V, The municipalities.

### Violations during the OSCE-KVM deployment inside Kosovo

The pattern of looting that was reported and observed from January 1999 appears to have precedents during and after security operations that took place in 1998, as a result of which whole villages had been

left deserted. Throughout the OSCE-KVM presence it was difficult to corroborate the allegations of villagers that their possessions were being looted, as the Serbian forces regularly denied the OSCE-KVM patrols access to the areas of concern.<sup>2</sup> In a number of incidents throughout Kosovo, however, the damage and destruction could be documented after the military/security operation had ended. Throughout the reporting period Serbian forces also extorted, blackmailed and robbed Kosovo Albanians of their private property.

*Wanton destruction, looting and pillage in the course of Serbian military/security operations*

In this period the most common and severe cases including looting, pillage and the wanton destruction of property occurred during and after cordon and search operations. In January and February 1999 it seemed that in most cases the perpetrators were VJ forces. The patterns of those offensives were similar: the VJ shelled the area with heavy military materiel and the villagers fled either in advance or after the shelling started. As soon as the villages were empty, the perpetrators entered and looted the houses, some of which they ransacked. They loaded their booty onto trucks and occasionally set fire to houses.



**A destroyed house, Gladno Selo/  
Gllanaselle [\[zoom\]](#)**

It appears that the VJ at first tried to conceal their actions from the OSCE-KVM, sealing off the area of operation and not allowing OSCE-KVM patrols in "for OSCE's own security". For example, this was the case in Tenes Do/Tenezhdoll (Pristina/Prishtina) in January 1999. It was reported that VJ forces entered the village on 17 January and all the inhabitants fled to the hills. From there the villagers could observe the VJ looting the houses and loading trucks.<sup>3</sup> On 31 January an OSCE-KVM patrol escorted several civilians on their way back to Tenes Do where they found their houses ransacked and looted.<sup>4</sup> Around the same time police looted villages in Kosovska Mitrovica/Mitrovice municipality and around 5,000 people fled their homes. When they returned, accompanied by the OSCE-KVM, they found their houses had been ransacked and some objects destroyed. In two houses objects had been thrown into the wells and 15 litres of cooking oil had been apparently poured into one family's water source.<sup>5</sup>

By early March the VJ and police were carrying out acts of deliberate destruction and looting sometimes in plain sight of the OSCE-KVM, and the mission was recording such destruction, looting and pillage in many locations in Kosovo. On 16 March, during VJ "winter exercises" in Vucitrn/Vushtrri municipality, an OSCE-KVM patrol saw a T-55 tank drive into the Vucitrn town barracks with looted household items

loaded on the rear deck, including a refrigerator and chairs.<sup>6</sup> In villages in Kosovska Mitrovica municipality OSCE-KVM verifiers witnessed VJ soldiers carrying out household items, including television sets and furniture. In Podujevo municipality villagers reported similar activities.<sup>7</sup> In Kacanik/Kacanik municipality, villagers were displaced, their houses plundered, vandalized and sometimes burned in early March.<sup>8</sup>



Cirez/Qirez mosque [\[zoom\]](#)

### *Other forms of pillage and destruction of property*

Another form of pillage, widely reported to the OSCE-KVM while deployed in Kosovo and foreshadowing the most common experience of Kosovo Albanians fleeing or forcibly expelled in the period after 20 March, was the extortion of money at police checkpoints. There were also incidents of theft or extortion from shops or restaurants. Another common occurrence was that IDPs found their houses or apartments occupied by police or VJ officers when they attempted to return. The IDPs often tried in vain to regain their property through court procedures.<sup>9</sup>

### **Deliberate destruction of property, looting and pillage during the State of War**

As was the case for all other violations of human rights and humanitarian law, the prevalence and the severity of destruction of civilian property, looting and pillage increased significantly after the OSCE-KVM withdrawal and even more after the NATO air campaign started. Out of the nearly 2,800 refugee statements taken by the OSCE-KVM in this period, very few were without mention of such experiences.

The above-described patterns of VJ and police offensives against communities continued simultaneously across the entire province, and with destruction on a much larger scale. It appears that in most cases the shelling of villages was without legitimate military objective. If one were to view the denial of provisions and support to the UCK as an "imperative military objective", it still would have been necessary for the armed forces to distinguish between military objectives and civilian objects. International humanitarian law prohibits the wanton destruction of property, excessive in comparison to the direct and concrete military advantage gained.<sup>10</sup> The burning of homes and property of Kosovo Albanians as they were being expelled was widespread. The arrival of VJ, police and paramilitaries in a village or a town neighbourhood would usually be followed by theft or destruction of property (including livestock in the villages) and extortion of money. One refugee related:

Police entered the village [of Celina/Celine (Orahovac)] and went into the houses to take money and jewellery. They separated the men and a VJ commander said for DM 10,000 he would spare the young men from killing. Then the villagers ... gathered the money and gave it to him. Then the VJ released the men... After police escorted the villagers to the main road, there was no police presence for three days. Then police returned and set the [Kosovo] Albanian houses on fire after stealing all that they could load on trucks (military and civilian trucks taken from the [Kosovo] Albanians earlier). They also stole animals, including cows...<sup>11</sup>

Of course, as is graphically described elsewhere in this report, numerous other human rights violations were perpetrated against Kosovo Albanian civilians in the context of their forced expulsion.

### *Specific targets for deliberate destruction*

The Yugoslav and Serbian forces made a point of destroying buildings of communal value to the Kosovo Albanian population, such as the *Koha Ditore* newspaper printing house in Pristina, a private clinic in Pristina, and Mother Teresa Society premises in Pristina, Kacanik, and Stimlje/Shtime.<sup>12</sup> Kosovo Albanian-owned shops were also a specific target of looting throughout Kosovo. Although the destruction of homes was very generalized across Kosovo, refugee statements also indicated that property of local OSCE-KVM staff and others associated with the OSCE-KVM were particularly targeted (see Chapter 22: Groups in Kosovo Albanian society particularly targeted for human rights violations).

Furthermore certain religious or cultural objects were damaged or destroyed. This, despite the fact that conflicting parties are according to Article 16 Additional Protocol II committed not to direct any acts of hostility against such objects. In March and April the League of Prizren building, which is listed by UNESCO in the "Register of Cultural Property under Special Protection" was damaged by tank fire. In Djakovica/Gjakova town police and paramilitaries set the old market quarter, with traditional Kosovo Albanian architecture, on fire.<sup>13</sup> The destruction of mosques was also widespread. The mosques were destroyed during shelling campaigns,<sup>14</sup> when military equipment was put in the building,<sup>15</sup> or there was a deliberate attack on a mosque.<sup>16</sup> Some 200 mosques were allegedly damaged or destroyed.<sup>17</sup> In early June, just before the Yugoslav/Serbian forces left Kosovo after the withdrawal agreement, they inflicted major destruction on the historic centre and the market area as well as to the traditionally Kosovo Albanian residential areas in Pec.<sup>18</sup>

### *Specific objects of looting and pillage*

Another systematic feature was the killing of cattle and livestock in the rural areas, which is prohibited under Article 14 of Additional Protocol II. There are numerous references to this in statements from

Kosovo Albanians expelled from villages. For example, over 2,000 cows were allegedly stolen from villagers and taken to a cattle farm in Reka/Reke (Kacanic).<sup>19</sup> In some places cattle and other livestock were simply shot dead or burned alive by the attacking Yugoslav and Serbian forces. The objective of this practice was clearly to wreck rural Kosovo Albanians' means of economic survival. Moreover, dead animals were sometimes thrown into wells in order to contaminate the drinking water,<sup>20</sup> while convoys of IDPs were often robbed of the scarce supplies of food they carried with them. One interviewee describes how in late April he saw looted cattle being transported from the hills down to Luzane and thence by lorry to Serbia.<sup>21</sup>

Serbian forces, especially police, also confiscated many vehicles. Cars were taken either when police raided homes and villages, or they simply took them on the streets, particularly from people who were fleeing, whom they told instead to go to the train station.<sup>22</sup> Especially in the towns the authorities sought to maintain an air of legitimacy by sometimes issuing documents of confiscation. Even if Kosovo Albanians managed to reach the border by car or tractor, it often happened that they had to leave the vehicle behind before crossing the border.<sup>23</sup>

### *Extortion of money*

One of the most evident conclusions of the analysis of the refugee statements is that almost all the perpetrators, but especially the paramilitaries, had financial benefit as a motive for the human rights violations they perpetrated on Kosovo Albanians.

Extortions were carried out at virtually every stage of the expulsion of Kosovo Albanians: in the villages, on the road in IDP columns, on trains and buses, at the border. An interviewee expelled from Letance/Letance (Podujevo) said:

When we arrived in Podujeve we were immediately surrounded by VJ, police, paramilitaries and local Serbs from the town. They opened a list with the names of [Kosovo] Albanians. When they came to our surname they immediately said they knew that my 75-year-old uncle had money and they gave him 20 minutes to find DM 30,000. They ordered one member of my family to collect the gold from the women. My uncle told them he did not have it, he only had DM 12,000. They took this money and proceeded to beat him severely with rifle butts. They brought two trucks, looted the home, and took one Mercedes truck and three cars. The process was repeated in other houses, more than DM 500,000 and [a large quantity of] gold were extorted.<sup>24</sup>

Often Kosovo Albanians were forced to surrender money, gold and other valuables, cars or tractors in return for someone's life. For example, one man said that paramilitaries took him out of a bus and told that if he did not pay DM 1,000 they would kill everybody on the bus. It was even more common for them to take away a close family member and threaten the hostage with death, beating or rape if they did

not get the money they demanded.<sup>25</sup>

It has been reported in the international media that paramilitary units such as "Arkan's Tigers" and the "White Eagles" included men recruited from prisons in Serbia. The incentive to participate in the forced expulsion of the Kosovo Albanian population was not only that those prisoners were promised early release, but also that they were told that they could make as much as DM 10,000 or DM 20,000 a month. Extra money was paid for special tasks such as destroying an entire village.<sup>26</sup> The fact that financial gain was such a predominant motive for perpetrators, explains why paramilitaries were reported by refugees to have asked local Serbs to provide them with lists of wealthy Kosovo Albanians.<sup>27</sup> More common in refugee statements, however, are descriptions of paramilitaries carrying out indiscriminate searches for goods, valuables and money.

A brutal group of paramilitaries apparently acted in the north-east of Pristina, near the village of Grastica/Grashtice (Pristina) through which many IDPs from Podujevo municipality passed. The patterns of extortion in this area were threefold: either the paramilitaries took children and threatened their parents or other relatives that the hostage would be killed unless a requested amount of money was paid. Those families that had enough money on them, had their hostages released.<sup>28</sup> If the blackmailed Kosovo Albanians were not able to pay the high sums from DM 500 up to several thousand deutschmarks, the hostages were sometimes beaten up or abducted, but most likely immediately killed.<sup>29</sup> The most unfortunate families gave money, but still their relatives were killed without any further explanation why.<sup>30</sup> A more detailed description of these events is given in Paart V, Pristina, the municipality excluding Pristina city.

The widely reported phenomenon of the confiscation of identity documentation from Kosovo Albanians as they were being forcibly expelled is covered in Chapter 14, Forced Expulsion.

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## Notes

<sup>1</sup> Commentary Article 4 Protocol Additional to the Geneva Conventions of 12 August

<sup>2</sup> OSCE-KVM, HQ, "Fusion Blue Book", 26 January 1999.

<sup>3</sup> PR/00/0052/99 and PR/00/0053/99; OSCE-KVM, HQ, "Fusion Blue Book", 26 January 1999.

<sup>4</sup> OSCE-KVM, HQ, "Fusion, Blue Book", 1 February 1999.

<sup>5</sup> MI/00/0028/00; MI/00/0030/99 to MI/00/34; MI/00/0038/99. The poisoning of the well is a violation of Article

14 Additional Protocol II. A post-evacuation example for the contamination of wells with dead bodies is M/0507.

<sup>6</sup> All as per OSCE-KVM, RC2 Human Rights Office, "Weekly Report No. 13", 12-18 March 1999.

<sup>7</sup> OSCE-KVM, HQ, "Special Report on Pillage"; OSCE-KVM, HQ, "Fusion Blue Book", 3 and 18 March 1999.

<sup>8</sup> OSCE-KVM, RC 5, CC Urosevac, "Special Report", 11 March 1999 (for example in Kotlina/Kotline, Rezance/Rashanice, Straza/Strazhe and Ivaja/Ivaje).

<sup>9</sup> PZ/003/051/99; PE/02/0007/99/99; PE/02/0046/99.

<sup>10</sup> These norms are articulated in humanitarian law applicable in international armed conflicts and arguably customary international law for internal conflicts; see the 1977 Protocol I to the 1949 Geneva Conventions, in particular Article 52 which prohibits civilian objects from being the object of attack or of reprisals. Article 51 prohibits indiscriminate attacks ("to strike military objectives and civilians or civilian objects without distinction.") Article 52 further states: "In case of doubt whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used." Generally, in refugee interviewees where the UCK is described as having been present in a village when it came under attack, thereby rendering it a legitimate target for actions by the military/security forces, too little information is provided by the interviewee to draw the firm conclusion that the actions of the military and security forces were indiscriminate or disproportionate.

<sup>11</sup> A/0691.

<sup>12</sup> M/0163; M/0167; M/0349; M/0432; M/0525; M/0653.

<sup>13</sup> UNHCR, "Kosovo Emergency Update", 30 March 1999 and A/0033 (Prizren); A/0198, A/0383, A/0693, A/0762, A/0845, A/0884, A/1059, A/1109, M/0334, M/0495, M/0565, M/1253, M/1514, M/1518; M/1523 (Pec).

<sup>14</sup> A/0742; M/0296; M/0591; M/0947; M/1016; M/1215.

<sup>15</sup> M/0212; M/0289.

<sup>16</sup> A/0103; M/0201; M/0404; M/0457; M/0565; M/1460; M1540.

<sup>17</sup> Statement of the Presidency of the Islamic Community of Kosovo on 25 August 1999.

<sup>18</sup> Witnessed by the remaining residents of Pec, OSCE Assessment Team to Kosovo, 22 June 1999.

<sup>19</sup> M/1272.

<sup>20</sup> A/0691; M/0519; M/1281; M/1496; M/1619. See also Part III, Chapter 14, Forced Expulsion.

<sup>21</sup> M/1528.

<sup>22</sup> For example M/0063, M/0158, M/0354, M/0856, M/1433.

<sup>23</sup> M/0149; M/0162; M/0271; M/0622; M/0858; M/1522.

<sup>24</sup> M/0864. Among many other reports see also A/0998; A/1119; M/0301; M/0567; M/0755; M/0938; M/1741; M/1776.

<sup>25</sup> For example A/0087; A/0691; A/0764; A/0907; M/0529; M/1228; M/1311; M/1351; M/1710; M/1732;

<sup>26</sup> Petra de Koning in NRC-Handelsblad, Podgorica 17 July 1999; Bernhard Odehnal "Hier kannst du ein Vermögen machen: Serbische Paramilitärs schildern die ethnischen Säuberungen im Kosovo als großes Wirtschaftsunternehmen", Podgorica, (für *Format*, 4 July 1999); Bob Graham, *Sunday Times*, 4 July 1999.

<sup>27</sup> M/0864, M/0873, plus sources as cited in previous footnote.

<sup>28</sup> M/0314, M/1256, M/1404, M/1471, M/1480, M/1730, M/1737.

<sup>29</sup> M/1238; M/1260; M/1320; M/1359; M/1440; M/1757.

<sup>30</sup> A/0636; M/1351; M/1365.

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KOSOVO / KOSOVA As Seen, As Told

OSCE ODIHR

## HUMAN SHIELDS and other endangerment of non-combatants during military operations

Protection of civilians and non-combatants in armed conflict extends to prohibiting their use to influence military operations. The principle is set out specifically in international humanitarian law regulating international armed conflict, where prohibitions include using the civilian population or individual civilians to "shield, favour or impede" points or areas from military operations. Parties to a conflict are also prohibited from moving individuals or groups of civilians to shield military objectives from attack.<sup>1</sup> This prohibition on the use of "human shields" is closely linked to two other principles, common to both international and internal armed conflict. One prohibits the taking of hostages.<sup>2</sup> The other prohibits harming those "not actively taking part in hostilities".<sup>3</sup> (For further details on the applicable law see Chapter 2, The OSCE-KVM human rights operation, subheading "A state of armed conflict - legal definition".)

### Civilians or detainees used to protect armed forces from NATO attacks

NATO's stated objective, when it launched air operations against the Federal Republic of Yugoslavia on 24 March 1999, was "to attack Yugoslav military and security forces and associated facilities with sufficient effect to degrade its capacity to continue repression of the civilian population and to deter its further military actions against his own people".<sup>4</sup> NATO forces were known to be using satellite imagery, and were also probably provided with information from the ground about possible targets. Many reports emerged of Yugoslav forces stashing ammunition in civilian locations, moving police administrative structures to civilian buildings, and conducting other activities in order to make targeting more difficult. Accusations quickly emerged from Kosovo Albanians and journalists that Yugoslav authorities were deliberately concealing their equipment in locations which jeopardized Kosovo Albanian civilians or detainees. Furthermore, movements, or restriction of movement, of the civilian population itself at times had at least the appearance of protecting military objects, sites or personnel. At a minimum, it was clear that armed forces were prepared to endanger civilians for their own objectives of military deterrence.

Most interviewees who said they were used as human shields based their claims on the proximity of their location or movements to military equipment or personnel.<sup>5</sup> Two interviewees who were forced to remain in their vehicles at military barracks in Djeneral Jankovic/Hani i Elezit (Kacanik) on approximately 29 March suspected that they were prevented from moving on towards the former Yugoslav Republic of Macedonia border because the place where they were stopped, which was also reputed to be an ammunition store, would not be targeted if it was surrounded by Kosovo Albanians.<sup>6</sup> However, their movement may also have been restricted for other reasons, for example if there was a large backup of traffic at the border. Regardless of the armed forces' intentions, by restricting the movement of detainees so close to a potential military target, their security was endangered.

Sometimes interviewees may have been used as human shields but did not recognize it from their perspective. Yugoslav authorities frequently accompanied convoys of refugees with military materiel and personnel, a practice which may have been motivated by the desire to protect such equipment during its movements. At times, NATO, when targeting such materiel and personnel, hit civilians instead. As was very widely publicized internationally, on 14 April NATO bombed convoys of IDPs at two locations close to Djakovica/Gjakova town (Meja/Meje and Bistrazin/Bistrazhin). The presence of military vehicles accompanying the convoy at Meja may indicate that people in the convoy were being used as human shields.

On that day, several villages in Djakovica municipality near the border zone were emptied by Serbian forces and the Kosovo Albanian population was escorted in convoys to Djakovica town. At the time, a convoy of Kosovo Albanians escorted at front and rear by military vehicles proceeded towards Djakovica.<sup>7</sup> NATO observed the collections of displaced people and a series of burning buildings, and decided to fire on vehicles it thought carried those responsible for committing the acts.<sup>8</sup> As recounted by an interviewee who had fled Pacaj/Pacaj village with his family when they saw other villages burning in the neighbourhood, he was at Meja when an explosive device hit a tractor. Following this event, some villagers were ordered back to their villages, but police ordered a group containing the interviewee into a large three-storey building nearby, using also its garage. After about 15 minutes this location was again targeted, and at least seven civilians were killed.<sup>9</sup> It is possible the displaced people were intentionally herded into the building because the Serbian forces were aware that it could become the subject of an attack. Approximately one hour later, the convoy of refugees, possibly the one described above, was wrongly identified by NATO as being VJ and was fired upon twice near Bistrazin, resulting in numerous casualties (See also Part V, entry for Djakovica municipality.)

Other interviewees also said that NATO air strikes hit targets close to areas where they were being detained. For example, on approximately 7 April police and VJ stopped a convoy of IDPs which was escorted by military forces between Istok/Istog (Istok) and Landovica/Landovice (Prizren). The IDPs were ordered to go home. On their way back, at Veric/Veriq village (Istok), the convoy was stopped for two hours by police and VJ close to a military base, which was subsequently bombed. The interviewee who recounted this estimated 50 Kosovo Albanians were injured as a result.<sup>10</sup> Similarly, a column of IDPs travelling from Djakovica town to Prizren town on or around 8 May was accompanied by tanks;

along the way, near Landovica, a NATO attack bombed a nearby field. Although interviewees themselves did not mention it, the movements of the internally displaced people may have been controlled in an attempt to deter the air strike.<sup>11</sup>

On other occasions, interviewees were specifically told that they were being used as human shields.<sup>12</sup> While in some cases this may have been simply to terrorize them further, there are cases where what the interviewee was told appears to be borne out by the nature of the controlled movements they described. IDPs and villagers in Cirez/Qirez (Srbica/Skenderaj) were forced to accompany military equipment on a five-hour march via back roads to a school in Stutica/Shtutice (Glogovac/Gllogoc) on 25 March 1999.<sup>13</sup> Once they arrived, the interviewees were forced to spend the night. The following morning, the VJ told them that they were free to go as they had only been necessary as human shields (see also Part V, entry for Srbica municipality). On 21 May Kosovo Albanians fleeing the Emshirovo district of Pristina/Prishtina city towards Kosovo Polje/Fushe Kosove were ordered to return to an area near the military barracks in Pristina. They were told that they were being used as human shields by police, but were released after several hours.<sup>14</sup>

### **Use of civilians and detainees as protection during in-country operations**

Human shields were not only used to protect against NATO attack. Interviewees reported that Serbian forces used civilians in order to protect or give them advantage while conducting operations. There are also reports of the UCK having on occasion endangered Kosovo Albanian civilians in this way.

One commonly reported and widespread phenomenon was for Yugoslav and Serbian armed forces which were expelling residents from villages and neighbourhoods to take with them one or more local Kosovo Albanians as protection as they went house to house. For example, mixed VJ and police forces used one Kosovo Albanian as a human shield when they went from house to house expelling inhabitants of Mucibaba/Mucibabe village (Gnjilane/Gjilan) on 27 March 1999.<sup>15</sup> Other similar acts were perpetrated by VJ and police in Prugovac/Prugofc (Pristina) on 20 March 1999;<sup>16</sup> by armed Serb civilians in Vranjevac/Kodra e Trimave district of Pristina city on 23 April;<sup>17</sup> by VJ and "paramilitaries" on 16 May in the Tavnik quarter of Kosovska Mitrovica/Mitrovice;<sup>18</sup> and in many other locations across Kosovo.

Less common were incidents where civilians or detainees were put between fighting forces. However, in one incident on approximately 2 May 1999, a group of men who were detainees at the Srbica secondary school were taken by the VJ to Trnavce/Trnoc (Srbica), where fighting was ongoing between the UCK and Serbian armed forces. One interviewee said he was put between the positions of the belligerent sides, and it was announced that "if one Serb soldier is killed we will kill all the men". They were also made to walk across a field to see if it was mined.<sup>19</sup> Another interviewee reports that after being used as human shields they were forced to set fire to Trnavce village.<sup>20</sup> They were returned the same day to the

secondary school.

In late March, VJ forces came into Belanica/Bellanice (Suva Reka/Suhareke), which was partially held by the UCK. After expelling most of the villagers, a group was kept behind; they were told that they would be held as hostages because the UCK still held one end of the village. A Serb with a megaphone called to the UCK-held end and said "you have to leave or we will kill the hostages", the hostages themselves also made an appeal to the UCK forces which apparently left. But the Serbs did not believe that they had done so, and started to grenade the tractors with women and children on them.<sup>21</sup>

Also common were reports that civilians were prevented from leaving villages where VJ or other forces temporarily installed themselves. While the motivations for troops to keep local inhabitants in villages could be numerous (for example, often villagers were forced to cook, clean or perform menial tasks for the forces), the presence of local civilians might be expected to shield them from ambushes or attacks from the opposing forces. For example, when VJ troops were in Smira/Smire village (Vitina/Viti) on several occasions during April they ordered villagers who had fled to the mountains either to return to the village or to go to Albania. The villagers were forced to provide the troops with food, and men were sometimes asked to engage in other menial tasks for the soldiers, such as pushing cars which had broken down.<sup>22</sup> They were confined to the village, at times ordered to stay inside. Similar accounts of forced confinement to a village were given by interviewees from Globare/Globare village (Glogovac), Veliki Kicic/Kqiq i Vogel (Kosovska Mitrovica municipality, but described in this report in the Vucitrn municipality entry), Staro Selo (Urosevac/Ferizaj) and many others.

Many Kosovo Albanians fled actions during fighting in the first 10 days of March in villages in the east of Kacanik municipality (see the relevant municipality entry). On 5 March, the UCK held displaced Kosovo Albanians in the village of Kotlina/Kotline against their will. They were not allowed to evacuate, although UNHCR and the OSCE-KVM had made all the arrangements for a safe transport out of the conflict area.<sup>23</sup>

Civilians were also frequently present in villages in territory controlled by the UCK, even close to front lines, for example, in the Bajgora region (see Kosovska Mitrovica and Podujevo municipality entries) and in the Drenica region (see Srbica and Glogovac municipality entries). Virtually all Kosovo Albanians said that the choice to go to or remain in these locations had been voluntary, as they felt protected with the UCK nearby. At times, however, the UCK may have abused the voluntary presence of civilians to endanger them unnecessarily when under attack by Yugoslav forces.

One interviewee recounted how in mid-April a UCK patrol of eight soldiers escorted a convoy of more than a thousand Kosovo Albanians fleeing from Potok/Potok (Podujevo), and the following day, a large offensive began. As the internally displaced people fled towards Kolic/Koliq (Pristina), the UCK received orders to bury their weapons, get out of their uniforms and blend in with the crowd.<sup>24</sup> By the time fighting broke out at the beginning of April between the UCK and Serbian forces in Kraljane/Kralan (Djakovica) thousands of internally displaced people had gathered because they considered it a

safe place, although in some cases their presence there may not have been voluntary. However, according to one interviewee the UCK did not fight back but withdrew into the forest because of the large number of civilians in the village.<sup>25</sup> (See Part V, entry for Djakovica municipality.)

### **Use of detainees to do dangerous, involuntary work**

Men detained by Serbian armed forces were on occasion required to undertake dangerous and involuntary work or activities for the armed forces. As noted above, Kosovo Albanian detainees taken from the Srbica secondary school to Trnavce village were forced to walk across a field by their captors to see if it was mined. A similar incident was reported by a man who said that four men captured by the VJ in Mirosavlje/Mirosale (Urosevac) were injured after being forced to walk across a mine field.<sup>26</sup> One interviewee from Prizren town fled after hearing that young men rounded up were forced to give blood and then taken to the border to lay mines. However, there were no first-hand accounts of these practices.<sup>27</sup>

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### **Notes**

<sup>1</sup> "The presence or movements of the civilian population or individual civilians shall not be used to render certain points or areas immune from military operations, in particular in attempts to shield military objectives from attacks or to shield, favour or impede military operations. The Parties to the conflict shall not direct the movement of the civilian population or individual civilians in order to attempt to shield military objectives from attacks or to shield military operations. " Article 51(7) of the 1977 Additional Protocol I to the 1949 Geneva Conventions.

<sup>2</sup> 1949 Geneva Conventions, Common Article 3, I(b)

<sup>3</sup>"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, colour, religion or faith, sex, birth or wealth, or any other similar criteria." Common Article 3(I). As an additional point, humanitarian law specifies that the "physical and mental health and integrity (of persons interned or detained) shall not be endangered by any unjustified act or omission." Article 5(2)(e), 2<sup>nd</sup> 1977 Geneva Protocol.

<sup>4</sup> Transcript of Press Conference, NATO HQ Brussels, 25 March 1999. Available at <http://www.nato.int/kosovo/press/p990325a.htm>

<sup>5</sup> See for example, M/0394, who heard that on 26 April 1999 villagers in Stimlje/Shtime town were gathered into a house and yard where two tanks were located. A relative recounted to M/0591 that she had been sent to the

school in Cernica/Cernice (Gnjilane) where weapons were stored in early April 1999. M/0933 was held with 65 other internally displaced Kosovo Albanians for three hours at a checkpoint outside Lipljan/Lipjan town on 26 April and, since NATO overflew the area, they believed the reason for their detention there was to be used as human shields. M/1185 believed that the train he and others were on was used as a human shield when it was stopped overnight near a reputed ammunition depot in Lipljan on 30 March 1999. Other similar examples are numerous.

<sup>6</sup> M/0073; M/0074.

<sup>7</sup> A/0465.

<sup>8</sup> Transcript of Press Conference, NATO HQ Brussels, 19 April 1999.

<sup>9</sup> A/0465. He said the aircraft was low-flying. NATO said the attack was made by an F-16 flying at 15,000 feet. NATO accepted responsibility for both attacks, it said the first had been made on the lead vehicle in a convoy of three, and then the second on similar vehicles in the courtyard of the nearby building. It admitted that while the first assessment had been that the vehicles were military, later it was established that at least one was civilian. Transcript of Press Conference, NATO HQ Brussels, 15, 16 and 19 April 1999.

<sup>10</sup> A/0253.

<sup>11</sup> A/1071.

<sup>12</sup> For example, according to A/0225 women from a village in Suva Reka were ordered to go to a school in a nearby village, which soldiers who accompanied them said was going to be a target for NATO, and the women were told they would be used as human shields.

<sup>13</sup> M/0937; M/0940 (also interviewed as M/1380); M/1033; M/1193; M/1294; M/1460; M/1619.

<sup>14</sup> M/1342.

<sup>15</sup> M/1212.

<sup>16</sup> M/0849

<sup>17</sup> M/1190

<sup>18</sup> A/0700; A/0752

<sup>19</sup> A/0766. A/1058 was also among those taken. A/0681; A/0786; A/0852 were told about what happened from other prisoners.

<sup>20</sup> A/1058.

<sup>21</sup> A/0278.

<sup>22</sup> M/1126.

<sup>23</sup> OSCE/KVM/RC5/CC Urosevac, HR Special Report "Chronology of events in Kacanik", 11 March 1999.

<sup>24</sup> M/1528.

<sup>25</sup> A/0111; A/0200 out of many accounts of this incident.

<sup>26</sup> M/1195.

<sup>27</sup> A/0943. Although some interviewees had heard rumours that detained Kosovo Albanians were forced to lay mines for the VJ, none provided first hand accounts. The forced taking of blood also appears elsewhere in interviewees' statements, albeit these reports are rare and speculative, none being from persons claiming to have undergone this procedure: A/0713 (Prizren, hearsay); A/1102 (Prizren); M/0314 (Lukare/Llukare, Pristina); M/1449 (Gnjilane); M/1737 (Makovac/Makofc, Pristina). International humanitarian law prohibits applying medical procedures which are not indicated by the state of health of an individual.

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KOSOVO / KOSOVA As Seen, As Told

OSCE ODIHR

## FORCED EXPULSION

Between March and June 1999 forces of the FRY and Serbia forcibly expelled some 863,000 Kosovo Albanians from Kosovo.<sup>1</sup> Of these, 783,000 - the vast majority - stayed in the region - in Albania, the former Yugoslav Republic of Macedonia, Montenegro (FRY) or Bosnia-Herzegovina. More detailed figures are given in the table. As of 9 June 80,000 refugees were evacuated to 40 other countries participating in a Humanitarian Evacuation Programme (HEP), organized by the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM).<sup>2</sup>

In addition, several hundred thousand other Kosovo Albanians were displaced within Kosovo and remained in the province throughout the conflict. Their story is inevitably not included in this report, since statements were taken by the OSCE-KVM in the refugee camps. However, the statements of refugees who succeeded in reaching Albania and the former Yugoslav Republic of Macedonia on which this report draws give a clear indication of the patterns of treatment and displacement to which Kosovo Albanians in Kosovo were subjected as internally displaced persons (IDPs), before becoming refugees. Figures for the numbers of internally displaced are less reliable than those for refugees, but it is clear from refugee accounts that many convoys and groups of IDPs, often numbering several tens of thousands, were on the move throughout the conflict. The UCK gave a figure of 650,000 internally displaced hiding in the hills and 100,000 missing, but it now appears that these figures may have been exaggerated.<sup>3</sup> The UNHCR estimated that as of 13 May 1999 there were 590,000 IDPs in Kosovo, although the lack of international personnel on the ground makes these figures difficult to verify.<sup>4</sup>

Taking the latter figure for the number of IDPs and including refugees who were able to flee Kosovo, this suggests that over 90 per cent of the Kosovo Albanian population was displaced in 1999. It is clear that only a small fraction of the Kosovo Albanian population was not displaced by the conflict in some way, and indeed some of those who remained will also have moved from place to place within one town. (The fighting between Serbian forces and the UCK in 1998 had resulted in the (largely internal) displacement of some 350,000 people in Kosovo by the end of that year.<sup>5</sup>

As is described in greater detail below and in Part IV, which surveys Kosovo's 29 municipalities, the outflow of Kosovo Albanians as refugees resulted from systematic and widespread expulsions carried out throughout Kosovo by the Serbian forces. Once the OSCE-KVM left on 20 March 1999 and in

particular after the start of the NATO bombing of the FRY on 24 March, Serbian police and/or VJ, often accompanied by paramilitaries, went from village to village and, in the towns, from area to area threatening and expelling the Kosovo Albanian population. Those who had avoided this first expulsion or had managed to return were then expelled in repeat operations some days or weeks later. Others who were not directly forcibly expelled fled as a result of the climate of terror created by the systematic beatings, harassment, arrests, killings, shelling and looting carried out across the province. Refugees arrived at the borders of Kosovo in convoys several thousand strong on foot or carried by tractors, and on trains and buses, these last two provided and organized by the police or other Serbian authorities.

As is shown in the table, in the space of little more than a week - from 24 March to the morning of 2 April - a total of 177,500 Kosovo Albanians arrived in Albania, the former Yugoslav Republic of Macedonia and nearby countries, with a further 130,000 arriving in Albania and the former Yugoslav Republic of Macedonia the following day alone.<sup>6</sup> The arrival of such large numbers so soon after the departure of the OSCE-KVM would appear to indicate pre-planning of the operations. After this first influx, the routes which internally displaced persons (IDPs) took within Kosovo were regulated by Serbian forces. The flow of refugees was also regulated, with the result that many thousands would arrive at border crossing points with Albania, the former Yugoslav Republic of Macedonia and Montenegro (FRY) on some days, but then only a handful of refugees would arrive at particular crossing points on succeeding days. Such patterns provide a further indication that the operation was clearly planned and executed, not least with a view to keeping key communication routes within Kosovo open.

### **Numbers of refugees displaced from Kosovo 23 March-9 June 1999**

(Figures represent total arrivals on each given date)

	<b>Montenegro</b>	<b>B-H</b>	<b>FYROM</b>	<b>Albania</b>	<b>HEP</b>	<b>Total</b>
23 March	25,000	10,000	16,000	18,500		<b>69,500</b>
30 March	32,500	13,000	20,500	78,500		<b>144,500</b>
31 March	35,000	14,000	28,000	103,500		<b>180,500</b>
1 April	40,000	15,000	43,000	103,500		<b>201,500</b>
2 April	50,000	16,000	43,000	138,000		<b>247,000</b>
3 April	52,000	17,000	108,000	200,000		<b>377,000</b>

4 April	54,000	18,000	109,000	247,000		<b>428,000</b>
5 April	55,000	20,000	110,125	254,813		<b>439,938</b>
6 April	58,000	21,000	111,250	262,625		<b>452,875</b>
7 April	60,000	22,000	112,375	270,438		<b>464,813</b>
8 April	61,000	23,000	113,500	278,250		<b>475,750</b>
9 April	62,000	24,000	114,625	286,063		<b>486,688</b>
10 April	63,000	25,000	115,750	293,875		<b>497,625</b>
11 April	64,000	26,000	116,875	301,688		<b>508,563</b>
12 April	63,000	27,300	118,000	309,500	7,987	<b>525,787</b>
13 April	67,200	27,700	116,000	314,300	10,780	<b>533,980</b>
14 April						
21 April	70,000	32,300	130,000	57,000	16,911	<b>606,211</b>
28 April	63,300	15,000	142,650	367,200	22,084	<b>610,234</b>
5 May	61,700	17,600	211,340	404,200	28,654	<b>723,494</b>
12 May	64,400	18,500	231,200	427,000	40,518	<b>781,618</b>
19 May	64,000	20,000	226,800	433,300	52,643	<b>796,743</b>
26 May	64,700	21,500	252,600	439,600	63,575	<b>841,975</b>
2 June	68,400	21,700	248,900	442,600	74,014	<b>855,614</b>
9 June	69,700	21,700	247,400	444,200	79,979	<b>862,979</b>

B-H: Bosnia-Herzegovina.

FYROM: the former Yugoslav Republic of Macedonia.

HEP: Humanitarian Evacuation Programme.

In addition, more than 100,000 Serb IDPs are estimated to have left Kosovo and to have been registered in Serbia and Montenegro.

*Source:* UNHCR, Geneva, 15 October 1999.

Kosovo Albanians were clearly targeted for expulsion because of their ethnicity. Other ethnic and religious groups, such as Turks, Gorani and Muslim Slavs, were excluded from the expulsions. Serb houses were marked with the Serbian cross so that they would not be targeted.<sup>7</sup> Those expelled by the Serbian forces included not only able-bodied Kosovo Albanian men and women, but also children and those elderly people who were too infirm to be mobile.

Expulsions took place in practically every municipality according to the data gathered by the OSCE-KVM. In the four municipalities where there was a Serb majority (Leposavic, Novo Brdo, Zubin Potok and Zvecan) there is only one refugee report of Kosovo Albanians being expelled, from a village in Zubin Potok. In Kosovska Kamenica (which had a 22 per cent Serb population) there is also only one report of Kosovo Albanians being expelled from a village. It is possible that expulsions were nevertheless carried out in these municipalities, since OSCE-KVM's refugee interviewing was carried out only in Albania and the former Yugoslav Republic of Macedonia, and it may be that the more obvious and accessible routes for anyone fleeing from Serb majority municipalities, which are on the northern and eastern edges of the province, would lead them to Montenegro or Bosnia-Herzegovina, or to Serbia proper. In the other municipalities, however, numerous villages were emptied of their Kosovo Albanian populations.

It is not clear whether the intention of these expulsions was to expel all Kosovo Albanians from Kosovo, or whether it was to reduce the numbers of Kosovo Albanians to a "manageable" number, or to clear out all areas of known or perceived UCK presence and support. Those who were seen as UCK fighters or supporters, particularly in rural areas, were clearly targeted for particularly harsh treatment in both 1998 and 1999. However, expulsions in 1999 were carried out in large towns across the province from Kosovska Mitrovica/Mitrovica to Pec/Peja to Pristina/Prishtina. It is possible that further expulsions were planned but that the NATO bombing campaign forced plans to be revised or put on hold.

It might be possible to argue that the Serbian forces were essentially looking for UCK arms or supporters, a legitimate aim for a government seeking to bring a rebel movement under control. However, the way in which these operations were carried out indicates that the intention was clearly

expulsion. Villagers were given minutes to leave and told that they should go and never come back and that Kosovo was Serbian land.<sup>8</sup> Acts of brutality and violence were used to heighten the climate of fear, create chaos and a pervading fear for life. They formed part of a policy of terror designed to trigger "spontaneous" departure.

It might also be possible to maintain that the forced movement of Kosovo Albanians by Serbian forces was to prevent civilians from becoming caught in crossfire and fighting. Serbian forces which accompanied convoys or buses to the border could arguably be seen as providing protection (for instance, from paramilitaries or air attack) for those leaving.<sup>9</sup>

Indeed, this does appear on occasion to have been the case. However, the brutality and violence with which the IDPs were generally treated - with killings and beatings - and the failure to provide food or water - indeed, the systematic destruction of food supplies - suggest that the opposite of protection was intended.

The sections below outline the course of events and the different aspects of the forced expulsions that took place. They should be read in the light of Article 17 of Additional Protocol II to the 1949 Fourth Geneva Convention. This states:

1. The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition.
2. Civilians shall not be compelled to leave their own territory for reasons connected with the conflict.

### **Typical patterns of forced expulsion**

The patterns of displacement described below were in evidence across Kosovo and were repeated many times, as recounted in Part V of this report, giving events in each of the municipalities in Kosovo.

Typically, Serbian forces would shell a village for some hours, with the result that Kosovo Albanians hid in basements or fled to the hills. Then, when the shelling stopped, Serb forces including police, VJ and/or paramilitaries would enter the village, shooting into the air. They would break down doors to enter Kosovo Albanian houses, threaten everyone who had not already fled and order them to leave, either instantly, within a few minutes, or sometimes within some hours. Sometimes village elders or religious leaders are described as negotiating the implementation of the Serb demands; sometimes certain local Serbs were selected to spread the word that the Kosovo Albanians had to leave; sometimes the first house to which the forces came simply served as an example to other villagers.

A 39-year-old man describes the situation in Djinovce/Gjinofc (Suha Reka), which was shelled briefly

before a large number of VJ, police and paramilitaries entered and cleared people from their homes, threatening and assaulting them as they fled:

The morning after NATO bombing, Serb forces (VJ, police, paramilitaries), heavily armed and with tanks and armoured vehicles, completely surrounded the city. They started shooting into the houses at 07:00 hours. We had to wake up our children and flee but we did not know where to go. All went very fast. We did not dare to go to the main street, we just had to climb from house to house. We could not take

anything but the clothes we wore. The children had only pyjamas. We could hear shots in other houses and the crying of women and children and the shouting of paramilitaries. On the way out of the city we got to the cemetery via some side lanes and we could hear shooting, so we went down in a ditch and bullets were going over our heads. One 18-year-old girl was killed. One man was hit on the shoulder by a paramilitary with the back of a rifle and we heard that he was later executed. On that day they also started to burn the houses. We could see our own house on fire as we were leaving. The whole neighbourhood was on fire.<sup>10</sup>



**A child's depiction of expulsion from a village** [\[zoom\]](#)

Frequently a Kosovo Albanian would be intimidated, injured or killed in full public view to enforce the departure of the other villagers. Houses were also looted and set alight. Those who refused to leave were often killed. The combination of shelling, shooting, burning, intimidation and killing created chaos and panic, with villagers running in fear of their lives. As one refugee expelled from Vranic/Vraniq (Suva Reka) in early April explained, the "police threatened the population and killed some to encourage others to leave".<sup>11</sup>

In a particularly brutal example, one 49-year-old man, who fled Velika Krusa/Krushe e Madhe (Orahovac) after seeing 10 men killed, reported:

On the fifth day of my stay in Rogove I saw paramilitary forces coming down from Rogove-Has village. They started to select some men, took more than 15 and later they started to behead them. They took the heads and dropped them in the "Drini i Bardhe" [river] from the bridge. After a while they left and we were able to go to the site

of the bodies and bury some of them, about 10, but then the paramilitary forces came back and started to shoot at us. An officer with four stars shouted, "Go to Clinton". At this time we decided there was no way we could live in Kosovo any more, so we decided to go to Albania.<sup>12</sup>

Houses were also looted and then burned. Cattle and other animals were often killed, and stables, haystacks<sup>13</sup> and grain stores destroyed, in a move calculated to deny Kosovo Albanians access to food, weaken them and oblige them to flee. In the south of Kosovo one 38-year-old man describes how shops were looted and stores, including those of the Mother Teresa Society, were destroyed, and how police herded together cattle from the surrounding villages in Kosare/Koshare (Stimlje), with the result that "people were starving".<sup>14</sup> Another man describes how in late April he saw looted cattle being transported from the hills down to Luzane/Lluzhane (Podujevo) and thence by lorry to Serbia proper.<sup>15</sup>

## Two accounts

A 27-year-old woman from Gladno Selo/Gllanaselle (Glogovac), who kept a detailed diary, tells her story as follows:

"On 20 March at around 08:00 hours Serb forces started shelling Gllanaselle. At that time, many IDPs from Vushtri [Serbian: Vucitrn] were staying in our house. When the shelling began, the family prepared to leave. At the same time, IDPs from Cikatove e Vjeter [Stara Cikatova (Glogovac)] were arriving on tractors. We joined the IDPs and went to Qirez [Cirez (Srbica)]. On the way, the convoy of 2,000-3,000 people stopped at a field called Postodjic, because we heard shelling from all directions. After two hours we continued to Qirez.

In Qirez, more than 20,000 IDPs from all directions had gathered. We spent three days near the mosque and the school in Qirez. On 23 March, Serb troops arrived from Skenderaj [Srbica] and entered Qirez with tanks. They were shooting in the air and broke the windows of the school, where many IDPs had gathered. Mixed VJ and paramilitaries together entered the school and separated men of all ages from the others. They insulted and beat the old men and threw their white caps on the ground, trampling on them. The men were taken into the yard.

Then the Serbs entered the school again and began to rob the women of their valuables. One soldier spoke Albanian. They threatened the women with hand grenades. I saw from inside the school how 70 or more men outside were ill-treated in several ways. They were beaten, insulted, threatened and so on for approximately two hours. All but five of the men were released after two hours. The five ... were ordered to take off their trousers, to lie face down in the snow, and were beaten. They fired on the ground close to their heads. After an hour, they were released as well.

The beatings and torture were carried out by regular VJ in green camouflage uniform with red armbands. They were aged 40-45 and there were no younger men around. The paramilitaries [also described in detail] did not participate in the actions at the school, but went to private houses instead. The IDPs were not allowed to leave the school, which was packed with maybe 12,000 IDPs, until 24 March at 11:00 hours. Serb forces started burning the houses, and took tractors and cars. At this time people from Skenderaj municipality were ordered back to their villages. All the others had to stay.

On 25 March, at around 13:00 hours, new Serb forces arrived from the direction of Glllogoc [Glogovac], and began shelling the area near the school for more than two hours. Two women were wounded ... The VJ "cleaned" the village with two tanks and ordered all villagers of Qirez to get out of their houses and go to the school and the mosque. The soldiers approached the school shooting in the air and shooting the animals the IDPs had brought with them. They entered the school and ordered all the IDPs to get out in five minutes. All males over the age of 10 were separated. Everyone was forced to salute "Serbia!" and show the Serbian three-fingered victory sign. The Serbs immediately started to burn houses, food, tractors, cars and all the bags of clothes the IDPs had brought with them. There were more than 100 men in green and blue camouflage uniforms.

Then the IDPs were forced to walk to Likoshan [Likosane (Glogovac)] to the graves of the 24 victims killed in March 1998. In Likoshan, the men were robbed and beaten. Then, new Serb forces arrived and surrounded all the IDPs, who were forced to walk to Shtutice [Stutica (Glogovac)] from 13:00 to 18:00 hours. On the way to Shtutice, a 63-year-old cousin tried to escape from the convoy but was caught and I heard that he was killed by the Serbs.

Before we arrived in Shtutice, NATO had bombed Terstenik [Trstenik (Glogovac)]. This made the Serb forces leave the main road and go into the hills. They always kept the IDP convoy with them and mixed with the IDPs closely.

We arrived in Shtutice at 18:00 hours, where we were insulted by the Serb forces based there. We were robbed of our remaining belongings and denied water and bread until 13:00 hours the next day. The men (100 or more of them) were beaten all night outside and were later released on 27 March. The women left Shtutice and arrived in Kozhice [Kozica (Srbica)] on 27 March but we were ordered to leave and told to go to Qirez, where we arrived on 28 March and stayed for two weeks. All the houses and food had been destroyed. Everybody stayed in different burnt houses. From time to time, I returned to Gllanaselle to prepare food and get other things. On 6 April, I and my family returned to Gllanaselle.

On 14 April, Serb forces arrived at Gllanaselle and surrounded the 1,000 or so people in the village in a field. Immediately, the Serbs started shelling. Thirty men were separated from the group, and the entire group was ordered to walk to Glllogoc, with the men in the front part of the convoy. We were warned by one of the Serbs to go and get all the old, paralysed people and stay together, as some of his "colleagues" could not be controlled.

After five days, all the villagers came back to Gllanaselle because there was not enough food in Glllogoc. After three days [on 23 April] Serb forces entered the village again and ordered us to go back to Glllogoc. On the way 11 men were taken from the convoy and shot straight away a few metres in front of me. They were ordered to stand in a line. First they shot at their knees and legs, and then all the men fell. Then the women and all other witnesses were sent away. (A week later my cousins found the bodies still lying there with bullet wound all over their bodies. The UCK buried the bodies in the place where they were killed.) The victims were all old men aged from 59 to 80 and all but two were my relatives. Altogether there were around 50 men in black uniforms with brown parts, black bandoleers. Some had masks, some painted faces, bullet-proof vests, long knives below the knee, *raketas* [hand grenades]. They were aged 40-45 years. Only one man did the shooting; he did not speak. I heard later that altogether 38 Albanians were killed in Gllanaselle that day, including many women, children and elderly persons.

I and my family stayed in Glllogoc until 4 May. The day before, paramilitaries in green camouflage uniforms came to the apartment and told all IDPs to leave on buses. On 4 May at 10:00 hours more than 30 buses left Glllogoc for Fushekosove [Kosovo Polje] train station. We took the train to Bllace [Blace (Kacanik)]."<sup>1</sup>

**A 56-year-old man** in Drenovac/Drenoc (Orahovac) describes a three-day journey during which he fled into the hills, where the villagers were surrounded by VJ and ordered to go from one village to another in Orahovac, were then beaten, harassed and eventually taken by bus to Albania. His story shows clearly how the Serbian/Yugoslav forces (in this case the VJ) shelled and killed civilians, harassed and beat them, discriminated against the elderly and against Albanian customs, targeted young men, extorted money and planned forced displacement.

"On 30 March I was feeding my animals near my house, when I heard shelling. My family and I immediately fled with the rest of the village to the mountains near the village of Turjake [Serbian: Turjak (Orahovac)]. There were people from other villages with us. We stayed in a valley overnight with about 5,000 villagers. This valley was 500 metres from Turjake. Towards the evening of the next day the VJ began shelling Turjake, upon which the villagers of Turjake fled and joined us in the valley.

The VJ surrounded the valley we had fled to and began shelling the valley with mortar rounds. Women and children were screaming and crying. One man and one woman were killed by the mortar rounds. Another old woman died from shock. I did not know the people who died because they were from another village. About 16:30 hours the ground troops which had surrounded us moved in and began firing machine-guns and automatic weapons over our heads. The VJ ordered us to get on our tractors and go to Lubizhde [Ljubizda (Orahovac)] or we would be killed.

On the way to Lubizhde I saw the VJ beat many of the villagers. The VJ would pick men out of the crowd of IDPs who were wearing the traditional white cap, called a *klis*, and beat them with more severity than others. I saw one VJ stop a car and pull a Kosovo Albanian out of the driver's seat and

hit him over the head with a bottle. I saw a woman who spoke Serbo-Croat chastise the VJ when she saw them beating an old man. One VJ took this woman and smashed her head into a tree.

When we reached Lubizhde we were forced to sit on the ground in the rain. One of the VJ took me from the crowd, held an AK-47 to my neck and told me to count the Kosovars in the group, or I would be killed. The VJ also said, "Where are the democratic leaders and Bill Clinton?" As I began counting, a tank crew drove around the 5,000 displaced people and fired its machine-gun over everyone. The women and children began screaming and crying. The tank continued doing this tactic for one hour. After an hour the VJ lined us up one by one, telling us, "We will kill you." They told us to go to Malisheve [Malisevo (Orahovac)]. This journey took us about four hours because the crowd of villagers was so large.

Before reaching Malisheve, near the village of Mirushe [Mirusa], my 14-year-old son fled into the woods with several young men. Before fleeing my son looked at me and said, "I can't look at you any more and I don't want you to look at me." My son then fled. It was about 21:00 hours.

We reach Malisheve and stayed about two hours. From there the VJ told us to go to Dragobil [Dragobjile]. We arrived there at about 07:00 hours of the next day. I was upset that the women I saw had no shoes and were carrying children on their backs. In Dragobil we were put into a field and separated into two groups. The groups had to file into two school buildings (one old building and one new one). After 20 minutes the VJ shot into the air and ordered the villagers to come out of the school doors one by one. The VJ threatened to kill us if we did not give them money. The VJ took our money and one hour later buses arrived. The VJ ordered us on to the buses without letting us go to our tractors to retrieve our belongings. The VJ told us, "Go to Albania, and don't come back." We entered Albania via Kukes."<sup>2</sup>

<sup>1</sup>M/1619

<sup>2</sup>A/0209. The interviewee was distraught at the time of his interview, because he still had heard nothing of his young son.

In less violent situations Serbian forces would come and tell the Kosovo Albanians that the situation was now too dangerous, that buses or trucks would come or that they should go to the railway station the following day, and they would be transported to Albania or the former Yugoslav Republic of Macedonia. One refugee describes how in early April in Pristina a policeman came to him and asked him where his family was. He indicated the house where his and other families were gathered. The police went in and told people to pick out their families and leave, otherwise they would be killed. They all boarded a truck that was in the yard. The police asked for the keys to the other cars because they needed them. The interviewee asked the police where they were being sent to and the policeman replied, "You are going to Albania and you are never coming back to Kosovo".<sup>16</sup>

As part of the process of forced expulsion Serb forces often separated the women and children from the men. While women and children were generally sent on their way, the males, who often included young boys and old men, were frequently subjected to harassment, beatings, arbitrary arrests, detention and killings, as is described in greater detail elsewhere in this report.

Those who fled to the mountains or to a nearby village to escape the shelling tended to stay close to their village. Particularly in March and early April there was still snow on the hills and it was bitterly cold in the open. They would then return home during the day to feed the animals and/or milk their cows,<sup>17</sup> to find food, or to check on their possessions or shops.<sup>18</sup> Sometimes villagers were able to return home and stay on for several weeks, often in the ruins of their damaged or destroyed homes. Often, however, they would be moved from place to place before eventually being able to flee, as described in the case history of the 27-year-old woman from Gladno Selo/Gllanaselle (Glogovac).

After a village had been cleared, Serbian forces often returned some days or weeks later to empty the village again of any IDPs who had returned and to ensure that there were no Kosovo Albanians left. They would give a renewed ultimatum to leave with attendant threats and intimidation. Buses were provided, or people were ordered to go to the railway station, or convoys were sent and sometimes accompanied to the border. This was the case on a large scale in Glogovac/Gllogoc on 4 May, when 50 buses took Kosovo Albanians to the train and thence to Blace (former Yugoslav Republic of Macedonia).

All sections of Kosovo Albanian society and all ages were forcibly displaced; even those such as the elderly or immobile were obliged to leave or were killed, as is described in Chapter 18, Elderly, Disabled. Thus, when VJ and police expelled Kosovo Albanians from Istok, the chief of police is reported as refusing to allow the old men to stay.<sup>19</sup>

As April progressed, Kosovo Albanians who had been displaced from their villages also appear increasingly to have been used as human shields as Serb forces moved military materiel or men around Kosovo to protect them from attack. This practice is described in greater detail in Chapter 13, Human shields.

Other instances of harassment, ill-treatment and extortion are described in greater detail in the section on convoys below.

### **Perpetrators of the forced expulsion of Kosovo Albanians**

Serbian/Yugoslav forces involved in the mass expulsions are widely described as VJ soldiers, police, paramilitaries and/or armed local Serb civilians. Sometimes members of only a few of these categories were present. Sometimes there were 100 or more armed men accompanied by tanks, Pragas, armoured personnel carriers, jeeps and other vehicles, sometimes far fewer. Even a handful of armed men prepared to harass and kill could move a great many unarmed civilians.

Frequently refugees knew or at least recognized those who were ordering them to leave, and often gave these people's names or official positions in their statements. Such cases generally refer to local police officials or armed Serb civilians living nearby. However, in other cases, particularly when paramilitaries were involved, the refugees were only able to give descriptions of what the men looked like or what they were wearing.

VJ and also police are frequently described as being involved in the shelling of villages, while it was generally police and/or paramilitaries who are described as going from house to house expelling people and enforcing compliance with their orders. (Details of the different Serbian/Yugoslav military groups are given in Chapter 3, The military/security context.)

Nevertheless, the police sometimes contained the violence, although villagers were often forced to move on later when different forces came into the area. Thus in Krusevac/Krushefc (Obilic), which had a small Serb population, some of the Kosovo Albanian villagers went to the police station in nearby Obilic/Obiliq town in mid-April, after paramilitaries attacked Kosovo Albanian villagers. They explained what had happened and asked for help. The police said that they would help and posted a guard in the village night and day for two weeks. Then, however, they told the villagers they were leaving, and that the villagers were no longer their responsibility.<sup>20</sup> Similarly, in Leskovcic/Lajthishte (Obilic) in late April five policemen from nearby Crkvena Vodica/Palaj (Obilic) came and told the villagers there: "You must leave. We have protected you until now but a group of bandits will come to burn the village and there's nothing we can do, so it is better that you leave." When the villagers asked for protection to go to the border, the police organized two buses and escorted them to the border at Djeneral Jankovic/Hani i Elezit (Kacanik).<sup>21</sup>

The situation seems sometimes to have changed quite rapidly, however. In Pec/Peja on 26 March 1999 one Kosovo Albanian's neighbour, who was a VJ soldier, told him that he and his family should remain and that they would be safe. Later that day the neighbour returned and told him that he had been ordered to kill them. The soldier demanded DM 500 in exchange for not killing them. They paid and fled the next morning.<sup>22</sup>

Paramilitaries appear to have meted out particularly savage treatment. They were involved in committing brutal atrocities on the thousands of Kosovo Albanians who came down from the hills around Kolic/Koliq (Pristina) in the second half of April. Extortion involving large sums of money was repeatedly reported, children were threatened or held hostage to extort money from their parents, women were raped and killed, and young men and others were shot summarily in a column of thousands of refugees that took days to pass.<sup>23</sup>

### **Occasional provision of protection for IDPs**

By contrast, there are also some reports of individuals or groups who took steps to protect some Kosovo Albanians. One 42-year-old wheelchair-bound Kosovo Albanian woman had remained in her house in

Kozica/Kozhice (Srbica) in late March when Serb forces had shelled and then entered the village. She asked a young Serb soldier to bring back her mother and sister who had been taken to a yard with others. He did so, and also gave his name and asked about a woman who had been killed in mortar fire and "said his heart was aching as he heard that she had left three children behind". When paramilitaries seized their documents he returned them, and his men brought the woman in her wheelchair to the mosque where elderly and disabled people stayed for eight days. He arranged for two tractors to be brought to transport other wounded and disabled. The VJ brought food, water and medicine to the mosque where villagers were sheltering.<sup>24</sup>

Protection is also reported to have been given to refugees by the Yugoslav Red Cross on two occasions. On 23 March two Red Cross vehicles came to Staro Cikatovo/Cikatove e Vjeter (Glogovac) and evacuated women and children from six families to Glogovac town, although the majority of women and children remained in the village and shelling began immediately afterwards.<sup>25</sup> On another occasion women and children who had been expelled on foot from Dragacina/Dragaqine (Suva Reka) were detained in two rooms of a school in Dulje/Duhel (Suva Reka) in late April. After two or three days the Yugoslav Red Cross came with food and took them on two buses to Albania via Zur/Zhur (Prizren).<sup>26</sup> One 32-year-old man held by police near Vucitrn/Vushtrri in early May describes how doctors arrived with a water truck and tried to gain access to the detainees, but reports that this was denied.<sup>27</sup>

Another refugee describes staying in mid-April in Zablace/Zablag (Istok), where he and others were given food by the Catholic priest.<sup>28</sup>

### **Control of population movements by the UCK**

The UCK also controlled the movement of Kosovo Albanians, though generally this was perceived as being for the safety of the villagers.<sup>29</sup>

However, at the beginning of March the UCK held displaced Kosovo Albanians against their will in the village of Kotalina/Kotline (Kacanik), over which they had recently gained control. The villagers were not allowed to evacuate, although UNHCR (UN High Commissioner for Refugees) and the OSCE-KVM had made all the arrangements for a safe transport out of the conflict area. Women and children were later evacuated, but the UCK's action had put civilian lives at risk.<sup>30</sup>

After the OSCE-KVM evacuation on 20 March there were many instances where the UCK asked Kosovo Albanians to leave their homes or told them to leave a village because Serb forces were about to arrive. These instructions often came just before fighting broke out. This was especially so in UCK-held areas such as the hills between Suva Reka/Suhareke and Stimlje, the area around Malisevo (Orahovac), Drenica and the Lap and Shala hills. As one man said, "It was easier for them to fight if nobody was around."<sup>31</sup> In some cases villagers who had spent weeks in the hills were eventually forced to come down to the valleys as the UCK were beaten back and were no longer able to provide protection.

## The situation of those displaced from towns

When towns and villages were shelled, Kosovo Albanians often sought shelter in basements for days and even weeks. Refugees speak of seeking shelter in basements in Pristina,<sup>32</sup> Djakovica<sup>33</sup> and many other towns. However, such places also turned into death traps and sometimes when villagers returned from the hills they found bodies in these basements.<sup>34</sup> There are reports of people being killed when hand grenades were thrown into basements where they were sheltering.<sup>35</sup>

Refugee statements indicate that larger towns, including Djakovica/Gjakove, Klina/Kline, Kosovska Mitrovica/Mitrovica, Pec/Peja, Pristina/Prishtine and Prizren/Prizren, were cleared in a systematic way. These expulsions are described in more detail in the municipality entries, especially in the case of Djakovica and Pec, where the expulsions were particularly violent (although many in Djakovica succeeded in remaining in the town). Although these operations created panic and chaos as they were implemented, their implementation was methodical. Different areas were cordoned off and cleared block by block, while police and other forces lined the streets directing Kosovo Albanians to the railway or bus station. One interviewee describes how on the afternoon of 27 March Serb forces separated the town of Suva Reka into two parts, how in the south the forces were shooting indiscriminately to cause a mass exodus and how a corridor was opened to the north to allow the population to flee.<sup>36</sup> In Pristina a first wave of large-scale expulsions took place in the 10 days to around 4 April, after which expulsions continued on a regular basis but not involving the same numbers. Similarly, in Klina Kosovo Albanians were expelled on 28 March and again on 31 March, while in Kosovska Mitrovica expulsions took place on 24-29 March, over several days in early April, and on an increased scale on 14 and 15 April.

One young man described his expulsion from Pec as follows:

On 28 March 1999 at around 09:00 hours an armed Serb civilian entered every house on my street/area and ordered all the Albanian families: "Go to Albania or we will come back to force you out. You have till noon." (The Serb civilian was not acting alone, but his colleagues remained on the street and when he saw a "nice" car he had them take it away.) Shortly afterwards (about half an hour) I and others went out into the street, gathering together as the policemen ordered us to go to the centre of the city. At the centre of the city there were about 70,000-80,000 Albanians, who had been forced from their homes, gathered together. I joined the group in the centre where police ordered us on to civilian trucks and buses and transported us to Prizren.<sup>37</sup>

During May the police began a registration programme for all IDPs in Pristina and a number of other major towns and said that after this Kosovo Albanians would be free. However, one refugee described this policy as "a ploy to discover the number of Albanians in Pristina", following which they would expel all IDPs from Pristina. Men in particular could not leave houses or apartments because they would be taken away if found.<sup>38</sup> One 19-year-old man states:

On 19 May at 04:00 in the Vranjevac area of Pristina, we were surrounded by police. All had blue uniforms. Some had green or black flak jackets. Some had flame-throwers and automatic weapons. They were forcing their way into the houses and removing anyone who did not have IDs or who did not come from Pristina. At that time I hid in the sewer system.<sup>39</sup>

By the latter part of May police in Pristina were ordering some people from outside the town to return to their villages (although others continued to be expelled from Kosovo).<sup>40</sup>

The purpose of the registration programme is not entirely clear and could have served a number of purposes: for example, (i) the police may have wanted to know which or how many Kosovo Albanians were left (a kind of census); (ii) the programme would identify IDPs and allow the police to get them to move out; (iii) it represented another way to complicate property records further (since by then Serbs had reportedly moved into the best houses in former Kosovo Albanian parts of the town); (iv) it could assist the maintenance of law and order in the town; (v) male heads of household could be ordered to come to a given place (such as the post office) from where they could be taken to the police station for "informative talks"; (vi) it made sure that no Serbs had dodged the draft.<sup>41</sup>

Among the other towns where registration programmes were initiated were Gnjilane/Gjilan and Suva Reka/Suhareke. Kosovo Albanian suspicions of this exercise were sometimes well-founded. One man from Vucitrn describes how he and his family were told that they could go to a designated location where they could receive Red Cross humanitarian assistance, but when they arrived the men were separated from women and children, and then taken to Smrekovnica prison.<sup>42</sup>

## **Displacement to the mountains and from village to village**

While some of the expelled went directly to the border, hundreds of thousands of Kosovo Albanians were displaced within Kosovo, often for many weeks. While initially those who were expelled or had to flee generally fled only a short distance from their homes, increasingly groups of IDPs found themselves moved around from village to village and from hill to valley, until eventually large convoys of tens of thousands of people were formed.

Initially the hills may have appeared to provide greater safety than villages which were being shelled, but they also became dangerous places. In addition to being caught in crossfire in areas where there was fighting between Serbian/Yugoslav forces and the UCK, IDPs were also sometimes targeted directly. In early April Kosovo Albanians from Kacanik were forced by heavy artillery fire to leave their houses and were driven towards the hills. As they passed through the hills 40-50 VJ soldiers and police reportedly took up sniping positions and opened fire on them, killing between 40 and 70 people.<sup>43</sup>

Another IDP describes how the hills were shelled with mortars from Cirez/Qirez (Srbica) every day for

five days in mid-April. According to her account several thousand people were hiding in the dense forest, and she described their position as being "like foxes in a fox hunt"; there was no UCK resistance, and no one was shooting back.<sup>44</sup> In the Cicavica mountains Kosovo Albanians were literally hunted down by Serb forces. One man describes how one afternoon in mid-April, after many children and elderly had fled to the mountains because of an offensive on the village of Gornji Grabovac/Graboc i Eperm (Obilic), "suddenly two dogs came and there was shooting in our direction". He described how the dogs were being used by police and barked to show them where to shoot.<sup>45</sup>



**Abandoned IDP shelter in Kolic/Koliq area (Pristina/Prishtina) (photo: Ridvan Slivova) [\[zoom\]](#)**

Living conditions in the hills were extremely difficult. Initially there was still snow on the ground and it was bitterly cold. IDPs later erected plastic sheeting as tents, although this provided little protection from the elements or from attack. Three men who stayed on the hillside above Bradas/Bradash (Podujevo) were killed by VJ in late March, even though one was mentally ill and, since they were living in an IDP camp of plastic sheeting tents, they were clearly identifiable as IDPs.<sup>46</sup>

In addition to the dangers from fighting or being pursued by Serb forces, lack of food also meant that IDPs had to move from place to place in search of food as well as safety. Villagers had often to flee for their lives with no time to take or carry food, equipment or clothing that might have made their stay in the hills easier. One 55-year-old man described how IDPs gave leaves from the trees to children who were suffering from a lack of food.<sup>47</sup> Villagers had to return to shelled villages in search of food, often a dangerous undertaking from which some never returned.<sup>48</sup> A 52-year-old man, who spent five or six weeks in the Lap hills between Podujevo and Mitrovica, eventually came to the conclusion, "Either we die from hunger or from fighting with the Serbs."<sup>49</sup>

Those who were displaced were often effectively denied adequate medical treatment and became incidental casualties of the war. Others, especially the very young and the elderly, died from exposure or lack of food. One man sheltering in the hills above Bukos/Bukosh (Suva Reka) described how three or four children died of hunger and cold every day.<sup>50</sup>

## Flight on foot, by car and by tractor

As villagers were expelled, many left independently in convoys of tractors, cars and with people on foot. A few Kosovo Albanians fled on foot across the mountains, avoiding checkpoints and eventually reaching safety.<sup>51</sup> It should be noted that there was a 10-km exclusion zone along the border with Albania, which had been mined by Serb forces in 1998, and that such a route was therefore a perilous one. Fear was a key motivator in choosing such a precarious mode of flight. Thus a woman from Mala Krusa (Prizren), who had been forced to leave the village just before the massacre of more than 100 men and boys in late March there, escaped on foot to Morine (Albania).<sup>52</sup>

The images of Kosovo refugees that reached the world's television screens were often of people trekking across the snow or in columns through fields to the border. While there are reports of refugees doing just that, indeed one man described how he carried his 70-year-old mother through the snow to Montenegro,<sup>53</sup> others did not, however, come all the way on foot. Those fleeing were often obliged to leave any motorized transport they had used just before the border and walk the last few kilometres on foot.

Many refugees describe fleeing in convoys of tractors, trailers, trucks and cars laden with possessions, with others walking alongside. Those unable to walk were sometimes killed by Serbian forces.<sup>54</sup> Sometimes these convoys were guarded by Serb forces, sometimes not. Vehicles which broke down or ran out of fuel had to be abandoned beside the road. Those who fled in cars (who often came from the towns) were often forced to hand them over to Serb forces. Smarter cars such as VW Golfs and Mercedes were particularly vulnerable. Cars or tractors which were allowed across the border often had their licence plates removed.

## Convoys

As villagers were expelled they were joined by other IDPs, often, particularly in areas where villagers were on the move for several weeks, forming convoys that were tens of thousands strong and many kilometres long. IDPs in the Lap hills west of Podujevo describe forming part of groups of thousands of people who were eventually forced to come down off the hills to Gornje Sudimlja/ Studime e Eperme (Vucitrn), where between 90 and 160 people were killed after being pulled from their tractors on



**Tractor convoy going to Makovac/Makofc (Pristina/**

the night of 2 May.<sup>55</sup> Equally large convoys came off the hills around Kolic/Koliq, east of Pristina, during April and May, as described in the report of events in Pristina municipality.

**Prishtina) (photo: Ridvan Slivova) [\[zoom\]](#)**

As groups of IDPs from different villages gathered together they became vulnerable to attack. Thus 24 men taken from a group in Staro Cikatovo/Cikatove e Vjeter (Glogovac) were killed on 17 April, while in Gladno Selo/Gllanaselle (Glogovac) 30 Kosovo Albanians were also killed, as described in the entry for that municipality in Part V of this report. On 28 March about 150 men and women were killed in Izbica/Izbice (Srbica) from a group of thousands of IDPs displaced from the Izbica area in preceding days, as described in the section on events in that municipality.

These long convoys effectively blocked communication routes. A 59-year-old man describes waiting in a long line of vehicles at Prizren which took 40 hours to cover the 17 km to the Albanian border. All the way to the border the military harassed people for bread, clothes, money and so on, and at the border they took their remaining documents, including the vehicle licence plate. They let them go and told them never to come back.<sup>56</sup>

Convoys were often moved from place to place, as the case history of the 27-year-old woman from Gladno Selo (Glogovac) cited above tells. Similarly, a 30-year-old woman from Izbica/Izbice (Srbica) describes how she was ordered by police to go to Djakovica/Gjakova but when after 30 minutes a shell fell on the column of refugees, soldiers ordered them to go to Klina where police ordered them to go back to Djakovica. Then at Glodjane/Glllogjan (Decani) they were sheltered from police in a church by a priest before eventually being able to reach Albania.<sup>57</sup>

In the northern part of Kosovo convoys of up to 10,000 Kosovo Albanians were forced to leave Kosovsko Mitrovica in mid-April and spent several weeks on the move from village to village being directed along on often minor roads (which would not have clogged main communication routes) in the area between Kosovsko Mitrovica and Klina. One man, who was separated from his family in Sipolje/Shipol (a few kilometres south-west of Kosovsko Mitrovica), describes how when his convoy was stopped on eventually reaching Djakovica and ordered to return to Mitrovica. On the way back this convoy of 10,000 was halted in Klina/Kline for three days before continuing on its way back to Kosovsko Mitrovica. It was halted on two further occasions, the second at Srbica/Skenderaj (Srbica), where the men were separated from the women and children and detained in a school building. After 15 days there they were transferred to Smrekovnica prison for a further 15 days before eventually being deported to Albania on 25 May.<sup>58</sup> Similarly, Kosovo Albanians expelled from villages around Lipljan/Lipjan were not told to follow the most obvious exit route south out of Kosovo but to go to Albania via Prizren, as described in greater detail in the description in Part V of events in Lipljan municipality.

The redirection of IDPs might also be explained by the fact that the roads further on were not clearing fast enough, as appeared to be the case at times when the border with the former Yugoslav Republic of

Macedonia became blocked.

It is also likely that this diversion of convoys was sometimes for Serbian strategic military reasons linked to keeping communication routes open. However, it is also possible that the movement from place to place reflected the general confusion rather than a deliberate attempt to make the IDPs' journey more perilous. There was nevertheless clear management of the flow of refugees. OSCE-KVM officers on the Albanian side of the border near Prizren could see from the border how the town of Prizren would fill up with IDPs for some days and then be emptied of them as they were sent to the border. This resulted in influxes of 4,000-5,000 refugees a day at Morine (Albania) for three to four days and then for three to 10 days there would be only a trickle. Among other towns apparently used in this way were Belanica/Bellanice (Suva Reka/Suhareke) and Veliki Kicic/Kqiqi i Madh (Kosovska Mitrovica/Mitrovica).

Fleeing families were sometimes told that it was safe to return and so would make their way back, or they were told that they had to move on to another town. Others sought to leave but were turned back. One refugee describes how between 1 and 26 April her family tried to leave Pristina for the border but were turned back either by police or VJ on five different occasions in five different places, before they eventually succeeded on the sixth attempt.<sup>59</sup>

Alternatively Kosovo Albanians were turned back at the border and told to go to another border crossing. Several buses were turned back from Djeneral Jankovic/Hani i Elezi (Kacanik) at the end of March and told to go to the Jazinec border crossing (slightly further west) into the former Yugoslav Republic of Macedonia.<sup>60</sup>

### **Checkpoints - extortion and killings**

It is clear that many Serbian forces terrorized convoys and used the opportunity to extort money and valuables from Kosovo Albanians before they were allowed to pass.<sup>61</sup> Events as described in Part V of this report depict a widespread and pervasive pattern of extortion and robbery of IDPs. One family describes its flight to Djakovica in late March, during which there was no trouble, but in Djakovica itself the family were beaten and robbed by police and body-searched for valuables. They went on to Prizren and were again beaten by police, who also threw away all their food. The police beat anyone whose vehicle broke down.<sup>62</sup>

At checkpoints the men in the convoys were often separated from the women and children and were arrested and taken away or were killed. A man travelling south-west in a convoy from Crni Lug/Carralluke (Klina) with tractors and trailers describes how the convoy was stopped and then robbed by the police who took all money, gold and watches from them. Then they were told to leave Kosovo and never come back. The police also took three young men from his village and used rifles to shoot them dead.<sup>63</sup>

Serb forces also often demanded money of IDPs and killed those unable to hand any over. Those involved were sometimes paramilitaries and sometimes (possibly rogue) VJ or police. One person describes the president of Podujevo municipality being among the police participating in this operation.<sup>64</sup> The convoys coming down from the area around Kolic (Pristina) to Pristina town from late March until at least early May were subjected to particularly brutal treatment by paramilitaries, apparently largely for financial gain. Paramilitaries took children and threatened to kill them if their parents or other relatives did not give enough money to have them released.<sup>65</sup> Thus the children of those who did not have as much as DM 500 or even in some cases several thousand deutschmarks, or who had already been robbed, were either beaten, abducted or immediately killed.<sup>66</sup> In the worst cases families gave money but still their relatives were killed quite arbitrarily.<sup>67</sup> As elsewhere, young men in particular were targeted and subjected to harassment, beatings, abduction, arrest, mock execution and mass arbitrary killing.<sup>68</sup>

### **Deportation by buses, trucks and trains**

More systematic deportations were made in buses and/or trains. When Serb forces came to a village, Kosovo Albanians were often provided with buses then and there or told to assemble the following morning when buses would arrive. Sometimes police accompanied them to the border. One refugee describes how police made the villagers of Randubrava/Randobrave (Prizren) board buses on 27 March which took them to Zur, from where they had to walk to Albania. There were two policemen and one driver for each bus.<sup>69</sup>

Alternatively, depending on the location of the village, people were told to go to the railway station where trains would take them to the border. An enforced air of "normality" was created by the requirement to buy tickets for the journey (as described in greater detail below). Such operations require advance planning and indicate a premeditated policy of expulsion on the part of the Serbian authorities.

A railway worker stated that before the war there were two regular trains a day from Pristina to Skopje, usually with three carriages. During the war there were three or four extra trains running each day. The ordinary morning train had between three and six carriages, while the unscheduled trains had between nine and 13 carriages and there was even one with 21 carriages.<sup>70</sup>

While Pristina station served as a hub for deportations, expulsions were also carried out from others, such as the main junction at Kosovo Polje/Fushe Kosove. Kosovo Albanians were herded towards stations under armed guard. Despite the fact that extra trains were laid on for these expulsions they often had to wait for hours at the station where they were widely harassed and beaten. There are also reports of public rapes there.<sup>71</sup> (Although a railway line runs east-west across the province from Pristina to Pec no trains had run on that line since 1998 because of the fighting, so that this route was not used for forced expulsions.)

The use of trains, the refugees' descriptions of the way Kosovo Albanians were force-marched to the station, beaten and harassed there, herded on board and packed into carriages raised particular concerns. One woman describes waiting on the train for four hours before it left Pristina station and hearing police shout through megaphones: "Go to NATO and ask them to protect you!" When they arrived at the border with the former Yugoslav Republic of Macedonia the Serbian border police shouted: "Animals, get off the train and go to Macedonia!"<sup>72</sup>

A 47-year-old man who had fled from Glogovac/Gllogoc (Glogovac) arrived at Pristina station on 2 April. He explained:

There were thousands of people at the station. The first train arrived and was loaded on 3 April at 21:00 hours. The second train was loaded on 4 April at 01:00 hours. Each train consisted of 28 cars. The police were pushing the people into the carriages. The Kosovars were screaming from the sheer force of the crowd. I estimate the crowd to have been 60,000 people. While we were waiting two women gave birth in the field. Behind the station police separated men aged 15 to 50 from the women and children. The men were put on civilian trucks and driven [away]. I got on the third train at 05:15 hours. Before I got on the train I saw a woman holding a baby. She was being pushed and was extremely frightened. She was afraid of dropping the baby in the crowd. I held the baby for her until she had boarded the train. I then handed her the baby through an open window of the train. I got on the train and it soon became packed with Kosovars. It was so packed, I and five others were forced into the toilet compartment. The glass window of the toilet compartment was painted over so I scratched off the paint to look outside. The train left the station at 06:20 hours on 4 April."

The interviewee further describes a "stop-start" journey to Kosovo Polje, Lipljan/Lipjan, Urosevac/Ferizaj and Kacanik/Kacanik. At Lipljan he saw "thousands of Kosovars, surrounded by police and paramilitaries ... Some were in civilian clothes carrying Kalashnikovs ... At Ferizaj I saw thousands of Kosovars and many police. As we passed through Kacanik I saw only police."<sup>73</sup>

### *Lack of provision of food or water*

Although these journeys generally took many hours and days, as the convoys, trains or buses were often stopped for several hours before being allowed to move on, there was no provision of food or water for those being expelled, or it was only available for purchase at extortionate prices.

At Pristina station one IDP states that police refused to provide water for people being loaded on trains. Water bottles were on sale for DM 10-15, although police had already demanded money from the IDPs. Police declared, "NATO gives you water."<sup>74</sup> Similarly, when villagers were escorted by Serbian forces from Slovinje/Silovi (Lipljan) to Lipljan town, they were not allowed to drink water for 16 hours on the journey.<sup>75</sup> Indeed, a number of interviewees describe how the police and VJ actually took or destroyed

any supplies of food and water in the possession of fleeing Kosovo Albanians.<sup>76</sup>

### **Extortion and harassment on buses and trains and at the border**

Expulsions by train or bus provided another opportunity to extort money from Kosovo Albanians, who had to buy tickets at inflated prices and pay in deutschmarks for the journey out of Kosovo.<sup>77</sup> Payment had to be made to the ticket controller, driver or accompanying police or VJ, or to a combination of these.

Sometimes Kosovo Albanians were taken off buses and threatened or beaten and had to pay to be allowed to get back on. Others had to pay in order to be allowed simply to pass checkpoints.<sup>78</sup> Sometimes it was also necessary to pay police to cross the border, especially if IDPs did not have an ID.<sup>79</sup> One 41-year-old man, who took the train from Pristina to Djeneral Jankovic on 31 March, where he got off the train, had like many others to walk along the railway tracks to the border. At the border he asked a policeman how he could enter and was told he should give him DM 200. He said that he saw a lot of people giving money.<sup>80</sup>

### **Confiscation of documents**

The majority of refugee statements indicate that documents, as well as money and valuables, were routinely taken from Kosovo Albanians by police, VJ or Serbian border police, either en route to the border or at the border itself, whether with Albania or the former Yugoslav Republic of Macedonia.<sup>81</sup> This practice was sufficiently widespread as to constitute a clear pattern. Other refugees left their documents in their houses because they had to leave so suddenly or had them burned in the house or had them confiscated at a police station or in prison.<sup>82</sup> Car and tractor licence plates and documents were also taken.<sup>83</sup>

#### **Border crossing points**

Major border crossing points for refugees were as follows:

**Montenegro (FRY):** Kulina (on the road from Pec to Rozaje).

**Albania:** Qaf e Morines, Qaf e Prushi (both between Djakovica and the Albanian border), Morine (on the road from Prizren and Zur/Zhur to Kukes).

**Former Yugoslav Republic of Macedonia:** Jazinec (on the mountain road from Dubrava to Tetovo), Blace (on the road from Djeneral Jankovic to Skopje), Tanusevci, Malina Mala, Straza, Lojane, Tabanovce (on the border between Kosovo and former Yugoslav Republic of Macedonia)

east of Djeneral Jankovic).<sup>85</sup>

## Routes taken out of Kosovo

However, the most obvious exit route was not always taken, and convoys were sometimes diverted along minor, dirt roads to avoid main communication routes as described above. This was particularly true of those from the north of the province. Many refugees from Kosovska Mitrovica and the surrounding area were not sent north to Leposavic/Leposaviq, west towards Rozaje (Montenegro) or southwards down the main route to the former Yugoslav Republic of Macedonia. Instead they were compelled to take very roundabout routes south-west along minor roads, eventually reaching Prizren and then Albania.

The overriding need from the point of view of the Serbian authorities was to keep main communication routes open to supply Serb forces with matériel, fuel and food. In the same way the 1998 "winter exercises" held in the Vucitrn area were also intended to ensure that the main supply route was kept open.<sup>84</sup> Convoys of refugees only clogged up roads, and is perhaps why refugees were sent hither and thither.

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## Notes

<sup>1</sup> Kosovo Albanians accounted for 82 per cent of a total population of over 1,956,000 in the province on the basis of figures estimated and provided by UNHCR, Geneva, 15 October 1999.

<sup>2</sup> Under the UNHCR/International Organization for Migration (IOM) Humanitarian Evacuation Programme 79,979 Kosovo refugees had been evacuated to countries outside the region from the start of the programme on 5 April until 9 June 1999. By 5 July this figure had increased to 91,057.

<sup>3</sup> Bronwen Maddox, "The 80 Days War", *The Times*, 15 July 1999, p. 49.

<sup>4</sup> Cited at NATO Press Briefing 13 May 1999.

<sup>5</sup> Roy Gutman and David Rieff (eds.), *Crimes of War: What the Public Should Know* (New York: W.W. Norton, 1999), p. 201. Those displaced internally by the 1998 escalation of conflict in Kosovo were estimated at 200,000 by Albanian aid organizations as at 16 July 1998 and at 263,000 by the Mother Teresa Society as at 19 July 1998. Gesellschaft für Bedrohte Völker, "Kosovo Kreig, Vertreibung, Maassaker. Ein Bericht der Gesellschaft für bedrohte Völker", August 1998, available (as of October 1999) at <http://www.gfbv.de/dokus/kosovo.htm> The Council for the Defence of Human Rights and Freedoms in Pristina estimated that there were 270,000 displaced as of 9 August 1998, as stated in the Council's "Weekly Report No. 429", 6-9 August 1998, available on the

internet.

<sup>6</sup> OSCE-KVM, "Daily Report", 2 April 1999, gives UNHCR figures for refugee arrivals for the period 24 March to the morning of 2 April as follows: Albania 120,000; the former Yugoslav Republic of Macedonia 70,000; Montenegro (FRY) 31,000; Bosnia-Herzegovina 7,400. A further 68,000 refugees were registered in Albania and 48,000 in the former Yugoslav Republic of Macedonia the following day. It is not possible from the refugee interviewee forms, or other data gathered by OSCE-KVM, to assess accurately the numbers of displaced either within Kosovo or those fleeing to other countries. Calculation of the numbers of displaced, especially of IDPs, was a complex issue, and other agencies, such as UNHCR, were better equipped to assess this.

<sup>7</sup> See, e.g., M/1126; M/1504.

<sup>8</sup> A/0130; A/0216; M/0629; M/0948; M/1780.

<sup>9</sup> Even in relatively non-violent situations M/1194 describes how a convoy of 10,000 people which left Mramor / Mramor (Pristina) in late March was accompanied by 100-200 police "who harassed us". A/0615, who was held in Smrekovnica prison and then taken by bus on 23 May to Prizren, describes how protection was clearly not provided in his case. On the way a NATO air raid started and, though the guards and the driver were allowed to take cover, the men were left out in the open. The men were then taken to Zur and told to walk to the Albanian border.

<sup>10</sup> A/1027. Other accounts of this expulsion and repeat expulsions which were carried out on approximately 30 March and 4 April are given in A/0046; A/1027; A/0044; A/0641.

<sup>11</sup> A/0296.

<sup>12</sup> A/0348. The group he was with had to give money and jewellery to paramilitaries to be allowed to enter Rogovo/Rogove (Djakovica) and seek shelter there.

<sup>13</sup> A/1018.

<sup>14</sup> M/0349.

<sup>15</sup> M/1528.

<sup>16</sup> A/0216.

<sup>17</sup> M/0364; M/0967.

<sup>18</sup> M/1522.

<sup>19</sup> A/0181.

<sup>20</sup> M/1259.

<sup>21</sup> M/0874.

<sup>22</sup> A/0358.

<sup>23</sup> Further details are given below under the subheading "Checkpoints - extortion and killings" and in Part V, events in Pristina municipality.

<sup>24</sup> M/1267, comprising the statements of three sisters including the disabled woman.

<sup>25</sup> M/1224.

<sup>26</sup> A/0225; A/0228; A/0230; A/1124.

<sup>27</sup> A/0577.

<sup>28</sup> A/0940; A/0996.

<sup>29</sup> A/1034, who said that the UCK was trying "to protect the population" when it advised them to move from one place to another.

<sup>30</sup> OSCE-KVM/RC5/CC Urosevac, HR Special Report "Chronology of events in Kacanik", 11 March 1999.

<sup>31</sup> A/1031.

<sup>32</sup> M/0017; M/0151; M/0243; M/0397; M/1035; M/1728; M/1729; M/1763.

<sup>33</sup> A/0011; A/0045; A/0049; A/0904; A/1059; A/1112; M/1515.

<sup>34</sup> A/0633 reported that those who had sheltered in basements in Landovica/Landovice (Prizren) were killed (although it is not clear that he saw these bodies). M/0198 and M/1702 found a mutilated body in a basement Banjica/Bajice (Kacanik).

<sup>35</sup> A/0921 Brestovac/Brestoc (Orahovac); M/0410 Poklek/Poklek i Vjeter (Glogovac).

<sup>36</sup> A/0134.

<sup>37</sup> A/1018.

<sup>38</sup> M/1256; see also M/1387.

<sup>39</sup> M/1262.

<sup>40</sup> M/1710.

<sup>41</sup> Discussions with OSCE-KVM officer, September 1999.

<sup>42</sup> A/0960. For further details see Part V, entry on Vucitrn/Vushtrri municipality.

<sup>43</sup> M/0702.

<sup>44</sup> M/12367.

<sup>45</sup> M/0604. M/1294 also describes how on 22 March Serbian units arrived in Gladno Selo/Gllanaselle (Glogovac) with dogs.

<sup>46</sup> M/1712.

<sup>47</sup> M/1123.

<sup>48</sup> M/1267 describes how by mid-April in Srbica municipality, "Food ran out and many foraged from the villages at night."

<sup>49</sup> M/0856. A/0127 also describes fleeing to a mountain village where children were without adequate food or warmth. M/0325 describes lack of food as being one reason for flight (as well as fear of Serbs); M/1508 describes how a three-month-old baby died in Bajgora/Bajgore (Kosovska Mitrovica) because of the bad conditions and how men who returned to their villages to try and find food never returned; M/1614.

<sup>50</sup> M/0939. M/0569 also describes how a man with a kidney disease died on 24 April because he was unable to go to hospital for dialysis.

<sup>51</sup> A/0939 crossed the mountains into Tetovo (former Yugoslav Republic of Macedonia) from Nisor (Suva Reka) in a journey taking six weeks, involving perilous conditions (shelling, lack of food and water) and avoidance of

23 checkpoints; M/0910 went by foot from Djakovice/Gjakova to Albania on a journey lasting two days.

<sup>52</sup> A/0272.

<sup>53</sup> A/0995.

<sup>54</sup> A/1045 saw three people who could not walk shot in Drenovce (Kosovska Kamenica); A/0421 tells how in Pristina on 20 April he witnessed 10 men in green camouflage and masks realize that an old woman could not walk any more; they said to leave her behind and then killed her in front of the interviewee.

<sup>55</sup> A/0552; A/0554; A/0620 (describes convoys as being 7,000-8,000 long); A/0626; A/0627; A/0797; A/0816; A/0854; A/0855; A/0856; A/0861; A/0862; A/0956; M/1305; M/1502 (describes convoys as being between 5,000 and 20,000 strong).

<sup>56</sup> A/0216.

<sup>57</sup> A/0145.

<sup>58</sup> A/1058. A/0996 describes a similar journey from Kosovska Mitrovica and back after which he was arrested and spent time in Smrekovnica prison before being released.

<sup>59</sup> M/0710.

<sup>60</sup> M/1128. In this case, it is likely that this was because the border was at that time blocked as a result of the massive influx of refugees.

<sup>61</sup> See also Chapter 12, Deliberate destruction of civilian property, looting and pillage.

<sup>62</sup> A/0460 (who said that the police wore black masks or had painted their hands and faces). M/1256 also states that Serb forces stole the IDPs' food from a convoy which had just reached Pristina on 23 April.

<sup>63</sup> A/0130.

<sup>64</sup> M/1123.

<sup>65</sup> M/0314; M/1256; M/1404; M/1471; M/1480; M/1730; M/1737.

<sup>66</sup> M/1238; M/1260; M/1320; M/1359; M/1440; M/1757.

<sup>67</sup> A/0636; M/1351; M/1365.

<sup>68</sup> M/1147; M/1238; M/1256; M/1260; M/1263; M/1279; M/1320; M/1351; M/1365; M/1440; M/1480; M/1611; M/1709; M/1737; M/1741; M/1755; M/1756; M/1757; M/1760; M/1850.

<sup>69</sup> A/0919.

<sup>70</sup> OSCE-MiK, 9 October 1999.

<sup>71</sup> See also Chapter 7, Rape and other forms of sexual violence.

<sup>72</sup> M/0092.

<sup>73</sup> M/0065 (who said that two babies died on the train because it was so densely packed).

<sup>74</sup> M/1508.

<sup>75</sup> A/0376.

<sup>76</sup> A/0243; A/0460; M/1256.

<sup>77</sup> See also Chapter 12, Deliberate destruction of civilian property, looting and pillage. M/0271; M/0737; M/0810; M/0864; M/0981; M/1031.

<sup>78</sup> M/1228 speaks of having to hand over DM 1,000 at Kacanik on 22 May when he was taken off the bus and beaten and told that if he did not pay they would kill everyone on the bus.

<sup>79</sup> M/0104, who did not have documents, had to pay border guards of the former Yugoslav Republic of Macedonia to be allowed to enter.

<sup>80</sup> M/0034. It is not clear whether he was speaking to police of the FRY or the former Yugoslav Republic of Macedonia. M/1031 had to pay DM 100 to a Macedonian female border guard for not having a passport.

<sup>81</sup> M/0092 is one example where they did not do so. M/1502 explained that since documents were often destroyed at the border, refugees tried to hide them.

<sup>82</sup> M/1403.

<sup>83</sup> A/0130.

<sup>84</sup> For further details see Part V, entry on Vucitrn municipality.

<sup>85</sup> Extrapolated from map drawn by UNHCR GIS Unit Skopje, 21 May 1999.

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KOSOVO / KOSOVA As Seen, As Told

OSCE ODIHR



## YOUNG MEN OF FIGHTING AGE

The monitoring by the OSCE-KVM Human Rights Division confirms that young men were the group that was by far the most targeted in the conflict in Kosovo, particularly in the period after the OSCE-KVM's evacuation and the commencement of the NATO air campaign against FRY. Clearly, there were many young men involved in the UCK (see Chapter 3, The military/security context), but every young Kosovo Albanian man was suspected of being a terrorist.<sup>1</sup> If apprehended by Serbian forces - VJ, police or paramilitary - the young men were at risk, more than any other group of Kosovo society, of grave human rights violations. Many were executed on the spot,<sup>2</sup> on occasion after horrendous torture. Sometimes they would be arrested and taken to prisons or other detention centres, where, as described afterwards by men released from such detention, they would be tortured and ill-treated, while others would simply not be seen again. Others were taken for use as human shields or as forced labour.<sup>3</sup> Many young men "disappeared" following abduction.

It is not possible in this report, on the basis of the data gathered by the OSCE-KVM, to determine how many men on either side were killed in combat. The focus in this section is on cases of people subjected to grave human rights violations who appear to have been non-combatant civilians. Even if some of the young men referred to here were in fact members of the UCK, in all the cases cited they are reported as having been *hors de combat* as defined in Common Article 3 of the 1949 Geneva Conventions.

### Killings

Very many statements speak of executions of young men, sometimes because they came from locations that were well-known UCK strongholds, at other times because they had the same family names as known UCK fighters. In most cases, however, they seem to have been killed simply because they were male and young enough to join the UCK. In one illustrative case a 41-year-old man saw how police separated two young men from the convoy in which they were all travelling. Since the young men were identified as coming from Lapastica/Llapashtice (Podujevo), a well-known UCK stronghold, they were summarily killed.<sup>4</sup>

It is very commonly recorded in the statements taken by the OSCE-KVM how men were separated from

the other inhabitants as the villages were attacked,<sup>5</sup> as they were leaving in convoys or as they were trying to cross the border into the former Yugoslav Republic of Macedonia or Albania. In many such instances, the men were killed on the spot, often in front of their families, often in groups.<sup>6</sup> At other times the men went missing after being detained in this way, only for their bodies to turn up later.

The following cases are illustrative. For an indication of the full extent of the phenomenon, reference should be made to Part V of this report, surveying Kosovo's 29 municipalities.

At Iglarevo/Gllareve (Klina) the young men (the interviewee says "boys") were not allowed to leave as the rest of the villagers were expelled by Serb forces on 17 March 1999. The next day one of the villagers went back to the village to see what had happened to the boys. He saw the burned body of a boy tied up to hay; only the bones and parts of the legs were left. Eleven other boys had been shot all at the same spot, executed. They buried the young men right there.<sup>7</sup>

One 17-year-old boy describes how on his way to Velika Krusa/Krushe e Madhe (Orahovac), he was stopped by police and put in a line of young men. They were forced to say "Long live Serbia" and give the Serbian sign (three fingers). A 25-year-old mute man, since he could not say "Long live Serbia", was ordered to get into a pool of water. He was shot in the back and a second time with an automatic weapon. The police then took four or five men from the group and put them in the water, one by one. They forced them to drink from the pool where the bodies were. They were then shot. This happened over a three- or four-hour period.<sup>8</sup>

In Podgradje/Pogragje (Gnjilane), 30 paramilitaries drove through the village on a stolen tractor. Five young men, Kosovo Albanians, were at that time coming from the other direction. The paramilitaries stopped them, ordering them to lie down on the road so that all the villagers could see. Then the paramilitaries trod on the backs of the young men for a while and beat them with rifles. After that four of the young men were shot in their backs as they were lying face down on the asphalt. The paramilitaries told the fifth one to go in the village and get some fuel so that they could burn the bodies. When he refused to do so they put him on top of the bodies and shot at him. He was wounded but survived.<sup>9</sup>

Two interviewees describe how a convoy was stopped just outside Donji Crnobreg/Carrabreg i Ulte (Decani) on 7 May 1999 by four masked men in camouflage uniforms, who took young men from the tractors. Four young men were forced to lie down on the ground with their hands behind their heads. Three others were forced to do the same about 10 metres away. Then [a masked] man shot the four men in the back of the head with a single bullet each. He walked over to the other three men. A man from the convoy had been collecting money and jewellery and offered them, pleading that they not be killed - two of the three were his sons. The man shot the three men and then the father as well.<sup>10</sup>

An interviewee described being in a convoy of IDPs which arrived in Grashtica/Grashtice (Pristina), where it was stopped by paramilitaries. The paramilitaries took nine young men from 20 to 28 years of

age and made them stand at attention with their backs to the people, then they were killed. Next they tied a young man to an electric pole and used him for target practice starting with his legs, hands and then from the head down. In all 11 were killed.<sup>11</sup> Another man who was forced out of a convoy at Grastica at around the same time described how he was brought behind a neighbouring house where he was shown "about 100" executed young men lying side by side. He was asked whether he recognized any of the dead "terrorists" and as he was unable to identify them, he was then shot with one bullet through his face/neck. He survived by pretending to be dead.<sup>12</sup>

A 28-year-old woman witnessed how 11 men were separated from a convoy in Gladno Selo/Gllanaselle (Glogovac). All 11 were shot straight away a few metres in front of the interviewee. They were ordered into one line, and first shot in their knees and legs, and all men fell.<sup>13</sup>

As Serb forces surrounded the villagers of Dubrava/Lisnaje (Kacanik) in the mountains on or around 13 April, a woman interviewee saw how some of the young men were caught. She saw the paramilitaries lining up 11 of the men and tie their hands behind their backs. Then they wounded them with automatic fire (legs and arms). While the men were still alive, the paramilitaries carved out the eyes from some of them, slashed their throats, opened the chests of others and one other had his forehead cut open.<sup>14</sup>

#### *Fate unknown - young men missing following abduction*

In addition to the kind of killings described above, very many young Kosovo Albanian men were seen being taken away from villages or out of convoys, and their subsequent fate was not known at the time the cases and incidents were being reported to the OSCE-KVM.<sup>15</sup> At the time of writing this report, some 7,000 Kosovo Albanians were estimated to be missing.<sup>16</sup>

#### **Arrest, detention, torture and ill-treatment**

(The issues touched upon here are also extensively covered in Chapter 6, Torture and ill-treatment, Chapter 9, Arbitrary arrest and detention, and Chapter 10, The violation of the right to a fair trial.)

It is impossible to determine why some young Kosovo Albanian men who were apprehended by Yugoslav and Serbian forces were summarily killed, and others were not. Those who were not killed faced other kinds of human rights violations, particularly arbitrary arrest and detention, very often accompanied by torture and ill-treatment. As one 55-year-old inmate of Lipljan/Lijpan prison said, "young men were the biggest targets" for beatings and maltreatment. He added "they wanted to destroy them".<sup>17</sup>

Nevertheless, there is evidence that, notwithstanding the clear focus of the Yugoslav and Serbian forces in targeting young Kosovo Albanian men for grave human rights violations, at least in certain instances the handing over of enough money could secure the release even of young men from arbitrary detention

after they had been apprehended following attacks on their villages, at checkpoints or in the IDP convoys.

At the end of March in Belanica/Bellanice (Suva Reka) masked VJ demanded DM 1,000 from each family with young men. The interviewee saw 10 men forced to kneel, with guns pointed at them. Those who could not pay were led away.<sup>18</sup> When the village of Celina/Celine (Orahovac) was surrounded by Serb forces on 25 March, young men were separated from the group and lined up. After the villagers paid around DM 20,000 the young men were released.<sup>19</sup> As one 30-year-old man described when the bus by which he was being expelled from Glogovac/Gllogoc was stopped in Lipljan on 3 May at a police checkpoint: "All young men were ordered out of the bus and beaten with batons. Those who could pay the DM 300 were released."<sup>20</sup> A young woman saw police abduct four young men from her bus at a checkpoint on 24 May in Pristina. Among the young men was her brother; when she handed over DM 400 the police released them.<sup>21</sup>

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## Notes

<sup>1</sup> For example, A/1077 describes how special police in Savrovo stopped every tractor and searched for young men. See also Chapter 17, Children, where one paramilitary is quoted as having said that all young boys must be killed "because otherwise they would grow up and seek revenge". Also, in one unusual incident, nevertheless illustrative of the Kosovo Albanian community's justified anxiety over the targeting of its young men, a 66-year-old man describes how in Suva Reka, on 28 April two Kosovo Albanians "authorized by the Serbs" attempted to register young Kosovo Albanian men to work and fight for the Serbs, but the interviewee and others refused to co-operate and hid the young men, A/1062.

<sup>2</sup> M/1193; M/1196.

<sup>3</sup> For more information concerning these violations see Chapter 13, Human shields and other endangerment of non-combatants.

<sup>4</sup> M/0981.

<sup>5</sup> M/0496; M/0622; M/0166.

<sup>6</sup> Numerous examples, including A/0133; A/0289; A/0492; M/055; M/0220; M/0240; M/0339; M/0376; M/0432; M/0460; M/0720; M/0830; M/1378; M/1388; M/1701; M/1707; M/1747.

<sup>7</sup> A/0415.

<sup>8</sup> A/0118. Incident occurred on 1 April 1999.

<sup>9</sup> M/1441. Incident occurred on 18 April 1999, as recounted to the interviewee by his brother.

<sup>10</sup> A/0574; A/0429.

<sup>11</sup> M/1256. The incident is reported to have happened on 23 April 1999.

<sup>12</sup> M/1815. Attached to the interview form is a medical certificate confirming that he had been operated on for facial injuries.

<sup>13</sup> M/1619. The incident happened on or around 23 April 1999.

<sup>14</sup> M/0363.

<sup>15</sup> For example A/0417; A/0422; A/0450; M/0034; M/0098; M/0382; M/0715; M/0915; M/1119; M/1120; M/1608; M/1162.

<sup>16</sup> Tom Hundley, "Kosovars agonize over the missing", *Chicago Tribune*, 7 October 1999.

<sup>17</sup> M/1777.

<sup>18</sup> A/0139.

<sup>19</sup> A/0742.

<sup>20</sup> M/0473.

<sup>21</sup> M/1746.



## PART IV : The impact of the conflict on communities and groups in Kosovo society (Chapter 16)

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### WOMEN

The way women in which were targeted during the conflict differed notably from the way in which men were targeted. Much of the violence that women suffered seems to have been directed towards their gender in a way that appears also to have been intended to humiliate the whole of Kosovo Albanian society. Instead of being arbitrarily killed, as were many men, many women suffered rape and other forms of sexual violence, since the perpetrators knew that this attached extreme stigma in many women's eyes (see also Chapter 7, Rape and other forms of sexual violence).

In some cases when men and women were separated, the men were victims of extra-judicial killing, torture and ill-treatment, while the women were taken away and raped nearby. As young men were singled out from the convoys, so were groups of young women. However, in such cases, it was more common for women and children to be released and sent on their way out of Kosovo, while the men were kept back by Yugoslav/Serbian forces.

Pregnant women were at risk of being specifically targeted by Yugoslav/Serbian forces, given a climate in which the high birth rate in Kosovo Albanian society has been portrayed by the official media as part of a deliberate policy to increase the Kosovo Albanian population in the province.<sup>1</sup> There are several reports of pregnant women being beaten in the stomach, killed or disembowelled. They also had difficult births in difficult situations. There are reports of many children being born in the mountains without any medical support and with almost no sustenance. Women also gave birth at railway stations, at the border and in similar public places. Many of the babies born in these circumstances died.

When villages came under attack, women were left in an especially vulnerable position, as they were often left behind with the children and the elderly. There are many accounts telling how the men left a village, either to join the UCK or to go into hiding, and how they told the women to stay behind because they thought "the Serb forces would not harm the women".

The number of women fighters in the UCK has been the subject of many articles in the international media. There are no exact figures for the number of women who participated in the fighting.

#### Gender-based humiliating and degrading treatment

Yugoslav/Serbian forces deliberately humiliated women in ways that could severely traumatize them, as they carried out expulsions of the Kosovo Albanian population. A common form of humiliation was to grope the women and force them to undress, often under the pretext of searching for money or valuables. There are numerous accounts of how Yugoslav/Serbian forces would grope the women underneath their clothes and keep their hands there for a long time. Many women were also forced to undress in public, sometimes only to the waist, sometimes completely. Sometimes the women were even sent away without any clothes.

One 29-year-old woman describes how three paramilitaries entered the house and dragged her into the room where her parents were. She states: "They forced my mother and me to undress. They groped and ridiculed us in front of my father."<sup>2</sup> A 41-year-old man describes leaving Pec/Peja in mid-April 1999 and seeing police take the clothes off women and send them away naked.<sup>3</sup>

### **Violence against pregnant women and mothers**

Many interviewees tell how pregnant women were targeted in different ways by the Yugoslav/Serbian forces. Pregnant women were harassed and beaten. In Lukare/Llukare (Pristina) in mid-April a man in a large convoy describes seeing paramilitaries ask a pregnant woman on a tractor in front of him for money and confiscate her ring. He said: "They threatened to cut open her stomach but let her go after she had given them some money."<sup>4</sup> Paramilitaries were also seen beating a pregnant woman in the abdomen when they expelled people from their flats in Pristina on 24 March.<sup>5</sup>

### **The work of the OSCE-KVM with refugee women**

Once refugees reached the refugee camps in Albania and the former Yugoslav Republic of Macedonia and the OSCE-KVM started to collect statements, it became clear that many more men than women were coming forward for interview. OSCE-KVM staff considered that new approaches to the collection of information were needed, especially given that the general practice was for the (male) head of household to come and speak with interviewers. By more proactive approaches directly to women, the percentage of interviewees who were women was raised to 25 per cent.

In Cegrane camp (former Yugoslav Republic of Macedonia) the OSCE-KVM worked in close collaboration with a Kosovo Albanian women's organization, Motrat Qiriasit. They organized several workshops with young women and girls and also with more mature women. The subject matter varied, included such topics as self-empowerment, health issues, self-defence and solidarity between women, especially those who were victims of sexual violence. An important additional component was singing and dancing, since this helped the women to regain their spirits and make them more prepared to tackle problems.

OSCE-KVM officers participated in the workshops, sometimes presenting the work but sometimes

just as participants in the workshops. Quite quickly they were accepted and were seen as just another participant. This also led more women to come to the OSCE-KVM tent to give statements. It was also possible for the OSCE-KVM officers to bring women who were traumatized or had been victims of sexual violence to the workshops without anyone being labelled in any way. This ongoing work helped to avoid problems encountered in the past, when human rights organizations took statements from victims of sexual violence and then left them alone with their traumas, or even traumatized them again.

Sometimes this had fatal consequences. One pregnant woman describes being forced to leave Vucitrn/Vushtrri, walking to a nearby village from where she took the bus to Pristina on 10 April. Before the bus got to Pristina it was stopped and the police forced everyone to get off. She states:

They hit me with batons in my stomach and on my back. Afterwards, I lost consciousness. I woke up at border at Bllace [Blace, the former Yugoslav Republic of Macedonia], and from there I was taken to Tetovo hospital. After 23 hours I gave birth, but my baby, a girl, was born dead. The baby had sustained internal bleeding after the beating.<sup>6</sup>

Similarly, a husband describes how when they came to the border in Djeneral Jankovic/Hani I Elezit (Kacanik) one police officer saw that his wife was nine months pregnant. The policeman "insulted her with the word 'Shiptar' and hit her with his fist at her back. On 12 April the baby died during the birth in the Tetovo hospital".<sup>7</sup>

A rape of a pregnant woman leading to her requiring an abortion is described in Chapter 7, Rape and other forms of sexual violence.<sup>8</sup>

Pregnant women were not spared from the killing. A 65-year-old man describes how on the way from Pristina to Kolic/Koliq (Pristina) he saw dead bodies every 40 metres or so along the road. He states: "I also saw the dead body of a pregnant woman, whose body had been cut open. Her dead baby was lying on her."<sup>9</sup>

*Incidents indirectly caused by the conflict.* Being caught up in the conflict has particularly tragic consequences for many other pregnant women.

One woman hid in her house in Vucitrn for 10 days in early April while the town was shelled. She said: "We were too scared to go out because police were guarding the houses around us, since there were Serbs living there ... During this time spotlights were shining into our house and we crawled on floor so as not to be seen through the windows. As I was nine months pregnant the baby was pushed upwards in my stomach when I was crawling on the floor and when I gave birth the baby was born dead."<sup>10</sup> Another woman from Slivovo/Slivove (Urosevac) who was eight months pregnant describes hearing shooting and seeing armoured vehicles on 28 March. She fell and could not move; the baby was born prematurely

and died. She said that she was very frightened and that this probably brought on the labour.<sup>11</sup>

*Births.* As the Kosovo Albanian population was forced to leave Kosovo, many pregnant women gave birth along the way in very difficult situations. There are many accounts of women giving birth in railway stations, in fields, on hillsides and at the border. In many of these cases the baby died shortly after the birth, as on occasion did the mother.

One woman describes how in Pristina on 30 March people were lined up and had to walk to the railway station. She said that "a woman who give birth to a baby was abducted with the newly born baby".<sup>12</sup> Another woman at Pristina station at about the same time tells how "police were firing shots in the air". She said: "I saw a woman giving birth. Another woman was taken away in labour. We were told to get on the crowded train and were taken to the border."<sup>13</sup> A man at Pristina station at about this time also describes seeing two women giving birth. He said that one baby died soon after, while "the police were just standing around the women, laughing at them".<sup>14</sup>

Another young man describes how a baby was born in the mountains in mid-April as the villagers from Vlastica/Llastiche (Gnjilane) took refuge there. Quite soon after the birth the baby died; a three-month-old baby also died at about the same time.<sup>15</sup>

### **Gender violence targeting women**

A 17-year-old boy describes how in Vucak/Vucak (Glogovac) in late March a woman, whose face "showed she had suffered a lot" was standing 2-3 metres from him. She was holding a three-month-old baby in her arms. One police officer in a black uniform asked the woman in Albanian whether it was a boy or a girl and she replied that he was a boy. Then the police officer asked whether she had enough milk to feed her son and she said, "Yes, I have enough." For some reason the police got very angry with this answer. He took the baby from her, grabbing it out of her arms. All this time she had been trying to comfort the baby who had been crying the whole time. The baby fell on the ground where it lay crying. He tore the woman's dress, took out his knife with his right hand, held the woman with his left hand and cut her breast off with one quick movement. The woman was crying and screaming. She knelt and curled up. No one dared help her. The policeman joined the other policemen without making any other comments and his colleagues behaved as if this were perfectly normal behaviour.<sup>16</sup>

### **Resistance**

Some women tried to resist the violence against them. There are several accounts of women resisting, sometimes with tragic results as they were killed on the spot or subjected to other gross human rights abuses. A 66-year-old man, who was travelling in a convoy of 300 families which was more than a kilometre long, describes how in mid-April they were stopped at gunpoint by Serbs near the entrance to Djakovica/Gjakove. A 22-year-old woman was pulled from the tractor by a paramilitary "who wanted

her". She resisted and the Serb shot her dead with a Kalashnikov in front of her father-in-law and brother-in-law. The Serbs then pulled her body to the side of the road and ordered the convoy on.<sup>17</sup>

In other cases women actually managed to prevent the Yugoslav/Serbian forces from taking any women with them. A 26-year-old man describes how in Globare/Globare (Glogovac) in mid-April six soldiers came, took money and gold and ordered several women and girls to go with them to "sleep with them". He said, "The women started to cry and refused ... The men were taken to the other side of the room and beaten there. Everybody was screaming in the house. The men were then ordered to leave the room and were taken to the yard ... In the meantime, the soldiers were trying to force some women to go to their houses, but the women were holding each other's hands and were very strong. Then, the soldiers started to beat the women and then told them that they would come back in three hours." Although there were three guards on the building, the women then managed to escape.<sup>18</sup>

There are reports of mothers trying to save their young sons from being taken, but the mothers themselves would be severely beaten, or worse, and in most cases had to relinquish their sons. An interviewee from Pristina/Prishtina municipality describes an incident he witnessed in mid-April after he had been expelled from his village. A young Kosovo Albanian man was summarily killed by a Serb paramilitary in a village near Pristina, and was left dead by the side of the road. The interviewee recounted that "the mother went to her son and took his hand. Because she wouldn't let [go] the hand of her son, a paramilitary cut away her arm with a big knife".<sup>19</sup>

### **Societal consequences of the conflict for women**

The husbands of many women were killed during the conflict and these women face many problems, especially if they have children. In addition to practical problems, tradition and customary law in Kosovo sometimes contradict the written law; in such cases, especially in rural areas, customary law prevails.

According to customary law children are considered to be the property of the father and, if the father dies, the children belong to the family of the father. This means in practice that the mother is completely dependent on the goodwill of her in-laws, who may choose to keep the children but reject the mother. Further, by tradition women are not allowed to own property or live on their own. This will of course have potentially serious consequences for women who hope to inherit the property which belonged to their husbands, so as to be able to stay in their houses.

Finally, experience of the conflict in Bosnia-Herzegovina and of other conflicts has shown that the level of domestic violence rises dramatically in post-conflict societies. There are no indications that Kosovo will be an exception to this rule. Indeed, the problem had already begun to appear in the refugee camps.

## Notes

<sup>1</sup> See, however, Noel Malcolm, *Kosovo - A Short History*, 2nd edn (London: Macmillan, 1998), pp. 331-32, where he writes that, while the birth rate among Kosovo Albanians is indeed the highest in Europe, this is more likely to reflect the traditional nature of the society rather than a deliberate policy to increase the Kosovo Albanian population. The birth rate among Kosovo Albanian women in paid work in urban areas, who could be expected to be more politicized, is much lower.

<sup>2</sup> M/1043.

<sup>3</sup> A/0833.

<sup>4</sup> M/1710.

<sup>5</sup> M/1019.

<sup>6</sup> M/1280.

<sup>7</sup> M/0328. The word "Shiptar" is used in the former Yugoslavia as a derogative name for Albanians; it may be compared to the slightly different "Shqiptar" which means an Albanian man in Albanian.

<sup>8</sup> M/1017.

<sup>9</sup> M/1711.

<sup>10</sup> M/0236.

<sup>11</sup> M/0781.

<sup>12</sup> M/0876.

<sup>13</sup> M/0395.

<sup>14</sup> M/0179. M/0164, who passed through Pristina station at around the same time heard that five women had given birth on the day he was there, indicating that at least some of the events described above are likely to be separate incidents.

<sup>15</sup> M/0750.

<sup>16</sup> M/0217.

<sup>17</sup> A/0271.

<sup>18</sup> M/1512.

<sup>19</sup> M/1378.

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KOSOVO / KOSOVA As Seen, As Told

OSCE ODIHR



## CHILDREN

### Children as political objects in the Kosovo conflict

The high birth rate in Kosovo Albanian society has been the subject of considerable negative publicity in official Serbian propaganda. This portrays it as part of a deliberate policy to increase the Kosovo Albanian proportion of the population in the province. However, as Noel Malcolm has written, while the birth rate is among the highest in Europe, this reflects the traditional nature of the society rather than "a deliberate and politically motivated policy", since among working Kosovo Albanian women in urban areas, where other factors, such as economic security and access to reproductive health care, are much more in evidence, the birth rate is much lower.<sup>1</sup> A young mother from Gnjilane/Gjilan described to the OSCE-KVM the problems she faced because she had triplets:

In August 1997 I had triplets (two boys and a girl). From the day they were born until I left Kosovo the police repeatedly came into the house to find and take one or more children away from me because 'you don't need so many babies'. I was forced to keep all three at separate relatives to avoid provoking the 'taking' of any. During our departure by bus to Macedonia, the bus was stopped in Klokot (Gnjilane). One policeman attempted to take one of the babies but did not succeed due to my hysteria and my father's protest.<sup>2</sup>

### *Education*

Access to education by Kosovo Albanians has been a human rights issues in Kosovo for the past decade. The shortness of the OSCE-KVM deployment inside Kosovo meant that the mission was largely unable to address itself to the issue, so it is not specifically covered within this report. However, background to the issue is included in Chapter 22, Groups in Kosovo Albanian society particularly targeted for human rights violations, in the context of the references to teachers and students, as part of an analysis of the targeting of people for human rights violations because of their occupation.

### The impact of the conflict on children

During the period of the escalation of conflict in Kosovo in 1998, and especially in the period from late

March 1999, the suffering of children was often extreme. The elements which follow in this section highlight a number of ways in which children were victims of the conflict.

### *Children as targets*

Among the most atrocious aspects of the conflict are the reports of the deliberate killing of children by the armed forces. Many children who were not killed endured other grave human rights violations, including torture and ill-treatment.

There are many statements which describe Kosovo Albanian children being specifically targeted by Serb forces. Girls were raped<sup>3</sup> and boys were killed because they were seen as potential UCK fighters.<sup>4</sup> One woman described how she heard a Serb paramilitary state how they had to kill the young boys because otherwise they would grow up and seek revenge.<sup>5</sup>

In other instances the purpose of deliberately killing children appeared to be to terrorize and traumatize the parents and other adults, who were then left alive. Many refugees recounted incidents of children being ill-treated or killed in front of their parents, with the apparent purpose of punishing the parents. For example, one interviewee recounted that in Gornje Grabovc (Obilic) the Serb forces gathered all the villagers together in a yard. One family tried to escape, and when they were caught a child from the family was decapitated in front of the parents.<sup>6</sup> Another interviewee told the OSCE-KVM that he had seen a paramilitary cut off the head of a 3-year-old child in front of the parents. The family was from Kosovska Mitrovica/Mitrovica.<sup>7</sup> An LDK member and intellectual described how his 13-year-old son was separated from the rest of the family as they were fleeing up in the mountains. The son was caught by two "chetniks" who broke both his arms and fired shots in the air causing the parents to panic, as they believed he had been killed. The son managed to escape and rejoin the family.<sup>8</sup> Another interviewee reported having witnessed how, in mid-April, on the main road from Pec/Peja to Decane/Decani, a Kosovo Albanian woman who was travelling on foot with her son (who was about five to six years old) was stopped by three men, who appear to have been Serb paramilitaries, wearing masks. They asked where her husband was and she replied that she did not know. They told her that if she wanted to save her son, her husband must "be here". They then grabbed the boy. One of the soldiers said to the one holding the boy, "What are you talking to her for, kill him." At this point the soldiers cut the boy's throat and then they completely decapitated him.<sup>9</sup>

One interviewee described seeing a child, aged two or three, who had been impaled on a wooden pole on the road between Pristina/Prishtina and Kolic/Koliq. Written on the pole were the words, "This is Serbia. This is what we are going to do to all Albanians, because I am God and NATO means nothing to me."<sup>10</sup> A 22-year-old man described how he saw a woman being stabbed by a Serbian police officer first in one arm and then in the other, so that the two-month-old baby that she held in her arms fell to the ground. As the baby fell the police officer shot it on the spot.<sup>11</sup> As the Serb forces surrounded the village of Padaliste/Padaliste (Istok), they went into the house of a teacher, took three young children and told the

teacher to cut off their heads. When he refused, the police cut their throats; they also killed the teacher.<sup>12</sup> As police, VJ and paramilitaries expelled inhabitants from their homes in Kosovska Mitrovica in mid-April, an interviewee reported seeing one of them hit a six-month-old child with a hammer (the fate of the child is not reported).<sup>13</sup> Another interviewee described how, in an IDP convoy outside Pec on the morning of 16 April 1999, Serb forces took a five-month-old baby from the arms of its mother and asked: "Do you want to come back to Kosovo?" As the baby - of course - did not answer, they told the mother: "This baby will never go to



**"Kosova burning": a drawing by a child in a refugee camp** [\[zoom\]](#)

Kosovo!" and they threw it on the ground and killed it.<sup>14</sup>

Serb paramilitary forces who entered the village of Zulfaj/Zulfaj (Djakovica) on 5 April 1999, irritated by the cries of terrified children as they searched the village before expelling inhabitants and torching the houses said, "You wanted NATO, now you got them! As long as they kill our children, we will kill yours!"<sup>15</sup>

### *Other conflict-related deaths of children*

Very many children died who were not deliberately targeted during the conflict. As recounted to the OSCE-KVM by Kosovo Albanian refugees, many were killed during shelling of civilian houses and other kinds of apparently indiscriminate attacks by Serb forces.

Many children were forced to live under very severe physical conditions that resulted in deaths from hunger or for other reasons.<sup>16</sup> One man described how the train from Pristina was so full that two infants died of suffocation.<sup>17</sup> Another woman described how two babies died as the population from Gornje Streoc/Strellci i Eperm village (Decani) was walking to Kukes (Albania).<sup>18</sup> In one tragic incident in Crnoljevo/Carraleve (Stimlje) Serb forces stopped a convoy. The Serbs detained the driver of a tractor in the convoy, and ordered a 10-year-old boy to drive it instead. There were 20 people on the tractor, the boy lost control and it rolled over, killing the boy, his mother and a baby; another five were injured. The Serbs laughed at this and did nothing to help.<sup>19</sup>

*Children held to ransom*

During the very many reported situations of extortion from Kosovo Albanians (see Chapter 12, Deliberate destruction of civilian property, looting and pillage), children were often used as a means to blackmail parents to give money to the Serb forces. The threats against the children could take very brutal forms, as illustrated by the following examples, and compliance by the parents with what were in effect ransom demands did not always secure the children's safe release.

In the village of Grastica/Grashtice (Pristina) a convoy of IDPs was stopped by police and paramilitaries on or around 20 April. They took small boys and girls, pointed guns or held knives at their throats and asked their parents for money. In some cases the children were killed even though their parents handed over the money that was asked for. About 40 children were killed like this, according to one witness.<sup>20</sup>

During the expulsion of a family from Pozaranje/Pozzaran (Vitina) in mid-April a paramilitary took a seven-year-old boy and threatened him with a knife, thereby forcing the boy's mother and the interviewee who gave this account to hand over money and jewels. The boy was then released.<sup>21</sup> In Pristina a 39-year-old man saw how several young men and women were separated from a crowd that was going to the railway station and taken away by masked people dressed in black. In order to get their children, parents gave all their money and gold to the abductors, but to no avail. The interviewee did not know what happened to the young people who had been abducted.<sup>22</sup> In the centre of Belanica/Belanica (Suva Reka) on 26 March, with the village crowded with IDPs, VJ wearing black masks demanded money and other valuables from Kosovo Albanians. One soldier took a baby from its mother, and holding a knife next to its body forced the mother to hand over money or else have the baby returned to her dead.<sup>23</sup>

*Children as human shields*

Children were used as human shields together with adults, but there was also at least one occasion when children alone were used. For a short period in April, after the VJ had arrived in the village of Smira/Smire (Vitina), the Kosovo Albanian inhabitants were not allowed to move within the village, being kept under a form of house arrest. Only children were allowed to play outside. The refugee who recounted this to the OSCE-KVM made the observation that the children's presence around the tanks was particularly welcome.<sup>24</sup>

*Torture and ill-treatment of children*

In the period after 20 March 1999 children, particularly teenage boys, would sometimes be rounded up with men and taken into detention. There they faced torture and ill-treatment. For example, some of the detainees at Smrekovnica/Smrekonice prison in May-June 1999 who were later interviewed as refugees by the OSCE-KVM report that boys as young as 12 were detained there. Conditions at the prison were cruel and inhumane, and most reports from the prison mention torture and ill-treatment, as described in

this report on Vucitrn/Vushtrri municipality in Part V. One of the most detailed descriptions of what happened to prisoners there is from a boy who had just turned 15 when detained in Kosovska Mitrovica/Mitrovica as part of a mass arrest on 16 May and taken to Smrekovnica. He describes being beaten with a club on arrival, and during questioning.<sup>25</sup> His statement to the OSCE-KVM is covered in more detail in Chapter 9, Arbitrary arrest and detention (see also Chapter 15, Young men of fighting age).

The incidents of rape and sexual violence documented by the OSCE-KVM include rapes of young women and girls. These are dealt with in Chapter 7, Rape and other forms of sexual violence.

Ill-treatment and harassment of children occurred often in the context of forced expulsions and extortion, as is mentioned extensively elsewhere in this report, including many references in the municipality entries. It could also occur outside this context, in situations that were otherwise unremarkable, such as the journey to and from school. The following two examples illustrate how acts of ill-treatment and harassment against Kosovo Albanian children could be perpetrated by the police directly, or the police would look on and do nothing as Kosovo Albanian children were beaten by others.

On 10 December 1998, at around midday, young Serb civilians armed with wooden clubs stopped a 16-year-old Kosovo Albanian secondary school student as he was going home after school in Obilic. They beat him up so severely that he had to seek medical treatment for injuries to his head and for broken teeth. Two policemen on guard outside the nearby police station saw the incident but did not intervene. The same group of Serb youths was reported as having beaten up several other students on their way home from school on about four occasions over the previous three weeks.<sup>26</sup>

On 24 March 1999 a 17-year-old Kosovo Albanian girl and her 18-year-old male companion were walking home from school in Dusanovo/Dushanovo (Prizren) when police stopped them. They asked the girl's companion what kind of book he had in his hand. When they saw it was in Albanian they snatched it from him and threw it to the ground. The police punched him repeatedly in the face. Two days later the girl was again stopped on the street by a policeman who demanded to see her ID. She told him she did not have one. The policeman insisted she needed one to move about, and told her that if she came with him for two days he would get one for her. She refused and ran off in fear. Later that day she encountered the same policeman, who made unwelcome sexually suggestive comments to her.<sup>27</sup>

### *The trauma of the conflict's child survivors*

It may take years for the children who lived through the conflict to overcome the traumas that they have undergone. Many were witnesses as their parents were killed, or they watched other people being killed. Among statements given by refugees to the OSCE-KVM there are numerous examples. One woman describes how her husband was killed in front of their three children:

The paramilitaries had been in our building and robbed the inhabitants in their apartments. As they were going to leave our apartment one of them just turned round and shot my husband several times. He did not die immediately, but as the paramilitaries left they shot him again and this time they killed him. My children ran to their father and shouted "Daddy, daddy, don't leave us!" My children, all three boys, had always been closer to their father than to me. My oldest son refused to let go of his father's body. My husband's head was split in two and we had to put a plastic bag around it when we buried his body.<sup>28</sup>

One interviewee saw how some paramilitaries took a young boy, aged 10 and pointed at the bodies of two young men they just had killed. "They told him that it could happen to him."<sup>29</sup> Another interviewee described how the police scared children in Turjak (Orahovac) by firing AK-47s close to their ears.<sup>30</sup>

As IDPs were hiding in the mountains of Kosovo the parents would constantly hush the children and they would later describe to the OSCE-KVM how they even held their hands over the mouths of their children in order to prevent them from making noise. One man describes how as the children was crying, the Serb forces would threaten: "If you don't silence your children, we will kill them all!"<sup>31</sup>

The conflict certainly also had a traumatic impact on Kosovo Serb children, particularly as it escalated after 20 March. However, the OSCE-KVM, being deployed outside Kosovo at that time and until it was stood down on 9 June, had no access to Serbs inside Kosovo or the rest of the FRY who might have reported Serb children's experiences of human rights violations. There were almost no Serbs among the refugees interviewed by the OSCE-KVM.

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## Notes

<sup>1</sup> Noel Malcolm, *Kosovo - A Short History*, 2nd edn (London: Macmillan, 1998), pp. 331-32.

<sup>2</sup> M/0808.

<sup>3</sup> For the singling out of girls and young women for acts of sexual aggression see Chapter 7, Rape and other forms of sexual violence.

<sup>4</sup> For more on the specific ways in which young men were targeted for human rights violations see Chapter 15, Young men of fighting age

<sup>5</sup> M/1016.

<sup>6</sup> M/0604.

<sup>7</sup> A/0284.

<sup>8</sup> M/1705.

<sup>9</sup> A/0257. The interviewee describes the perpetrators as "soldiers", but the detailed description given is consistent with their having been paramilitaries.

<sup>10</sup> M/1711.

<sup>11</sup> M/1528.

<sup>12</sup> A/0640. This case is cited in the indictment against Milosevic and others issued by the International Criminal Tribunal for the former Yugoslavia (ICTY), see ICTY, "Indictment Milosevic & Others ('Kosovo')", IT-99-37-I, 24 May 1999.

<sup>13</sup> A/0727.

<sup>14</sup> M/1507.

<sup>15</sup> A/1084.

<sup>16</sup> For example A/0939.

<sup>17</sup> M/0065.

<sup>18</sup> A/0162.

<sup>19</sup> A/0698.

<sup>20</sup> M/1351.

<sup>21</sup> M/0837.

<sup>22</sup> M/0432.

<sup>23</sup> A/0345.

<sup>24</sup> M/1126.

<sup>25</sup> A/1069.

<sup>26</sup> PR/02/0002/98.

<sup>27</sup> A/0695.

<sup>28</sup> M/0717.

<sup>29</sup> M/0249.

<sup>30</sup> A/0089.

<sup>31</sup> A/1084.

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A 13-year-old boy from the town of Suva Reka/Suhareke gave the following statement to an OSCE-KVM interviewer in Albania, a month after the incidents described.<sup>1</sup>

[On 25 March 1999] there was a shooting incident between [the] UCK and the police near my neighbourhood. The UCK was trying to prevent the police from coming in. The police finally arrived and kicked into our house. My sister and I and my father were on the ground floor. My mother was upstairs and saw them coming in. She shouted for my dad to leave the house. As my dad opened the door to leave, they shot him. Then the four policemen entered our house. They hit my sister with the big part of the automatic weapon. They turned and pointed the gun at me. I fainted. The police did not shoot me. They were looking for money or they'd kill us. Ten minutes later, I became conscious again. My dad was lying dead on the floor just outside. I shook my dad three times. No reaction. He was not dead yet because he is strong. His arms were destroyed, he was full of blood. I was scared and ran away. I heard two shots at my father. The policemen were going into houses and killing people. They were using silent guns [silencers]. I heard them in a house and later went in and saw five people dead in that house. I left our house but my sister [his 25-year-old half-sister] stayed behind and cared for my dad. She said that a policeman told her to go inside right away. As she did, a bullet flew by her head, just missing her. I went to my neighbour's house. My sister joined me in the afternoon. We went later to my house and my father's body was gone. There

was blood on the stairs like he was pulled. I have not seen him since. My mother is also gone. I don't know where she is.

<sup>1</sup> A/0221.



## ELDERLY, DISABLED

While the OSCE-KVM was in Kosovo there were few reports of the specific targeting of elderly or disabled people from either the Kosovo Albanian or the Serb community. One example concerns a 73-year-old Serb who was killed when on 29 January 1999, unknown persons approached a house in Rakos/Rakosh (Istok/Istog) and threw two Chinese-made hand grenades through the window. The man's wife was also injured.<sup>1</sup>

After the withdrawal of the OSCE-KVM on 20 March 1999, and the escalation of human rights violations, the elderly or disabled were by no means spared. The following account from the village of Sopina/Sopine (Suva Reka/Suhareke) shows how age was no barrier to even the worst kinds of violations.

On the afternoon of 26 March two Serbian police entered the room of the house where we were staying and started shooting. They were wearing masks and camouflage uniforms. As they shot into the room my daughter was shot in the hip. In the meantime [my daughter's] husband and his cousin were on the floor above and came down to see what was going on. A policeman shot at [the cousin] and missed. Then the policeman took DM1500 from [a 16-year old female relative] in exchange for sparing [the cousin's] life. Nevertheless, when the money was presented the policeman still shot [him] in the chest with a machine gun, killing him instantly. They then called [my daughter's husband] outside and shot him in the head, killing him instantly.

The family was taken out into the yard, where the elderly mother of [my daughter's husband], aged 75, began walking towards the policemen and cursing them for what they had done. They immediately shot her as well, and she died instantly.

I also saw shot dead in their yard, in a kneeling position with their faces to the ground my neighbours [both aged 70].<sup>2</sup>

Although many elderly people were able to flee and formed a large proportion of those in the refugee camps, the treatment of those who were unable to do so suggests that they were in many cases

specifically targeted, whether for killing, torture or ill-treatment, regardless of the fact that they were unable to resist.

Possibly this was because the intention was to expel the whole population, possibly because the killing of the elderly would preclude relatives from returning to look after them, or possibly because the intention was to kill heads of households and thus weaken the fabric of Kosovo Albanian society. When combined with the particular targeting of young men (as described in Chapter 15, Young men of fighting age), the effect was in any case to leave many extended families without the direction and cohesion traditionally provided by a head of household.

The most common attacks were those on elderly Kosovo Albanians who were also immobile and therefore particularly vulnerable. Relatives often had no choice but to leave them behind in the chaotic and hurried circumstances of mass expulsion under threat of death and they were unable to make their way to the border by themselves. Occasionally families were able to bring elderly relatives with them against great odds, as was the case with a man who fled from Istok/Istog municipality in late March whose tractor was shelled and who then carried his 70-year-old mother across the mountains through the snow on foot to Montenegro.<sup>3</sup> However, those who were left behind were frequently shot or burned alive in their homes, while a few statements report cases of abduction or ill-treatment.

The elderly and disabled are treated in the same section of this report because their fates were frequently relatively similar. Their vulnerability had the same roots, since they often could not move, or move fast enough to leave independently and there was usually neither the time nor the resources to transport them.

### *Killing of old, immobile persons*

Almost every extended family in Kosovo had elderly people with them. While it would be the natural instinct to take the whole family with them upon fleeing, the way the forced expulsions were carried out often did not leave the families the time or resources to carry the old people who were not able to walk. Sometimes elderly people refused to leave despite the persuasions of other members of the family. Other elderly who tried to follow their relatives were too weak either to join convoys or to walk to the train or bus station.

In Pristina/Prishtine, on 2 or 3 April a policeman shot a 66-year-old man, who was sick and being carried by his son. The policeman said that he had killed him "just to make it a bit easier for you".<sup>4</sup> In Pec/Peja, in late March, when the army was escorting a convoy of IDPs, one woman was transported in a wheelbarrow, the two others were carried. One of the men who was carrying an elderly woman was forced to put her down and she was shot dead by a police officer with a pistol.<sup>5</sup> In Pristina paramilitaries killed old people who were not able to follow the crowd.<sup>6</sup> On 1 April Serbian forces shot three villagers who were unable to walk when they forced villagers in Drenovce (Kosovska Kamenica/Kamenice) to leave.<sup>7</sup> In Mirusa/Mirushe (Orahovac/Rrahovec) an old man was shot because he could not walk to

leave his home.<sup>8</sup> In Marcvec/Marefc (Pristina/Prishtina) paramilitaries shot dead a 90-year-old man who was paralyzed and was therefore unable to leave.<sup>9</sup>

Those who stayed behind frequently found no mercy at the hands of the Serbian forces. When they entered the house - generally either to expel the inhabitants to loot or both - they often killed elderly men and women who had stayed behind. On 28 March in Crnovrana/Gurbardh (Orahovac) 26 people were killed and one interviewee saw four dead bodies of people aged over 70. Paramilitaries had killed them all in one place and spread them over two kilometres apart. Two days later they killed three more people over 70 years old.<sup>10</sup> In Studenica (Istok) an man who was over 100 years old was knifed to death.<sup>11</sup>

The elderly were not spared from mass killings and occasionally even appear to have been targeted. On 4 April in Pusto Selo/Pastasel (Orahovac) VJ took more than 100 men, all over 50 years old at gunpoint to lower land. The interviewee then heard automatic gunfire from that area. Reportedly only four men survived the massacre by hiding underneath the dead bodies.<sup>12</sup> Also in the Srbica/Skenderaj-massacre where 148 people were killed, a number of (named) old people died, aged 60-81, as well as a 70-year-old disabled person.<sup>13</sup> In Dragacina/Dragaqine (Suva Reka/Suhareke) special police killed 11 old men (aged from 60 to 90). An interviewee heard that one policeman said: "We killed and massacred the old men and dropped them into a well".<sup>14</sup>

Elderly or immobile people were also mutilated when they were killed. When one villager returned on 10 April to Kladernica/Klodernice (Srbica/Skenderaj), he found 35 bodies, including that of a 75-year-old woman (name recorded) who had been cut from her pelvic area to her throat.<sup>15</sup> Among several killed elderly people in the area around Pristina's public hospital, one had a distorted face and a heavily mutilated body.<sup>16</sup> A 70-year-old man captured in Plitkovic/Plitkoviq (Lipljan/Lipjan) had his fingers and toes cut off and was then killed.<sup>17</sup>

### *The burning of elderly and disabled people*

Elderly and disabled people were widely reported as being either shot dead and then burned or as being burned alive, often in their homes. On 12 April in Grebno/Greben (Urosevac/Ferizaj) two Kosovo Albanians (aged 105 and 60) were burned to ashes in their houses.<sup>18</sup> On 21 April in Makovac/Makofc (Pristina) three interviewees report finding the burnt bodies of three relatives, all of whom were in their 80s who died in a blaze after the house was set on fire.<sup>19</sup> In Zlatare/Zllatare (Pristina) five old people (one of whom was an invalid) were found burned in their houses.<sup>20</sup> On 28 March an interviewee witnessed in Lesane/Leshane (Suva Reka/Suhareke) how a (named) local Serb carried a (named) 80-year-old woman who could not walk and placed her against a pile of corn stalks. He then set the pile on fire and burned her alive.<sup>21</sup>

Even if the elderly had managed to flee some of the way, they were sometimes killed and/or burnt. In mid-April in Vrelo/Vrella (Lipljan/Lipjan) a family had to leave two elderly people during their flight in an empty house because they could not walk any further. Later on, someone found their partially burnt bodies.<sup>22</sup> In Slovinje/Silovi (Lipljan/Lipjan), when a series of mass killings were carried out in mid-April, an elderly paralysed woman was killed and burned on a tractor.<sup>23</sup> In Krajlane/Kralan (Djakovica/Gjakove) in early April two elderly women and an elderly man who had been unable to walk with the others the evening before were killed by paramilitaries. The women (one of whom had a broken leg) wanted to get off the tractor but the paramilitaries would not let them. The tractor and the bodies were burnt by the police.<sup>24</sup>

### *Conflict-related deaths and death from exposure*

The elderly were also incidental victims of the conflict. In Vranjevac (Pristina) a 72-year-old man was among those killed when MUP fired into a crowd of people who had been forced out of their homes.<sup>25</sup> In Kojlovica/Kolovice (Pristina) in early April when VJ surrounded the village and ordered villagers to leave, there was a lot of shooting in which an old man (aged 65-70) was wounded in the shoulder.<sup>26</sup>

The vulnerability of elderly people meant that they were particularly likely to die from exposure, starvation or lack of care. In Kolic/Koliq (Pristina) at the end of April four old women and six disabled people who were left behind died in the harsh conditions in the hills. Another interviewee heard that approximately 20 elderly or paralyzed people died from exposure. It was also reported that old people particularly suffered and sometimes died in the overcrowded trains or at the border.<sup>27</sup>

### *Ill-treatment of elderly people*

In some cases elderly people were subjected to ill-treatment, which was probably meant either to punish them or their relatives who were forced to watch this. In Drenovac/Drenoc (Pristina) VJ or MUP stripped naked the 73-year-old father of a human rights activist stole his money and beat him with the butts of their weapons.<sup>28</sup> In Nakarada/Nakarade (Kosovo Polje) an old, immobile man was left behind after 16 male family members had been abducted and the women had fled. When the women returned, they found him in a house, crying out. He was tied naked to a chair and there was a dangerous dog in the room. The old man said the Serb and "Gypsy" (*Maxhupi*) neighbours had ill-treated him.<sup>29</sup>

The elderly were not spared from the prevailing brutality and violence in other cases. In Petrastica/Pjetershtice (Stimlje/Shtime) MUP burned the car of a 65-year-old Kosovo Albanian because he had no money to give to them. After they had set his car alight the police pushed the man's head through a window of the burning car.<sup>30</sup> In Donje Gadimlje/Gadime e Ulet (Lipljan) on or around 11 April a Kosovo Albanian witnessed policemen hitting old people in the mouth to extract their gold teeth.<sup>31</sup>

The elderly were also beaten. At the end of April in Pristina/Prishtina a 70-year-old woman was robbed, beaten and kicked all over her body.<sup>32</sup> One 74-year-old man taken to Djakovica/Gjakove police station in October 1998 was beaten so badly that he spent the next two months in hospital before he eventually died.<sup>33</sup>

### *Attacks on elderly men for wearing traditional headgear*

Elderly Kosovo Albanian men who wore the traditional Albanian crocheted or hard white hat or *plis* were also targeted for doing so, in what can be seen as an assault on Kosovo Albanian culture and traditions.

There is one account of a man being shot dead for doing so.<sup>34</sup> Another interviewee explains how the group of Kosovo Albanians he was with was sheltering in a valley near Turjak/Turkjake (Orahovac/Rrahovec) and was surrounded by VJ, who are described as beating more severely than others those who were wearing a *plis*.<sup>35</sup> Men were also hit about the head for wearing a *plis*.<sup>36</sup> *Plis* were confiscated, thrown on the ground, trampled on, and seen lying beside the road to Prizren "with blood stains and World War Two 'chetnik' symbols scrawled on them".<sup>37</sup> *Plis* were also seen on the ground besides 40 dead bodies in Globocica/Gllobocic (Kacanik) in late March.<sup>38</sup> In Cirez/Qirez (Srbica/Skenderaj) the Serbian forces gathered all the old men and confiscated their jackets and *plis*.<sup>39</sup>

### *Extortion*

The extortion of money, which was often accompanied by the killing of those who did not hand over the required amount of money, did not spare the elderly. In early May a 70-year-old woman was beaten and then killed by three paramilitaries who entered her house in Gnjilane/Gjilan. The interviewee presumed that when the woman gave them DM 20 this was not deemed sufficient because the perpetrators kicked her in the stomach. She fell on her knees and they shot her twice, hitting her in the hand and the shoulder. Finally they kicked her again and she died of her injuries in the corridor.<sup>40</sup> In Podujevo/Podujeve a 75-year-old man (the head of the household) was severely beaten when he was unable to produce the DM 30,000 paramilitaries and other Serbian forces asserted he had.<sup>41</sup>

### *Abduction*

A few statements refer to the abduction and subsequent disappearance of elderly people. On 27 March in the Ulpijana/Ulpiana district of Pristina an immobile woman was put on a tractor with 10 other old people who had difficulty walking. At the time the interview was given, the relatives still did not know the whereabouts of these people. A few days later, also in Pristina, police abducted the 72-year-old mother of an interviewee from a convoy going to the train station. The police said they would give her a lift to the station in a tractor, as they were collecting old people, but the tractor never arrived.<sup>42</sup>

## Attacks on disabled people

There are relatively few indications that disabled Kosovo Albanians were a specific target but they were not spared ill-treatment or killing.

On 25 March in Brestovac/Brestoc (Orahovac/Rrahovac) Serbian police went into a home for paralyzed people. Several of the people could not move. A witness saw that at least 16 disabled people were shot dead.<sup>43</sup> In Velika Krusa/Krushe e Madhe (Orahovac) one interviewee saw a police officer kill a 25-year-old, deaf-mute man who couldn't say "Long live Serbia", he was ordered to get in a pool of water and then shot in the back, he was then shot a second time with an automatic weapon.<sup>44</sup> On 6 April in Kozica/Kozhice (Srbica) a 25-year-old mentally handicapped man was taken out of sight of the others and shot by a paramilitary wearing a cowboy hat.<sup>45</sup> In the main MUP station in Pristina a handicapped man was tied up with handcuffs to a radiator and beaten till he was bloody and unconscious.<sup>46</sup> In Glogovac/Gllogoc on 20 April a deaf/mute mechanic was shot dead by paramilitaries in front of his wife and his children. Then the perpetrators robbed the dead man.<sup>47</sup> In a case subsequently confirmed by the OSCE-MiK, a man who needed two sticks to walk was shot once in the back and once in the head in Baraina/Baraina (Podujevo/Podujeve) on 21 April as he was trying to walk up a track away from looting Serbian forces.<sup>48</sup>

Other reports describe how relatives of the disabled or handicapped tried to prevent the Serbian forces from attacking them. Usually the disabled as well as the relatives received beatings before they were released.<sup>49</sup>

### *Acknowledgement that the disabled did not constitute a threat*

Occasionally there was some recognition that the elderly and disabled did not constitute a threat, although this still did not stop them from being ill-treated. They were, for instance, permitted to leave a group of several hundred men held, harassed and beaten by Serbian forces for several days in Kraljane/Kralan (Djakovica) in early April upon payment of DM 5,000-15,000, which they collected among themselves. They were loaded onto trucks and driven directly to the Albanian border in Prizren municipality.<sup>50</sup> One 65-year-old woman explained how when Serbian forces in Cirez/Qirez (Srbica) seized and started to beat her 28-year-old mentally handicapped son, she was first beaten but then was eventually able to explain his condition so that they stopped.<sup>51</sup> Another interviewee who was in a wheelchair stated that MUP found him near the border and, after questioning him, transported him in their car the rest of the way.<sup>52</sup>

## Notes

<sup>1</sup> Reported by the OSCE-KVM RC3 Police Liaison Officer on 30 January.

<sup>2</sup> A/0874. All victims mentioned are named in the statement

<sup>3</sup> A/0995.

<sup>4</sup> M/0762.

<sup>5</sup> A/0736.

<sup>6</sup> A/0421.

<sup>7</sup> A/1045.

<sup>8</sup> A/0834.

<sup>9</sup> M/1458.

<sup>10</sup> A/1114; A/1121.

<sup>11</sup> A/0173.

<sup>12</sup> A/0728.

<sup>13</sup> A/0676.

<sup>14</sup> A/1124.

<sup>15</sup> A/1024.

<sup>16</sup> M/1728.

<sup>17</sup> M/1314.

<sup>18</sup> M/0173.

<sup>19</sup> M/1302; M/1438; M/1738.

<sup>20</sup> M/1770.

<sup>21</sup> A/0979.

<sup>22</sup> M/0433.

<sup>23</sup> M/0103; M/0817; M/1051.

<sup>24</sup> A/0065; A/0066; A/0176.

<sup>25</sup> M/1722.

<sup>26</sup> M/0739.

<sup>27</sup> M/1174; M/1235.

<sup>28</sup> M/1308.

<sup>29</sup> M/0534; M/0537.

<sup>30</sup> M/0280.

<sup>31</sup> A/0285.

<sup>32</sup> M/1065.

<sup>33</sup> A/0535.

<sup>34</sup> M/0302.

<sup>35</sup> A/0209.

<sup>36</sup> M/0959.

<sup>37</sup> A/0114; A/1027; M/1294; M/1789.

<sup>38</sup> M/1128.

<sup>39</sup> M/1294.

<sup>40</sup> M/1446.

<sup>41</sup> M/0864.

<sup>42</sup> M/0163; M/0377.

<sup>43</sup> A/0921.

<sup>44</sup> A/0118.

<sup>45</sup> M/1267.

<sup>46</sup> M/1418.

<sup>47</sup> A/0921; M/0832; M/1267; M/1418.

<sup>48</sup> OSCE-MiK, PR/0155/99.

<sup>49</sup> A/1123; M/1294. A/0569; M/0833 and M/1294 reported that paralyzed people were forcibly left behind.

<sup>50</sup> A/0112; A/0168; A/0426; A/0560; A/0970.

<sup>51</sup> M/1294.

<sup>52</sup> A/0728.



## KOSOVO SERBS

### The situation from deployment to evacuation of the OSCE-KVM

When the OSCE-KVM arrived in Kosovo, the Serb community was frustrated by the inability of the international community to retrieve information from the UCK about the fate of those Serbs who had gone missing following abduction or in unknown circumstances during the events of summer and autumn 1998. The Mission was met with some suspicion by Kosovo Serbs, not least because of the negative coverage of the Mission by the Serbian state media. Much of the initial suspicion waned and was replaced by cautious co-operation. In some cases the authorities obstructed actions which were meant to reach out to the Kosovo Serb Community. For example, Head of Mission Ambassador William Walker had planned to attend the funeral of the six young Serbs killed in Pec/Peja in the Panda Bar incident on 14 December 1998 (see below, and also the entry in Part V of this report for Pec/Peja municipality). The Serbian police, under the pretext of security concerns, denied his request.

Other initiatives to reach the Serb community were more successful, despite the fact that the overwhelming proportion of resources and focus was directed towards the Kosovo Albanian community, who filed a much larger number of complaints of human rights violations with the OSCE-KVM. The OSCE-KVM maintained a presence throughout Kosovo, with the exception of Leposavic/Leposaviq municipality, north of Kosovska Mitrovica/Mitrovice, where verifiers were driven out by the mayor and Serb civilians.

#### *Displaced Serbs*

According to the 1991 census there were 1,954,747 people living in Kosovo, 195,301 of them Serbs.<sup>1</sup> During the aftermath of the wars in Croatia and Bosnia-Herzegovina a substantial number of Serb refugees from Krajina and other parts of Croatia and from Bosnia-Herzegovina were forcibly sent to Kosovo. By the summer of 1996 there were some 19,000 Serb refugees living in Kosovo.<sup>2</sup> After the flare-up of armed conflict in Kosovo from the end of February 1998, however, an estimated 20,000 Kosovo Serbs and 9,000 Serb refugees left Kosovo for Serbia proper during the time of the OSCE-KVM deployment in Kosovo.<sup>3</sup> The true number may well be higher. It is very difficult to obtain an accurate number for the Serbs who left the province during the entire conflict. Many Serbs did not registered in

Serbia proper. Furthermore, due to a law that prohibits the selling of Serb property in Kosovo to non-Serbs, many Serbs sold their property on the black market without informing the authorities.<sup>4</sup>

The crackdown of the Yugoslav and Serbian security forces beginning in February-March 1998 in the Drenica region, mainly in Srbica/Skenderaj, Klina/Klina and Glogovac/Glllogoc municipalities, marked the start of the flight of Kosovo civilians from their homes. The number of 100 per cent Kosovo Albanian villages within Kosovo rose from 703 before the beginning of the fighting in February 1998 to 793 in January 1999.<sup>5</sup>

Kosovo Serbs left villages in the municipalities of Decani/Decane, Djakovica/Gjakova, Istok/Istog, Kosovska Mitrovica/Mitrovice, Obilic/Obiliq, Orahovac/Rrahovec, Pec/Peja, Podujevo/Podujeve, Srbica/Skenderaj, Suva Reka/Suhareke, Urosevac/Ferizaj and Vucitrn/Vushtrri. According to the Serbian government, in 1998, 201 Serb houses were burned and 74 completely destroyed in Kosovo as a result of fighting between UCK and Serbian forces.<sup>6</sup> Nevertheless, until August 1998, the Serbian government would not admit the existence of any Serb IDPs.

The departure of Kosovo Serbs and members of other minority national communities continued after the arrival of the first OSCE-KVM verifiers in October 1998. Kosovo Serbs abandoned some 90 villages in west and central Kosovo between October 1998 and March 1999. In particular, the fighting in Podujevo and Kosovska Mitrovica municipalities (see the relevant entries in Part V of this report) left many Serb homes empty.<sup>7</sup>

### *Serb civilians as victims of the UCK*

During the time that the OSCE-KVM was in Kosovo the internal conflict between the Yugoslav and Serbian security forces and the UCK was ongoing, and thus both parties to the conflict were subject to the obligations under applicable international humanitarian law.<sup>8</sup> Provisions under Additional Protocol II to the 1949 Geneva Conventions include prohibitions on the killing of non-combatants, inhumane treatment and spreading terror among the population. One of the main threats to the Serb community was the UCK.

*Killings of Serb civilians.* There were a number of unidentified victims of seemingly inexplicable killings. In some cases there was suspicion that UCK forces killed not only moderate Kosovo Albanians but also Serbs who were well liked by both communities. Two incidents in particular attracted international attention. On 14 December 1998, unidentified gunmen killed six young Kosovo Serbs in the Panda Bar in Pec. The attack was considered to be in revenge for the killing of 30 UCK members who had been shot while crossing the border illegally a few days earlier.<sup>9</sup> On 17 December the Serb deputy mayor of Kosovo Polje/Fushe Kosove was abducted and murdered. The UCK claimed that they were not responsible for the killing.<sup>10</sup> The deputy mayor of Kosovo Polje was a moderate Kosovo Serb politician who had done much to improve social conditions in his area.<sup>11</sup>

More than 40 murders of both Kosovo Albanians and Kosovo Serbs occurred in the first three weeks of February 1999.

*Abductions by the UCK.* During the period when the OSCE-KVM was present in Kosovo, Serb civilians and some officials developed an increased level of trust as a result of the Human Rights Division's commitment to impartiality and a genuine concern for the plight of many Serb civilians. However, many Kosovo Serbs expressed frustration and anger over what was perceived as a failure adequately to address the issue which most concerned the Kosovo Serb community, namely that of people missing following abductions by the UCK.

Early in December 1998 a group of relatives of missing Kosovo Serbs demonstrated outside the OSCE-KVM headquarters in Pristina and demanded to see the Head of Mission, Ambassador Walker. He agreed, and between December 1998 and March 1999 four meetings between Ambassador Walker and the relatives of missing Kosovo Serbs were held in Pristina. Most of those who attended the meetings were Kosovo Serbs from Orahovac, but people from all over Kosovo were present. The Kosovo Serbs from Orahovac were relatives of a large group of people who went missing during the fighting in that area in the summer of 1998.

The OSCE-KVM Co-ordination Centre (CC) (under the Prizren Regional Centre) in Orahovac dealt extensively with the issues of missing persons from 1998 and with abductions by the UCK. On an initiative by CC Orahovac, a Committee on the Missing was formed. It consisted of representatives of both the Kosovo Albanian and Kosovo Serb communities and of representatives of the OSCE-KVM.

The precise number of people held by the UCK was difficult to determine, since the UCK did not provide public information on those in its custody. In particular, they consistently denied to OSCE-KVM ever having detained or otherwise held Kosovo Serb civilians.<sup>12</sup> However, the detention of civilians occurred regularly before and during the deployment of OSCE-KVM verifiers. According to the Yugoslav Ministry of Internal Affairs in December 1998, 157 Serb civilians had gone missing since the previous February.<sup>13</sup> According to the ICRC, by mid-March 1999 there were 146 persons reportedly abducted by the UCK or otherwise unaccounted for in areas under UCK control.<sup>14</sup> The fate of most Serbs allegedly abducted by the UCK remained unknown at the time OSCE-KVM evacuated.<sup>15</sup> A number of those Serbs reported missing after the events of summer 1998 were found dead.<sup>16</sup> In meetings in December 1998 between the Human Rights Division and Adem Demaci, the UCK's political representative, Adem Demaci expressed doubt that any Serbs abducted during that time would be alive, and most are now presumed dead.<sup>17</sup>

High profile abduction cases include the following.

On 21 August 1998, a journalist from Radio Pristina and his driver were abducted by UCK forces near

the town of Orahovac and have not been heard of since.<sup>18</sup>

Two journalists for Tanjug, the Yugoslav state news agency, were abducted by UCK members on 18 October 1998.<sup>19</sup> Their release was finally secured two months later, facilitated by the OSCE-KVM Head of Mission.<sup>20</sup>

On 15 February 1999, two Serbian policemen were abducted in Kosovo Polje. The relatives of the detained policemen threatened to use violence if the OSCE-KVM did not take measures to free them.<sup>21</sup> Until the evacuation the OSCE-KVM tried to locate the two men, but the case remained unsolved.

Two Serb residents of Bukos (west of Vucitrn) were abducted by the UCK on 22 February 1999. One of them was beaten to death and the other's release was secured by the OSCE-KVM on 27 February. The UCK "Zone Commander" told the OSCE-KVM that the abductions were carried out by "uncontrolled elements".<sup>22</sup>

On 27 February two Serb brothers were abducted near the village of Velika Hoca south of Orahovac. The UCK at first admitted holding the men, but then distanced itself from the incident. On 1 March the dead body of one of the brothers was handed over to the OSCE-KVM by the UCK. The other brother was released alive, but having been beaten severely.

On 3 March two Serb civilians were shot dead by the UCK at a "checkpoint" in the village of Mijalic, located between Pristina and Vucitrn. The two Serbs were relatives searching for a third family member, a VJ soldier who had deserted and who came looking for his family living in Kosovo. The VJ soldier had earlier been detained by the UCK (the case is also covered in Part V in the entry for Vucitrn municipality).

*Freedom of movement.* One effect of the UCK spreading fear among the Serb population was that their freedom of movement became severely restricted. As abductions mostly took place on the streets or from buses at night or in the early morning, people did not travel at all if they could avoid it and they stayed at home after dark.<sup>23</sup> Streets were deserted in the evening, even in the larger cities. Kosovo Serbs were afraid of attacks and assaults by both Kosovo Albanian civilians and UCK forces.<sup>24</sup>

With respect to forced expulsions by the UCK, a case was reported by the OSCE-KVM Regional Centre in Kosovska Mitrovica on 6 February 1999, when a supposed UCK leaflet was distributed 10 days earlier in the villages of Gojbulja/Gojbuja and Miroce/Mirace (Vucitrn), threatening the villagers with violence if they did not leave the areas immediately.<sup>25</sup> On 6 February an OSCE-KVM patrol met a person who claimed to be the commander of the UCK forces in the area and who said that he had heard of this leaflet. He stated that it was not an official publication and that his forces in the region had no aggressive intentions.

*Serbs as victims of Yugoslav/Serbian authorities*

*Police.* In Kosovo police officers work both locally and regionally. There were police officers who lived in the area where they worked, but most of the police forces operated on a six-monthly rotation basis and often came to Kosovo from places in Serbia-proper, where the issues in Kosovo were not necessarily well understood. Being assigned for six months to Kosovo meant changing location within the province every few weeks. For this reason, even Kosovo Serbs did not feel confident that the police would protect them if it came to violent clashes between Kosovo Serbs and Kosovo Albanians.

A large number of people reported that the Serbian police kept a very low profile as regards protecting the Serb population in the fighting in the summer of 1998. Throughout June and July 1998 there were many physical attacks on the Serb minority living in Kosovo. Killing, abduction, attacks and looting of houses occurred in villages in predominantly Kosovo Albanian-populated areas. Some of the Serbs were warned by their Kosovo Albanian neighbours about planned assaults and requested the assistance of the local police. According to a Yugoslav Red Cross representative, police forces, however, very often denied any kind of support or protection and were unwilling to intervene. They advised people to defend themselves. Consequently, people relied very much on their own initiative to secure both their families and their properties.

*Torture.* The OSCE-KVM did not receive any allegations of torture of Kosovo Serbs. This does not mean that it did not occur. According to the Belgrade-based Humanitarian Law Centre, an NGO, throughout 1998 about 500 cases of torture were registered in Yugoslavia, most of them in Kosovo. Although most of the victims were Kosovo Albanians, Kosovo Serbs were also subjected to torture and ill-treatment during police detention. Prosecutors, judges and disciplinary bodies within law enforcement agencies failed to investigate allegations of torture and took no steps to punish the perpetrators.<sup>26</sup>

*Propaganda.* It was very much the impression of the OSCE-KVM Human Rights Division that the Yugoslav and Serbian authorities subjected Kosovo Serbs to intense propaganda. The Serb elite in Kosovo most often had ties to political circles in Belgrade or other cities in Serbia proper. Ordinary rural Kosovo Serbs were particularly vulnerable to propaganda and misinformation from Belgrade. The Serb community relied almost exclusively on the existing state-run media from Belgrade.

A bogus information leaflet distributed during March 1999 is an example which indicates great sophistication and organization on the part of those seeking to mislead the Kosovo Serbs. On 10 March this leaflet was distributed in Pristina, and three days later in Prizren and Gnjilane. The document mimicked an OSCE-KVM publication that explained in English, Serbian and Albanian the benefits for the local communities of signing the Rambouillet draft interim agreement. The forged version was strikingly similar in style and layout to the original OSCE-KVM leaflet but the text had been changed to portray a very negative picture and made for ambiguous interpretation. The authors of the document were not identified.

An example of the Kosovo Serbs as victims of their own government's propaganda was experienced in

the meetings held between Ambassador William Walker, the Human Rights Division and a group of relatives to missing Serbs. The vast majority of these people were ordinary Serbs who had lived for generations in Kosovo. The majority of abductions took place during the events during the summer and autumn months in 1998. It was the heart-breaking task of the OSCE-KVM Human Rights Division to meet with the relatives of the missing and explain to them that there was a very slim chance of finding anyone alive who disappeared during that period. And yet, they came back time after time with "new" information that their relatives had been sighted in such and such a town. The OSCE-KVM was met with questions of why they refused to confront the UCK, of why they were hiding information from Kosovo Serbs, and so on. Their own political representatives from Belgrade and the local police both adopted the position of "passing the buck" to the OSCE-KVM and told the Kosovo Serbs that there was nothing they could do to help but that the OSCE-KVM had all the answers. A man who stood out from the others by his appearance, obviously a Belgrade politician, was present at many of the meetings. He refused to introduce himself to the OSCE-KVM and coached the relatives during every meeting.

*Military service.* Article 137(2) of the FRY Constitution allows the possibility of civilian service as an alternative to regular military service. The Law on the Armed Forces, however, and armed forces practice restrict the constitutionally guaranteed right to conscientious objection. The civilian service lasts for 24 months, twice as long as military service. Conscientious objections can only be made within the first 16 days of military service. Moreover, according to the Supreme Court's recent decisions, men who have finished their military service are not allowed to object for conscientious reasons when they are asked to carry out reserve duties that include military action.<sup>27</sup>

### **The situation after the OSCE-KVM evacuated from Kosovo**

There can be no doubt that the Kosovo Albanian population suffered proportionally much more than the Kosovo Serbs. Nevertheless, all the events occurring between 20 March and 9 June 1999 (the period from the OSCE-KVM's evacuation from Kosovo until it was formally stood down - see this report, Part I: The OSCE-KVM Human Rights Operation) were undoubtedly also traumatic for the Kosovo Serb population. According to Kosovo Serbs who stayed behind, many felt a sense of insecurity and lawlessness, as well as a general feeling of horror and injustice regarding the numerous crimes committed against the Albanian population of Kosovo.<sup>28</sup>

Of the 2,764 interviews with mainly Kosovo Albanian refugees conducted by the OSCE-KVM, there are numerous reports of armed Serb civilians taking part in the atrocities committed against the Kosovo Albanian population from 20 March to 8 June 1999. For a description of Yugoslav/Serbian forces involved in human rights relations, see Chapter 3, The military/security context. Kosovo Albanians reported that they recognized the perpetrators as local Serbs, sometimes from their own village and even their own neighbours. Such reports are in evidence throughout Part V of this report, detailing events in individual municipalities. However, it would be misleading to consider these accounts "the whole story". In fact, there are also among the interviews a number of reports of Kosovo Serb civilians who themselves risked human rights violations to help or protect Kosovo Albanians.

*Kosovo Serb civilians at risk for protecting Kosovo Albanians*

Among the reports of Kosovo Serb civilians trying to protect and help Kosovo Albanians there are a particularly large number involving neighbours. Yet it should be noted that there are many more involving Kosovo Albanians seeing their own neighbours armed, often in uniform, joining other groups of perpetrators.<sup>29</sup> The OSCE-KVM was also told on several occasions that Kosovo Serb villagers had been given guns by the VJ or paramilitaries.<sup>30</sup>

There are a number of refugees who report that Serb civilians warned them that they would be in danger if they stayed and advised them to leave.<sup>31</sup> Furthermore, there are indications that Kosovo Serbs, genuinely unable to imagine the horrors to come, tried to reassure their fellow Kosovo Albanian villagers that it would be safe for them to stay.<sup>32</sup> A resident of a small village in Gnjilane told OSCE-KVM that he was under the impression that the Serbs in his village were not happy to see all the Kosovo Albanians leave.<sup>33</sup> Another interviewee reported being told that a "high profile" member of the Serb community in Orahovac had been trying to protect the local civilian Kosovo Albanian population.<sup>34</sup>

The following are examples of situations in which Kosovo Serbs faced threats and other human rights violations for trying to protect or help Kosovo Albanians they knew personally.

During the wave of expulsions in Kosovska Mitrovica, Kosovo Albanians living in mixed areas of the town seemed to be particularly targeted.<sup>35</sup> One refugee reported that during the expulsion of Kosovo Albanians from the building where he lived, his Kosovo Serb neighbour tried to protect the family by saying that they had already left, but the police returned the following morning and discovered the family was still there.<sup>36</sup> There is no report as to the possible repercussions for the Kosovo Serb neighbour who tried to protect the family.

Also in Kosovska Mitrovica, as reported by a refugee, a Kosovo Serb was appointed street controller by the authorities and painted a Serbian sign (a cross and 4 Cyrillic "S's) on house fronts to try to protect the Kosovo Albanian families from the local police and VJ. As the interviewee and his family were being expelled the Kosovo Serb neighbour pleaded their case, but the VJ ordered him back into his house, threatening to kill him.<sup>37</sup>

In another case in Kosovska Mitrovica paramilitary forces entered the house of a Kosovo Albanian family and started beating two of the men. A Kosovo Serb neighbour intervened and told the paramilitaries to stop. The paramilitaries threatened to kill the Kosovo Serb neighbour along with the Kosovo Albanian family.<sup>38</sup>

In the municipality of Gnjilane/Gjilan, a Kosovo Serb went over to his Kosovo Albanian neighbours to see if the family needed an ambulance, after two of the men in the family had been beaten and a woman

had been kicked by paramilitaries.<sup>39</sup>

While walking in the street with his Serb neighbour, a Kosovo Albanian was stopped by armed men in green camouflage uniforms. They insulted him and told him that he would have been killed if his Kosovo Serb neighbour had not accompanied him.<sup>40</sup>

A Kosovo Albanian had 40 IDPs staying in his house. On 28 March, a police reservist and five other heavily armed men, two civilians, two VJ officers and one police officer, knocked on his door. A Kosovo Serb neighbour went over to greet them and invited them for coffee. They went to a nearby bar, and the Serb neighbour then sent someone to the house to tell the Kosovo Albanian family and the IDPs to leave immediately.<sup>41</sup>

In Vitina/Viti, a Kosovo Serb police reservist observed an incident in which his neighbour's father was taken away by paramilitaries. The Kosovo Serb offered to escort his neighbour to Pozaranje/Pozzaran, where the paramilitaries were stationed, to look for the father. They found the father in front of the police station where he was being beaten by paramilitaries. The Kosovo Serb intervened and convinced the paramilitaries to let the father go.<sup>42</sup>

#### *Kosovo Serbs interviewed in the former Yugoslav Republic of Macedonia*

A small number of Kosovo Serbs chose to leave Kosovo between 20 March and 8 June. Kosovo Albanian refugees reported that they had seen Kosovo Serbs among the Kosovo Albanians moving towards the border, but that these were sent back by Serbian forces. Of those who crossed the border to the former Yugoslav Republic of Macedonia, the OSCE-KVM Human Rights Division interviewed five. These five people all cited general fear and the particular fear of NATO bombing as a reason for leaving. They also expressed pessimism over any possible future living with Kosovo Albanians in Kosovo. One Kosovo Serb woman reported that in predominantly Kosovo Albanian areas, Kosovo Serbs could not walk on the street for fear of angry Kosovo Albanian youths. Her biggest fear was for her 16-year-old brother, who would have to join the military or be targeted by the UCK. (It should be noted that many Kosovo Albanians also feared the UCK due to high-pressure tactics to join the UCK.)<sup>43</sup>

#### *Cases where individual members of FRY and Serbian forces intervened to prevent violations of international humanitarian law standards*

The references in this report to Serbian forces acting in accordance with appropriate humanitarian law standards are an attempt to include the nuances which add to a more complete picture of the conflict. The following brief extracts from refugee accounts show that some members of the Yugoslav and Serbian forces in some instances acted according to principles of protection of civilians under international humanitarian law, and sometimes tried to prevent human rights violations. Bearing in mind the overwhelming evidence of a systematic campaign against Kosovo Albanians that was planned,

instigated and ordered from the highest levels,<sup>44</sup> some of the people mentioned below may well have been acting against orders.

It is also notable that many of these accounts indicate that - while the overwhelming majority of refugee statements point to VJ, police, paramilitaries and armed civilians acting in concert - in certain instances there was strong disapproval and opposition on the part of elements in one force about the actions of elements in another.

Six VJ soldiers stopped a Kosovo Albanian man when he got back to his house in Donje Ljupce/Lupqi i Poshtem (Podujevo) at the end of April. Some of them wanted to execute him, but a soldier intervened and prevented it from happening.<sup>45</sup>

A 42-year-old wheelchair-bound Kosovo Albanian woman who had remained in her house in Kozica/Kozhice (Srbica) in late March when Serb forces had shelled and then entered the village asked a young Serb soldier to bring back her mother and sister who had been taken to a yard with others. He did this, gave his name and asked about a woman who had been killed in mortar fire and "said his heart was aching as he heard that she had left three children behind". When paramilitaries seized their documents, he returned them, and his men brought the woman in her wheelchair to the mosque where elderly and disabled people stayed for eight days. He arranged for two tractors to be brought to transport other wounded and disabled. The VJ brought food, water and medicine to the mosque where villagers were sheltering. They then moved them to another village, saying that it was for their own safety as "many shit people have got hold of arms now".<sup>46</sup>

One refugee recounted to the OSCE-KVM how in Zegra/Zheger (Gnjilane) in early April he had witnessed a police commander intervene to prevent a Serb, possibly a paramilitary, from killing a Kosovo Albanian.<sup>47</sup> At Laplje Selo/Fshati Llap in mid-April two young women were taken off by Serb civilians, but the police forced the civilians to let the women go and they were brought back to the refugee's family in a police car. (Actions at Zegra by an uncontrolled VJ volunteer unit are mentioned in Chapter 3, The military/security context.)<sup>48</sup> Other refugees told the OSCE-KVM about incidents in which one police officer would intervene to stop human rights violations by a colleague.<sup>49</sup>

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## Notes

<sup>1</sup> 1991 census, which is reliable as concerns the Serb population in Kosovo. For the Kosovo Albanian population, numbers are only approximate ones, because the census was boycotted by the Kosovo Albanians.

<sup>2</sup> Noel Malcolm, *Kosovo - A Short History*, 2nd edn (London: Macmillan, 1998), p. 353.

<sup>3</sup> UNHCR Pristina.

<sup>4</sup> Humanitarian Law Centre, Pristina.

<sup>5</sup> UNHCR Report from 30 January 1999, information provided by FRY authorities.

<sup>6</sup> Numbers provided by director for regional development, government of Serbia.

<sup>7</sup> OSCE-KVM, "Monthly Report on the Situation in Kosovo pursuant to the Requirements set out in United Nations Security Council Resolutions 1160 and 1203 - Mid-February 1999 - 20 March 1999".

<sup>8</sup> For a legal definition of the state of armed conflict see Chapter 2, The OSCE-KVM human rights operation.

<sup>9</sup> Humanitarian Law Centre, Human Rights Report 1998.

<sup>10</sup> OSCE-KVM Report "Destabilization in Kosovo", 31 January 1999, Fusion.

<sup>11</sup> OSCE-KVM Report "Destabilization in Kosovo", 31 January 1999, Fusion.

<sup>12</sup> OSCE-KVM, Human Rights Division (HQ), Meetings with Adem Demaci, Political Representative for the UCK, December 1998.

<sup>13</sup> Yugoslav Ministry of Internal Affairs, December 1998.

<sup>14</sup> OSCE-KVM, "Monthly Report on the Situation in Kosovo Pursuant to the Requirements Set Out in United Nations Security Council Resolutions 1160 and 1203 - Mid-February 1999-20 March 1999".

<sup>15</sup> Human Rights Watch.

<sup>16</sup> On 9 September 1998, the police discovered the bodies of 34 Serbs and Montenegrins in a mass grave at Glodjane village near a UCK base. Authorities claimed that on 27 August 1998 they had discovered mass graves of Serbs and Montenegrins, of partly cremated bodies near Klecka village and at a mine in Volujak.

<sup>17</sup> Meeting report.

<sup>18</sup> Human Rights Watch, "Serbian Journalist and Driver Missing in Kosovo", Press Release August 1998.

<sup>19</sup> Human Rights Watch, "Serbian Journalists" Detention Condemned", Press Release October 1998.

<sup>20</sup> Humanitarian Law Centre, Human Rights Report 1998.

<sup>21</sup> OSCE-KVM, Operations, "Daily Sitrep 15 February 1999" (internal document).

<sup>22</sup> OSCE-KVM, "Monthly Report on the Situation in Kosovo Pursuant to the Requirements Set Out in United Nations Security Council Resolutions 1160 and 1203 - Mid-February 1999-20 March 1999".

<sup>23</sup> UNHCR.

<sup>24</sup> Human Rights Watch.

<sup>25</sup> OSCE-KVM Report, Period covering 6-7 February 1999.

<sup>26</sup> Committee against Torture, "Conclusions and recommendations", 18 November 1998.

<sup>27</sup> Amnesty International, *Concerns in Europe*, EUR 01/02/97.

<sup>28</sup> OSCE-MiK, Human Rights Officer, 6 October 1999

<sup>29</sup> Among others A/0295; A/0342; A/0656; A/0634;A/0995;A/1104; M/0011; M0111; M/0124; M/0284; M/0392; M/0534; M/0797; M/0928; M/1098; M/1107; M/1171; M/1614.

<sup>30</sup> A/0295; A/1023; M/0162; M/1287.

<sup>31</sup> A/0027; A0361; A/0426; A/0436; M/0018; M0460; M/0605.

<sup>32</sup> A/0192; M/1180.

<sup>33</sup> M/0261.

<sup>34</sup> M/0366.

<sup>35</sup> A/0158; M0207.

<sup>36</sup> M/1507.

<sup>37</sup> A/0191.

<sup>38</sup> M/1181.

<sup>39</sup> M/1239.

<sup>40</sup> M/0112.

<sup>41</sup> M/0493.

<sup>42</sup> M/1499.

<sup>43</sup> M/0974; M/1056; M/1531.

<sup>44</sup> See ICTY, "Indictment Milosevic & Others ('Kosovo')", IT-99-37, 24 May 1999, Charges.

<sup>45</sup> M/0859.

<sup>46</sup> M/1267, comprising the statements of three sisters including the disabled woman.

<sup>47</sup> M/0401.

<sup>48</sup> M/1085.

<sup>49</sup> For example A/0531.

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## KOSOVO "GYPSIES"(*Maxhupet*) - ROMA

### Explanatory note: terminology<sup>1</sup>

The decision to use, within this report, the formula "Gypsies"(*Maxhupet*) reflects problems with group identification in Kosovo of persons who might otherwise, in OSCE terminology, be classified generically - by outsiders - as Roma. As is explained below (see "Background"), only one such group self-identifies as "ethnic Roma", the others being self-identified by a variety of names and affiliations. The decision on terminology reflects the probable artificiality of using the terms Rom, Roma, Romani to convey descriptions of and information about people from those various groups which is derived from statements coming neither from the groups' own members, nor from people for whom Roma is a term present in common parlance. The choice of the formula "Gypsies"(*Maxhupet*) [singular: "Gypsy"(*Maxhup*); adjective "Gypsy"(*Maxhupi*)] is felt to best convey the kind of terminology, reflective of generic group identification by outsiders, that would have been used in the local context by Kosovo Albanians in their statements to the OSCE-KVM.<sup>2</sup>

(The English term "Gypsy" most closely approximates to the Albanian term *Maxhup*, the most commonly used among Kosovo Albanians for this kind of generic identification based on attributes such as skin colour and cultural differences, although there are other Albanian terms of equivalent connotation used in parts of Kosovo, as well as the Serbian *Ciganin*.)

As noted below, virtually all of the information in this chapter of the report derives from information provided by Kosovo Albanian refugees.

Where reference is made to OSCE-KVM reporting about and contacts with the groups who are the subject of this chapter, however, the terms Roma and Romani (the standard terminology of the OSCE, as used by the OSCE-KVM) is retained. The formula Roma/"Gypsies" is also used here in regard to references in the Yugoslav official census.

### *Background*

The several groups generically described here as Kosovo "Gypsies"(*Maxhupet*) have different

allegiances and different linguistic and religious traditions.<sup>3</sup> The groups identify themselves quite distinctly.

The so-called "**ethnic Roma**", identify themselves as Roma and use Romani as their mother tongue, and also speak Albanian and Serbian. They have proud cultural traditions and align themselves with Roma communities in other countries (they include a small Catholic Romani community living near the Kosovo Croat communities in Lipljan/Lipjan municipality,<sup>4</sup> as well as one group which has a nomadic lifestyle, known as the Cergari, who follow the Orthodox faith and speak Serbian).

The **Ashkaelia** are Albanian-speaking and live close to the Kosovo Albanians with whom they have always been identified.

The **Egyptians**, whom many consider to be Ashkaelia, speak Albanian but claim to have originally come from Egypt. They are perceived by Kosovo Albanians to be *Maxhupet* for whom a separate identity was created roughly 10 years ago by the Yugoslav regime in order to further the image of a multi-ethnic, rather than an Albanian-dominated Kosovo. It is also believed to be an effort of self-identification in order to escape the derogatory qualification of *Maxhupet* in Kosovo and to differentiate themselves from the Romani-speaking "ethnic Roma". Both the Ashkaelia and Egyptians follow the Muslim faith.

Kosovo Albanians and Kosovo Serbs alike generally treat the "Gypsy" (*Maxhupi*) population and groups as separate from themselves, despite their varying levels of integration. As is the case with majority populations in other central and east European countries, the Kosovo Albanians and Kosovo Serbs consider *Maxhupet/Cigani* as second-class citizens.<sup>5</sup>

### *Population numbers*

Although it is difficult to assess the exact numbers of Roma/"Gypsies" living in Kosovo before the conflict and up to early June 1999, it was estimated by some Romani refugees from Kosovo and Serbia living in third countries to be around 100,000-150,000 people.<sup>6</sup> In the 1991 Yugoslav census, the number of Roma/"Gypsies" in Kosovo was calculated at around 45,000. Many did not declare themselves as Roma/"Gypsies" in the census either because of a feeling of being fully integrated in the Kosovo Albanian or Serb communities, or because their registration as Romani/"Gypsy" could prevent their integration within the community and therefore deprive them of their basic rights.<sup>7</sup> Based on data from the 1991 census, Romani/"Gypsy" communities could be found in almost all municipalities of Kosovo.

### **OSCE-KVM data collection**

Little of the data gathered by the OSCE-KVM prior to 20 March 1999 concerned violations of the

human rights of members of the Romani community,<sup>8</sup> and none of that data concerns complaints made directly by Roma to the OSCE-KVM Human Rights Division. Efforts were made by OSCE-KVM human rights officers to establish relationships with Roma representatives. Such contacts, however, did not develop to the extent required for a mutual exchange of information prior to the OSCE-KVM evacuation. The OSCE-KVM was often viewed with suspicion by the Romani communities.<sup>9</sup>

After 20 March the mass forced expulsions by Yugoslav and Serbian forces overwhelmingly targeted Kosovo Albanians, although Roma are known to have also been caught up in forced expulsions or to have fled. Most of these are believed to have gone north to Serbia and Montenegro and then to third countries. It is difficult to determine the extent to which Kosovo Roma were present in the population of refugees from Kosovo in Albania and the former Yugoslav Republic of Macedonia - among whom the OSCE-KVM human rights division conducted its human rights interviewing after 20 March - since many are believed to have registered as Kosovo Albanians out of fear of setting themselves apart. The Roma who arrived in Albania or the former Yugoslav Republic of Macedonia in the course of the mass displacements from late March were in general either too afraid to talk to anyone, or else they were forced to move on.

For these reasons, no data was gathered by the OSCE-KVM from the Romani population of Kosovo concerning their own situation during the period covered in this report.

A number of reports from Kosovo Albanian refugees who crossed the borders into Albania and the former Yugoslav Republic of Macedonia mention Kosovo "Gypsy" (*Maxhupi*) men playing an active and willing role alongside Yugoslav and Serbian forces during the conflict. Kosovo "Gypsies" (*Maxhupet*) are mentioned as police, as paramilitaries, or as armed civilians. Many of these reports are compelling and credible.

Accusations that some Kosovo "Gypsies" (*Maxhupet*) aligned themselves with Serbs, particularly during the period of the NATO air campaign and the state of war in Yugoslavia up to June, and took part in human rights violations against Kosovo Albanians, have tainted the Romani population of Kosovo as a whole. These accusations have, since then, in the period beyond the scope of this report, placed the Roma of Kosovo in an extremely precarious position.

### **Kosovo "Gypsy" (*Maxhupi*) victims, 20 March to 9 June**

Although, as noted above, there were no statements to the OSCE-KVM from Roma about human rights violations against themselves or other members of their communities, very occasionally references to Kosovo "Gypsy" (*Maxhupi*) victims of human rights violations appear in statements given to the OSCE-KVM by Kosovo Albanians. A "Gypsy" (*Maxhup*) was one of two men reportedly mutilated and killed after he had tried to intervene to stop a Kosovo Albanian colleague being taken away by police on or around 17 March 1999 in Pristina/Prishtina.<sup>10</sup> A Kosovo "Gypsy" (*Maxhupi*) family and a Kosovo Albanian family were reported killed at the same time by paramilitaries in Nagovac/Nagafac (Orahovac)

on 26 March 1999.<sup>11</sup> An interviewee from Kacanik/Kacanik recounted that a Kosovo "Gypsy" (*Maxhupi*) neighbour had been killed by snipers on 28 March.<sup>12</sup>

### **Allegations against "Gypsies" (*Maxhupet*)**

Kosovo Albanians have accused the Kosovo "Gypsy" (*Maxhupi*) population collectively of collaboration with the Yugoslav and Serbian forces. They have implicated them in such acts as murder, "opportunistic" looting and pillaging, extortion of money and valuables, and the transportation and burying of bodies in mass graves.

#### *"Gypsy" (*Maxhupi*) involvement in human rights violations*

In all cases where "Gypsy" (*Maxhupi*) police officers, paramilitaries and armed civilians are implicated in killings of Kosovo Albanians, they are described as acting alongside or in the presence of Yugoslav and Serbian forces.

In a few statements where "Gypsies" (*Maxhupet*) are implicated in human rights violations they are named. One interviewee claimed that in Pristina on 18 April about 10-15 men were taken from a crowd of about 3,000-4,000 villagers and killed, mainly with machine-guns. There was a group of five paramilitaries doing the killing which including a "Gypsy" (*Maxhup*) whose name is recorded.<sup>13</sup> One Pristina policeman, described variously as a "Gypsy" and a Serb "Gypsy", is mentioned by first name in three statements (one also identifies his police station) as being involved in expulsions, extortion, beatings or killings in April and early May.<sup>14</sup> In Ribnik/Rimnik (Vitina) on 18 April an interviewee saw paramilitaries and a "Gypsy" (*Maxhup*) (name recorded) looting houses.<sup>15</sup> In an incident on 27 March where six or seven Autobinders (armoured wheeled vehicles) and 15 Pinzgauers surrounded the village of Crkvena Vodica/Palaj (Obilic); of the 16 police and paramilitaries involved, two "Gypsy" (*Maxhupi*) paramilitaries were named among the perpetrators.<sup>16</sup>

I saw a policeman in plain blue uniform and one soldier in camouflage uniform entering the house of [name recorded] across the street and take him behind the building... I saw them taking the ID from him and then ask him to go into the stream. When he walked into the stream the soldier shot at him with a rifle ... The policeman lived in my building (seventh floor). [First name recorded] (a "Gypsy").<sup>17</sup>

Many statements implicated "Gypsies" (*Maxhupet*) as joining with Serbian forces in the expulsion, and robbing, of Kosovo Albanians. In Pristina on about 24 March during the expulsion of Kosovo Albanians, police and VJ looted the vacated premises, then ordered "Gypsies" (*Maxhupet*) to destroy them.<sup>18</sup> Police arrived at the house of a Kosovo Albanian in Djakovica/Gjakova on 28 March and told all of the occupants to leave immediately and started to steal belongings. "Gypsies" (*Maxhupet*) were also taking part in the stealing.<sup>19</sup> In the Suncani Breg/Bregu i Diellit district of Pristina city on 29 April,

"Gypsies"(Maxhupet) were seen looting goods from Kosovo Albanian-owned shops, with the protection of the police.<sup>20</sup>

Four of them kicked our door in and called everybody out into the yard. One was a Serbian Gypsy (son of [name given]) from the same street. He is a reservist.<sup>21</sup>

### *Problems with identification by Kosovo Albanians of "Gypsies"(Maxhupet) as perpetrators*

As noted, on the basis of the statements given to the OSCE-KVM persons identified as Kosovo "Gypsies"(Maxhupet) were involved in incidents of human rights violations. However, it should also be noted that there was clearly prejudice against and negative perceptions of "Gypsies"(Maxhupet) among Kosovo Albanians. Some Kosovo Albanians believed that the "Gypsies"(Maxhupet) had aligned themselves with Serbs over recent years in the hopes that they would get the better jobs (Kosovo Albanians also believed, however, that the Serbs also did not like the "Gypsies", and merely used them). Aspects of this prejudice cannot be ruled out as a factor in the identification of "Gypsies"(Maxhupet) by Kosovo Albanians as perpetrators in some of the reported incidents.

In some instances perpetrators were merely identified as "Gypsies"(Maxhupet) by Kosovo Albanians by the colour of their skin. Such "colour identification" is problematic. In one interview, a 13-year-old boy described a series of events beginning with a skirmish between the police and the UCK. After the UCK withdrew police entered his house and his father was shot and killed:

Four police came in. Two were in black/green camouflage uniforms with Serbian flag at the shoulders [statement notes "police insignia with two eagles inside - same as Yugoslav passport"]. No masks. The other two had no uniforms on but were in civilian clothes with black masks (interviewee thinks they were Gypsies). Interviewee is quoted in testimony as saying "I recognized the dark skin around the eyes, like those next to your office [the OSCE-KVM's office in his home town], the Gypsies behind the [police] station. These Gypsies, I saw them before with the police uniform on and Grey Wolves."<sup>22</sup>

In another incident where a "Gypsy"(Maxhup) was implicated alongside Serbian forces and paramilitaries in the extortion of money and the killing of one man the description of perpetrators was given: "One of the paramilitaries was short, fat with a moustache and two thick necklaces like a Gypsy. Another Gypsy would always be on his right."<sup>23</sup> This should be considered alongside the account of a Kosovo Albanian man who told one interviewee that paramilitaries had ordered him, along with others, to dig a mass grave. The Serbs, he said, had thought he was a "Gypsy"(Maxhup) because of his dark skin.<sup>24</sup>

### *"Gypsy"(Maxhupi) involvement in the collection and burial of Kosovo Albanians*

A large number of statements describe "Gypsies" (*Maxhupet*) collecting and burying dead Kosovo Albanians in mass graves. The role the "Gypsies" (*Maxhupet*) played in the burying of bodies is not surprising, since even before the conflict in Kosovo escalated in March 1999, Roma were often employed to carry out unpleasant or menial tasks. These included digging graves and performing burials.

There remains, however, the issue of the degree to which "Gypsies" (*Maxhupet*) involved in the disposal of bodies can be said to have been complicit in the violation of principles in humanitarian law which require that the burial of the dead be done respectfully and in a manner to facilitate subsequent identification (see also Chapter 5, The violation of the right to life).

In Usevac, on about 2 April, about 30 to 50 metres from the graveyard in the direction of Gjilan [Serbian: Gnjilane], I saw a big yellow truck stop. On the truck were about 20 bodies. About 20 Gypsies in civilian clothes and unarmed were engaged in taking the bodies off the truck. A bulldozer dug a big hole near the truck and the Gypsies threw the bodies in the hole. The bulldozer filled the hole with dirt.<sup>25</sup>

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## Notes

<sup>1</sup> Derived from recommendations made to the OSCE/ODIHR project team responsible for this report by the OSCE Contact Point on Roma and Sinti Issues (CPRSI). OSCE/ODIHR internal memoranda, 15 and 18 October 1999.

<sup>2</sup> The statements taken by the OSCE-KVM were not recorded in Albanian but in English, so there is no record of the terms actually used by the interviewees. The terms "Gypsy" and "Roma" both appear in the written statements, but the choice of which term was used to convey what the interviewee said can be assumed to have been that of either the OSCE-KVM interviewer or the interpreter through whom the interview was conducted.

<sup>3</sup> UNHCR/OSCE "Second Assessment of the Situation of Ethnic Minorities in Kosovo", para. 38, 6 September 1999.

<sup>4</sup> UNHCR/OSCE Second Assessment of the Situation of Ethnic Minorities in Kosovo. 6 September 1999.

<sup>5</sup> OSCE CPRSI note to the project team responsible for this report, OSCE/ODIHR internal memorandum, 15 October 1999.

<sup>6</sup> Provided at the Balkan Roma Peace Conference, 18-19 June 1999, Sofia, Bulgaria, organized by the Human Rights Project and the European Roma Rights Centre.

<sup>7</sup> UNHCR, internal document on Kosovo Minority Communities in 1991 and "The Roma in Serbia", Centre for Anti-War Action, Institute for Criminological and Sociological research, Belgrade, 1991.

<sup>8</sup> The OSCE-KVM reported the killing of three Roma in Kosovska Mitrovica/Mitrovica in December 1998 and the discovery of the body of a Rom near Pec/Peja in February 1999, albeit the circumstances of the killings were unclear (see relevant municipality entries).

<sup>9</sup> Explanatory note to the OSCE/ODIHR project team responsible for this report from the Director of the former OSCE-KVM Human Rights Division, 16 October 1999.

<sup>10</sup> M/1421 claims to have seen the bodies, and gave a hearsay statement about the circumstances of their arrest. M/0458 gave a hearsay statement apparently referring to the same victims, but with a date of about a week later.

<sup>11</sup> A/0135. A/0937 may also refer to the same incident.

<sup>12</sup> M/0090 (hearsay).

<sup>13</sup> M/1142.

<sup>14</sup> M/1142, M/1610 (describes him as a Serb "Gypsy" and names his police station); M/1817.

<sup>15</sup> M/1779.

<sup>16</sup> M/0569.

<sup>17</sup> M/1731, Kacanik, 30 March 1999.

<sup>18</sup> A/0040.

<sup>19</sup> A/0395.

<sup>20</sup> M/0331.

<sup>21</sup> A/0885, Kosovo Polje/Fushe Kosove, 4 April 1999.

<sup>22</sup> A/0221.

<sup>23</sup> M/0832.

<sup>24</sup> M/0933.

<sup>25</sup> M/0187.

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## OTHER NATIONAL COMMUNITIES AND MINORITIES

In addition to the Kosovo Albanians, Kosovo Serbs and Roma, there are a number of other groups in Kosovo which had the status of "national communities" in the FRY. There were also small ethnic groups not designated as "national communities", one of which is mentioned here.

Among the information gathered by the OSCE-KVM there is only limited data on the impact the conflict had on these other national communities and minority ethnic groups, although it is clear that some members of these communities and groups were subjected to the kind of human rights violations that were commonplace across Kosovo in the period covered by this report.

### **Kosovo Turks**

The 1991 census in Yugoslavia put the number of Kosovo Turks at 10,833, but that figure is not thought to reflect the true size of the population.<sup>1</sup> The Turks in Kosovo continue to use Turkish as their mother tongue (in the 1974 Constitution of Kosovo, repealed in 1989 by the federal government, Turkish was recognized as the third official language of Kosovo),<sup>2</sup> and there are a number of Turkish schools in the province. The Turks have traditionally taken a neutral stand between the Albanians and the Serbs and they have traditionally had good relations with both.

There are contradictory reports about how Kosovo Turks experienced the conflict up to June 1999. In the predominantly Turkish village of Mamusa/Mamushe (Prizren), which was attacked by Yugoslav and Serbian forces in late March 1999 (this is covered in more detail in the entry for Prizren municipality), people interviewed by the OSCE-KVM reported that the inhabitants of Turkish origin were allowed to stay as the Yugoslav and Serbian forces expelled the Kosovo Albanians.<sup>3</sup>

In other parts of Kosovo, Turks were reportedly attacked and expelled together with Kosovo Albanians,<sup>4</sup> or otherwise left the province. Many found refuge in Turkey.<sup>5</sup>

### **Kosovo Croats**

The Kosovo Croats are also known as Janjevci after the village of Janjevo/Janjeve (Lipljan), where they made up two-thirds of the population. As well as Janjevo, Lipljan/Lijpan town also had a sizeable Croat population, and four villages at the eastern end of Vitina/Viti municipality - Letnica/Letnice, Sasare/Shashare, Vrnakovolo/Vrnakolle and Vrnez/Vernez - had Croat majority populations.

In the data collected by the OSCE-KVM there are no references to human rights violations against Kosovo Croats.

## **Gorani**

This community consists of persons of Slav ethnicity and Islamic faith from Gora/Dragash municipality in the south of Kosovo (the term Goran roughly translates as "Highlander"). They are distinct from the group described as Muslim Slavs (see below). A survey conducted jointly by UNHCR and the OSCE found that "Despite their shared religion, their relationship with [Kosovo] Albanians is not always easy given their ethnic and linguistic links with the Serbs, as well as their political attitudes."<sup>6</sup>

The entry in this report for Gora municipality describes the security and human rights situation there as monitored by the OSCE-KVM. It is also noted in that entry that after it evacuated from Kosovo, the OSCE-KVM took only one statement from a Goran refugee, in the former Yugoslav Republic of Macedonia. This interviewee, who left Kosovo on 18 June 1999, stated that the UCK were destroying and robbing Dragas/Dragash village and the surrounding area, were ordering Serbs to leave or be killed, and had blocked the roads. Unlike the multitude of Kosovo Albanians who were expelled from Kosovo the interviewee was still in possession of his ID.<sup>7</sup>

## **Muslim Slavs**

This group consists of Serbian speaking Slavs who are associated with the "Muslim nationality" as classified within the former Socialist Federal Republic of Yugoslavia. Many of them describe themselves as Bosniac. In the data collected by the OSCE-KVM there are no references to human rights violations against Muslim Slavs. In Ozrim/Ozdrim (Pec/Peja) Muslim Slavs are described as having been spared when Kosovo Albanians were attacked and expelled in May (see the entry for Pec municipality).<sup>8</sup>

## **Cerkezi**

The Cerkezi, who are a tiny minority group not recognized as a national community in the FRY, are of the Cherkess nationality from the north Caucasus region of Russia. The Cerkezi arrived in Kosovo more than 80 years ago and settled in Milosevo/Milloshve in Obilic/Obiliq municipality. They number around 100 persons, are Muslims, and speak Albanian, Serb and Cerkess. None of the data gathered by the OSCE-KVM specifically referred to the Cerkezi of Malisevo, but it is known that at some point during the period between late March and early June 1999 they were expelled and some of their houses

were burned by Serbs, and that all of them became refugees in the former Yugoslav Republic of Macedonia.<sup>9</sup>

## **Roman Catholic Kosovo Albanians**

These are a religious, not an ethnic minority, numbering an estimated 70,000 people. They live mainly in the municipalities of Djakovica/Gjakova, Klina/Klina, Prizren/Prizren and Vitina/Viti.

It is difficult to determine whether their experience of the conflict differed significantly from that of the majority of Kosovo Albanians who are Muslim. There are reports about Roman Catholic Kosovo Albanians being detained, ill-treated and expelled that are entirely consistent with the general patterns of human rights violations against Kosovo Albanians.<sup>10</sup> However, a very limited number of statements from refugees suggest that there were members of the Yugoslav and Serbian forces who tended to distinguish Roman Catholic Kosovo Albanians and treat them better. For example, a Roman Catholic Kosovo Albanian who had fled Djakovica/Gjakova town on 25 March 1999 and was at the village of Meja/Meje recounted how he and his family had felt relatively safe there because a local VJ commander had assured them that they did not have to worry as long as he was in charge, because they were Catholics. Only when this commander was gone after 27 April did their situation deteriorate and they decided to leave for Albania.<sup>11</sup> There is also one statement from a Kosovo Albanian Muslim, describing expulsions from the village of Karasindjerdj/Karashengjergj (Prizren) on 31 March 1999, in which it is claimed that about 90 households of Roman Catholic Kosovo Albanians were allowed to stay.<sup>12</sup> From the data gathered by the OSCE-KVM, it cannot be determined whether this kind of relatively favourable treatment was repeated anywhere else.

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## **Notes**

<sup>1</sup> Based on figures including estimates from community leaders, as cited by the UNHCR/OSCE Second Assessment of the Situation of Ethnic Minorities in Kosovo, 6 September 1999. Also "Informative Note on the Turkish National Minority in Kosovo", Turkish Permanent Mission to the OSCE, Vienna, 21 September 1999.

<sup>2</sup> UNHCR/OSCE, "Second Assessment of the Situation of Ethnic Minorities in Kosovo", para. 64.

<sup>3</sup> A/0035; A/0114; A/0548; A/0994.

<sup>4</sup> For example, OSCE-MiK, MI/22/99.

<sup>5</sup> UNHCR/OSCE, "Second Assessment of the Situation of Ethnic Minorities in Kosovo", para. 64.

<sup>6</sup> UNHCR/OSCE "Second Assessment of the Situation of Ethnic Minorities in Kosovo", para. 55, 6 September 1999.

<sup>7</sup> M/1524.

<sup>8</sup> OSCE-TFK human rights officer, reporting on a visit to Ozrim in late June.

<sup>9</sup> UNHCR/OSCE "Second Assessment of the Situation of Ethnic Minorities in Kosovo", para 71, 6 September 1999.

<sup>10</sup> PE/04/042/99 and PE/04/123/99, relating to incidents in January and March 1999 in Djakovica/Gjakova police station; M/0454, containing an eyewitness account of the beating of three young men in front of a house in Kabas/Kabash (Vitina).

<sup>11</sup> A/0465.

<sup>12</sup> A/1076.

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## **GROUPS IN KOSOVO ALBANIAN SOCIETY PARTICULARLY TARGETED FOR HUMAN RIGHTS VIOLATIONS**

Individuals or groups who in some way played a part in public life in Kosovo Albanian society were liable to be harassed, ill-treated, arrested, subjected to unfair trial proceedings and/or killed. Those affected extended from politicians to prominent individuals, religious leaders, medical professionals, journalists, teachers, students, human rights activists, those working in non-governmental organizations (NGOs), those associated with the OSCE-KVM, and the wealthy.

From the early 1980s Kosovo Albanian politicians had called for full republican status within the then Yugoslavia, and later, as Kosovo's autonomous status was curtailed from 1987 and then when Yugoslavia broke up in 1992, they called for full independence. After the effective revocation of Kosovo's autonomy, through the adoption of a new constitution in Serbia in September 1990, followed by a Kosovo Albanian boycott of Serbian elections, "emergency measures" were imposed in most of the public sector. Tens of thousands of Albanians were dismissed from their jobs, generally to be replaced by Serbs and Montenegrins. Kosovo Albanians, in a general policy of pacifist civil disobedience, started to establish parallel institutions, including their own president, a parliament, taxation and their own education system. (Further details on these political developments are given in Chapter 1, Kosovo: The historical and political background.)

Those working in the media became targets with the withdrawal or closure of publicly funded Albanian-language media from 1989 and the banning of key Albanian-language publications. Kosovo Albanian teachers were targeted when a parallel system of Albanian-language education was established in response to the 1990 publication of a new school curriculum for Kosovo to bring Albanian-language teaching into line with that in the rest of Serbia. It ended teaching in Albanian in most secondary schools in 1992, and cut Albanian-language teaching at Pristina University. Some 6,000 secondary school teachers and 800 university teaching staff, who failed to adopt the new curriculum, were sacked. Parallel health systems were established, often with the assistance of humanitarian groups such as the Mother Teresa Society, leading to the targeting of medical personnel. As the security situation deteriorated in 1998 Kosovo Albanian medical personnel were also presumed by the Serbian authorities to be providing medical assistance to the UCK.

By 1998 the polarization was complete and, in conjunction with an armed security crackdown against areas of UCK activity, many arrests were carried out. A notable case was in Urosevac/Ferizaj in June 1998, when some 11 human rights activists and LDK politicians, mostly the higher ranking in these organizations, were arrested in one operation (this case is described in greater detail in Chapter 10, Violation of the right to a fair trial, and in Part V in the entry for Urosevac/Ferizaj municipality.)

Following the deployment of the OSCE-KVM there were few political trials of prominent politicians or human rights activists, with the exception of the trial of the "Urosevac group" mentioned above and the case of Fatima Boshnjaku, who was executive manager of the Djakovica chapter of the Mother Teresa Society. Her trial is described below.

There were a number of killings and arrests of public figures during this period, notably the killing of a member of the Pristina branch of the Albanian Democratic Party (LBD), who on 27 February 1999 was found shot dead near a lake east of Batlava/Batlave (Podujevo). The OSCE-KVM went to investigate the site and found that the politician had been shot five times, and assumed that his body had been dumped there, since there was no evidence of shooting. Further indications as to who carried out the killing could not be found at the time.<sup>1</sup>

The severity and number of incidents changed rapidly after the OSCE-KVM evacuated on 20 March. Given the history of the previous 10 years, it did not come as a surprise that many prominent figures were immediately targeted. These individuals can be grouped according to their respective professional responsibilities and status in Kosovo Albanian society.

First, they were the "professionals" and activists, such as politicians, religious leaders, lawyers, doctors, journalists, professors, teachers, students and human rights activists. Secondly, they were the people who were associated with the OSCE-KVM and other international organizations which were perceived as "the enemy". The last group of individuals who were specifically targeted were the rich, either because they were prominent in Kosovo society or by virtue solely of their wealth. Several statements refer to these groups as being especially vulnerable to Serb oppression.<sup>2</sup>

Different explanations can be given for this targeting. In general, the Serbs might have seen these different individuals as the "enemy" or as subversive elements, undermining Serb authority and dominance in the province. In other cases, especially where doctors or Mother Teresa Society workers were involved, they might have been connected with the UCK, which the Serbs viewed as a terrorist organization. The Serbs might have used their prominence in society to set a public example, to take revenge, or to terrorize the population and discourage future disruptive action. Lastly, the Serbs might have tried to break down the Kosovo Albanian leadership, and in this way leave Kosovo Albanians without representation in the future.

The UCK was held responsible for the abduction of among others seven Serbian Orthodox monks and a nun in July 1998.<sup>3</sup> During the period of the OSCE-KVM's presence in Kosovo, the UCK was

responsible for the abduction of some Kosovo Albanian politicians (mostly because of their presumed Serb alliances or sympathy).<sup>4</sup>

This section concentrates on those persons who were persecuted whose cases came to the attention of the OSCE-KVM. Other cases, where the individual and his or her fate were prominent enough to be recorded by the media or other sources and which later could be confirmed, are described only briefly.

### **Targeting of politicians and prominent individuals**

Kosovo Albanian politicians were targeted throughout Kosovo. Serb perpetrators were responsible for the persecution of politicians at the "national", regional and village level. Most accounts are of victims who were members of or activists for the Democratic League of Kosovo (LDK-Lidhja Demokratike e Kosoves), which was founded officially in December 1989 and led by Ibrahim Rugova. Given the prevailing political climate, all Kosovo Albanian politicians belonging to either the LDK or to the smaller Kosovo Albanian parties had a well-founded fear of persecution and in many instances, once the OSCE-KVM evacuated, the politicians were the first victims of gross human rights violations.

Leading politicians, such as Ibrahim Rugova, were reported in the press to be under house arrest;<sup>5</sup> others went into hiding.<sup>6</sup> Later Ibrahim Rugova emerged in Belgrade, where he was shown on television shaking hands with Slobodan Milosevic. At the time, the media reported that he was coerced into doing so. He was later allowed to leave for Italy with his family.

One of the most prominent members of the LDK was Fehmi Agani, aged 66, a former vice-president of the party, who was a sociology professor, a member of the Kosovo academy and one of the co-founders of the party. He belonged to the inner circle of LDK leader Ibrahim Rugova, and was working on the outline of a new constitution for Kosovo and a philosophy for a new and more just Kosovo society. One interviewee relates when he last saw the politician.

"... On 6th May 1999 the group was on a train and heading for the Macedonian border from Fushe Kosove [Kosovo Polje]. The train was stopped near the Macedonian border by Serbian forces and forced to head back to Fushe Kosove at about 13:00. Near Fushe Kosove the train was stopped and the passengers were forced out of the train and forced to lie in a muddy ditch after having the[ir] documentation taken by the police forces that were involved in the operation. The police had red and white ribbon on their left arms. The police then separated 20 men from the group and it appeared they were planning to kill these 20. The women and children started to scream and cry and the police officers seemed to change their minds. Two buses pulled up and half of the 20 were put on the first bus. In this first bus was Fehmi Agani, one of the leaders of the LDK and a member of the Rambouillet peace delegation. These buses headed for Prishtina [Pristina]. Three more buses were loaded with three hundred people and those people were taken to Lepane [Lebane]. Each passenger was forced to pay DM 50. Then they went on to Suhareke [Suva

Reka]."<sup>7</sup>

### **Arrest, detention, torture and death of LDK secretary in Kosovo Polje/Fushe Kosove**

Some 20 to 30 men (described as paramilitaries, MUP and VJ - wearing different uniforms, some masked) took into custody the local LDK secretary, his wife and a neighbouring Kosovo Albanian family, including the children, from their homes in Kosovo Polje on 27 March. In the police station all of the detained had to face the wall for about six hours. Apparently police from Serbia and/or State Security officers were present. The men were severely beaten, all in the same room.<sup>1</sup> The wife of the LDK secretary was made to clean the police station. Three hours later this woman asked a local policeman for help. The policeman answered that he had no competence over the police and paramilitaries from Serbia. However, the children and the woman were released that day after their money and jewellery had been stolen.<sup>2</sup>

The four men, including the LDK secretary, were released the next morning, 28 March, at 08:30 hours. The LDK secretary was not able to walk and his hands were black from the beatings. He had a large wound on his neck from cigarette burns. His stomach was distended and his ribs appeared to be broken. He vomited blood.<sup>3</sup> Other relatives reported that he had said that the police demanded that he put on a Serbian military uniform and kill his family and accused him of being an UCK commander. He told his relatives that the police drove him several times somewhere for a mock execution.<sup>4</sup> The family took the injured man to a village just outside Kosovo Polje, where he received medical assistance. On 3 April the family left to the former Yugoslav Republic of Macedonia, where he died of his injuries on 4 April in hospital in Tetovo.

<sup>1</sup> M/0527.

<sup>2</sup> M/1024; M/0142.

<sup>3</sup> M/0641; M/0678.

<sup>4</sup> M/0640 and M/0458 also include the name of the commander of the police station in Kosovo Polje.

This story is corroborated by other witnesses,<sup>8</sup> that is, Fehmi Agani was seen by others getting on the bus; one interviewee says that Fehmi Agani was then taken off the bus by a civilian.<sup>9</sup> Other versions of the story emerged to the effect that Fehmi Agani had got out of the train, was waiting in a field and was put in a private car and driven off.<sup>10</sup> There were no witness statements from refugees as to what actually happened to him. He was later found dead. His son gave an emotional press conference in the Hotel Alexander Palace, Skopje, in the former Yugoslav Republic of Macedonia, announcing the death of his father but he was not able to give details of the circumstances.

One of the most widely reported incidents after the first night of the NATO air strikes, 24 March 1999, was the killing of the prominent Kosovo Albanian lawyer Bajram Kelmendi. Although not a politician, he had strong ties with the LDK. He acted as a defence lawyer in almost all the "terrorist" trials which took place in Pristina and was also active in the local human rights non-governmental organization, the Council for the Defence of Human Rights and Freedoms. His wife (also a lawyer) was a secretary of the LDK. The day before his abduction, Bajram Kelmendi defended the Kosovo Albanian newspaper *Koha Ditore* in court, as described in Part V, in the entry for Pristina city.

On the night of 25 March, two cars stopped near Bajram Kelmendi's house. Around six men in blue camouflage approached the house, of whom around five actually entered by breaking the door.<sup>11</sup> The men demanded money and weapons; they then abducted Bajram Kelmendi and his two sons, one of whom had worked for the OSCE-KVM. On 26 March a relative found Bajram Kelmendi and his two sons on the road from Pristina to Kosovo Polje. Both sons had 15 bullet holes in their bodies; one had a finger cut off. The lawyer's body had 18 bullet holes. The same day a bomb was discovered underneath the staircase of Bajram Kelmendi's house; it was later removed by friends.<sup>12</sup>

There were many other accounts of regional and local politicians from around Kosovo who were targeted for particularly cruel treatment. A few were killed, notably the LDK president in Kosovska Mitrovica/Mitrovica and the LDK secretary in Kosovo Polje.<sup>13</sup> Many political figures were arrested and beaten,<sup>14</sup> or had their houses looted, burned or blown up.<sup>15</sup> In one interview reference is made to a Serb "hit-list" of people who were to be executed.<sup>16</sup> Prominent politicians were followed and visited by Serb police and civilians.<sup>17</sup> The accompanying text box gives an example of the cruel treatment politicians received in police custody. It recounts the arrest on 27 March, the torture in detention and the subsequent death of the LDK secretary for Kosovo Polje.

There are many statements describing the arrest and interrogation or detention of Kosovo Albanian politicians in the various municipalities in Kosovo. Well-documented were the arrests and treatment of some 10 Gnjilane/Gjilan political and human rights activists, who were rounded up and arrested around 10 May 1999. All of them were taken to prison, where they were ill-treated for weeks,<sup>18</sup> suffering physical and mental torture, intimidation, malnutrition and extremely poor conditions of detention. Another well-documented arrest and imprisonment concerns a Kosovo Albanian politician from the Parliamentary Party (one of the smaller Kosovo Albanian political parties), who mentioned the names of other politicians who were incarcerated together with him in Lipljan prison.<sup>19</sup> One interviewee stated that a Serb police officer mentioned a list of people who were to be arrested.<sup>20</sup>

## Position of religious leaders

Religion plays a major role in the cultural identity of the Serb nation, and was widely used in the nationalist campaigns of Serb politicians from the end of the 1980s. From the point of view of the

Serbian Orthodox Church, emerging from the communist era at the end of the 1980s, its religious leaders suddenly found a willing ear and a means to re-establish their position in society. For this reason they started to associate with ethnically divisive forces. The Serbian Orthodox Church backed Milosevic in his campaign for "Greater Serbia" from the beginning of the 1990s. In Kosovo itself, "the cradle of the Serbian Orthodox Church", local Serb politicians were never consulted with regard to Serbian policy, and the bishop of Raska and Prizren, Artemije Radosavljevic, was the only local Kosovo representative in Belgrade with any authority. He gave the Orthodox Church in Kosovo an extra, political role. By 1998, fearing that Kosovo's Serbs would be the principal, long-term victims of conflict with Kosovo Albanians, the Church attempted to moderate Belgrade's hard-line position. Together with the leader of the Serb Resistance Movement in Kosovo, Momcilo Trajkovic, Bishop Artemije presented himself as an alternative Serb voice from Kosovo, calling for Serb-Kosovo Albanian co-existence and mutual tolerance.

On the part of the Kosovo Albanian "nation", religious identification was not particularly strong. Although most Kosovo Albanians are Muslim, there are Catholic and Orthodox Christian Kosovo Albanians. Religion did not play a major part in everyday life for most Albanians. There was a ceremonial role for the imam and *hodja* (also rendered as *hoca* or *hoxha*) at weddings, burials and other ceremonies. Islam exercised more moral authority in the villages than in the larger towns and cities. The Muslim religious leadership was nevertheless involved in organizing the parallel system of government which developed in the early 1990s, but their involvement faded for several reasons. The Rugova "government" did not want to be associated with the Islamic world, because it thought that the involvement of religious leaders would be a liability with regard to getting Western support. Further, their marginal role in society did not give the Muslim leaders the popular support needed to play a leading role in organizing the parallel system.

During the OSCE-KVM presence there were few reports of persecution of religious leaders or of those with a religious affiliation (although there are cases of the arrest, beating and harassment of Catholic Kosovo Albanians in Djakovica/Gjakove municipality, as described in the entry for that municipality). However, after the OSCE-KVM evacuation on 20 March 1999 there were a number of incidents reported where imams and *hodjas* were involved or where religious property was destroyed. The imams of Lausa/Llaushe (Srbica/Skenderaj) and Vlastica/Llashtice (Gnjilane/Gjilan), and the *hodjas* of Bela Crkva/Bellacerke (Orahovac/Rrahovec) and Pojatiste/Pojatishme (Urosevac/Ferizaj) were reportedly killed.<sup>21</sup> An imam from Prilepnica/Perlepnice (Gnjilane) was reportedly taken hostage in order to persuade the villagers to leave,<sup>22</sup> and another imam from Velania district of Pristina was allegedly beaten and abducted.<sup>23</sup> Also in Pristina, a hand grenade was thrown into the house of the mufti of the Kosovo Islamic Community.<sup>24</sup>

Although the above incidents are significant, it has to be noted that the persecution of religious leaders does not appear to have been widespread. There does not seem to have been a concerted plan to undermine the Muslim religious leadership of Kosovo. There were also cases mentioned where the imam was able to negotiate on behalf of a group or to provide burial services.<sup>25</sup>

The destruction of mosques was more widespread. They were destroyed during shelling campaigns<sup>26</sup> or when military equipment was put in the building,<sup>27</sup> or when there was a deliberate attack on a mosque.<sup>28</sup> Some 200 mosques were allegedly damaged or destroyed.<sup>29</sup>

## Targeting of doctors and other medical professionals

### *Persecution of medical personnel*

International humanitarian law is clear: medical personnel can not be prevented from, targeted because of, or prosecuted for rendering medical assistance to the sick or wounded in armed conflict, regardless of who the beneficiaries may be.

Doctors and medical personnel were nevertheless targeted for human rights violations in Kosovo. The persecution of health professionals extended beyond their involvement as a leading group in society; they were also prosecuted for allegedly rendering medical assistance to the UCK.

Under the Criminal Code of the Federal Republic of Yugoslavia (KZSRJ), rendering assistance to those committing the criminal acts of "terrorism" (Article 125) or "subversive activity" (Article 136) was in itself a criminal act under Article 137, punishable by imprisonment of not less than one year.<sup>30</sup> The Yugoslav authorities considered medical supplies to be materials "rendering assistance", and prosecuted doctors under this charge. Fatima Boshnjaku, an activist of the Mother Teresa Society, was arrested on 12 July 1998 while delivering aid to a village in Djakovica, found guilty of organizing hostile activities under the KZSRJ and sentenced to seven months' imprisonment (as is also described in Chapter 10, Violation of the right to a fair trial). The examination of the accused focused primarily on whether the supplies being delivered were medical supplies or not; the court concluded that medical supplies had been among the assistance delivered.<sup>31</sup>

*"Medical and religious personnel shall be respected and protected and shall be granted all available help for the performance of their duties. They shall not be compelled to carry out tasks which are not compatible with their humanitarian mission...."*

*Under no circumstances shall any person be punished for having carried out medical activities compatible with medical ethics, regardless of the person benefiting therefrom...."*

*Medical units and transports shall be respected and protected at all times and shall not be the object of attack."*

*Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), Articles 9(1), 10(1) and 11(1).*

Regardless of the other violations of the defendant's right to a fair trial in this case and the lack of evidence provided by the authorities, pursuing these charges violated international humanitarian law standards in themselves. The defendant should not have been put in a position where she faced imprisonment for ensuring that the wounded or sick had supplies necessary for their recovery, regardless of whether they were UCK or civilians of any ethnicity or nationality.

In another trial monitored by the OSCE-KVM, a doctor who had been arrested with 13 others in Orahovac/Rrahovec was prosecuted in Pec/Peja under Article 136 KZSRJ for "subversive activities," for allegedly joining the UCK and becoming a "terrorist doctor." The defendant denied he had been part of the UCK and said that he had worked in a local clinic which treated civilians, although he admitted that on one occasion in 1998 he had treated one person in uniform. Since he had "admitted" assisting the UCK, he was found guilty and sentenced to seven months' imprisonment.<sup>32</sup>

On 28 February 1999 the OSCE-KVM was informed that an Albanian doctor from Sinaje (Istok) had been beaten and arrested by police, apparently only because he gave medical assistance to a Kosovo Albanian man earlier shot by police officers. As a result he sustained a broken rib and several chest injuries, and was accused of assisting terrorists and transferred to Pec prison.<sup>33</sup>

Doctors were also beaten on account of their work. On 14 January 1999 a Kosovo Albanian doctor on his way to visit an elderly woman patient was stopped at a police checkpoint on the Obilic-Podujevo road. Nine police in combat gear stopped him and started beating him with their weapons. When one policeman found his ID and doctor's bag he said, "He's a doctor. Kill the motherfucker! He is treating the terrorists." He was beaten until he lost consciousness, when the police left. Shortly afterwards the victim was able to drive home. When he reported the attack to the OSCE-KVM the following day he still had pains in his groin and abdomen, and abrasions on his neck were visible.<sup>34</sup>

### **Targeting of medical personnel after 20 March**

When the NATO air strikes began on 24 March 1999 a Kosovo Albanian ambulance driver in Vucitrn was told by police that he should no longer show up for work because he would treat UCK soldiers.<sup>35</sup> Other Kosovo Albanian medical staff, who had managed to keep their jobs were also dismissed from their jobs at this time.<sup>36</sup>

Interviewees frequently reported that doctors were specifically sought out for expulsion or other human rights violations when armed forces came to their district or village.<sup>37</sup> In Gladno Selo/Gllanaselle (Glogovac) Serbian forces who entered the village on 26 March specifically sought out a local doctor, who was later among those killed in the village.<sup>38</sup> On 1 April Serbian forces came to Varos Selo/Varosh (Urosevac) in a civilian vehicle, shooting and searching for three doctors who lived on one interviewee's street. When the car returned the next day, the population fled in panic.<sup>39</sup>

In other places the killing of doctors left a particular impression on the interviewees, although they may not have been killed specifically because they were doctors. For example, in Slatina/Sllatine (Kacanik), an interviewee witnessed a doctor being killed. He said: "I saw from 200 metres the doctor being captured with his family. He was tied to a tree, beaten, his face was cut up with knives and then he was killed. All this was in front of his wife and children."<sup>40</sup> There are numerous other accounts of doctors being killed.<sup>41</sup>

Medical personnel were also targeted in other ways. In Kosovska Mitrovica/Mitrovice, a woman reported that armed masked paramilitaries in dark grey uniforms with bullet proof jackets came to the hospital in where her husband worked, looking for him. When they found him they took him into a room, accused him of helping the UCK, and beat and kicked him for about 10 minutes, when he was released and ordered to leave Kosovo within two hours. He reported the incident to the police, but they refused to help and told him and his family to go to the hospital and stay there because they "might" have to leave the following day. The couple then took a bus to the former Yugoslav Republic of Macedonia.<sup>42</sup>

In another case, three masked men dressed in black came to the house of one interviewee, a prominent doctor in Pristina, and beat the family members, including the interviewee's 70-year-old mother who was kicked all over her body. The men tried to rape the 44-year-old interviewee, but did not succeed, although the woman was kicked in the abdomen and trampled upon after the failed attempt. They also extorted money from the family.<sup>43</sup>

One interviewee, a (female) nurse for the Mother Teresa Society, went to the Society's office in Urosevac/Ferizaj as normal on 25 March. Four masked men in green camouflage came into the office and asked whether the drugs they had there were for the UCK. They then locked the nurse and a young female doctor in the bathroom, threatening them with a knife, drinking, and saying, "We'll fuck them." After an hour, they opened the door and released them, and they were able to go home. Later in the day, the office was mined.<sup>44</sup>

Arrests of doctors continued after the OSCE-KVM evacuated from Kosovo. One interviewee reported that his colleague, a doctor from Gnjilane, had been arrested for collaboration with the UCK in early May because he had given medical treatment to UCK members.<sup>45</sup>

Serb doctors sometimes tried and were prevented from providing medical assistance to Kosovo Albanians. Kosovo Albanians fleeing an offensive in the Shala area fled to Gornje Sudimlja/Studime e Eperme (Vucitrn), where they were subjected to repeated attacks before being moved on to a farm on the outskirts of Vucitrn town. When doctors (reported to be Serb doctors from the Red Cross) came to the farm the following day, the police refused to let them see the wounded.<sup>46</sup>

## Targeting of journalists

### *Freedom of the media*

The Media Development Department within the OSCE-KVM generally dealt with freedom of the media issues. It only became a priority of the Human Rights Division when the closing down of the major Kosovo Albanian newspapers began in mid-March 1999. Apart from this major crackdown on the media, Kosovo Albanian journalists were to a certain degree harassed and intimidated before the declaration of the state of war, although this became much more systematic and brutal during the war.

### *Closure of Kosovo Albanian newspapers*

The prosecution of the newspapers, which started on 11 March 1999, accompanied the general deterioration of the situation in Kosovo. It could also be possible that the prosecution was part of a general preparation for the war, because the papers were suddenly charged in relation to editions from some time previously. One of the leading daily newspapers, *Kosova Sot*, was fined in absentia by the Municipal Court for Misdemeanors (Sud Za Prekrasaje Opstinski Organ) on 12 March, only one day after the editors and publisher were summoned for the hearing.<sup>47</sup> The Minister of Information charged the paper with causing "national, racial or religious intolerance or hatred" by publishing a calendar with a UCK picture.<sup>48</sup> The paper was not able to pay the fines and their bank accounts were frozen. After some editions of *Kosova Sot* were confiscated on 17 March, the paper stopped publishing.

The biweekly *Gazeta Shqiptare* was similarly prosecuted and fined for supporting the UCK under Articles 42 and 67 of the Public Information Law. However, the newspaper did not recognize Serbian law and therefore did not prepare a defence.<sup>49</sup>

After the OSCE-KVM evacuated, the most prominent Kosovo Albanian newspaper, *Koha Ditore*, was fined under Articles 42 and 67 of the Public Information Law, reportedly for having published recent statements made by the UCK leader, Hashim Thaci.<sup>50</sup>

Regardless of whether the Serbian authorities applied the Public Information Law correctly, there are strong indications that these procedures were intended to restrict unlawfully the freedom of expression of Kosovo Albanian newspapers. Especially in the case of *Kosova Sot* the sudden prosecution within 24 hours appeared surprising, since the contested publications were from 31 December 1998 and 2 January 1999. Furthermore *Koha Ditore* had frequently published statements by Hashim Thaci, as the UCK leader and one of the negotiators at the Rambouillet talks. The Public Information Law itself and the way in which it was applied places restrictions on freedom of expression that go beyond what is permissible under international standards.

In late March the printing houses of *Koha Ditore* and *Kosova Sot* were both looted and then burned down.<sup>51</sup>

## *Assaults on journalists*

While the OSCE-KVM was in Kosovo it did not receive specific complaints from or about journalists who had been particularly targeted, except for the murder on 11 January of Enver Maloku, the director of the Kosovo Information Centre (a Kosovo Albanian news agency). This prominent figure, journalist and LDK supporter was shot in front of his house in the Suncani Breg/Bregu i Diellit district of Pristina when he returned from work. He died shortly afterwards in hospital.<sup>52</sup>

After the evacuation of the OSCE-KVM, journalists were attacked either because they collected evidence material or because they were suspected of writing pro-Albanian propaganda.

On 25 March three police officers arrested the editor of *Magazine Kosovare*, robbed him of money, documents and office keys, kicked him and beat him up with their rifles. Then another three men in black masks and in grey combat uniforms asked him his profession. He denied being a journalist and said he was working in a bar, but the masked men did not believe him and beat him with metal bars with screws attached to them. One of the men pointed a gun at his head, but the others said they wanted to beat him longer. The journalist was able to escape when they were distracted by something happening outside. At the end of March police allegedly also beat up a journalist from *Kosova Sot* for "doing good for the UCK".<sup>53</sup>

In Urosevac in late March or early April a former journalist of RTV Pristina was abducted, reportedly by police, and shortly afterwards police planted an explosive device in his house. One interviewee found his body on the side of the road to Pristina.<sup>54</sup> Several other journalists, notably from the *Rilindija* newspaper and RTV Pristina were harassed by Serbian forces, for example in Vrbica/Verbice (Gnjilane/Gjilan), Srbica/Skenderaj, Kosovska Mitrovica/Mitrovica and Blace/Bllace (Suva Reka).<sup>55</sup>

Others managed to stay safe by going into hiding. Veton Surroi, editor of the Pristina daily newspaper *Koha Ditore*, hid in Pristina throughout the period of NATO bombing. Baton Haxhiu, editor-in-chief of the same newspaper, also hid in Pristina for many weeks before eventually escaping to Tetovo in the former Yugoslav Republic of Macedonia.

## **Targeting of teachers and students**

Kosovo Albanian teachers and students were only able to teach and learn under the most difficult circumstances. While it was present in Kosovo, the OSCE-KVM started a survey on the school situation and found that there were problems with respect to school accommodation for primary schools. There was a virtual system of "apartheid". Primary schools were either homogeneously Serb, with the Kosovo Albanian children situated in makeshift sheds or small housing, or there were mixed schools, where a small group of Serb children took up as much space or more in the building as a larger group of Kosovo Albanian children. As for secondary schooling, the situation was even more bizarre. There was no

official secondary schooling in the Albanian curriculum. Albanian secondary schools were located in private houses, and the teachers, poorly paid through the "shadow system", were often not well qualified. Both teachers and students were reported to be harassed on their way to school, or they would be taken to the police station for "investigative talks".<sup>56</sup>

After the OSCE-KVM evacuated on 20 March, according to one statement police and paramilitary were looking for teachers in general.<sup>57</sup> In another statement it is narrated that the people in the village were forced to tell where the intellectuals lived, including teachers.<sup>58</sup> Yet another statement says that Serb paramilitary forces used a list with names of so-called "intellectuals" to identify individuals to be killed. Among those on the list were teachers.

On approximately 13 April I witnessed the execution of two [male Kosovo Albanian] teachers from Pristina who were in the school in Glllogofc [Glogovica, Pristina] ... Four paramilitaries entered the school and said that the teachers were on the list for execution. They were killed 100 metres away from the school. I heard the shots and saw the bodies later.<sup>59</sup>

One example of the way in which teachers could be treated is given in the following account:

On 27 March 1999, at approximately 15:00, 43 tanks arrived and surrounded the village of Cerkoz [Crkolez (Istok)]... Police and paramilitaries, wearing masks, entered Padalishte near Cerkoz [but in Srbica], and went into the house of the teacher [name mentioned]. The forces took his three young children and told the teacher to cut off the heads of the children. The man refused, and the police killed the three daughters by cutting their throats.<sup>60</sup>

Several statements referred to the profession of the victim, as a teacher or an "intellectual", when the motivation for a killing was given.<sup>61</sup> In other cases teachers were mentioned as victims, but as part of a larger group which was being assaulted. In the latter case it is apparent that although the profession of teacher made the victim stand out for the interviewee, this was not necessarily the case for the assailant. Altogether some 30 statements refer to the killing of teachers. They were also beaten,<sup>62</sup> arrested<sup>63</sup> or expelled.<sup>64</sup>

Students were targeted in Pristina. There are several accounts of students who were visited in their student quarters by police or paramilitary forces.<sup>65</sup> Male students were reportedly beaten and interrogated.<sup>66</sup> Some were expelled,<sup>67</sup> some arrested,<sup>68</sup> and some were killed.<sup>69</sup> Some female students were allegedly sexually assaulted.<sup>70</sup>

The most prominent of the students was the student leader and spokesperson, Albin Kurti. On 25 March,

police forced him and his father, who was a member of the Parliament Party, and two others (including a 10-year-old boy) out of a house and abducted them. They subsequently were seen in Lipljan prison, but their fate thereafter was not known.<sup>71</sup>

### **Targeting of human rights activists and NGO workers**

People who worked for NGOs, especially those associated with the Kosovo Albanian human rights NGO, the Council for the Defence of Human Rights and Freedoms (CDHRF), and the Mother Teresa Society (MTS) were targeted by Serbs, because they were considered to be subversive elements.

The CDHRF was closely linked to the LDK, and activists of the organization had been arrested and tried before, indicted with subversive activity.<sup>72</sup> After the OSCE-KVM evacuated, human rights activists were among the first group of people to be targeted. Their houses were burned<sup>73</sup> and some were killed,<sup>74</sup> while others were arrested, beaten and imprisoned.<sup>75</sup> Several statements refer to the generally precarious position of human rights activists.<sup>76</sup>

MTS workers were accused of collaborating with the UCK, by bringing them food, medicines and information.<sup>77</sup> In one account an MTS worker from Vrnica/Vernice (Vucitrn) states that he had heard from his Serb neighbour that he was on a list to be executed.<sup>78</sup> In other statements MTS workers are mentioned as being a specific group in society targeted by the Serbs.<sup>79</sup> MTS offices and warehouses were reportedly looted and burned, or otherwise destroyed.<sup>80</sup> There are a few accounts of the individual targeting of MTS workers, notably the president of the MTS in Kosovo Polje was killed in his yard on 24 March. There are reports of the killing of three MTS workers in Leskovcic/Lajthishte (Obilic) on 18 April, two in Crkvena Vodica/Palaj (Obilic) on 17 April, and one in Novo Cikatovo/Cikatove e Re (Glogovac) on 22 March.<sup>81</sup> In Urosevac, a female nurse and a female doctor were assaulted by paramilitaries.<sup>82</sup> Others went into hiding, such as the head of the MTS in Djakovica.

### **Targeting of OSCE-KVM associates**<sup>83</sup>

While the Kosovo Albanian population explicitly welcomed the OSCE-KVM presence, the attitude of Serb civilians was only initially tolerant. After the Racak massacre on 15 January 1999, the attitude of the Serbs became more obstructive and sometimes even violent, since the mission was perceived as being pro-Kosovo Albanian. In Pristina on 20 January Serb civilians attacked a local OSCE-KVM interpreter. In Podujevo/Podujeve on 21 February the police physically assaulted two international staff members. On the same day Serb civilians in Lipljan/Lipjan threatened Kosovo Albanian local staff. During March a few OSCE-KVM patrols were attacked in Pristina municipality, and on 12 March a vehicle was stoned. In Kosovska Mitrovica/Mitrovica an aggressive attitude was noted. The harassment was mostly not very serious and appeared primarily intended to intimidate and/or inflict minor injuries.

For its part the UCK started to threaten Russian, Belarussian, and Ukrainian international staff.<sup>84</sup> Although both sides were constrained by the presence of the international community at this stage, there was nevertheless no doubt that local Serb as well as local Kosovo Albanian interpreters were in some situations afraid for their own security and preferred not to work in particular places.

Days after the OSCE-KVM evacuated on 20 March, Serbian forces killed the owner of the OSCE office and accommodation in Suva Reka/Suhareke together with his whole family (see Part V, entry for Suva Reka municipality). The son of the owner of the OSCE-KVM office in Kacanik/Kacanik, a pharmacist, was killed. An OSCE-KVM interpreter from Djakovica was reportedly killed and another was among a group of 120 IDPs who were arrested in Vrani Do/Vranidholl (Pristina/Prishtina) and then detained in the main police station in Pristina in early May. What happened to this man is unknown. At the time of writing this report, one former OSCE-KVM security guard from Pristina was still in detention in a prison in Serbia proper.<sup>85</sup>

On 1 April, VJ and a special anti-terrorist unit arrested a local OSCE-KVM employee in Pristina "because he worked for Walker" (i.e. Ambassador William Walker, the head of the OSCE-KVM). They brought him to the "Army Club", the VJ Centre near the Grand Hotel, and VJ forces kept him in the basement and interrogated him about other OSCE-KVM staff, asking him to write a list with all local staff of international organizations still in the area. Since he did not do so, he was beaten by the VJ. They drove him to the Grimija district of Pristina and subjected him to a mock-execution. Then he was brought back to Pristina and summoned to the police station for the next day, when an inspector of the State Security Police (DBS) told him to leave the country.<sup>86</sup>

OSCE-KVM premises were usually among the first to be completely looted. The destruction of the OSCE-KVM office and house in Stimlje/Shtime was a typical example. On 25 or 26 March 30-50 policemen, VJ and Serb civilians raided the house. They looted everything the verifiers had left and took the owner of the house to the Urosevac/Ferizaj police station, saying that he had to put on his jacket, "because Walker was waiting for him". The man was beaten, kicked and released later the same day. A couple of weeks after this incident, the house was totally reduced to rubble.<sup>87</sup> The OSCE-KVM office in Urosevac/Ferizaj was mined and blown up.<sup>88</sup> In Dakovica/Djakova the first immediate consequence of the OSCE-KVM evacuation seems to have been the systematic targeting of local staff and local Kosovo Albanian with close relations to the OSCE-KVM.<sup>89</sup>

Any Kosovo Albanians who were somehow connected with the mission faced the possibility of being attacked because of their ties to the OSCE-KVM. Even Kosovo Albanians who had been seen reporting an incident to the OSCE-KVM were "punished".

"... Police came [on 22 March] to my house and asked why I had been going into OSCE building in Mitrovica [Kosovska Mitrovica]. They took me without clothes to the police station and they beat me. They put me in a tank of water for 24 hours and demanded to know why I had been going in the OSCE building. They showed me photographs of me

going into the building... They also had pictures of my wife going to OSCE. I told "We were going to OSCE to try to get medical help for our son." The police told me if I reported to OSCE that they had beaten me, they would kill me... I also saw the police shoot and kill the ... family. They killed this family because the family owned stores where many OSCE internationals shopped. The police who did this were wearing masks."<sup>90</sup>

There are other examples of "punishment" for even tenuous links with the OSCE-KVM. One concerns the only Kosovo Albanian employee of an investment company (Sluzba Drustvenog Kontabiliteta), who was found dead on 24 March. A week before his death he was constantly harassed at checkpoints in Pristina, where he was asked whether he was related to Ambassador William Walker's personal interpreter (which was in fact so). One day he did not come back from a night shift and his body was found on the road from Pristina to Kosovo Polje.<sup>91</sup> Another example concerns a man in Pristina whom the VJ beat up severely and accused of being a terrorist because they found the visiting card of an international staff member in his wallet, which had been given to him when he worked as a waiter in the Hotel Dea in Pristina.<sup>92</sup>

### Targeting of the wealthy

Rich people in general made for abundant loot and were therefore targeted by both Serbian/Yugoslav forces and Serb civilians. Shop-owners and businessmen were particularly targeted, because of the abundance of loot in the shops and factories (see also Chapter 12, Deliberate destruction of civilian property, looting and pillage).<sup>93</sup> Rich people were also known to support the "parallel system" by providing funding and accommodation, for instance for secondary schooling and offices, and they were in general more prominent and visible in society. The international media reported on lists of rich people which had been drawn up with the help of the local authorities long before OSCE-KVM had evacuated,<sup>94</sup> but there are no witness accounts that directly corroborate this. However, it was not surprising that wealthy Kosovo Albanians were targeted. One victim felt that "he was maybe targeted because he was rich".<sup>95</sup> One interviewee describes how on 23 April he saw masked Serb paramilitaries force a man and a woman to take off their clothes in Konjuh/Konjuh, a predominantly Kosovo Albanian village just outside Lipljan. The paramilitaries tied them up and then put a hand grenade in their son's mouth. Then they forced the couple to tell them where the richest Kosovo Albanian families lived in the village, who were then beaten.<sup>96</sup>

Envy could also be a motive. One man describes how 10 paramilitaries in various uniforms killed three members of his family when they were gathered in his yard in early April in Sojevo/Sojeve (Urosevac). They were heard saying "... look what nice shoes you have and what crappy shoes we have. You all lived abroad and got rich. Now you have to leave."<sup>97</sup>

## Notes

<sup>1</sup> OSCE-KVM, RC5, CC-01 "Weekly Report No.1, 26 February-4 March 1999".

<sup>2</sup> A/0414; M/1164; M/1504.

<sup>3</sup> They were later released after representations from the International Committee of the Red Cross and Crescent Societies. Amnesty International "*A Human Rights Crisis in Kosovo Province: Orahovac, July-August 1998 - Deaths, displacement, detentions: many unanswered questions*", August 1998.

<sup>4</sup> See, for instance, the entry on Kacanik municipality.

<sup>5</sup> M/0276.

<sup>6</sup> Examples are (i) Adem Demaci (founder of the CDHRF, and a general political representative of the UCK whose influence diminished, however, after the Rambouillet negotiations); (ii) Hydajet Hyseni (a leading figure in the Albanian Democratic Movement (LDSh), itself part of the United Democratic Movement (LBD), currently "deputy foreign minister" in the "provisional government" of Kosovo); (iii) Bajram Kosumi (leader of the Parliamentary Party of Kosovo (PPK), also part of the LBD, and "minister for information" in the "provisional government").

<sup>7</sup> A/0440.

<sup>8</sup> A/1111; M/1714.

<sup>9</sup> OSCE-KVM, SK-814 Statement.

<sup>10</sup> OSCE-KVM staff member account.

<sup>11</sup> M/1620, The perpetrators were described as police. They were in blue camouflage uniform, with white eagle patches on the arm. The police also had automatic guns with silencers and masks.

<sup>12</sup> A/0249; A/0550; M/0052; M/0139; M/0150; M/0167; M/0335; M/1222; M/1354; M/1620.

<sup>13</sup> Killed: A/0405; M/0140; M/0168; M/0435; M/0597; M/0646, referring to a politician from Urosevac, disappeared and was later found dead. M/0641, referring to an LDK secretary and member of CDHRF; M/0265; M/0510; M/0614, referring to the president of the Mother Teresa Society in Kosovo Polje; M/1457; M/1723.

<sup>14</sup> Arrested and tortured: A/0708; M/0700; M/1467; M/1712; M/1777; M/1786.

<sup>15</sup> House destroyed: M/0237; M/0260; M/0325; M/0417; M/0529; M/0597; M/0614; M/1100; M/1446.

<sup>16</sup> M/0140.

<sup>17</sup> M/0346; M/1526.

<sup>18</sup> M/1786; OSCE-MiK, GN/0001/99.

<sup>19</sup> M/1712. The story is corroborated by M/1739.

<sup>20</sup> M/1786.

<sup>21</sup> M/0025; M/0457; M/0792; M/1333.

<sup>22</sup> M/0218; M/0219; M/0221; M/0500. Similarly, in Oraovica (Presevo municipality of Serbia proper, bordering south-east Kosovo) the *hodja* had to announce from the minaret that all villagers were to stay in their houses, M/1489.

<sup>23</sup> M/1113.

<sup>24</sup> M/1354.

<sup>25</sup> M/0647; M/0814; M/1484.

<sup>26</sup> A/0742; M/0296; M/0591; M/0947; M/1016; M/1215.

<sup>27</sup> M/0212; M/0289.

<sup>28</sup> A/0103; M/0201; M/0404; M/0457; M/0565; M/1460; M1540.

<sup>29</sup> Statement of the Presidency of the Islamic Community of Kosovo on 25 August 1999.

<sup>30</sup> "(1) Whoever conceals, shelters or gives food, material, money and other means to the perpetrator of a criminal act referred to in [Article] 136 ... of this law, whoever serves him in maintaining liaison, undertakes actions aimed at obstructing the discovery or apprehension of the offender, or renders him assistance in any other way, shall be punished by imprisonment for not less than one year." (Article 137, KZRSJ). See also Chapter 10,

Violation of the right to a fair trial.

<sup>31</sup> Djakovica Municipal Court, trial of Fatima Boshnjaku, 17 February 1999.

<sup>32</sup> District Court Pec K 144/98, OSCE-KVM, RC3, "Pec Trial Monitoring Case 19", 15-17 February 1999.

<sup>33</sup> PE/05/022/99.

<sup>34</sup> PR/0023/99.

<sup>35</sup> A/1123.

<sup>36</sup> For example, M/0320 (27 March, Pristina city); M/0823 (29 March, Kacanik town). See also Gnjilane municipality for harassment of Kosovo Albanians in Gnjilane hospital. No others specifically said that they were dismissed because they might render assistance to the UCK.

<sup>37</sup> M/1164 reported that villagers in Vladovo/Lladove (Gnjilane) were beaten on 24 March 1999 because they refused to supply the addresses of doctors and other prominent personalities lived in the village.

<sup>38</sup> M/1294. M/1023, M/1423 and M/1774 were also from villages in Glogovac municipality and described a man of a similar name being killed, although in a different place. They did not mention whether the individual was a doctor, and so could be referring to a different incident.

<sup>39</sup> M/0189.

<sup>40</sup> M/0759. M/0370 and M/0963 had also heard about the killing of this doctor, and a killing described by M/0417 may have referred to the same incident (the interviewee provided a different surname, but the account, which was hearsay, was similar in all other respects).

<sup>41</sup> A well-known doctor was also killed in Kosovo Polje town with 11 other people in his clinic on 29 March 1999 (M/0627). Doctors were killed in other locations where interviewees did not provide information on whether they believed they had been specifically targeted because of their profession, but where the fact that doctors had been killed was clearly registered. In Velika Krusa/Krushe e Madhe (Orahovac) on 26 March 1999 (A/0136); in Djakovica/Gjakove (A/0845; A/1109; A/0242, these may have been different incidents) and in Grastica/Grashtice (Pristina) on 20 April (M/1229).

<sup>42</sup> M/0708.

<sup>43</sup> The interviewee implied, but did not state, that she believed that the reason they came to her house was because of her occupation. M/1065.

<sup>44</sup> M/0514.

<sup>45</sup> M/1706. M/1786 saw the doctor in Gnjilane prison before he was released on 5 June 1999.

<sup>46</sup> A/0577.

<sup>47</sup> The editor and the publisher of the newspaper were summonsed through the media, which is in accordance with Article 72 of the Public Information Law. However, summonsing through the media is not a reliable system for bringing the imminent hearing to the attention of the publisher, see Council of Europe, "Expert Opinion of the Serbian Public Information Law (1998), Strasbourg, 19 November 1998", <http://www.freeb92.net/media/legalrepression/word/andrew-nicol.doc> The Council of Europe in this expert opinion and the Belgrade Centre for Human Rights, in "Human Rights in Yugoslavia 1998", Belgrade 1999, argue that the law is inconsistent with the International Covenant on Civil and Political Rights.

<sup>48</sup> Article 67 (1) Public Information Law states that for publicizing information which calls for the forceful overthrow of the constitutional order, jeopardizing the territorial integrity and independence of the Republic of Serbia and the Federal Republic of Yugoslavia, violating guaranteed freedoms and rights of Man and the citizen, or causing national, racial or religious intolerance or hatred (Article 42), punished for the misdemeanour will be (i) the founder and publisher - with a fine of 400,000.00 to 800,000.00 new dinars; (ii) the party responsible to the founder and publisher and the editor-in-chief - with a fine of 100,000.00 to 400,000.00 new dinars. Article 72 of the Law on Information states that appeal does not suspend the execution of the judgement.

<sup>49</sup> OSCE-KVM, RC 5, "Weekly Report 13-19 March 1999"; OSCE-KVM, RC 5, "Incident Report 18 March 1999".

<sup>50</sup> Associated Press: "Leading ethnic-Albanian newspaper in Kosovo accused of inciting "racial hatred", 22 March 1999. Allegedly Thaci accused the Serb state of genocide against the Albanians in Kosovo in the contested article.

<sup>51</sup> M/0163; M/0167; M/0432; M/0525.

<sup>52</sup> PR/00/0002/99; OSCE-KVM, "RC 5 Weekly Report 11-17 January 1999". In July 1998 someone had already tried to kill the journalist. The OSCE-KVM found that the police failed to investigate the crime scene properly.

<sup>53</sup> M/0239; M/0355.

<sup>54</sup> M/0237; M/0417; M/0818 (explosion caused by four masked paramilitaries); M/0920.

<sup>55</sup> M/0769; M/1117; M/1314 (the journalist was also a LDK supporter); M/1477 (the journalist was allegedly

abducted by UCK); M/1700.

<sup>56</sup> OSCE-KVM, RC5, CC Urosevac, "Human Rights Weekly Report", 3 March 1999; OSCE-KVM, RC5, CC Urosevac, "Human Rights Weekly Report", 18 March 1999.

<sup>57</sup> A/0931.

<sup>58</sup> M/1164.

<sup>59</sup> M/1411.

<sup>60</sup> A/0640.

<sup>61</sup> Including A/0414; A/0640; A/0644; A/0931; A/1100; M/0540; M/0565; M/1055; M/1106; M/1159; M/1292; M/1293; M/1411; M/1457; M/1460.

<sup>62</sup> A/0644.

<sup>63</sup> M/1293.

<sup>64</sup> A/0971; M/0417.

<sup>65</sup> "113"; A/0322; A/1046; M/0578; M/1521.

<sup>66</sup> "113"; A/0322; M/0578; M/1120; M/1243; M/1521.

<sup>67</sup> "113"; A/0322; M/0578.

<sup>68</sup> A/1046; M/1101; M/1120; M/1521; M1801.

<sup>69</sup> M/1186; M/1495.

<sup>70</sup> M/1155; M/1521.

<sup>71</sup> M/1101; M/1712.

<sup>72</sup> For further details see Chapter 10, Violation of the right to a fair trial.

<sup>73</sup> A/0045; M/0176.

<sup>74</sup> M/0641, most notably the LDK Secretary of Kosovo Polje/Fushe Kosove, who was also CDHRF member. Case is mentioned under subheading "Politicians" above; A/1122, killing of member of CDHRF in Klina/Kline.

<sup>75</sup> M/1734, Lipljan prison; M/1786, Gnjilane prison.

<sup>76</sup> A/0045; M/0597; M/1373.

<sup>77</sup> M/0514; M/1230.

<sup>78</sup> M/0140.

<sup>79</sup> A/0006; A/0062; M/1504.

<sup>80</sup> M/0563; M/1124, Pristina/Prishtina, on 30 March or 01 April; M/0529, Obilic/Obiliq, around 27 March; M/0717, Glogovac/Glllogoc, around 03 May; M/0525 Kosovo Polje/Fushe Kosove, around 25 April; M/0112; M/0349, Stimlje/Shtime, on 25 or 26 March; M/0180; M/0191; M/0417 (medical centre); M/1100, Urosevac/Ferizaj, around 27 March.

<sup>81</sup> M/0350; M/1125; M/1149.

<sup>82</sup> M/0514, see also under subheading "Targeting of doctors and other medical professionals".

<sup>83</sup> An earlier mission of the OSCE was aborted in July 1993; it also had an immediate negative impact on the human rights situation in the region. Former local staff of the mission and other Kosovo Albanians who were associated with the mission were interrogated, detained and beaten. Stefan Troebst, *Conflict in Kosovo: Failure of Prevention? An Analytical Documentation, 1992-1998*, European Centre for Minority Issues, 1998, p. 38.

<sup>84</sup> OSCE-KVM, RC 5, "Weekly Report 27 February- 6 March 1999"; OSCE-KVM Headquarters, "Fusion Report Blue Book", 8 January, 21 February, 2,3,5,13 and 14 March 1999.

<sup>85</sup> A/0103; A/1100 (Suva Reka); M/0259; M/0544; M/0565 (Djakovica); M/0777; M/0924; M/1602 (Kacanik); M/1780 (Pristina).

<sup>86</sup> M/0335.

<sup>87</sup> M/0104; M/0112; M/0114; M/0861; M/0935; M/1022.

<sup>88</sup> M/0233; M/0322; M/0400; M/0843; M/1079; M/1192; M/1607.

<sup>89</sup> A/0008; A/0010; A/0283; A/0368; A/0457; A/0693; M/0910; PE/0014/99.

<sup>90</sup> A/0335.

<sup>91</sup> M/0241.

<sup>92</sup> M/1050.

<sup>93</sup> A/0312; M/0379; M/1149; M/1311; M/1405; M/1722.

<sup>94</sup> Newspaper article on paramilitaries by Petra de Koning, *NRC Handelsblad* (The Netherlands), 17 July 1999.

<sup>95</sup> M/0877.

<sup>96</sup> M/0873.

<sup>97</sup> M/1406.

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KOSOVO / KOSOVA As Seen, As Told

OSCE ODIHR

## DECANI/DECANE



Decani/Decane municipality, in the west of Kosovo bordering Albania, was one of the most heavily affected areas during the fighting between Serbian and Yugoslav forces and the UCK which began in 1998. In the around 40 villages in the municipality, on average about 50 per cent of the houses were considered uninhabitable by December 1998; in some villages the destruction was almost total.<sup>1</sup> This situation created grave humanitarian needs among the population, which was about 97 per cent Kosovo Albanian before the outbreak of the conflict.

Local representatives speaking in early March 1999 estimated that the population of Decani municipality had been around 60,000 people up until 1998.<sup>2</sup> They stated that during the 1998 fighting approximately 200 people had been killed and another 60 people were still missing, and believed that the population of the municipality was currently around 15,000 people. The rest had left the municipality for other parts of Kosovo, or to go to other countries.

Before 1998, there were no majority Serb villages. Only Decani/Decane town had a sizeable Serb/Montenegrin community.<sup>3</sup> The significance of Decani for the Serb population of Kosovo as a whole is closely connected with the presence of the Visoki Decani monastery, tucked in a tranquil valley just west of the town.<sup>4</sup>

The municipality is transected north-south by Highway 17, the major arterial road through western and southern Kosovo. At the time of the OSCE-KVM deployment in the municipality there was continuing high tension, and ongoing violence attributable to both sides in the conflict. Ordinary Kosovo Albanians were vulnerable to human rights abuses from either side.

One of the most urgent problems for the Kosovo Albanian population before the Serbian offensive was the restricted freedom of movement due to the ever-present risk of being harassed or arrested at one of the numerous police checkpoints or by mobile patrols. This risk was all the greater since many Kosovo

Albanian residents and IDPs did not have proper IDs. The procedure to obtain new ones was rendered almost impossible by many bureaucratic and practical obstacles, and fear of the authorities was also a factor.

The OSCE-KVM received many complaints about police ill-treating Kosovo Albanians in the municipality.<sup>5</sup> However, during its presence in the municipality, the OSCE-KVM was able to establish a constructive working relationship with the local Chief of Police, as well as with the local Police Commander (Deputy Chief of Police).<sup>6</sup> The OSCE had regular meetings with the local authorities and was even invited eventually to set up a permanent office in the premises of the police station in Decani (this project never materialized because of the OSCE-KVM's evacuation). This constructiveness was not replicated in other relationships with authorities, however. On 5 March 1999, at a meeting between the OSCE-KVM and the mayor of Decani, the mayor started with a long political speech in which he said that "it would be better to start a full-scale war and let the best man win. That would be the best and final solution".<sup>7</sup>

According to the police, the UCK unit operating mainly in the area of Decani was estimated at a strength of 30-40 active members, but was believed to be able to increase its capacity to as much as three times that number. This group was held responsible by police for ambush attacks in the area. Police also said that local Kosovo Albanians were very scared of this particular group, which had the reputation of brutally coercing local youths to join the UCK.<sup>8</sup> The Serb authorities were also very open to the OSCE-KVM in providing documentation on what they believed were atrocities committed against local Serbs by the UCK during the summer of 1998, in particular on the killing of 35 Serbs at a canal near Rznici/Irznici<sup>9</sup> and on a mass grave in Glodjane/Gllogjan.

In Babaloc/Babaloc<sup>10</sup> and Junik/Junik<sup>11</sup>, the Serbian government had erected shelter facilities for about 1,500 Serb refugees from Croatia and Bosnia (in Babaloc). They were supported mainly by the UNHCR through the Yugoslav Red Cross and international NGOs. The situation around these settlements was - predictably - tense throughout the period of the OSCE-KVM's deployment. An episode in February 1999 is indicative of the tensions: following the killing on 4 February (in unreported circumstances) of a Serb refugee outside Rastavica,<sup>12</sup> close to Babaloc, a group of Serbs from the refugee settlement gathered at the police checkpoint at the junction of the road to Junik. The police stopped a Kosovo Albanian man in a truck at the checkpoint and, seeing that he was delivering copies of an Albanian-language newspaper, they verbally abused him and ordered him from the truck, whereupon he was hit repeatedly. The son of the man who had been killed also joined in the beating.<sup>13</sup>

From the beginning of the NATO air campaign against the FRY on 24 March, large concentrations of Yugoslav forces were active around Decani. The ensuing fighting and the deliberate attacks on civilian settlements led most of the remaining Kosovo Albanian population to leave. Decani was also a transit route for thousands of IDPs from Pec/Peja, Istok/Istog and western Klina/Klina municipalities, as well as from municipalities in northern Kosovo. Many IDPs reported having witnessed on their way atrocities

committed by Serbian forces, especially the numerous paramilitary formations active in the area. Thousands were robbed and harassed.

## **Decani/Decane town**

The 1998 fighting seriously affected Decani town. Heavy damage was visible everywhere. As a consequence, the population had by late 1998 shrunk to about 1,400 - less than one third of its estimated pre-1998 level. The humanitarian situation there was understandably grave and caused concern to local and international agencies.

On 22 March, VJ took control of Decani.<sup>14</sup> Paramilitaries had come there and distributed arms to the Serb population.<sup>15</sup> On 27 March, a young VJ officer told Kosovo Albanian residents - who were celebrating the Muslim holiday of Bajram - to leave within 30 minutes. Many escaped on tractors to neighbouring villages.<sup>16</sup> Various acts of violence are reported as having happened on that day. The son of one interviewee observed four armed paramilitaries (two of them wearing masks) arrive at "Ismajil's white technic's shop". While two went in two others stood guard outside. Shots were heard; later the interviewee heard that four people had been killed, including one of the interviewee's friends.<sup>17</sup> Approximately 30 men were separated from a group of IDPs after passing Decani. The men were loaded into a large truck, beaten and robbed. Their fate thereafter is unknown.<sup>18</sup>

In the first week of April Kosovo Albanian residents who were apparently still hiding in their houses were targets of violence and were ultimately expelled. On 4 April, people identified in statements as police, wearing masks and armed with knives and guns, entered the house of an interviewee in Decani and gathered all those there at gunpoint. They then escorted them along the road to Rznice/Irznik and sent them further south.<sup>19</sup>

Apart from the account cited above, from the end of March most interviewees who refer to incidents in and near Decani were IDPs passing through the town. Several units of Serbian forces including paramilitaries seem to have been loitering in and around Decani, checking all convoys passing through and relieving the displaced of their money, gold and valuables, as well as, on occasion, their IDs.<sup>20</sup> In some cases, violence and threats were applied to extort money,<sup>21</sup> and in several cases young men were abducted, or simply shot in front of others.

On 7 May, eight IDPs were killed in Decani in a particularly brutal manner, as reported by seven interviewees.<sup>22</sup> When a convoy of IDPs from Istok municipality reached Decani three or four Serbs in camouflage uniform and wearing black masks stopped the column near the secondary school, according to one witness on the road towards Prilep just outside Donji Crnobreg/Carrabreg i Ulte. One witness described the Serbs as wearing black uniforms with "knives on their shoulders". Local Serbs armed with Kalashnikovs were seen with the group too. The Serbs demanded money and tore necklaces from the women. They then forced four young men to get down from the tractors and ordered them to lie face

down on the road with their hands behind their heads. One of the three masked soldiers had a handgun, according to one witness a Scorpio automatic gun, with a silencer attached. He was wearing a blue camouflage shirt with camouflage trousers (with yellow as one of the colours). He walked up to each of the young men and shot him in the back of the head. After this the same Serb took two more men out of the column and forced them to lie down 50 metres from the four he had just killed. These two were brothers and their father tried to intervene, offering money (according to witnesses, DM 5,000) to save them. Other relatives also pleaded with the Serbs and offered them money not to shoot them. The Serb shot the father dead and then walked over to his two sons and shot each of them in the head. After this the soldier said, "Now NATO will take care of you." The names and ages of the victims are given in statements.

On 8 May an interviewee witnessed a man being beaten to death when he declined to collect money from the other IDPs coming from the Barane/Baran valley (Pec).<sup>23</sup> Another IDP passing through on that day remembered how men he identified as police demanded money from the group, threatening to take the young women if they did not hand it over. One man had enough money to pay and the IDPs were let go.<sup>24</sup>

### **North of Decani town: Istinic/Istiniq and Gornji Streoc/Strelc i Eperme**

With about 4,050 inhabitants, the village of **Istinic/Istiniq**, 2 km north-east of Decani town, was one of the largest in the municipality.

In December 1998, leaflets were found in Istinic/Istiniq containing death threats purporting to have been issued by the regional UCK headquarters.<sup>25</sup> The OSCE-KVM was informed, but was advised that the local Kosovo Albanians did not believe that the leaflet was authentic, and considered it a forgery used by the Serbian police to intimidate the population.

On 9 February, the OSCE-KVM met with the local Police Commander who told the OSCE-KVM that uniformed UCK members had visited several families in the area of Istinic. These villagers were threatened with death for various reasons: failure to contribute a family member to the UCK ranks, organizing in September 1998 the surrender of weapons held in the village, or association with the police.

On 30 January, a police car was hit by a grenade and three Serb officers (named in reports) were wounded at the Istinic junction of Highway 17.<sup>26</sup> The Police Commander told the OSCE-KVM that the vehicle's three occupants had been off-duty and in civilian clothes, and had been returning from Pec, where they had attended the funeral of a police officer killed a few days earlier. He said that the vehicle had been struck with a Chinese-made 60.2mm hand-held, unguided rocket (fragmentation/shrapnel type projectile) at around 19:30 hours. The vehicle was struck in the rear, and the rocket exploded on impact. The Police Commander stated the police would react in a quick, professional, but "strong" manner in solving this case, and he was planning a search of Istinic in an attempt to find witnesses and evidence,

including searching houses to try to locate weapons. He said that there would be no massive police movements but that three or four patrols would be used to conduct the investigation.

On or around 1 April Serb forces surrounded and shelled Istinic. They attacked with 13 tanks, and several people were injured by shelling. Livestock was killed, houses set on fire, and people were robbed. The Decani Chief of Police was present and gave Kosovo Albanian residents one hour to leave. Some left in cars while others walked to the Albanian border in a convoy accompanied by police forces from Decani and, also, as reported, from Nis (Serbia proper). One interviewee describes how Serb boys apparently as young as 12 years old were seen in police uniforms, and how stones were thrown at the Kosovo Albanian IDPs.<sup>27</sup>

The village of **Gornji Streoc/Strelc i Eperme** is around 4 km north of Decani. About 2,500 Kosovo Albanians<sup>28</sup> lived in the village before Serbian forces launched an offensive against it in March. After sporadic shelling, Yugoslav forces with military equipment -according to one witness six tanks - and accompanied by about 100 police, surrounded Gornji Streoc and ordered the Kosovo Albanian population to leave within five minutes on or around 28 March. The same happened also at **Papracane/Prapacan**, 4 km south-east of Gornji Streoc.<sup>29</sup> Houses were looted and burned, and most villagers fled south through Decani and Djakovica. While leaving the village some people on tractors were killed as a result of shelling. One interviewee estimated the length of the convoy of IDPs that day at 30 kilometres. Some IDPs were collected by members of Serbian forces and put on buses before they reached Decani, and were driven directly to the border. Some people were robbed by Serbian police.<sup>30</sup>

### **East and south-east of Decani town, along Highway 17**

At **Gornja Luka/Lluka e Eperme** (about 1.5 km north-east of Decani) on 15 January, seven masked men entered a Kosovo Albanian house and forced all family members to the ground at gunpoint. Two men were taken outside and one of them was beaten unconscious. The other was taken by four of the masked men to a nearby canal and never seen again. When an OSCE-KVM team and local police followed up this incident, Chinese-made ammunition casings and some bloodstains were found nearby, and the missing person was presumed killed.<sup>31</sup>

On 25 January, at around 19:00 hours, a 50-year-old man was shot dead and his son (aged 24) wounded.<sup>32</sup> They were heading back from a visit to Donja Luka/Lluka e Ulte in their white Mercedes car. Their vehicle was struck while on a bridge by approximately 50-60 rounds of gunfire. After the shooting, nobody approached the car; some minutes later, a car was heard leaving the scene. An OSCE-KVM team monitored the investigation, led by an Investigating Judge, on the morning of 26 January. Various different casings were found in several locations. The man had been working for the local waterworks for 30 years, and had defended them against the UCK in 1998. According to the police, he had surrendered his weapons in September 1998.

In the immediate vicinity of the incident above, on 3 February at around 19:15 hours, three Kosovo

Albanians (names recorded), aged between 27 and 30 and from the villages of Ljubusa/Lebushe, Grabovac/Graboc (Pec), and Istinic/Istiniq, were killed in their "Yugo" car in a surprise attack in Gornja Luka.<sup>33</sup> Villagers heard two to three minutes of shooting near the village. A police patrol was seen in the area at about 18:00 hours and several police officers were seen getting out of an armoured vehicle. On 4 February the OSCE-KVM monitored the investigation conducted by the Investigating Judge and his detectives. On a nearby ridge at least 60 empty 7.62mm cartridges as well as AK-47 bullet casings were seen at what appeared to have been five firing positions. At the base of the ridge, an AK-47 rifle was found. The car had approximately 80 bullet holes from the shooting. When the three deceased were removed from the car, there was nothing in their possession but ordinary belongings. Police did not appear to try to secure the crime scene properly, and did not take fingerprint or shoe-print samples. Police later said that the AK-47 was Chinese-made, and that because of the snow it had been impossible to take fingerprints from it. They suspected a UCK unit of responsibility.

Barely 8 km to the south-east was what was effectively the "front line" between Serbian government forces and UCK-held territory in the municipality. On 9 January 1999, at about 13:45 hours, police reported having killed two "terrorists" in **Bandera**, between the villages of Gornji Ratis/Ratis i Eperme and Saptelj/Shaptej. Some time later, another "terrorist" was killed in the same area, only some 200 metres from the location where the first two were killed. The bodies of the first two were recovered by police and taken to Pec/Peja where they were buried the next day, before having been identified.<sup>34</sup> The third body could not be recovered, as it was in UCK-controlled territory. Police established a position in that location which was attacked by UCK small arms and mortar fire on 10 January at about 12:00 hours, during the changeover of personnel. During that exchange of fire, one policeman was seriously wounded in the leg, and another slightly wounded in the face. On 24 January the police informed the OSCE-KVM that the same day a police patrol had been attacked with a "grenade" (a hand-held rocket grenade) in the area between Gornja Ratis/Saptej, but that nobody was injured.

On 22 March, the village of **Babaloc/Baballoq**, south-west of Saptelj, was shelled and burned, and Kosovo Albanian residents left for villages further south.<sup>35</sup> This heralded the beginning of attacks on a swathe of villages east of Decani town, from Babaloc in the south to Gornja Luka in the north, and beyond to Istinic and Gornji Streoc, as described above. All of these villages are on or close to Highway 17.

On 25 March, Kosovo Albanian residents of **Prilep/Prelep** were forced out by police. They fled into the forest, but after six days were found by police, who ordered them to go to Albania.<sup>36</sup> Also on 25 March paramilitaries ordered Kosovo Albanian residents of **Gornji Crnobreg/Carrabreg i Eperm** to leave within five minutes or be killed. Many fled north to neighbouring Gornja Luka, from where they were expelled a few days later (see below).<sup>37</sup> On 26 March, two policemen, wearing blue camouflage uniforms and hats with police insignia, forced the Kosovo Albanian residents of **Donji Crnobreg/Carrabreg i Ulte** to leave immediately. There were two or three blue police vehicles in the village. Groups of people walked north to Istinic.<sup>38</sup>

On 28 March **Drenovac/Drenoc** was surrounded by police who arrested about 100 men.<sup>39</sup> The next day, after having surrounded the village of **Beleg/Beleg** for three days, Yugoslav forces ordered its Kosovo Albanian residents to leave within two minutes, or they would be killed. An interviewee recounted that many people were hiding in basements because of the shelling. The head of one family was ordered out, spoke with a local police officer from Papracan (named in the interview) and was taken by him and two other police officers to a nearby yard. Shots were heard, and the man was not seen again. After Kosovo Albanian residents had left, police burned down their houses.<sup>40</sup> Another witness saw one of his neighbours shot by police when he came out of his house. An old man and his son were killed, although the son was holding a white handkerchief: the son was hit in the leg when the old man was killed, then police took him behind a house and shot him dead. This witness also saw other neighbours - two old men and two old women - shot.<sup>41</sup>

In the basement of a house, people were temporarily gathered and robbed. Then the house was set on fire. Police separated men and women and beat the men.<sup>42</sup> When they searched the women and found money, they beat the women as well and threatened to kill the children if they found money on them. That night all of the men were put on the third floor of a house "so that if NATO bombed we would be killed". The women were put into a barn. Some VJ soldiers came to the barn and abducted 10 young women, who were returned at 04:00 hours.<sup>43</sup> The next morning all Kosovo Albanian inhabitants were gathered together and put into cars and on to tractors. A police officer (named in statement) said that they would all be taken to a factory and every time the UCK killed a member of the Yugoslav forces, one of the men would be killed. This did not happen, however. The convoy of 17 tractors was escorted by police directly to the Albanian border, where their documents were destroyed.<sup>44</sup>

An interviewee reported hearing that her two aunts, aged 43 and 68, had been killed when mixed Serbian forces attacked **Locane/Locan** around 30 March. They were allegedly shot dead in front of their house as they tried to escape.<sup>45</sup>

On or around 30 March, Serbian forces attacked **Gornja Luka** with tanks. Some members of these forces, wearing brown and yellow camouflage, entered the village and started destroying houses. One interviewee said that Serbian forces wearing masks singled out several of the IDPs sheltering in Gornja Luka. An interviewee and 17 other men were separated by paramilitaries from a group of IDPs and made to stand near a wall. They were apparently about to be shot when a high-ranking police officer approached the paramilitaries and ordered them not to proceed with the execution.<sup>46</sup>

Some of those fleeing Gornja Luka went south-east to **Rznic/Irznjic**. On 2 April, Kosovo Albanians were told by VJ to leave this village within 15 minutes. On their way out the villagers saw and heard heavy artillery directed at the village. A witness saw one old man and two injured girls lying in the streets. Heavy artillery was heard in Rznic by residents after they had left their village. Most left by tractor-trailer and went to Albania.<sup>47</sup>

## South-west of Decani town: Junik/Junik

During the fighting of 1998, almost a quarter of the around 1,200 houses in the village of Junik/Junik were destroyed, and the great majority of the remainder were damaged. Little more than 1,000 of the previous 6,500 inhabitants had remained. Large concentrations of Serbian military were based in the area of Junik after their successful offensive in 1998.

During the time that the OSCE-KVM was present there were two incidents of police violence against Kosovo Albanian residents. On an unreported date in February 1999, a Kosovo Albanian woman was stopped whilst walking to her house in Junik by a man in a Lada car who worked as a civilian intelligence officer with the police in Djakovica/Gjakova.<sup>48</sup> He knew her and called her a whore, said she worked for the UCK and threatened that he would kill her or put her in prison. He then began to beat her about the head and body, and at one point his son joined in the beating. The woman was beaten until she lost consciousness, and needed hospital treatment. On 5 February, four police officers entered the house of a Kosovo Albanian family in Junik.<sup>49</sup> They searched the house, breaking several items, and found a red scarf which they considered a UCK symbol. A woman family member, aged 32, was pushed and pulled by her clothing and slapped in the face. They also occasionally slapped her child, whom she was carrying, causing minor injuries to the child. The police asked for weapons and money; one of them used a whetstone to sharpen his knife, threatening the family.

Junik was cleared of its Kosovo Albanian residents by Serbian forces (police and paramilitaries) on 26 March. The villagers were given an ultimatum of leaving in 15 minutes or being killed.<sup>50</sup>

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## Notes

<sup>1</sup> Glodjane/Gllogjan - 98 per cent destroyed, Prilep/Prelep - 93 per cent, Erec/Herec - 92 per cent.

<sup>2</sup> Consistent with UNHCR "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>3</sup> Serbs/Montenegrins formed just under 10 per cent of the town's population of 4,464 in 1998 - UNHCR "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>4</sup> The monastery has also gained prominence through the political involvement of Father Sava, one of its religious representatives, and through lending its voice to the Serbian Orthodox Diocese of Raska and Prizren via its internet site: <http://www.decani.yunet.com/>

<sup>5</sup> PE/03/014/99, PE/03/036/99, PE/03/050/99.

<sup>6</sup> Both men are named in OSCE-KVM reports.

<sup>7</sup> OSCE-KVM meeting report, 5 March 1999.

<sup>8</sup> Meeting between OSCE and Decani police on 9 January 1999. Police described the UCK group's leader as an "uneducated criminal, who is personally responsible for many kidnappings and killings in the area". Some local Kosovo Albanians also confirmed in private to the OSCE-KVM that they were afraid of this UCK group.

<sup>9</sup> Another killing site was in Dasinovac/Dashinoc, DN 506-095. Both killings took place on 8 September 1998.

<sup>10</sup> Settlement of Novi Babaloc.

<sup>11</sup> Settlement of Novi Naselje.

<sup>12</sup> The body of a male Serb civilian (name known) was discovered in a car at the Junik junction. According to police, the incident happened at 20:30 hours on 3 February 1999. The vehicle had been hit with automatic rifle rounds (Chinese-made cases were found at the scene) and an RPG-7. A further RPG round appears to have missed the vehicle. Two empty AK-47 magazines were found lying among some empty cases. The victim lived in a Serb refugee settlement and, according to police, was a known smuggler.

<sup>13</sup> PE/03/4Feb2, PE/04/066/99 and PE/04/067/99.

<sup>14</sup> A/1116.

<sup>15</sup> A/1023.

<sup>16</sup> A/1116.

<sup>17</sup> M/1327; the other victims may have included two brothers named in other statements.

<sup>18</sup> A/0496.

<sup>19</sup> A/0310.

<sup>20</sup> A/0001, who describes being stopped by police wearing camouflage uniforms and with a four-wheel drive vehicle displaying a "black pirate flag", 29 March; A/00976, 30 March; A/0164, A/0239, 2 April; A/0191, around 14 April.

<sup>21</sup> A/0976, 30 March - the interviewee supplies the name of a police officer among perpetrators; A/0079, 3 April; A/0254, describing the beating of 58 people, IDPs from Kosovska Mitrovica/Mitrovice around 14 April, and A/1014; A/0716, also describing extortion from IDPs from Kosovska Mitrovica, during which a knife was held to the throat of the interviewee's eight-year-old son, around 16 April; A/0186, describing the beating of IDPs from Vucitrn/Vushtrri, including a 13-year-old boy, 16 April.

<sup>22</sup> A/0429 and A/0574 give detailed accounts, but A/0390, A/0396, A/0817, A/1050 and A/1067 also witnessed the killings. The dates given by the interviewees differ (7, 8 or 11 May, but the description of circumstances allow the conclusion that all interviewees refer to the same incident. 7 May is the most likely date.)

<sup>23</sup> A/0623.

<sup>24</sup> A/1071.

<sup>25</sup> PE/03/037/99, including the text of the letter.

<sup>26</sup> PE/03/015/99.

<sup>27</sup> A/0048, A/0086, A/0109, A/0160 and A/0748. All interviewees report the same patterns of expulsion, although dates vary from 29 March to 8 April.

<sup>28</sup> A drop from about 6,000 before the outbreak of the fighting in 1998, and including some 200-300 IDPs from Ratis/Ratisi, Prilep/Prelep and Glodjane/Gllogjan.

<sup>29</sup> A/0048.

<sup>30</sup> A/0496, A/0162, A/0164, A/0460 and M/0064. Although the descriptions of events match, the dates given vary from 27 March to 1 April. Also, A/0352 (saw village burning on 26 March.).

<sup>31</sup> PE/03/002/99; for the significance of the origin of the casings. See also Chapter 3, The military/security context.

<sup>32</sup> PE/03/012/99.

<sup>33</sup> PE/03/033/99, including sketches and photographs.

<sup>34</sup> They were later identified as two 19-year-olds, one from Decani and the other from Ljumbarda/Lumbardh. Through OSCE-KVM mediation, one of the bodies was transferred from the Muslim cemetery in Pec to the Catholic cemetery in Celopek/Qallapek for reburial by the family on 23 January.

<sup>35</sup> A/0715 (also A/0029).

<sup>36</sup> Villagers had only begun to return in relatively small numbers in February and March 1999 after being almost entirely displaced by fighting in 1998, when more than 200 houses had been destroyed.

<sup>37</sup> A/0750.

<sup>38</sup> A/0352.

<sup>39</sup> A/0308, the husband and two sons of the interviewee were among those arrested.

<sup>40</sup> A/0442.

<sup>41</sup> A/0030, in which some of those killed are named.

<sup>42</sup> A/0538 reports that men were beaten and humiliated (ordered to undress in front of the women), and reports seeing three men shot, but dates these events as 2 April.

<sup>43</sup> A/0442. The interviewee did not speak with the girls, and had no information on what had happened to them.

<sup>44</sup> A/0442.

<sup>45</sup> M/1436.

<sup>46</sup> A/0750.

<sup>47</sup> A/0077, A/0988, A/1116.

<sup>48</sup> PE/04/139/99.

<sup>49</sup> PE/03/036/99.

<sup>50</sup> A/0582.

## DJAKOVICA/GJAKOVA



Djakovica/Gjakova municipality, which covers an area of about 5,000 sq km, had a population before the armed conflict estimated at about 131,700, of which Kosovo Albanians constituted 93 per cent.<sup>1</sup> The vast majority of the Serb population is concentrated in Djakovica/Gjakova town (around 2,800).

Djakovica municipality has a key strategic position between the Albanian border in the west and the heartland of Kosovo, and is transected by the main road from Pec/Peja to Prizren/Prizren. Both the border area and the area east of the road, Highway 17, had a strong UCK presence from 1998.

During the fighting in 1998 the municipality was much less affected than, for instance, the neighbouring municipality of Decani/Decane to the north, but nevertheless suffered due to its strategic importance along the Albanian border. Especially in late May and early June 1998, and again in July, many villages along the border, from Morina/Morine (not to be confused with Morine in Albania, just across the border from Vrbnica/Verbnice (Prizren)) and Smonica/Smonice in the north to Zulfaj/Zulfaj in the south, were attacked and damaged. Several thousand people who had been displaced from their villages crossed the border into Albania at Cafa Morini/Qafa e Morines, and found shelter in Tropoje on the Albanian side of the border. The Serbian forces' operations at the end of May 1998 were mainly cordon and search operations backed by tanks and APCs, the main aim of which was to prevent armed UCK members from hiding in the villages. By mid-July, however, heavy clashes between Serbian forces and the UCK were reported from the area of Morina.

The situation in Djakovica town itself at that time had been tense, increased activity by Serbian security forces was noticed, and considerable numbers of IDPs from Junik/Junik (Decani) and the villages south of Junik in the north-western part of Djakovica municipality arrived in the town. The town was nevertheless still described in June as bustling and apparently normal. While the Serbian police succeeded in persuading the inhabitants of a dozen or so villages in the municipality to surrender their weapons, the northern part of Djakovica municipality (Kraljane/Kralan, and the area south of the Barane valley (Pec)) was controlled by the UCK and was considered "liberated territory".

In the period of OSCE-KVM deployment inside Kosovo, among the large number of incidents in this municipality were the mass killings at Rakovina/Rakovine on 25 January 1999 and at Rogovo/Rogove on 29 January (see below). Tensions in the border area were increased in early 1999 by repeated attempts of small groups of UCK fighters to penetrate the border cordon.

### **The Jakupi family and "local security arrangements"**

Djakovica municipality had its own particular "local security arrangements". According to the police, the Serbian government permitted the civilian population "to defend themselves against the terrorists by joining local security formations. These local security organizations were armed and uniformed, operated under control of the respective municipalities and reported all incidents to the police. Normally, their task was to patrol the area they lived in, set up checkpoints and check the identity of persons in their area of responsibility. This policy was operated by the Serbian government with the aim of preventing the UCK from recruiting among the civilian population. This kind of local security organization was to be responsible for the safety of the villagers until a political solution could be found."<sup>2</sup>

In Djakovica municipality "local security" was provided by about 70 uniformed personnel who were allowed to possess side-arms only. They covered 40 villages in the municipality (50 per cent of all villages) and were responsible for the distribution of humanitarian aid and the execution of some police duties in their respective villages; the sole permanent police station was in Crmljane/Cermjan. These local security groups were under the direct control of the mayor and the supervision of a chief security co-ordinator.<sup>3</sup> In practice, the group was run by a traditionally "loyal" local Kosovo Albanian clan, the "Jakupis".

The OSCE-KVM received many reports from local Kosovo Albanians who claimed to have been ill-treated or harassed by members of the Jakupi "security police".<sup>4</sup> They said they were threatened and beaten if they were seen talking to OSCE-KVM patrols. The OSCE-KVM also received reports that "policemen" of this group sexually harassed women when they arrested them or invited them to the police station for interviewing.<sup>5</sup>

### **Djakovica/Gjakova town**

Djakovica/Gjakova town had a population of 61,400, of whom 89 per cent were Kosovo Albanian, 4 per cent were Serb and 7 per cent from other national communities.<sup>6</sup>

### **Events before 20 March 1999**

As soon as the OSCE-KVM established its presence in Djakovica in December 1998-January 1999, it received a large number of reports of human rights abuses. Police and the local militia reportedly

harassed the Kosovo Albanian population on a wide scale, as manifested in numerous complaints of arbitrary arrest, beating and ill-treatment at the police station in Djakovica. There were also execution type murders, most often without the unambiguous identification of the perpetrators.

Djakovica/Gjakova police station.<sup>7</sup> The OSCE-KVM received numerous reports of beatings and other ill-treatment which occurred before the OSCE-KVM's deployment in the region. Given later first-hand evidence that ill-treatment was common, these reports can be seen as credible. The police generally pointed out that they themselves should be the recipients for complaints of this kind, which, under the circumstances, rendered an effective remedy for the victims impossible, given the absence of any national human rights mechanism such as an ombudsman institution.

On 28 January 1999 the OSCE-KVM received a report about the intimidation of a local Catholic Kosovo Albanian, whom local police had ordered to attend a funeral and note the names of attendees. He was also shown a list of people and asked about them and their possible involvement with the UCK. Later when he was again interrogated, he said he was beaten brutally because he had not attended the funeral or provided the requested information. He was asked "Why do you not obey the orders given to you by the Serbian government?"<sup>8</sup>

On 13 February a 31-year-old Kosovo Albanian was approached in his bar by a local Kosovo Albanian policeman (name reported) and ordered to identify himself. According to the policeman he was insulted by the man's cryptic but otherwise apparently innocuous reply. The "offender" was taken into custody at the police station, where he was badly beaten and ill-treated by five police officers (including the one who had arrested him), who also beat him on his genitals, telling him he would not be able to create a new Kosovo Albanian family, and threatened to kill him. The victim was then summarily sentenced to 15 days in prison and transferred to Pec prison.<sup>9</sup>

On 14 and 15 February the OSCE-KVM received reports that Kosovo Albanian citizens had been stopped by local Kosovo Albanian militia, who took their IDs and invited them for "informative talks" at the police station. (For more details on "informative talks" see Chapter 9, Arbitrary arrest and detention.) They were told that IDs would be returned only after the "talks", and were warned of "unpleasant consequences" if they refused to attend.<sup>10</sup>

On 22 February the OSCE-KVM received information about two further cases of ill-treatment by police. In one of these the OSCE-KVM had already taken pictures of injuries inflicted two days earlier by police on the victim, who now demonstrated fresh ill-treatment to the OSCE-KVM. However, he did not wish the OSCE-KVM to take further action for fear of further beatings. In the other case the OSCE-KVM contacted the deputy chief of police on 23 February, who indirectly confirmed some physical violence but blamed it on the resistance of the person arrested.<sup>11</sup>

On 24 February three Kosovo Albanian men were arrested in a village near Djakovica and taken to the police station. There, as one of them later reported to the OSCE-KVM, he was beaten on his hands and

on the soles of his feet by three police officers, who took it in turns for 15 minutes at a time for three or four. Afterwards, the three men were interrogated about weapons, and released in the afternoon. Three of the police officers were recognized and identified as regular local police officers.<sup>12</sup>

On 8 March, a local Catholic Kosovo Albanian reported to the OSCE-KVM in Djakovica before he attended an interview at the police station at 08:30, as he said he had been ill-treated at a previous such interview in 1998. At 09:40, he returned and said the police had told him to hand over any weapons he had and had beaten him with batons on his hands; injuries were visible. The OSCE-KVM immediately contacted the deputy chief of police who assured the OSCE-KVM that such ill-treatment would be stopped. When the victim returned to the police a week later and assured them again that he had no weapon, he was released without ill-treatment.<sup>13</sup>

In the period of the OSCE-KVM presence in the town, cases of police harassment and intimidation in Djakovica other than at the police station were reported to OSCE-KVM. On 21 January a 56-year-old Kosovo Albanian was severely beaten and injured at the bus station after he replied that he was in "Djakovica, Kosovo, Yugoslavia" when asked by a police officer where he was, and whether he was in Serbia. Similarly, two days later, police officers were alleged to have refused to pay for meals or products received, and to have hit the Kosovo Albanian shopkeeper concerned when he asked for payment. When the OSCE-KVM took the issue up with the deputy chief of police, he requested that the OSCE-KVM provide him with numbers and a description of the incident, and said the officers involved would be punished for conduct of that type.<sup>14</sup>

A 51-year-old Kosovo Albanian owner of a house in central Djakovica was also beaten and insulted by a group of three police officers in civilian clothes on 22 February. They forcibly entered his house and discovered that he was sheltering 18 IDPs, one of whom they saw escape through a window as they arrived. The house owner was arrested and taken to the police station. When the OSCE-KVM inquired about his case, the police stated that he would be punished for resisting arrest and would be taken to an Investigating Judge with the power to issue criminal judgements.

Killings in and around Djakovica/Gjakova. A 19-year-old police officer from Pec was killed in Djakovica early on 4 February. The police told the OSCE-KVM that he had been killed when a police patrol was attacked. When the OSCE-KVM arrived at the scene, the body had been removed but it was established that two uniformed officers had been travelling with two civilians to Pec in a civilian car at around 02:00 when the car was attacked from the rear. The other three occupants were unharmed. At the scene 41 spent, Chinese-made 7.62 mm cartridges were found.<sup>15</sup>

Kosovo Albanians were also shot. Evidence sometimes pointed towards the UCK as perpetrators, but many cases were unresolved.

A 24-year-old Kosovo Albanian was shot dead at around 21:00 on 20 February near his house, some 300 metres north of the Hotel Pastrok. The OSCE-KVM visited the scene the next day, when the body had

already been buried. Witnesses later said that the victim had just come back home, but appeared nervous and stepped out of the house again. Shortly afterwards automatic weapon fire was heard. Fifteen minutes later the body was found lying in the mud in the street. Some witnesses had reportedly seen a white Lada Niva car without licence plates parked nearby, and said that some of the alleged perpetrators had left in it after the shooting. The family called the police, who arrived 45 minutes later with the Investigating Judge. About 30 spent 7.62mm calibre cartridges were collected. Police officers said the man had been killed by "terrorists" because he had been working for the police as a driver in summer 1998. Family members, however, related that the victim actually spent four-and-a-half months in prison in 1998 for transporting goods for the UCK.<sup>16</sup>

Djakovica/Gjakova hospital. The OSCE-KVM attempted several times to visit patients in Djakovica hospital who were wounded and under police custody because investigations against them had been instituted. The hospital guards, however, refused the OSCE-KVM access without the permission of the deputy chief of police. When he was advised that the OSCE-KVM required unlimited access to the hospital due to the nature of the mission, he referred the matter to the president of the District Court in Pec, as the arbiter of all criminal investigations in the municipality. Repeated attempts to gain permission from either body only resulted in referral to the other. The continuing isolation of detainees under investigation - although legal according to FRY law - remained a continuing cause of serious concern to the OSCE-KVM.<sup>17</sup>

### **Djakovica/Gjakova town after 20 March 1999**

Two incidents of mass killings in Djakovica town in late March and early April in which six and 20 people respectively were shot, feature in the indictment of the International Criminal Tribunal for the former Yugoslavia (ICTY) issued against FRY President Slobodan Milosevic and others on 24 May 1999.<sup>18</sup>

The first immediate consequence of the OSCE-KVM's withdrawal from Djakovica on 20 March seems to have been the systematic targeting of former OSCE-KVM local staff and local Kosovo Albanian citizens who had had close relations to the OSCE-KVM and had already been threatened before the withdrawal.<sup>19</sup> In addition, police or armed Serb gangs went from house to house of selected prominent Kosovo Albanian citizens (intellectuals, doctors, lawyers, political activists), targeting them in particular.<sup>20</sup> Young men were also targeted, and were often taken to the police station for "informative talks" or beaten in the streets.<sup>21</sup> On 21 March, a local Kosovo Albanian man was abducted and the day afterwards found dead.<sup>22</sup>

The beginning of NATO air strikes against the FRY on 24 March triggered an immediate intensification of the violence and destruction in the centre of Djakovica, in the course of which many houses were burned, shops looted and Kosovo Albanian citizens killed.<sup>23</sup> During the night police officers and paramilitaries set the old market quarter on fire. Some of the paramilitaries present were described as

wearing camouflage uniforms with a tiger's face on the sleeve patches. Local residents also identified local Serbs and "Gypsies" (*Maxhupet*) as participating and shooting directly into houses of Kosovo Albanian residents. Tanks, trucks and heavy artillery were seen in the town.

During the night of 24-25 March, a prominent Kosovo Albanian medical doctor was killed in the area of the old market by paramilitaries. A neighbour saw his body lying in his yard with three or four gunshot wounds in his chest. The bodies of at least nine local Kosovo Albanian men were found after they had been killed by Serb paramilitaries or other members of the Serbian forces, shot either in the chest or the head. Close family members witnessed some of the killings when several men were shot in a house near the bus station.<sup>24</sup>

A former Kosovo Albanian member of the OSCE-KVM local staff was made to lie down in his house by a group of 15 police officers who forcibly entered his house that night. They robbed and evicted his family, who found his body in the house the next day. The family said that the police officers were assisted by local Serbs and by men whom the family said spoke Russian and Romanian. Another Kosovo Albanian's house, which had been rented to the OSCE-KVM, was burned that day.<sup>25</sup>

The violence and destruction meant that after 24 March many Kosovo Albanians sought shelter in the basements of their houses or went into hiding, often using connecting tunnels between houses as escape routes and as a means of communication (especially in the town centre). Many others fled out of fear or were directly expelled by Yugoslav/Serbian forces. They generally went to relatives or friends in other parts of the town or to villages in the nearby hills, so that about half of the population remained in the town at the end of the NATO bombing, according to local estimates (as compared with other towns in Kosovo, including Pec in particular, which were virtually emptied).

From 25 March hundreds of local residents moved out to the villages surrounding Djakovica, going especially to Raca/Race, Moglica/Moglice and Meja/Meje in the hills to the west of the town, where at the same time many IDPs arrived in escorted columns from villages further west, near the Albanian border.<sup>26</sup> Some also moved to houses in Brekovac/Brekoc, the "Gypsy" (*Maxhup*) neighbourhood of Djakovica, which they considered to be safer.<sup>27</sup> An interviewee saw the VJ moving from their barracks into compound of the San Antonio Catholic church.<sup>28</sup>

The killings and the terror gathered momentum and spread over the whole town on 25 March.<sup>29</sup> Several men were shot by police officers and their bodies left lying in the street, and their relatives were unable to bury them. One Kosovo Albanian man (name recorded) was seen being killed and his body burned by Serbian forces after he returned home to collect personal belongings. Neighbours saw a Kosovo Albanian (name recorded) professor lying dead in the streets with gunshot wounds. Another Kosovo Albanian (name recorded) was shot dead by a masked paramilitary and his body left lying in the street. Witnesses saw police and paramilitaries shoot two young men of a local Kosovo Albanian family (name recorded) in their house. One witness saw five or six bodies in the streets, while another saw the arbitrary killing of a Kosovo Albanian resident in front of his house by police officers or paramilitaries.

In one building 12 people were killed. Some police officers warned local Kosovo Albanians that they had better leave because the paramilitaries were coming. Many saw Serb paramilitaries in blue or brown camouflage uniforms, with a red stripe on the shoulder, wearing red, white and blue bandannas. A witness described how he twice saw excavators loaded with bodies, which were apparently being transported to the graveyard. Paramilitaries in brown uniforms extorted money from local Kosovo Albanians, threatening to kill them. Dozens of men were abducted as the rest of their families were expelled. Many houses were burned by Serbian forces using flame throwers.

On 26 March at 04:30, 10 masked police entered a house where 42 Kosovo Albanians were sheltering, shot in the air and robbed the inhabitants. When they set the house on fire, one member of the family, who was mentally ill, ran back inside and was shot dead.<sup>30</sup> Paramilitaries entered houses and forced the inhabitants to leave at gunpoint. One woman who was expelled in this way said she recognized one of the paramilitaries as a local Serb, and said he was shaking and nervous and appeared to be "on drugs". Two men (named in reports) returning to the town from the hills by horse and cart after bringing their families to safety, were shot at and one was killed by small-arms fire. Another named Kosovo Albanian man was abducted from his house, driven away and shot dead by unidentified members of the Serbian forces, after his family had been told to leave for Albania. An interviewee reported how, when a police car pulled up at her house, she managed to escape to her neighbour's house and hide. Others reported how police in blue camouflage and masks had abducted men from their houses, and their subsequent fate was not known.

On or around 26 March, the local sheikh of the Bektashi sect (a Muslim order), his two sons, and three other Kosovo Albanian men were shot in their house by about 50 armed Serbs, including special police in black uniforms, who entered the house at around 22:30 and separated the men from the others. One witness also described seeing a "*policija*" patch on their backs and the Serbian flag on their right arm patch. Another neighbour described how a group of masked men in black uniforms arrived in a Lada Niva car with a police number plate, addressing the victims by name in Albanian. One man was arbitrarily killed in front of the house, the others were told to run and were shot from behind. The bodies were later buried in the yard of that house.<sup>31</sup> These killings feature in the ICTY indictment of Milosevic and Others.<sup>32</sup>

Probably during the third night of the air strikes, on 26-27 March, more than 50 people were allegedly killed in the Dervish Lodge called "Tece e Shabanit", a religious facility of historical importance in Djakovica.<sup>33</sup> This incident was reported by radio and was widely known to Djakovica residents, although few detailed witness statements were collected in refugee camps. Later, "Gypsies" (*Maxhupet*) in orange clothing were seen taking the bodies away on tractors.<sup>34</sup>

On 27 March at 04:00, masked uniformed men entered the house of a Kosovo Albanian man (name recorded), killed him and set the house on fire.<sup>35</sup> An interviewee saw three local Kosovo Albanian men (names recorded) being killed.<sup>36</sup> Another Kosovo Albanian said that men in green-brown camouflage

uniforms with "*policija*" patches entered his house, shot his father when he would not leave and shot after the interviewee and another relative as they escaped. He reported that some 28 houses, some of which had been rented by OSCE-KVM members, were torched in the area.<sup>37</sup> On 27 March the mosque in the Hadum district was burned down.<sup>38</sup>

On 28 March, seven police officers who spoke Albanian entered the house of an interviewee and told the family to leave immediately. Four of the policemen had "Grey Wolves" patches, while the three others wore masks. The threat was repeated the next day and the family went on to Cafa Prusi/Qafa e Prushiton foot.<sup>39</sup> Another local Kosovo Albanian woman who had been expelled from her house met an elderly woman with large bruises and a swollen face, who told them that she had been beaten up by the police in her house, and that five of her relatives had been killed and the house burned. She was alone, carried two blankets, and said she wanted to die.<sup>40</sup>

Also on 28 March an interviewee saw police bring about 70 trucks with young men to Djakovica police station and kick them as they entered the building.<sup>41</sup> An interviewee saw that many police officers had changed their blue camouflage uniform into green camouflage with the badge of the SAJ, the Special Anti-Terrorist Unit. They were in groups of four and started shooting in the air and at houses, although some said "Save your bullets for the Albanians!"<sup>42</sup> One interviewee saw a paramilitary group with cowboy hats and other paramilitaries with black uniforms and masks, shouting "Tigers, Tigers!"<sup>43</sup>

On that day and on the following days, police continued to go from house to house, street by street in Djakovica, telling people to leave (often using loudspeakers) and ordering people to go to Albania.<sup>44</sup> One refugee's report of rumours that Serbian forces took women to the Djakovica football stadium and sexually abused them there had not at the time of writing been substantiated.<sup>45</sup> However, several interviewees reported that young women were abducted by Serbian police and paramilitaries.<sup>46</sup>

During the morning of 1 April six named Kosovo Albanian men were shot at close range by eight Serbian police (two of whom were recognized as local Serbs) who had discovered them on a terrace while they were in the process of expelling women and children from a house. The men had returned from a hiding place near a canal to try to protect their families when they saw that the house had been set on fire with the women and children still inside. However, the police captured the men and sent away the women and children, who after a few minutes heard machine-gun fire and six single shots. Later the six bodies were found.<sup>47</sup>

On the same day, paramilitaries came to the house of a Kosovo Albanian and demanded all his money, but left when he did not have any. The people sheltering in the house then heard the paramilitaries shooting at the house with an automatic weapon. They fled and were shot at by the paramilitaries. The man's 16-year-old daughter was injured by a bullet in her back. He described the two paramilitaries who had entered his house as wearing beige/light brown uniforms and "cowboy hats", while three more aged

about 30 who wore black uniforms and looked "like [they were] drugged" waited outside the house. Some of them spoke a Bosnian dialect. The three in dark uniforms followed the other two in a police car.<sup>48</sup>

At around 20:30 on 1 April paramilitaries and men in police uniform drove up in four civilian cars to the house of a 19-year-old man and his family. They broke the windows of the house as they forcibly entered, held the interviewees' parents and told the children to leave. They ran to a house where about 500 people who had been driven from their houses were sheltering and saw that the houses in that street were burned. The following morning the young man returned and could not find his parents, but saw the bodies of a paralysed elderly Kosovo Albanian man, who had been decapitated, and that of his wife in the street, a five-year-old boy who had been hanged in his house, and the body of his 40-year-old mother (named in the report).<sup>49</sup> These killings feature in the ICTY indictment of Milosevic and Others.<sup>50</sup>

At 23:00, eight police and eight masked civilians entered a house, where 21 women and children were hiding in the basement. They stole their valuables and forced them to move into the kitchen where police killed 20 members of the family, including an 18-month-old girl, and then set the house on fire. A 10-year-old boy was wounded but survived, and was taken to Djakovica hospital.<sup>51</sup>

During the night of 1-2 April at around midnight, police entered the house of a Kosovo Albanian family and shot the 70-year-old head of the family on the spot with a hand gun, later killing his two sons (aged 28 and 33) with automatic gunfire. Their mother died of shock soon after.<sup>52</sup> At around 01:00, 17 police, including a well-known local policeman whose name was mentioned by many interviewees, entered a house where Kosovo Albanians were hiding and shot a Kosovo Albanian man as he tried to escape. The body was left in the courtyard.<sup>53</sup> Around the same time, paramilitary forces entered the house of one interviewee's brother, after which he heard automatic gunfire and his sister-in-law screaming "Don't kill my son!" The paramilitaries then allowed her and her 6-year-old son to leave, after which the interviewee heard more gunfire and two small explosions. A second group of paramilitaries entered another house nearby and the interviewee again heard automatic gunfire and small explosions, which set the house on fire. In these two incidents four Kosovo Albanian men (aged 18-50) and one 40-year-old woman were killed.<sup>54</sup>

On or around 1 April many Kosovo Albanians fled from Djakovica to nearby **Raca/Race**, a Roman Catholic village, and stayed for four days. The police surrounded the village soon after they arrived and the villagers asked them to leave because they were afraid of the consequences. They saw some UCK members come into the village to pick up relatives and themselves decided to leave with a group of women, children and old people. As they left Raca they encountered a police checkpoint where the police asked where they were going, to which they replied, "to Albania". A policeman told them to go to police headquarters and they would be helped to leave. The police took away their IDs, although one interviewee, a UCK member, secreted hers between her breast and the baby she was carrying, since she had a UCK badge in her wallet. As they walked towards Albania, they could see from higher ground

how police were taking everything from the civilians, including gold, bread and water.<sup>55</sup>

On 1 April several hundred Kosovo Albanians were taken by truck via Prizren to the Albanian border. On 2 April several thousand Kosovo Albanians from Djakovica<sup>56</sup> were expelled from their houses and brought to the centre of the town by Serbian police and paramilitaries. They had to wait for an hour, after which police confiscated their documents and sent them on foot towards Albania.<sup>57</sup>

The systematic expulsions, accompanied by violence, the confiscation of documents and car number plates, and the burning of houses, continued into April.<sup>58</sup> On 4 April an interviewee watched local "Gypsies" (*Maxhupet*) in military uniforms loading about 20-30 bodies, wrapped in plastic, on to a truck and moving them towards the city cemetery.<sup>59</sup> On 5 April local "Gypsies" (*Maxhupet*) in green clothing forced Kosovo Albanian residents out of their houses,<sup>60</sup> and masked police were reported as taking 23 people into the street and shooting them or killing them with knives.<sup>61</sup> On 14 April six men wearing masks and camouflage uniforms entered the house of a 38-year-old Kosovo Albanian woman, threatened and beat the whole family and then ordered all the women to leave. The bodies of the three men of the family were found the next day, burnt or partially burnt, in the house and the yard.<sup>62</sup>

(Some people who attempted to flee from town were stopped by police, asked why they were leaving, and sent back with assurances that they had done nothing wrong. Some local "Gypsies" (*Maxhupet*) were even sent back from the Albanian border, after Serbian police assured them that no one would touch them.<sup>63</sup>)

On 18 April Serbian authorities placed a cordon between the Kosovo Albanian and the "Gypsy" (*Maxhupi*) quarters of Djakovica and drove out the Kosovo Albanian residents living in the area. Some local "Gypsies" (*Maxhupet*) donned masks and joined the Serbs in the looting and arson.<sup>64</sup> On 23 April at 14:00, paramilitaries killed four Kosovo Albanian men (one of whom was named by an interviewee) and burned their house. Also on 23 April police officers were seen burning 13 houses belonging to Kosovo Albanians.<sup>65</sup>

The latest forced expulsions of Kosovo Albanians from Djakovica reported to the OSCE-KVM occurred on 7 and 9 May.<sup>66</sup>

### **Harassment of IDP convoys passing through Djakovica**

IDPs travelling in convoys from other regions, mainly from the northern and central parts of Kosovo, were routinely harassed, robbed and beaten on their way through Djakovica.<sup>67</sup> Young men were singled out by security forces and taken away.<sup>68</sup> On 12 April at around 21:00, seven or eight masked paramilitaries, who wore uniforms with the insignia of the four Cyrillic "S"s and bandannas, and were

driving jeeps, stopped a tractor in a convoy near Djakovica. They asked a young woman from Kosovo Polje/Fushe Kosove her age and, when she said she was 22, pulled her off the tractor because they "wanted her". They ordered the driver to move on and turned to check other tractors, at which point she ran after her family's tractor and tried to climb back on, but was seen by a paramilitary, pulled off the tractor and shot dead. The driver of the tractor behind hers was ordered to run her over, and was taken off and not seen again after he refused. The paramilitaries dragged her body off the road and ordered the IDPs to move on.<sup>69</sup> Another interviewee reported that on 12 April a convoy was stopped and robbed by police, VJ and paramilitaries near Cerim/Qerim, just outside Djakovica. Cars were stolen and the convoy was ordered to continue. After a few moments, however, two single shots were fired at the trailer of an interviewee, killing his 13-year-old son and injuring his wife, who was treated in Prizren hospital.<sup>70</sup>

### **Villages in Djakovica/Gjakova municipality**

Villages in the municipality were routinely searched and villagers often harassed by Serbian security forces in the period from January to 20 March. Although on 2 February the deputy chief of police of Djakovica had assured the OSCE-KVM that he "would be glad to notify the OSCE-KVM in order for an OSCE-KVM team to be in the area concerned", the OSCE-KVM often received complaints about police abuses after village searches were conducted without the OSCE-KVM's prior knowledge.<sup>71</sup>

During the time when the OSCE-KVM was deployed in Kosovo, many killings and attacks on Serbian security forces took place in villages in the immediate vicinity of Djakovica town.

### **The Erenik and Trava valleys in the west near the Albanian border**

#### **Dobros/Dobrosh, Racaj/Rracaj, Ramoc/Ramoc, Morina/Morine, Molic/Maliq, Nivokaz/Nivokaz, Pacaj/Pacaj**

The Erenik and Trava valleys lie north-west of Djakovica, and villages there were heavily damaged in the fighting in 1998. During January 1999 police patrols frequently stopped people in Dobros/Dobrosh, 11 km north west of Djakovica and took them to the police station for interrogation.<sup>72</sup> On 23 January 12 police officers came to the house of a Kosovo Albanian in Racaj/Rracaj, in the Trava valley, 7.5 km north-west of Djakovica. They claimed to be looking for criminals, beat the inhabitants and threatened them with knives and guns.<sup>73</sup>

A shooting and grenade attack in Ramoc/Ramoc, 7 km north-west of Djakovica, on 26 February resulted in the serious wounding of three local Kosovo Albanian militia officers. The shooting occurred at around 14:15 as the officers were on the way to a funeral. The following morning the OSCE-KVM monitored the crime scene. Traces of hand grenades of Chinese origin and spent AK-47 ammunition were found.<sup>74</sup>

On 8 March at 14:50 a police patrol was travelling in a Pinzgauer along the Erenik valley from Smonica/Smonice to Stubla/Stubell, when it hit a mine which destroyed the vehicle. The driver and the front seat passenger were killed instantly and six other policeman were injured.<sup>75</sup> A police major from Djakovica informed the OSCE-KVM, which monitored the investigation of the scene. The explosion had left a crater about 4 metres across and 1 metre deep.

Following the withdrawal of the OSCE-KVM on 20 March, killings and arson increased as Serbian forces expelled the Kosovo Albanian population. On 25 March, masked police and paramilitary forces entered Morina/Morine, 15 km north-west of Djakovica near the Albanian border. In the attack 10 Kosovo Albanians were reportedly killed and 12 injured, including one man's 22-year-old son, who was working in the garden and was shot dead by small-arms fire. The Serbian forces then burned the village.<sup>76</sup> On 27 March about 1,600 Kosovo Albanian residents of Molic/Maliq, 4 km west of Dobros, were given half an hour to leave their homes by VJ.<sup>77</sup> On 29 March, in Nivokaz/Nivokaz, between Dobros and Molic, shelling by Yugoslav forces killed the husband of one interviewee, who fled to Djakovica with other IDPs.<sup>78</sup>

On 10 or 12 April Kosovo Albanians from Pacaj/Pacaj, just outside Dobros, left their homes and joined the rest of the village population after the police had ordered them to leave. Dobros came under attack by Serbian forces that afternoon, villages in the area were shelled and houses were seen burning. A convoy left on hundreds of tractors and trailers towards Prizren.<sup>79</sup> On 27 April police and VJ approached Dobros from the direction of Junik/Junik (Decani) and surrounded the village. The VJ ordered Kosovo Albanian families to leave, who once they had left could see houses burning.<sup>80</sup>

On 27 April at 04:00, police and VJ attacked villages all along the Trava valley. A convoy of about 1,100 villagers left Ramoc, in the hills just above the valley, for Djakovica.<sup>81</sup>

### **Sisman/Shishman, Babaj Baks/Babaj i Bakes and Sisman Baks/Shishman e Bakes**

An increase in VJ activity in the Erenik valley was reported to the OSCE-KVM in the second half of January and into February. On two occasions in the second half of January VJ temporarily occupied a private house in Sisman/Shishman, 9 km west of Djakovica in the Erenik valley.<sup>82</sup> On 19 February the OSCE-KVM was told that more than 600 soldiers were digging trenches and constructing new housing south of Babaj Baks/Babaj i Bakes, lying 8 km west of Djakovica above the Erenik valley; unlike most villages in the area Babaj Baks had not been destroyed or damaged during the fighting in 1998. At this time, according to local sources, Babaj Baks had 834 inhabitants plus 150 IDPs.<sup>83</sup>

On the morning of 17 March, police and VJ surrounded Babaj Baks and started systematically to loot houses, beat villagers, shoot domestic animals, terrorizing the civilian population as they moved through.<sup>84</sup> When the OSCE-KVM arrived, villagers reported that at about 06:30 an estimated 200 police

and VJ in 10 APCs, three trucks, three Lada jeeps, one police ambulance, one tank and one Praga had entered Babaj Baks. The VJ and police surrounded the houses and shot the dogs and some livestock. Automatic weapons were fired into some of the homes, all of which were searched and valuables destroyed or taken.<sup>85</sup> Many men were beaten,<sup>86</sup> including some who were told by the VJ to leave their houses and lie face down on the ground.<sup>87</sup> Seven Kosovo Albanians reported being ill-treated by VJ/police in the school, while three men were taken into custody at an unknown location and one man was shot in the hand. Furthermore, one 20-year-old man was shot dead by the police when he began with several others to run from the village. Witnesses stated that about an hour after the victim was shot, the police placed one of their weapons alongside the body and took photographs.<sup>88</sup> The body was then removed by the police and released to the family on 18 March. The OSCE-KVM entered the village after the body had been removed and took statements from about 25 victims who stated that they had been beaten by the police. More interviews were conducted on 18 and 19 March, confirming these events.

Also on 17 March a similar operation was carried out in the village of Sisman Baks/Shishman e Bakes, 3 km further west of Babaj Baks, also above the Erenik valley, which the OSCE-KVM was able to visit the same day. Villagers there also stated that homes had been damaged, dogs shot, people beaten and valuables stolen. The men were reportedly held in the school while their homes were searched.<sup>89</sup>

On or around 28 March villagers fled from Sisman to Babaj Baks and reported that their village had been burned down by Serbian forces and that the police were following them. The villagers left for the mountains and the Serbian forces arrived, destroying it as the villagers had expected. The IDPs left in a convoy for Djakovica and were harassed by police on the way.<sup>90</sup>

### **Deva/Deve, Duzlje/Duzhnje, Guska/Gusha, Korenica/Korenice**

An interviewee from Djakovica told the OSCE-KVM that on 22 March he went with a neighbour to Deva, 8 km south-west of Djakovica, in the mountains. There they found the bodies of three men from the same Kosovo Albanian family (names recorded), with knife wounds in the necks, chests and faces. Close by there were another three bodies apparently shot. All six bodies were buried by the interviewee. The following day a local Serb, whose name was given in the interview, and his son ordered the villagers of Deva to leave. The interviewee asked him why he had killed the six men whom he had buried the previous day, and received the answer: "[One] was a spy, that's why I killed him."<sup>91</sup>

On 20 March, Duzlje/Duzhnje, 8 km west of Djakovica in the Erenik valley, was surrounded by Serbian forces and shelled. The villagers were expelled but did not go far and were expelled again a week later, when a 45-year-old man was shot dead on the morning of 27 March in front of his house in Duzlje.<sup>92</sup> At 15:00 that day IDPs travelling through Deva/Deve, saw Serbian forces pull six or seven men from tractors and force them to lie face down on the ground. They were sprayed with automatic gunfire and their bodies dragged under a bridge. The perpetrators were described as masked VJ and Serb

paramilitaries (in blue camouflage uniforms), escorted by tanks.<sup>93</sup>

On 27 April Serbian forces surrounded and entered Korenica/Korenice, 6 km west of Djakovica in the Erenik valley, shooting with machine-guns. Men were separated from their families, and forced face-down on to the ground. The other villagers were told to leave and not look back. When they left, they heard machine-gun fire. Witnesses provided a list of 89 men from Korenica and 30 men from Guska/Gusha, 5 km west of Djakovica on the edge of the Erenik valley, who were abducted by Serbian forces that day and whose fate remained unknown. It appears that police and paramilitaries were involved in the killings. Some wore masks, or had red ribbons around heads and arms and they wore camouflage of varying colours. Some of the police officers involved were identified as local Serbs. One man present was the police commander of Ponosevac/Ponoshec, further up the Erenik valley, who is named in reports. The day before, a VJ officer (also named in reports) had assured the villagers that they would come to no harm, as they were Roman Catholics. However, that officer's brother, a local police officer, who was also named, was present during the killings. The police officers said that this act was in retribution for the UCK killing of a police officer from Djakovica (name known) whom Kosovo Albanians said was heavily involved in the recent expulsions, and three others.<sup>94</sup>

### **Meja/Meje, including the first NATO IDP convoy bombing**

On 14 April several villages near the border with Albania were cleared by Serbian forces and the Kosovo Albanian population escorted in convoys to Djakovica. One male Kosovo Albanian IDP sheltering in Meja/Meje, 2 km west of Djakovica where the Erenik and Trava rivers unite, describes watching a 6 km-long convoy of tractors, cars and horses pass by from 09:30 to 13:30. It was escorted front and rear by Yugoslav military vehicles. He reported that at 13:30 in Meja he heard and then saw "one or two planes flying low" before he went and hid in the basement. He thought the convoy was being targeted by the Serbs and that the convoy was "shot from positions around". The police ordered "Gypsies" (*Maxhupet*) to remove the bodies of those killed, and many other IDPs were sent back to their villages. The interviewee thought that "around 20 people were killed in the convoy passing Meja". (This person also mentions the bombing later that day at Bistrazin/Bistrazhin described below.)<sup>95</sup>

Another statement by a 13-year-old boy, displaced from Pacaj/Pacaj (near Dobros, Djakovica) that morning, described how as he reached Meja he heard an explosion as a tractor was hit. The police ordered a group into a large three-storey building and a garage. The boy said that after about 15 minutes they were bombed for about 20 minutes by camouflaged military planes, after which he, his mother and about 40 others ran from the village to the mountains, where they met UCK forces who advised them to go in the direction of Ramoc. The UCK then became involved in fighting with police and after about an hour the villagers were called by the police to "come and see their dead relatives". He said that in the bombing of the house about seven people were killed, including the boy's two sisters and two other members of his family, while he and his mother were also wounded. He also said that many others were killed "as a result of the shelling of the tractor". (See further Chapter 13, Human shields and other endangerment of non-combatants during military operations.)<sup>96</sup>

The events described here attracted great international attention and were referred to in detailed briefings by NATO. At a press conference on 15 April, NATO expressed deep regret "at the loss of life from this tragic accident", and described how the pilot observed the gathering of displaced people and a series of burning buildings and decided to fire on vehicles thought to be carrying those responsible for committing the acts. Only later did NATO also admit to responsibility for the killing of civilians in the second attack on a convoy that day, which took place at Bistrazin/Bistrazhin and is described below.<sup>97</sup>

Meja and other villages in the area were relatively quiet again until 27 April, when Serbian forces attacked without warning, shelling and burning the houses. Police and paramilitary forces rounded up the population of Meja close to the school and separated 100-150 men aged between 15 and 50 from the rest. The men were further separated into groups of about 20 and forced to say "long live Serbia", before being shot with machine-guns and then with an extra bullet to the head. Villagers from Meja and other villages were forced to join convoys and move towards Djakovica. Another witness described how police and VJ ordered 30 men to get off tractors in a convoy and forced them to lie face down on the ground. The police then shot just over their heads, and the men had to shout "Slobodan is the master!" Many were beaten by the police and threatened with death if they did not hand over money and valuables. One policeman threw a hand grenade under the tractor of an interviewee, who just managed to jump off before it exploded. An interviewee saw his 42-year-old father being pulled from a car and held with a group of some 300 other men who were separated from the convoys and beaten in a drainage ditch. His subsequent fate was unknown at the time of the interview.<sup>98</sup>

Later that day another convoy was stopped by police and VJ at the checkpoint near Meja, where a witness saw 200 bodies beside the road. The police and VJ separated seven men from Ramoc from the group and ordered the rest of the convoy to move on. After some minutes shots were heard. Another witness saw how eight fatally wounded men fell into a ditch or canal.<sup>99</sup>

The harassment and robbing at the checkpoint continued on 28 April, although the larger part of the population from these villages seems to have passed through on 27 April.<sup>100</sup>

### **Zub/Zhub and the border at Cafa Prusit/Qafa e Prushit**

When Serbian forces intensified the expulsions of Kosovo Albanian residents from Djakovica, many walked the 10 km south-west from the town to the border at Cafa Prusit/Qafa e Prushit, passing Zub/Zhub en route. On the way, many people were robbed and harassed, or sometimes only jeered at and taunted by VJ soldiers.<sup>101</sup> IDPs who passed through in April reported that they were stopped in Zub by VJ, who loaded them on to military trucks and transported them to the border, where they advised them to use a mountain track instead of the normal road, as the latter was mined. Before they let them go they extorted money and valuables.<sup>102</sup> Around that time an interviewee saw three young men being killed by VJ while they were walking towards the Albanian border.<sup>103</sup>

An interviewee from Djakovica recalled how a group of elderly people, women and children were held up on their way to the border. A police commander with a red beret started talking to the women and saying they should stay. He said "Forget about marrying Albanian men, they're all dead." Some women started to cry. The soldiers told them to pick a guy so they could "marry" him. All the military men had stocking masks on, but not the police. One of them suggested that they eat "Albanian meat". The IDPs all said they had enough meat, as they were afraid that this cryptic remark meant that one of them would be killed. When the police commander suddenly left after receiving a radio call a military doctor told the IDPs to leave immediately, before the commander came back. He promised that he would not say where they had gone and gave them water. They all boarded a military truck and headed for the border at Qafa e Prushit. On the way they were stopped again and surrounded by the military, who searched the interviewee who recounted this incident and found money she had hidden inside her underwear. They also took all the IDPs. A three-year-old girl the interviewee was holding suddenly said "They are UCK!" and she had to struggle to be allowed to keep the little girl with her, since the military were interested in what she had said.<sup>104</sup>

## **Villages along Highway 17 to Pec/Peja**

### **Piskote/Piskote and Dujak/Dujake**

While it was deployed in Kosovo the OSCE-KVM received from the inhabitants of Piskote/Piskote, which lies either side of Highway 17 just north-west of Djakovica, numerous complaints of intimidation and harassment by the police and the local Kosovo Albanian militia.<sup>105</sup> Local residents claimed that police officers were constantly provoking people in Piskote, where there were a lot of IDPs from other villages affected by the fighting in 1998. Police officers would hide whenever they saw the OSCE-KVM vehicles approach. In a local bar ("Lavazh Restaurant") police officers and the local police militia were frequently seen getting drunk, after which they harassed and robbed local Kosovo Albanians.<sup>106</sup>

On 29 January, at 12:00, a Kosovo Albanian couple saw three police officers beating four young Kosovo Albanian men in Piskote. The police officers asked the man "What are you looking at?" He pretended not to understand and one police officer approached him and started beating him with fists and with a rifle. The wife of the victim asked them to stop and they replied "Don't worry! We're not going to kill him, even although I have killed people like him before!" The victim of the beating specifically requested the OSCE-KVM not to take the matter further with the police and not to give the police his name.<sup>107</sup>

On 15 February a Catholic Kosovo Albanian villager was stopped at a checkpoint in Piskote at night by three police officers who asked for his ID, and then asked him to hand over 150 dinars to "buy it back". He was also slapped in the face and kicked in the stomach.<sup>108</sup>

On 28 February the OSCE-KVM was told that a body had been found on an unpaved road behind the factory in Piskote. The OSCE-KVM informed the police immediately and attended the crime scene

investigation. The victim was wearing black clothes and a black mask was found by his head. Police found six UCK emblems in his jacket and stated that the victim was a UCK military policeman. On 1 March, the mother of the victim identified him as a 17-year-old Kosovo Albanian who had left the family house in December and never returned. Witnesses said that they had heard gunfire around 20:00 the night before. The card was found in the victim's pocket of a local businessman; police arrested him on the same day and interrogated him at the police station, where he said he was forced into a UCK uniform, equipped with a gun and threatened with being taken to the border and shot. However, he was instead released, but forced to sign a declaration that he had not been ill-treated. The police told him: "You are going to lead a normal life now, but that does not include going to the OSCE-KVM!"; he accordingly sent a close relative to relate his story.<sup>109</sup>

The Djakovica police, especially one Serb inspector who was named by several complainants, had a history of beating and threatening villagers in Dujak/Dujake, 9 km north-west of Djakovica off Highway 17. His philosophy was reportedly, "These people only respect force, and you have to beat them to keep them in line!"<sup>110</sup> On 2 and 6 February police came twice to the house of a Kosovo Albanian family in search of a suspected UCK member, on the second occasion threatening a young woman, who went into hiding and told the OSCE-KVM about the harassment. When police returned again and only found an old woman, they threatened to cut her throat and burn the house. The young woman returned after two weeks and was not harassed further.<sup>111</sup>

Following the evacuation of the OSCE-KVM, an IDP passing through Piskote on the way to the Albanian border saw the body of a man in Piskote on 28 March and was told that he had complained that the police beat his son.<sup>112</sup> An interviewee who had been expelled from Pec saw men's bodies while walking through Skivjane on or around 31 March.<sup>113</sup>

On 2 April military police ordered Kosovo Albanian residents to leave Dujak. At the time police were seen burning houses, and they separated men from women. Many people were shot. An interviewee saw 30-40 bodies in the high street of Dujak, both men and women. Some residents were robbed before being permitted to leave.<sup>114</sup> A witness identified the police officer from Djakovica mentioned above as having been at the scene.

### **The northern part of the municipality**

The villages covered in this section lie in the northern part of the municipality, west of the Beli Drim/Drini i Bardh river, adjacent to Klina/Kline and Orahovac/Rrahovec municipalities. Together with the mountainous terrain in the north of Djakovica municipality, from 1998 this area was largely under UCK control. Control of territory fluctuated, however, and only some parts were controlled continuously by the UCK from 1998.

### **Crmljane/Cermjan, Meca/Meqe, Bec/Bec and Zdrelo/Zhdrelle**

On or around 18 February 1999 a Kosovo Albanian from Djakovica was stopped in a taxi near Crmljane/Cermjan and ordered to report to the Djakovica police station the next day, when he was insulted and accused of delivering cigarettes to the UCK in the area, and was beaten up so severely that he had to be given a blood transfusion afterwards.<sup>[115](#)</sup>

On 10 March the body of a 46-year-old Kosovo Albanian taxi driver from Djakovica, was found on the road to Crmljane, near Meca/Meqe, 10 km north-east of Djakovica on the edge of the hills by the Beli Drim/Drini i Bardh river. His body had gunshot wounds in the chest and head and his undamaged car was found nearby. Police retrieved the body and informed the family. The OSCE-KVM later attended the crime scene, and conducted interviews on the possible circumstances of his death, but was not informed by the police about the incident. From the interviews it emerged that on 9 March, the taxi driver had taken a passenger to Svrhe/Sverke (Klina/Kline), but was not seen after that. Police had interviewed him several times previously over allegations that he had transported UCK members (which he had done in the past). A UCK member later informed the OSCE-KVM that they had observed with binoculars from a distance of some 2 km the taxi moving, "sandwiched" between two police Pinzgauers, from Rakovina south towards Djakovica around 12:00. The three vehicles turned on to the road towards Crmljane and stopped after 500 metres. Then shooting was heard. UCK sources also reported that the victim had mentioned to friends three days before his death that he had been threatened by police, who said: "If you continue transporting them [i.e. the UCK], you will be killed by UCK!"<sup>[116](#)</sup>

When Serbian forces arrived on 3 April in Bec/Bec, in the hills 7 km north-north-east of Djakovica on the road to Crmljane, local Kosovo Albanians fled. Serb neighbours had warned them that if they stayed, they would be in danger. When the villagers left with tractors and cars, they heard shooting behind them.<sup>[117](#)</sup>

On 4 April Serbian forces stormed into the Roman Catholic church at Zdrelo/Zhdrell, 9 km north of Djakovica in the hills near Bec, during an Easter service and ordered all Kosovo Albanian villagers to go home, collect what they needed and leave the village. Both Catholics and Muslims were gathered in the village square, where they were separated. First, the local police commander ordered the Muslims to leave, but then another officer ordered both Catholics and Muslims to leave together.<sup>[118](#)</sup>

### **Rakovina/Rakovine**

On 25 January 1999 the bodies of two men and one woman in their 40s and two boys aged 11 and 12 (all local Kosovo Albanians from Crmljane) were found on a tractor on the road near Rakovina/Rakovine, 13 km north-east of Djakovica near the Beli Drim river. Two of the adults were seated on the tractor and one adult and the two boys were on a pile of straw on a trailer. It appeared that the victims, who wore civilian clothes and had no weapons, had been killed in an ambush.<sup>[119](#)</sup>

Family members later informed the OSCE-KVM that the victims had left their homes in Crmljane on Sunday morning, 24 January, to visit relatives in Jablanica. Then they moved on to Kraljane, where they

had supper with another relative. They then left for home at about 19:25, a journey that would normally have taken them about 30 minutes.

Two of the victims' watches showed that they had stopped working at around 20:00, as they were hit by bullets. It was assumed that the tractor had come under heavy fire from a close distance around that time and that all five were killed immediately: each one had multiple gunshot wounds to the body and head, and there were multiple bullet entries on one side of the tractor and trailer. There was no evidence to suggest that they had been caught in crossfire. The police officers unloaded the trailer to look for contraband or weapons, but found only straw. [120](#)

During the evening of 25 January police carried out house searches for weapons in Rakovina, but nobody was arrested. On the days following the event family members of the deceased approached the OSCE-KVM office in Djakovica and requested information on the whereabouts of the bodies as well as an escort for the funeral. They said they were afraid of both the UCK and the police.

Almost a month later, the OSCE-KVM tried to follow up on the incident. On 18 February the OSCE-KVM requested a copy of the investigation file on the incident, including all photographs taken, and autopsy reports from the Investigating Judge, the head of the District Court in Pec, who, however, redirected the request to the Djakovica police. These in turn redirected the OSCE-KVM to the Investigating Judge in Pec.

### **Beli Drim/Drini i Bardh valley north of Rakovina**

On or about 11 March, on the road between Rakovina and Mrasor/Mrauser (Orahovac/Rrahovec), a 54-year-old Kosovo Albanian man from Gedza/Gexhe (Orahovac) was shot and thrown down a ravine. His body was discovered by a police patrol in the ravine with gunshot wounds to the right eye and the rear of the head. Djakovica police informed the OSCE-KVM of the incident on 11 March at 11:35. When family members later reported him missing to the OSCE-KVM, he was identified in the Djakovica morgue. Last seen on 24 February boarding a bus for Djakovica, he had disappeared after selling at the market in Prizren. [121](#)

On 13 March a police officer from Klina was shot at and slightly wounded while travelling on the Djakovica-Klina main road in the vicinity of Kraljane, between Mrasor and Rakovina around 18:00. A rocket-propelled grenade and light automatic weapon fire had been directed at his car, and the police officer concerned had seen four men in uniforms with UCK insignias. The chief of police in Klina later requested a meeting with the OSCE-KVM to inform them about the "terrorist act". [122](#)

### **Kraljane/Kralan**

On 15 March an OSCE-KVM patrol was despatched to Kraljane/Kralan, 17 km north-north-east of Djakovica in the hills, and had a meeting with the local UCK commander. He stated that roughly 750

villagers living in his area were receiving regular aid, which had last been distributed on 11 March, and had permanent electricity. Only a small percentage of Kosovo Albanians had IDs. The local UCK appeared to be very well organized and fighters had clean uniforms and boots. Villagers expressed their fear following the military action a few kilometres away in Svrhe the previous day (as described in detail in the entry on Klina municipality), since they were afraid that if they were attacked there would be nowhere to escape to.<sup>123</sup>

At the end of March many IDPs moved to Kraljane after the UCK advised them that it was safer, although accounts varied as to how voluntary this sojourn in Kraljane was. IDP convoys from Klina did not encounter checkpoints on their way to Kraljane, but the heavy presence of Serbian forces in the area was noticeable. Convoys arriving later were stopped by VJ and held near Kraljane for two days.

When fighting broke out between Serbian forces and the UCK on or around 2 April thousands of IDPs were in or near Kraljane. At around 16:00 the UCK advised the IDPs to leave and retreated to the forest. According to one interviewee the UCK did not fight back because of the large number of civilians in the area. The village was surrounded by Serbian forces, some of whom had beards and were said to have been speaking Russian, although they were reported to be in VJ uniforms and were using tanks, APCs and Pragas. All those trying to leave were prevented from doing so. The civilians carried a white flag to the security forces. At the time of "surrender" interviewees said that no UCK member was present. The forces surrounded the IDPs and attempted to organize a line of tractors to separate 200-500 males over the age of 14 from their families. They began beating some of the men, although others were able to escape and followed the UCK into the forest. The rest of the IDPs (estimated at upwards of 10,000) were ordered to go to Albania, which they reached after a 28-hour walk to Cafa Prusit/Qafa e Prushit.

The men were assembled in the school and were taken to a field nearby where they were forced to kneel down, strip to the waist, and to remain for some three hours until about 21:30. An officer ordered a tank to be brought closer and screamed: "We can just drive over them and kill these motherfuckers! They are all UCK!" However, another officer came and shouted at the first officer and ordered that the clothes be given back to the captured men, although as this was done any money and documents found were removed. They were threatened, beaten, tortured, and denied food, drink and sleep during the night. The forces also broke into cars and used their headlights to light up the field where the detainees were held.

The following day, the Serbian forces used flame-throwers to destroy the tractors and any cars they had not stolen. Two elderly women and an elderly man who had been unable to walk with the others the evening before, and were on a tractor, were killed by paramilitaries. The women had pleaded in vain to be allowed to get off the tractor, and it and the bodies were afterwards burned by the police. The Serbian forces then shelled the neighbouring village of Jablanica/Jabllanice from that location.

The male detainees were told that the older men would be set free soon; Serbs offered men over 40 a truck if they were able to handed over DM 5,000-15,000, which they did. Older and disabled men were then loaded on trucks in the evening of 3 April and driven directly to Vrbnica/Verbnice (Prizren). The rest of the group had to stay back but were told that more vehicles would pick them up later. The next

morning a VJ officer addressed the remaining men (estimated at 400 by that stage) and reassured them, with the result that they applauded him (either out of relief or fear). About 300 of them were escorted on foot to Albania, but 70-120 men aged 20-30 were not released.<sup>[124](#)</sup>

One interviewee from the latter group reported after the end of the conflict that on the morning of 4 April Serbian police ordered them to move to a place where the "paraffin glove test" would be applied to establish whether they had used firearms. (For further details about this practice see Chapter 10, Violation of the right to a fair trial.) As they walked, they were separated into groups of about 10 and moved into several houses nearby. They were told to stand up inside, facing the wall and were shot by the Serbs guarding them. The interviewee was wounded with four shots but managed to survive and escape.<sup>[125](#)</sup>

Verifications conducted on-site by the OSCE-TFK on 23 and 24 June resulted in the location of eight sites where burnt remains of human bodies were found. Interviews conducted with eye-witnesses suggest that on or around 4 April dozens of men were arbitrarily killed, with the total number likely to be somewhere between 60 and 100, and that bodies were burned in different locations, most probably to cover up the killings and conceal evidence.<sup>[126](#)</sup>

### **Jablanica/Jabllanice and Bardonic/Bardhaniq**

The villages of Jablanica/Jabllanice and Bardonic/Bardhaniq lie 16 and 19 km north of Djakovica in the far north of the municipality.

As early as January 1999 about 80 IDPs were staying in Jablanica, and the start of fighting in late March increased this number dramatically, as hundreds of villagers from lower-lying areas streamed into the area, which had been controlled by the UCK since 1998. On or around 24 March Serbian forces entered the village. A Kosovo Albanian told the OSCE-KVM that he had seen them kill a mother and daughter and cut up their bodies. He reported that he had later collected the body parts and buried them.<sup>[127](#)</sup>

On 28 March two Yugoslav MiG jets reportedly bombed a building in Bardonic/Bardhaniq used as a UCK hospital. A mother and child were killed in the bombing, and two children injured. After the bombing many local residents and IDPs left and went to the village of Glodjane/Gllogjan (Pec) to seek shelter in the Roman Catholic church. They stayed until midday when police and VJ surrounded Glodjane with tanks. A large number of IDPs was forced into a column and pushed on to Kpuz/Kepuze (Klina).<sup>[128](#)</sup>

On 2 April Yugoslav planes were reported by refugees to have bombed Jablanica, causing more people to leave the village, some of whom joined a convoy for Albania. En route the convoy was stopped, the men were separated from the women and beaten. **Villages in the southern part of the municipality**

This section covers events in the villages in the southern part of Djakovica municipality, including the

Has area between the Albanian border and the Beli Drim/Drini i Bardh river, and Highway 17 running southwards to Prizren.

## **Rogovo**

In the last week of January 1999 police special forces and the VJ conducted operations in this area and many of the villagers fled. In Rogovo and the surrounding villages the police returned several times to look for UCK members.<sup>129</sup>

On the morning of 29 January the deputy chief of police in Djakovica briefed an OSCE-KVM team on "an incident that had occurred in Rogovo" that morning. At about 06:30 a police patrol of 10 officers in two civilian vehicles had been engaged by UCK in the centre of Rogovo. A policeman, later named, had been killed and two slightly wounded in an ambush, but no mention was made of any other (UCK) casualties. On his request the OSCE-KVM went to Rogovo, arriving at 09:55. The OSCE-KVM saw the body of the dead policeman in the back of a car, covered in a blanket, but was only allowed to enter the farm compound where the incident had occurred an hour later, when an Investigating Judge from Pec arrived.

When the OSCE-KVM team entered the compound yard, they found a total of 24 bodies. There were three bodies in the back seat of a red van, which had been heavily damaged by bullets, and another eight bodies in the rear compartment; three submachine-guns were inside the van. A submachine-gun lay next to each of three bodies which were lying next to the van. A police officer showed the OSCE-KVM team a bag containing several hand grenades and numerous loose rounds of ammunition. In a garage nearby, the OSCE-KVM verifiers saw five more bodies partially submerged in water and a submachine-gun next to one of them. Next to the outer wall, the Kosovo Albanian owner of the compound (name recorded) was found dead with a gun lying next to him. In a building at the rear of the compound, the OSCE-KVM team saw four bodies with weapons, as well as numerous spent cartridges. Several of the dead were dressed in camouflage uniforms bearing UCK insignia. The ID of a UCK headquarters courier was found with one of the victims. When the scene of the shooting scene was examined by police investigators, a large crowd of people gathered. All the bodies from the van were laid out for identification, and one of them was seen to have severe injuries whose nature indicated a grenade explosion in the van. The bodies were then taken to the medical centre in Pristina for autopsy.

According to the police, a police patrol had been ambushed and one police officer killed, after which the police returned fire, killing 24 alleged members of the UCK. However, the OSCE-KVM also conducted interviews with Kosovo Albanian villagers, which revealed a more complex picture. As told by the villagers, the owner of the house drove three men in his red van to his shop in town at around 05:30. In a café, he was asked whether he could "help transport soldiers". The owner left with some others, accompanied by another car. Immediately afterwards about 15 police officers entered the café and searched everyone present, asking about the van and its driver. After 20 minutes, the owner returned to his house with his hands tied, accompanied by two police officers. Then at about 06:00 his red van arrived with several armed UCK inside. Twenty police and/or special forces entered the compound and

started shooting at the UCK while they were still in the car.<sup>130</sup> Neighbours heard intensive gunfire and a few explosions. After the shooting, the owner was taken to the wood pile, which is where he was apparently arbitrarily killed.

About seven police officers then entered a house nearby and took four male members of a family out. They were brought to the red van, beaten up, arbitrarily killed behind the house near the wood pile and thrown into a shallow pool of mud and water in the garage. When the police returned to the house where the women and children were, they asked: "Do you have any more men here?" The women answered: "No, you have taken all of them!" According to several statements, the four men were not involved with the UCK.

Around 08:00 about 30 police officers entered the farmyard of another Kosovo Albanian's house about 150 metres from the compound. Shouting "Do you have guests?" they entered the house and four family members were taken outside and ordered to kneel down with their hands behind their heads. After the police searched the house they ordered the family to go back inside but kept one man behind. Witnesses saw that he was taken by two policemen to the first house, where he was arbitrarily killed and dumped in the muddy water.

The day before the killings, tensions in the village of Rogovo had been heightened because police had surrounded the village and were not letting anyone in. On 29 January - the day of the incident itself - seven houses in the village were searched by the police, some items were stolen and between 09:30 and 10:00 six people, most of them men, were beaten up. A teacher from Mala Krusa/Krushe e Vogel (Prizren) was arrested on the bridge to Rogovo and beaten by police in the basement of the police station. Then he was transferred to the third floor and beaten with shovels and kicked, especially in the kidneys. He was asked questions such as: "What language do you use when you fill in your class book? Are you using the Serbian or Kosovo Albanian curriculum?" They also threatened to make him put on a UCK uniform, take him to the woods and shoot him dead, if he did not answer.<sup>131</sup>

Following the withdrawal of the OSCE-KVM on 20 March, Rogovo was attacked by Serbian forces on or around 25 March, a day after police and VJ had begun shelling the village of Velika Krusa/Krushe e Madhe (Orahovac/Rrahovac) across the Beli Drim river. Four IDPs arrived from Velika Krusa in Rogovo; when they crossed the bridge there they had to hand over money and gold to Serb paramilitaries at the checkpoint. Houses were burned, and many people were detained and/or arbitrarily killed. Most of the Kosovo Albanian population fled to villages in the Has region. After the attack, the Serbian forces retreated to Velika Krusa (for events there see the entry on Orahovac municipality).<sup>132</sup>

On or around 30 March, after Rogovo was again attacked by Yugoslav/Serbian forces, police entered the village shooting and telling people they had 20 minutes to leave; they then forced them out a gunpoint after only five minutes. Police took control of one end of the village and surrounded a house, trapping people inside. Despite being told about those inside, the police set the house on fire and prevented others at gunpoint from helping them to get out; they were feared to have died as a result. The police who mounted this attack wore blue camouflage and black uniforms, some were masked and had a "DB" patch

on their sleeves, some were wearing dark berets. Paramilitaries in grey uniforms with red/white stripes were also seen, who stole new cars and money.

The villagers who had fled to the Has area returned to Rogovo after five days with villagers from Has/Has, Damjane/Damjan, Romaja/Romaje and Djonaj/Gjonaj (the last two in Prizren).<sup>133</sup> On around 30 March Serbian forces came down from the Has area and attacked the village with mortars and machine-guns. The forces were described as having dark camouflage uniforms and black scarves. One witness (who had come there from Velika Krusa a few days earlier) recounted how paramilitaries selected 15 men, beheaded them and threw their heads into the Beli Drim. The paramilitaries left for some time and the witness and others were able to bury about 10 of the bodies, but the paramilitaries then returned and started to shoot at them. An man who appeared to be an "officer with four stars" shouted, "Go to Clinton!" The witness left for Albania.<sup>134</sup>

### **Bistrazin/Bistrazhin, including the second NATO IDP convoy bombing**

During the OSCE-KVM presence in the area three bodies were found in separate locations in Bistrazin/Bistrazhin, which lies 8 km south-east of Djakovica, just off Highway 17, on 30 January, 5 February and 24 February 1999, as described below. On 14 April, during the NATO bombing campaign, the village came to international attention when an IDP convoy near the village was hit by NATO bombers.

On the evening of 27 January the OSCE-KVM noted police activity in the area. The following day, a local Kosovo Albanian informed the OSCE-KVM that he had been stopped in Bistrazin by a man who had been shot in the leg. The OSCE-KVM was notified that there were two men near the church in Bistrazin who needed medical assistance, one with a leg wound and the other with a serious stomach wound. The OSCE-KVM contacted the deputy police chief of Djakovica to ask his assistance in escorting the ambulance, and in Bistrazin the OSCE-KVM observed the police and ambulance take the man with the leg wound to hospital, the other having left the area before medical attention arrived. On 30 January the body of a man was found in Bistrazin near the Orthodox church, lying on its back in the snow with the arms stretched out and the legs apart; upon investigation he was seen to have a stomach wound. It appeared that he had not died in the place where he was found.<sup>135</sup>

Interviews with villagers in the area suggested that on Wednesday, 27 January at about 21:00, a group of Kosovo Albanians tried to reach the Albanian border near Goden/Goden (10 km south of Djakovica in the mountains). The police were apparently waiting for them or possibly discovered them. The group was able to withdraw and hide in some houses - some in Ujz/Ujez, between Bistrazin and Rogovo, in the house of the man later found dead. On 28 January the victim and a friend left his house with about 10 men to escort the group towards the UCK-held area around Jablanica, leaving them in Doblbare/Doblbare to return home. On their way back to Ujz they were shot at by police, both were injured and they separated. The man with the leg wound was transported by ambulance to the Djakovica hospital and kept under arrest.<sup>136</sup>

On 5 February the body of a 63-year-old Kosovo Albanian man was found just off the dirt track to Marmule/Marmulle, 60 metres north of the main road in Bistrazin. The victim had been working as a guard at the gas station in Zrze/Xerxe (Orahovac) and had gone missing after finishing work on 4 February. When the body was found, about 30 police officers started searching houses in Bistrazin. Subsequently police in Zrze and Djakovica consistently refused to share any information with the OSCE-KVM about their investigations into the killing.<sup>137</sup>

On 24 February the body of another man was found by schoolchildren near the Orthodox church of Bistrazin. It was lying 5 metres off the track from the main road to Smac/Smaq, south of Bistrazin. The man had apparently received six bullets in the back, and it was estimated that he had been dead for at least 48 hours. The body was later identified as that of a 40-year-old Kosovo Albanian from Rogovo.<sup>138</sup>

On the afternoon of 14 April a convoy was bombed by two aircraft at Bistrazin, on the road from Djakovica to Prizren. One woman who had been displaced from Dobros that day had left there in a convoy "of 500 tractors from 13 villages". When they reached Bistrazin in the afternoon the convoy was bombed by what she described as one white and one black plane. She saw seven people killed in the attack and 19 wounded in the section of the convoy she was in. Serbian police (in solid blue uniforms) reportedly came to the site and blamed NATO for the deaths. Police officers removed the bodies and the injured in trucks.<sup>139</sup>

Together with the bombing of the convoy at Meja earlier that day (see above), the attack was the subject of great media controversy. Yugoslav government sources alleged that 73 people were killed and 36 wounded the air attacks on IDP convoys that day.<sup>140</sup> Although NATO admitted responsibility for the convoy bombing at Meja the following day it was not until a few days after that that it also admitted responsibility for the bombing at Bistrazin.<sup>141</sup>

Many thousands of IDPs coming from the northern parts of Kosovo passed over the **Svanjski Most** bridge over the Beli Drin river between Bistrazin and Rogovo on their way south to Prizren, before they crossed the border at Vrbnica/Verbnice (Prizren) to Albania. The bridge was also of fundamental importance for the Yugoslav forces, both in view of its military-strategic significance and its use to control the outflow of IDPs. The bridge also marks the border between the Djakovica and Orahovac municipalities. Harassment, extortion, arrests and abductions were frequent and many IDPs saw bodies near the bridge, including in the water of the Beli Drim river. Around 1 April one interviewee saw Serbian forces in blue camouflage uniforms and more than 20 bodies near the **Terzinski Most/Ura e Terzine** bridge, close to Bistrazin.<sup>142</sup>

### **Damjane/Damjan, Goden/Goden and Zulfaj/Zulfaj**

These villages lie in the border zone to which the VJ did not grant the OSCE-KVM access. A schoolteacher from Goden/Goden, 10 km south of Djakovica in the mountains, informed the OSCE-KVM that since 9 September 1998, children had stopped going to school in Goden out of fear, but

continued to receive lessons in Zulfaj/Zulfajj, 3 km away. In September 1998 the teacher had been detained in a VJ barracks at Karaula where the VJ threatened to take his eyes out.<sup>143</sup>

On 29 January the body of a man (aged 40-45) was found on a track near Goden by a border guard foot patrol. A gun was found near the body.<sup>144</sup> Around 8 February "infiltrators"<sup>145</sup> were attacked and at least one killed near Goden. On 18 March the OSCE-KVM received information that every two weeks around 500 VJ soldiers searched houses in Goden. According to international sources Serbian forces killed 20 Kosovo Albanian men in Goden, near the Albanian border immediately after the NATO bombing began.<sup>146</sup>

VJ had been stationed in the village of Damjane/Damjan, 15 km south-east of Djakovica in the hills, for some time when on 29 March the Kosovo Albanian residents were ordered to leave within five minutes. This deadline was extended, however, first to one hour, then until the next morning. Witnesses saw three kinds of different uniforms: the regular VJ army, "Arkan's paramilitaries" in black uniforms, and "Seselj's White Eagles". The paramilitaries threatened to cut off the villagers' heads if they did not leave. After their departure, their houses were burned down. On the way to the border, many men from the village were beaten at checkpoints and many were robbed.<sup>147</sup>

On 5 April the village of Zulfaj, with 17 houses and about 200 people, was surrounded by 150 paramilitary forces wearing green camouflage uniforms with red, blue and white stripes with a cross through them, and red or black headscarves; they also carried long knives. About 50 men entered the village and the remainder waited outside. After the civilians had been rounded up, the remaining 100 paramilitaries moved in and began to loot and burn the village. Serb forces singled out one man who was suspected of being a doctor assisting the UCK and threatened to kill him. As women and children cried and the man handed over an unknown sum of money, they let him go. Then they grabbed an elderly man and threatened to drop him in a well. Paramilitaries searched the village and told the villagers: "If we find any UCK stuff, we will kill you all!" As the children were crying, they threatened: "If you don't silence your children, we will kill them all!" And added: "You wanted NATO, now you've got them! As long as they kill our children, we will kill yours!" The forces completed their search and told the villagers: "As long as you have no weapons or UCK here, you can stay in peace!" However, 20 minutes later, they returned and acted "very crazy and rude", immediately starting to burn down the village and threatening the villagers: "You have one minute to leave or you will die!"<sup>148</sup>

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## Notes

<sup>1</sup> UNHCR, "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>2</sup> Pec Deputy Chief of Police to the OSCE-KVM, 23 January 1999.

<sup>3</sup> Based on information provided in a meeting between the OSCE-KVM and the chair of the executive board, Djakovica municipality, 8 March 1999.

<sup>4</sup> PE/04/022/99; PE/04/037/99; PE/04/038/99; PE/04/047/99; PE/04/090/99; PE/04/071/99; PE/04/073/99; A/0284.

<sup>5</sup> PE/04/073/99.

<sup>6</sup> UNHCR, "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>7</sup> Only a selection of cases is shown in detail. Other incidents were reported in PE/04.002/99, PE/04/023/99; PE/03/028/99; PE/04/076/99; PE/04/083/99; PE/04/103/99 (very detailed account); PE/04/122/99 (failure to produce a weapon); PE/04/018/99; PE/04/026/99 (including medical report); PE/04/047/99; PE/04/071/99 (beating in police car while being taken to police station); PE/04/075/99; PE/04/077/99; PE/04/078/99 (including photographs showing severe injuries of beating in kidney area); PE/04/096/99 (including photographs); PE/04/121/99 (including photographs); PE/04/141/99 and interview A/1109.

<sup>8</sup> PE/04/042/99, including medical report.

<sup>9</sup> What the man said is given in three different ways in official Serbian reports as: "*Hajte se bje teri, e do ta shofish/shohim/shohish.*" (Come, it's getting dark. They will see/you will see/we will see".) On 2 March, photographs of the victim were taken showing the injuries inflicted by the beatings. PE/04/090/99, including pictures, medical report and the court decision on 15 days' detention. The sentence was issued by the judge of Djakovica Municipal Court of Minor Misdemeanours based on several articles of the Law on Public Order and Peace.

<sup>10</sup> PE/04/082/99; PE/04/084/99.

<sup>11</sup> OSCE-KVM, CC4 Djakovica, "Daily Report", 22 and 23 February 1999.

<sup>12</sup> PE/04/109/99.

<sup>13</sup> PE/04/123/99, including photographs.

<sup>14</sup> PE/04/002/99, including medical report.

<sup>15</sup> PE/04/044/99, including sketch and photographs.

<sup>16</sup> Victim named in documentation, including sketch and photographs.

<sup>17</sup> PE/04/092/99, including medical report.

<sup>18</sup> ICTY, "Indictment, Milosevic and Others ('Kosovo')", 24 May 1999, IT-99-37, paras. 98 (d) and 98 (g), schedules D and G.

<sup>19</sup> This pattern emerges from several accounts: A/0008; A/0010; A/0045; A/0108; A/0166; A/0238; A/0283; A/0368; A/0457; A/0693; A/0900; M/0565; M/0884; M/0910; M/1253; PE/0014/99.

<sup>20</sup> A/0693.

<sup>21</sup> A/0900.

<sup>22</sup> Some of the reported victims were named by interviewees. M/0495; A/0022 (who named some of the victims).

<sup>23</sup> Description of events based on A/0011; A/0022; A/0198; A/0383; A/0693; A/0762; A/0845; A/0884; A/1059; A/1109; M/0334; M/0495; M/0565; M/1253; M/1514; M/1518; M/1523.

<sup>24</sup> Interviewees provided names of the 10 local Kosovo Albanians who were identified by eyewitnesses.

<sup>25</sup> Interviewees provided names of the person killed and the houseowner.

<sup>26</sup> A/0465.

<sup>27</sup> A/0283.

<sup>28</sup> A/0465.

<sup>29</sup> Events of 25 March as described in A/0045; A/0273; A/0292; A/0457; A/0607; A/0745; A/0762; A/0900; A/0904; A/1036; A/1057; A/1060; A/1112; M/1518.

<sup>30</sup> Interviews referring to the situation in Djakovica on 26 March: A/0383; A/0651; A/0743; A/0813; A/0900; A/0994; M/0565; M/0910.

<sup>31</sup> A/0016; A/0166; A/0836; A/0886; A/0904; A/1002; M/0565; M/1523 (many of whom list the names of the victims).

<sup>32</sup> ICTY, "Indictment, Milosevic and Others ('Kosovo')", 24 May 1999, para. 98 (d), schedule D.

<sup>33</sup> A/0022; M/0910.

<sup>34</sup> A/0395.

<sup>35</sup> 27 March: A/0010; A/0108; A/0537; A/0619; A/0693; A/0761; A/0762; M/1514.

<sup>36</sup> A/0617.

<sup>37</sup> A/0537.

<sup>38</sup> A/0565.

<sup>39</sup> A/0201.

<sup>40</sup> A/0218.

<sup>41</sup> A/0218. The abduction of about 30-40 men was witnessed by A/1057.

<sup>42</sup> A/0218.

<sup>43</sup> A/0693.

<sup>44</sup> A/0049; A/0755; A/1036; A/1057; M/0495.

<sup>45</sup> Allegation of use of stadium for detention also in A/0283.

<sup>46</sup> A/0021; A/0067; A/0240; A/0269; A/0271; A/0722; A/1099; M/0334.

<sup>47</sup> A/0241; A/0242; possibly also A/0319.

<sup>48</sup> M/0884.

<sup>49</sup> A/0049.

<sup>50</sup> ICTY, "Indictment, Milosevic and Others ('Kosovo')", 24 May 1999, para. 98 (g), schedule G.

<sup>51</sup> A/0049; A/0144; A/0514; A/0985 (who give the names of the families and some of the individuals killed).

<sup>52</sup> A/0837 who gives victims' names.

<sup>53</sup> A/0652, A/0743 who give victims' names.

<sup>54</sup> A/0485 who gives victims' names.

<sup>55</sup> A/0218; A/0845.

<sup>56</sup> Numbers estimated by interviewees between 1,200 and 30,000.

<sup>57</sup> A/0011; A/0049; A/0067; A/0147; A/0652; A/0637; A/0690; A/0731; A/0734; A/0745; A/0761; A/0762; A/0795; A/0839; A/0985; A/0987; M/1515, probably also M/0884.

<sup>58</sup> A/0008; A/0016; A/0042; A/0076; A/0166; A/0197; A/0252; A/0283; A/0513; A/0886; A/1002; A/1108.

<sup>59</sup> A/0252.

<sup>60</sup> A/0526.

<sup>61</sup> A/0061 who gives victims' names.

<sup>62</sup> M/1420.

<sup>63</sup> A/0022; PE/0016/99.

<sup>64</sup> A/0283.

<sup>65</sup> A/0712; M/1518.

<sup>66</sup> A/0597; A/0840.

<sup>67</sup> A/0304; A/0561; A/0941; A/0992.

<sup>68</sup> A/0193.

<sup>69</sup> A/0185, A/0240, A/0269, A/0271 give victim's name.

<sup>70</sup> A/1030.

<sup>71</sup> OSCE-KVM, "Meeting Report", 2 February 1999.

<sup>72</sup> PE/04/005/99.

<sup>73</sup> PE/04/005/99.

<sup>74</sup> PE/04/116/99, including sketch and photographs.

<sup>75</sup> Names of all victims, who were all Serb police officers, are known. PE/04/130/99, including photographs, sketches and measurements.

<sup>76</sup> A/0536 (who only witnessed the killing of his son but heard about the other killings).

<sup>77</sup> A/0768.

<sup>78</sup> A/0795.

<sup>79</sup> A/0768.

<sup>80</sup> A/0559.

<sup>81</sup> A/0557.

<sup>82</sup> PE/04/007/99.

<sup>83</sup> OSCE-KVM, "Patrol Report on Humanitarian Situation in the Area", 19 February 1999.

<sup>84</sup> PE/04/144/99; A/0527.

<sup>85</sup> PE/04/147/99.

<sup>86</sup> PE/04/148/99; PE/04/150/99.

<sup>87</sup> PE/04/149/99.

<sup>88</sup> Also PE/04/146/99. When family members later identified the victim in the Djakovica morgue, both the OSCE-KVM and police were present. The family was handed the victim's personal possessions in a plastic bag. These possessions included a UCK patch. However, an interview with the family revealed that he had no previous connections with the UCK and had never owned an automatic rifle. They claimed he had merely fled the village out of fear since he did not possess an ID card. They further claimed that their village had no UCK presence due to its close proximity to VJ positions.

<sup>89</sup> OSCE-KVM, CC4, "Daily Report", 17 March 1999.

<sup>90</sup> A/0118; A/0999.

<sup>91</sup> A/0888 gives victims' names.

<sup>92</sup> A/0330; A/0246.

<sup>93</sup> A/0246.

<sup>94</sup> A/0407.

<sup>95</sup> A/0465.

<sup>96</sup> A/0193.

<sup>97</sup> NATO HQ Brussels, Transcript of Press Conferences, 15-19 April 1999.

<sup>98</sup> A/0470; A/0557; A/0559; A/0567; A/0780; A/0812.

<sup>99</sup> A/0407.

<sup>100</sup> A/0465; A/0715.

<sup>101</sup> A/0837; A/0904.

<sup>102</sup> A/0690.

<sup>103</sup> A/0834 gives victims' names.

<sup>104</sup> A/0218.

<sup>105</sup> As recorded in PE/04/079/99 in addition to the examples cited below.

<sup>106</sup> One named police officer was specifically mentioned.

<sup>107</sup> PE/04/028/99.

<sup>108</sup> PE/04/079/99. A similar incident was witnessed on 13 March by the OSCE-KVM at a checkpoint in Piskote when police extorted money from Kosovo Albanians in return for their IDs which they had seized - PE/04/143/99.

<sup>109</sup> PE/04/00117/99. Sketch and photographs included.

<sup>110</sup> PE/04/123/99; PE/04/015/99.

<sup>111</sup> PE/04/060/99.

<sup>112</sup> A/0755.

<sup>113</sup> A/0110.

<sup>114</sup> A/0059.

<sup>115</sup> PE/04/096/99, including photographs.

<sup>116</sup> PE/04/134/99, including photographs.

<sup>117</sup> A/0027.

<sup>118</sup> A/0092. The police commander was later killed by the UCK, see report on events in Meja and Duzlje.

<sup>119</sup> PC/04/039/99; PC/04/027/99.

<sup>120</sup> When the OSCE-KVM patrol arrived at the scene in the morning of 25 January, it was recorded by video. On the same day, the bodies were taken to the forensic unit at the medical centre in Pristina for autopsy.

<sup>121</sup> PE/04/135/99, including photographs and medical report.

<sup>122</sup> PE/02/075/99.

<sup>123</sup> OSCE-KVM, CC Klina, "Daily report", 15 March 1999.

<sup>124</sup> A/0009; A/0065; A/0066; A/0068; A/0085; A/0111; A/0112; A/0167; A/0168; A/0199; A/0200; A/0426; A/0560; A/0561; A/0970; A/1099; A/1122.

<sup>125</sup> PE/104/99 J/2.

<sup>126</sup> PR/104/99.

<sup>127</sup> A/0926.

<sup>128</sup> A/0425.

<sup>129</sup> PZ/00/0036/99; PE/04/041/99.

<sup>130</sup> This was also witnessed by interviewee A/0120.

<sup>131</sup> PE/04/025/99.

<sup>132</sup> A/0004; A/0245; A/0760; A/0910. People from Rogovo saw bodies in the Beli Drim river (according to A/0286); the killings are described in the section on Velika Krusa (Orahovac).

<sup>133</sup> A/0004; A/0051; A/0053; A/0237; A/0470; A/0546; M/0457; probably also A/0165.

<sup>134</sup> A/0348; A/0760.

<sup>135</sup> PE/04/034/99, including sketch and photographs.

<sup>136</sup> PE/04/092/99, including photographs. The OSCE-KVM was later informed that this patient/detainee was ill-treated and beaten in hospital. He was later transferred to Pec hospital. Until the end of the OSCE-KVM's presence in Kosovo, persistent attempts to contact and visit this patient failed due to continuous obstruction by hospital guards, police officials and judicial authorities and the OSCE-KVM was not able to establish whether this person was still alive.

<sup>137</sup> PE/04/045/99, including sketch and photographs.

<sup>138</sup> PE/04/112/99, including sketch, medical report and photographs.

<sup>139</sup> A/0768 (gives a date around 10 April). Both saw the two planes. A/0465 was in Meja and experienced the bombing at Meja earlier in the day but also mentions this attack.

<sup>140</sup> The Yugoslav government alleged that 12 were killed in Meja and seven in the house nearby with the remainder being killed at Bistrazin.

<sup>141</sup> NATO HQ Brussels, Transcript of Press Conferences, 15-19 April 1999.

<sup>142</sup> A/0844; A/0941; A/1116.

<sup>143</sup> PE/04/048/99.

<sup>144</sup> OSCE-KVM, CC Djakovica, "Body Tracking", 5 March 1999.

<sup>145</sup> This expression was commonly used by Serbian authorities for UCK fighters who illegally entered Kosovo from Albania.

<sup>146</sup> According to UNHCR, international media reports and statements by the Albanian government on 25 March, 20 Kosovo Albanian teachers were arbitrarily killed in front of the schoolchildren. As the village was destroyed, the 96 schoolchildren passed the border into Albania with 12 men and 68 women, where they reported the story.

<sup>147</sup> A/0432; A/0751 (date of expulsion: 1 April).

<sup>148</sup> A/1084 (whose father stayed in his house and was assumed to have been killed).

## GLOGOVAC/GLLOGOC



Glogovac/Gllogoc municipality is in central Kosovo, between the Cicavica mountains in the east and the Drenica hills to the north and west. It is transected by Highway 9, the main road from Pristina/Prishtina to Pec/Peja. At a junction at Komorane/Komoran village a smaller road extends north from Highway 9, passing through Glogovac/Gllogoc town and continuing on to Srbica/Skenderaj town.

The municipality's population of about 69,000 (prior to 1998 displacements) was almost entirely Kosovo Albanian, with a tiny population of Serbs and others only in Glogovac town.<sup>1</sup> The UCK had a strong level of influence and controlled large areas north of Highway 9. They also exerted significant influence over villages south of the road.

Glogovac municipality was badly affected, as was all of the Drenica region, by the conflict during 1998. A series of police operations resulting in armed confrontation and the mass killing of civilians in February and March 1998 at Likosane/Likoshan in northern Glogovac, and at Cirez/Qirez and Donji Prekaz/Prekaz e Poshtem (across the boundary in Srbica municipality) represented a defining episode in the escalation of armed conflict in Kosovo.<sup>2</sup> On 31 May 1998 police mounted a large operation in and around **Novi Poklek/Poklek i Ri**, a settlement on the edge of Glogovac town close to the Feronikel factory. As a result, two Kosovo Albanians were killed, and eight men "disappeared".<sup>3</sup>

As the summer offensive unfolded across Drenica, with the systematic destruction of many villages by police, forcing thousands to flee, some of the worst atrocities occurred in late September in and near the neighbouring villages of Gornje Obrinje/Obri e Eperme (in the far west of Glogovac) and Donje Obrinje/Obri e Ulet (Srbica), with three separate mass killings by police reportedly taking place in the space of one day, and numerous other human rights violations.<sup>4</sup>

Glogovac town and its suburb of Novo Cikatovo/Cikatove e Re became a destination for many IDPs from villages in Drenica.

Sometime after deploying into Kosovo the OSCE-KVM established a field office in Glogovac town, which reported to the Pristina Co-ordination Centre.

### **Glogovac/Gllogoc town**

Glogovac/Gllogoc town had a population of about 4,000, of whom fewer than three dozen were Serb or from other national communities.<sup>5</sup> The most notable feature of the town was the Feronikel plant, located north of the town. Throughout the period that the OSCE-KVM was in Kosovo, rumours abounded that the plant, closed in May 1998, was used as a detention centre by the special police (*Posebne Jedinice Policije* \_ PJP), who used the factory as their base.<sup>6</sup> It was bombed by NATO on the night of 29\_30 April 1999.<sup>7</sup>

As the OSCE-KVM evacuated from Kosovo on 20 March 1999, OSCE-KVM staff saw large convoys of military vehicles turning towards Glogovac off the main road.<sup>8</sup> Although they may have been heading towards Srbica, where operations began immediately following the OSCE-KVM withdrawal, some may have reinforced the special police already stationed at the Feronikel factory.<sup>9</sup> Workers who returned to the factory in June 1999, two days after Serbian forces departed, found debris and documents left behind by the Serbian forces.<sup>10</sup> They showed the OSCE objects they believed to have been used as instruments of torture, including a pole with nails hammered into either end, which was stained with what appeared to be blood. They had found it hanging from a beam in a basement vault. Still hanging from a beam in the vault was the bottom part of an office chair; the factory workers believed that prisoners had been suspended from both the pole and the chair and beaten.



**Possible evidence of torture, Feronikel factory [ zoom: [left](#) [right](#) ]**

After the NATO air strikes against the FRY began on 24 March, armed forces began to terrorize the Kosovo Albanian residents in Glogovac.<sup>11</sup> Some interviewees said that acts of violence, house destruction, and arson had begun immediately after the OSCE-KVM withdrawal.<sup>12</sup>

Bands of armed men entered residences and demanded money with menaces, typically by by destroying objects in or ransacking the houses or by beating male residents.

Some people were killed during this time. A group of men with shaved heads and earrings and wearing green uniforms with blue armbands entered one interviewee's yard on 26 March; they ordered the six family members out into the yard, beating the men and demanding that they leave. One elderly Kosovo Albanian man (named in interviews) was shot dead in front of the rest of his family when he asked whether he could fetch a paralysed family member from the house. As the remaining family members fled to a different part of Glogovac, they saw the house being ransacked and looted.<sup>13</sup> Another 52-year-old Kosovo Albanian, a member of the LDK, was returning to his house in the late morning of 28 March when he passed a group of armed forces on the street. His daughter saw a man in green police uniform, with a red ribbon tied around his arm and wearing a baseball-style cap, shoot him in the chest. She and her sister went to bring their father back to their house; he died the following day as a result of the gunshot wound.<sup>14</sup>

Some interviewees complained to the police about acts of violence or the lawlessness in the town, but

they responded that the perpetrators were from units outside their control.<sup>15</sup> The deputy police commander was named by many as relatively sympathetic, although others reported that he took direct part in some acts of looting and oversaw detentions.<sup>16</sup>

The acts of violence intensified after mid-April. Around 20 April, two men in camouflage green uniforms wearing berets with a white eagle insignia went from apartment to apartment in one block. The account which is given below of what happened is typical of the statements by interviewees from Glogovac.<sup>17</sup> One interviewee said that when they came to his apartment they took his son, whom they threatened to kill his father did not hand over DM 1,000. When the interviewee responded that he did not have that much, they took all the gold from those in the apartment, and all the money they had – DM 110. After that they released the son and went to a neighbouring apartment in the block. Here, there was no one at home who spoke Serbian, so the paramilitaries fetched the interviewee to translate. The two paramilitaries followed the same procedure: they threatened to kill a child in order to extort money or gold. After robbing the neighbours, the paramilitaries released the interviewee and told him to go back to his apartment.<sup>18</sup> This interviewee said that the two men continued through the building, and he heard shooting coming from other apartments. A total of four people (names given) from this and other buildings in the immediate vicinity were killed at this time.<sup>19</sup> One woman who lived in the same building as the interviewee who was forced to be an ad-hoc translator, and whose husband was one of the four killed, described how she heard shooting from the floor below. The men then came upstairs to her flat; one of them said, "Oh, what a lot of people I have to kill now." He demanded all their money and jewellery, and before leaving, shot the interviewee's husband in the head.<sup>20</sup> She later learned that the shooting she had heard was her downstairs neighbour being killed.

Many interviewees reported that they saw or knew of people who were killed during similar raids. For example, in the same area, on about 20 April, one woman said that three men entered her apartment (where 60 people were staying). They were dressed in VJ uniforms, had shaven heads, carried knives and were drunk. They introduced themselves as officers from Vojvodina (in the north of Serbia proper), and separated out the men from women and children. Her father was beaten and the men took her brother out on to the stairway, where they executed him.<sup>21</sup>

On 18 April, four women from Poklek/Poklek tried to get to Glogovac town. While attempting to cross a bridge near the Feronikel factory, they were shot at by snipers. One was shot dead, and the others were injured, including an interviewee, who was shot in the shoulder. The injured women turned back and took shelter in a house near the bridge. The snipers continued to fire at the house, and when it was dark the women moved to safety. The interviewee showed OSCE-KVM personnel the bullet holes in the jacket she had been wearing at the time.<sup>22</sup>

At about 11:00 hours on a day in late April two men in police uniform with a blue stripe on the arm came by tractor to the house where one interviewee was staying. In the yard, they encountered the woman's cousin, who was a deaf-mute and well known locally as a mechanic. When he was ordered to

hand over all his money, he gave them his wallet, which was empty. The men then shot him dead.<sup>23</sup> At around the same time, two members of one family were taken into another room; the relatives heard shooting and later found the two men dead.<sup>24</sup> Other people from Glogovac reported many more killings, but in most cases these were not corroborated or lacked detail.<sup>25</sup>

One thing that is noticeably different from the statements of refugees from Glogovac, compared with those from surrounding municipalities, is that many interviewees reported that they or women they knew were sexually assaulted when their households were raided.<sup>26</sup> One 26-year-old Kosovo Albanian woman was sexually assaulted by one of five police officers who came to her house in late April.

He ordered me to go into the kitchen alone. He came with me and ordered me to undress. The others were with the rest of the family. He took my clothes off by force and said "Albanian women hide the money inside", he said all the time "money" and "don't scream, shut up." He tried to kiss me and when I refused, he beat me with his gun. I was alone with him almost 20 minutes. In the end, he drew something on my back with the nail on his little finger; it was the Serbian cross.

This interviewee was sexually assaulted on two other occasions in Glogovac.

Another woman said that paramilitaries entered the house where she was and asked for the men. Two girls were separated and put in the hall, where the paramilitaries "touched" and "kissed" them. Then all the others were ordered to undress. After this, they took a 16-year-old girl away, and only brought her back several hours later.<sup>27</sup>

Between 27 and 29 April large numbers of men in Glogovac were rounded up and detained in the police station.<sup>28</sup> Regular police came to one interviewee's house on or around 29 April and demanded money from him. He was then separated from his family and taken into the street, where there were about 50 other men. They were all marched to the police station together and forced to sing Serbian songs while being beaten with a shovel; they were detained there overnight, during which time (as noted above) NATO bombed the Feronikel factory. The interviewee said that treatment was worse following the bombing.<sup>29</sup> Many, in particular the elderly, were released the same day; one interviewee said that this happened as a result of an order from the deputy chief of police.<sup>30</sup> Others were held overnight or for a couple of days; some said that they were in cramped cells, others said that they were held in the police station garage, and still others said that they were transferred to the local cinema building.<sup>31</sup> A group of about 13 men were made to build bunkers for the police outside the police station.<sup>32</sup> Many reported that there were still detainees left behind when they were released; at least three interviewees were transferred to Lipljan prison from Glogovac police station.<sup>33</sup>

Although many people fled Glogovac as a result of the killings, robbery and harassment, forcible expulsions were rare until the end of April.<sup>34</sup> At that time, the deputy chief of police said that he could

no longer guarantee the safety of the Kosovo Albanians, and organized buses for the population to leave on 3 and 4 May.<sup>35</sup> Police or other armed forces came to the houses of many interviewees and demanded that they leave.<sup>36</sup> On about 3 May buses took some detainees to Gornje Dobrevu/Miradi e Eperme (Kosovo Polje), where most then went by train to the former Yugoslav Republic of Macedonia.<sup>37</sup> The following day buses were organized to take Kosovo Albanians directly from Glogovac to the border; some buses, however were turned back to Urosevac/Ferizaj at that time.<sup>38</sup> Many reported that in Glogovac they were obliged to pay DM 50 per person for the journey.<sup>39</sup>

### **The villages: common patterns**

The situation in the countryside outside Glogovac town in the period of the OSCE-KVM deployment in Kosovo was generally tense and volatile.

On 13 January 1999, armed civilians associated with the UCK detained a journalist's Serb driver, who was forced to drive the perpetrators into UCK-controlled areas. He was questioned and beaten before being released several hours later.<sup>40</sup>

On 11 February in **Gornje Obrinje/Obri e Eperme**, a Kosovo Albanian who went into the forest to cut wood was shot dead. The UCK reportedly started their own investigation into the killing, which they attributed to police "collaborators".<sup>41</sup>

A 34-year-old Kosovo Albanian man was shot dead in **Donje Korotica/Koretice e Poshtem** on 12 February after his tractor was stopped by the police. According to relatives of the victim, the man had just shown his ID when the police opened fire. According to the police, the man shot dead had been driving the tractor and two men in the tractor trailer had opened fire, injuring two police officers in the car before escaping (the OSCE-KVM confirmed that the police officers were receiving treatment in the hospital in Pristina). The police said that they had shot at the men who had opened fire (failing to hit them), and that the dead man had been caught in the cross-fire. The two injured police officers were taken immediately to hospital in Pristina. The body of the Kosovo Albanian was taken to his home, where OSCE-KVM verifiers who viewed it documented a large open wound on the right shoulder, several entry holes in the front of the chest, and one entry wound on the back. A later autopsy monitored by the OSCE-KVM concluded that there were 24 gunshot wounds to the body, all in the chest, back and arms of the victim; all bullet fragments appeared to be large-calibre. A test performed on one gunshot wound said that the wound appeared to be close contact, and the apparent path of the bullet was straight through the chest, exiting through the back slightly left of centre. The doctors treating the injured police officers said that one had been shot in the left temple and the other in the left side of the neck.<sup>42</sup>

On 4 March, while "winter exercises" were going on in neighbouring Vucitrn municipality (see Vucitrn entry), the police announced that they had postponed an intended convoy between Srbica and Glogovac.<sup>43</sup> The UCK had stated that they would not accept a police presence in the territory under their

control, and would attack the convoy if it attempted to pass. UCK reinforcements were observed along the road.<sup>44</sup>

Immediately after the OSCE-KVM left Kosovo, attacks began on villages in Glogovac municipality. A pattern noted by one interviewee was consistent with other interviewees' descriptions (and with what occurred in other municipalities): first tanks would shell the area, and then infantry would come in and empty the villages. After that police forces would come in and burn the houses and proceed to areas where the villagers had taken shelter, including mountain areas where they might have sought temporary refuge during the attacks.<sup>45</sup>

One interviewee's family remained in **Globare/Globare**, just outside Glogovac town on the Srbica road, until all the residents of Glogovac were expelled or departed on 4 May (see above). He provided a very detailed account of the movement of the troops through his village. On 21 March police came into the village, while VJ started to line up just outside; at this time many villagers fled to Glogovac town or to the mountains.<sup>46</sup> On 24 March, the VJ started to shell villages surrounding the Feronikel factory; Globare was not hit. On 26 March reinforcements came from the direction of Pristina, and at that time Globare was directly attacked. While this happened, some of the forces who had been stationed there moved on to Banjica/Bajice, whereas others stayed behind. The family was still in the village, and were first approached by uniformed men with painted faces in a civilian car, who ransacked the house; after these men left, VJ soldiers came, one of whom was obviously in command, and they were clearly surprised to find people still in the village. The family was put under guard for about a week, the soldiers guarding them saying that they had orders to shoot anyone who tried to escape. On 7 April a new group of soldiers came to the village, from the direction of Srbica; they said they were part of a "cleansing unit", who would leave the village every morning and return in the evenings. These soldiers sought out people whose surnames were the same as those of UCK leaders. They installed themselves in several houses in the village, where women were forced to cook and clean for them; women were also threatened with rape. In mid-April, the forces withdrew from the village; afterwards, regular police came and asked whether the soldiers had ill-treated them while stationed in the village.<sup>47</sup>

Other villagers fled their villages in the municipality when they came under attack or were expelled by troops coming in the wake of such attacks.<sup>48</sup> Some people reported that people were killed during the attacks on their villages or when they returned in search of food.<sup>49</sup> Many internally displaced people went to Glogovac town, whereas others fled to more remote UCK strongholds across the rolling hills and high plains towards the Cicavica mountains, to villages such as Gladno Selo/Gllanaselle, Cirez/Qirez (Srbica) and the Vrbovac/Vrboc area. Many returned to their own villages after the troops had moved through, when the artillery attacks calmed down, or when the areas where they had taken shelter themselves came under attack. One interviewee whose movements are typical of many fled from Gradica/Gradice in late March when it came under artillery attack and went to Cirez (Srbica municipality), then was forced to go to Likosane, Stutica/Shtutice and back to Likosane before being allowed to return to her home village of Gradica. Because of the difficult living conditions there the family went to Gladno Selo, from where they were expelled in mid-April and forced to go to Glogovac.

The family then stayed in different locations in Glogovac town before being expelled from Kosovo on or around 4 May. As a result of the disparate flight patterns, many villagers found themselves expelled and re-expelled many times.<sup>50</sup> Many lost track of the days during their repeated displacements.<sup>51</sup> **Staro Cikatovo/Cikatove e Vjeter**<sup>52</sup>

Staro Cikatovo/Cikatove e Vjeter is around 8 km north-east of Glogovac town. After shelling began in the area on 20 March, the VJ, accompanied by police and other forces, including some in camouflage uniform with red armbands, came into the village. As the villagers fled, one group was stopped and held on the road for two hours. The police then broke into the village school and told them to go inside; they were kept there until 14:00 hours with two tanks guarding them, and then were released. The following day, the village was again shelled, and this time Red Cross vehicles came and took some of the wounded. On 22 March, VJ moved into the village, and remained there for about a month; during this time they forced the villagers to stay there.<sup>53</sup>

On about 14 April, a group of IDPs moving from a valley near Gladno Selo/Gllanaselle towards Likosane/Likoshan was stopped in Staro Cikatovo. There they were separated into three groups: men, young women without children, and women with children. The men and women with children were ordered to move on, but the group of young women were kept behind, and when they caught up with the other group one or two hours later, many were crying. Two had been forced to remain behind.<sup>54</sup> Women from the Glogovac area were on occasion brought to Staro Cikatovo where they were raped. One 19-year-old woman said that she was sent to Staro Cikatovo from Stutica, where she had been paraded naked in front of soldiers and groped (see also Cirez/Qirez, Srbica municipality), and then was transferred to Staro Cikatovo with many other girls, about 60 of whom were raped. She said that the soldiers used the local schoolhouse.<sup>55</sup>



Site of mass killings, Staro Cikatovo [\[zoom\]](#)

On 17 April, a rainy day, Serbian forces came in to part of Staro Cikatovo village wearing camouflage uniforms with poncho-style raincoats and helmets; some had long hair and beards.<sup>56</sup> They started to collect men in different places in the village. Because one woman would not let her husband go, one of the armed forces shot him in the throat with an automatic rifle (victim named).<sup>57</sup> Some of the villagers

were gathered together and men were separated from the women and children.<sup>58</sup> One interviewee heard shooting coming from another part of the village and later discovered that three people she knew had been killed at that time.<sup>59</sup> Some interviewees saw a group of men lined up against a wall where they were shot dead.<sup>60</sup> The women and children were ordered to go to Glogovac town, and as they departed they heard shooting; some women said that they were near the end of the column and saw some bodies.<sup>61</sup> About 23 men were reportedly killed in Staro Cikatovo that day.<sup>62</sup> Although the UCK and local residents later buried the bodies in the gardens of the houses near where they were killed, Serbian forces with excavators returned three days later. Although local villagers did not see the forces themselves, they suspected that they broke down the outside walls to be able to gain access to the grave sites, and removed the bodies to a location not disclosed to relatives.<sup>63</sup>

### **Gladno Selo/Gllanaselle**

Gladno Selo/Gllanaselle was a destination for many IDPs. One day in mid-April, Serbian forces in green camouflage uniforms, some of whom had long hair or beards, or were wearing black vests with "Police" written on the back, came to Gladno Selo/Gllanaselle village, about 1.5 km north of Staro Cikatovo. They went from house to house expelling the villagers. They came to one house where a doctor lived and started to beat him. They ordered the family to leave the house, and afterwards an interviewee heard shooting coming from the house. (When she and her brother-in-law returned one week later, they found the body of the elderly man; he had been shot in the head.<sup>64</sup>)

On that or another day in mid-April, villagers were gathered together and robbed of their valuables, then forced to go to Glogovac town. Villagers saw the houses in flames as they departed.<sup>65</sup> As they started to walk, a group of about 11 men were separated. While witnesses were still nearby, the men were shot at in the knees and legs. The villagers were then ordered to move on, and later the bodies of these men were found in the same spot but with bullet wounds all over their bodies.<sup>66</sup> According to villagers who later returned to the village and saw the bodies, about 30 Kosovo Albanians were killed in Gladno Selo on one day alone.<sup>67</sup> One interviewee, who helped bury bodies of Kosovo Albanians killed in Gladno Selo, said that some had been mutilated.<sup>68</sup> Other bodies were found after villagers were able to return to their homes after troops withdrew from the area in June 1999.<sup>69</sup>

### **Vrbovac/Vrboc and Stutica/Shtutice**

These two villages are in the north, in the hills between the main road between Glogovac and Srbica and the more remote villages of Cirez/Qirez (Srbica municipality) and Gladno Selo. On 25 March, VJ used villagers sheltering in Cirez as human shields to accompany tanks from there to Stutica village (see Cirez/Qirez, Srbica). After NATO bombed the Feronikel factory in Glogovac on the night of 29\_ 30 April, the military increased their operations against UCK areas in the north of the municipality, including at Vrbovac/Vrboc and Stutica/Shtutice, and locations across the boundary in Srbica.

On about 30 April\_1 May, an offensive started from Novo Poljance/Polac i Rri (Srbica) towards Glogovac, proceeding through Poluza/Polluzhe, Vrbovac/Vrboc to Globare/Gllobar (Vrbovac/Vrbovce is the name of the plain as well as of one of the villages in the area).<sup>70</sup> By that time many IDPs from other areas of Glogovac and Srbica municipalities were sheltering in the area, described by one interviewee as a UCK "free zone".<sup>71</sup> First, tanks and infantry cleared women and children from the villages and then they proceeded to villages in the interior where Kosovo Albanians were hiding.<sup>72</sup> Many interviewees reported that a massacre of more than 200 people took place in Stutica at this time and later in May in Vrbovac, after NATO bombed the Feronikel factory.<sup>73</sup> All accounts, however, were hearsay, although many interviewees reported the killing of smaller numbers of people during this period. For example, one man said that on 2 May tanks started to attack Vrbovac village. They surrounded the village and shot everybody they met. The interviewee managed to escape, and hid until he heard no more shooting. When he got back, he saw 10 dead bodies, mostly of elderly men.<sup>74</sup> Another man returned to his home on 30 April and saw the bodies of 12 men and one girl in his basement. He went to tell others, but when they went to bury the victims, they could not approach the house because of shooting in the area.<sup>75</sup> In Stutica, one interviewee saw six or seven bodies of people who had been shot dead; other men were reportedly detained at this time.<sup>76</sup> International investigators have examined sites in Stutica and nearby Gladno Selo where victims were buried. In Stutica, 21 bodies were found at three sites.<sup>77</sup>

### **Novi Poklek/Poklek i Rri**

As noted above, Novi Poklek/Poklek i Rri was one of the locations where police operations on 31 May 1998 resulted in the death of two Kosovo Albanians and the "disappearance" of eight others.

On 17 April a 25-year-old woman and her family were forced from their home in Novi Poklek. They tried to leave but the police turned them back, so they went to their uncle's house in the village. There were 64 people there, sheltering from the shelling and gunfire all day. At about 18:00 hours two policemen in blue uniforms with a yellow shoulder patch with an eagle's head and lightning bolts insignia came to the house. They interrogated the woman's uncle and then left, but one hour later they returned and took her uncle and another man outside the house and out of sight. The interviewee then heard gunfire. The two policemen then returned to the house and one of them threw first a smoke grenade and then a hand grenade into the basement; the latter killed two women. Then they left. A short time later one of them returned and began shooting indiscriminately with an automatic weapon, killing 46 people. Others were wounded; the interviewee herself was shot in the hand. As the police began to check the bodies (they spat on some), she lay there, covering her four-year-old daughter's mouth with her hand to keep her quiet. Then the second policeman came in and spoke in Albanian to the policeman who had done the shooting: "What are you doing?" he said. "We did not come here to kill women and children, but the UCK." Then all the police left. The surviving family members escaped from the house and the interviewee later saw the two policemen emptying fuel cans on to the house and setting it on fire. The house was again burned two days later. On 23 April an interviewee returned to the house with

seven other people and they took photographs of the scene. They gathered up all the remains and removed them to a safe place.<sup>78</sup> Among those killed were more than 10 children.<sup>79</sup> She and other interviewees reported that other people were also killed in Novi Poklek village at this time.<sup>80</sup>

Human Rights Watch researchers on 25 June 1999 visited the house where the killing took place and found that the house had been largely burned. The room where the killing took place had bullet marks along the walls and bullet casings from a large-calibre weapon on the floor. The basement below the room had dried blood stains dripping from the ceiling and walls and a large pool of dried blood on the floor.<sup>81</sup>

### **Banjica/Bajice**

Many villagers fled Banjica/Bajice, 4 km west of Glogovac town, when shelling started on 20 or 21 March.<sup>82</sup> Some who tried to return to the village were shot at by snipers.<sup>83</sup> In late April a group of three young women went to Banjica to fetch food. On their way back, they were stopped by a four-wheel-drive vehicle driven by uniformed men with long hair. One took the interviewee who reported this incident by the hand and accused her of being UCK, and wanted to take her into an empty house nearby. The interviewee screamed and said she'd rather be killed. As recounted to the interviewee, another of the women was raped. She told the interviewee that the perpetrators tore off her clothes and pushed her down by force, and one of the men hit her when she started screaming. When she came to, they were "on her body".<sup>84</sup>

### **Komorane/Komoran and the Negrovce/Negrofc area**

Immediately after the withdrawal of the OSCE-KVM some villagers left Komorane/Komoran, 6 km south of Glogovac town, for Pristina.<sup>85</sup> On 26 March the village (which, as noted above, sits aside an important junction linking Glogovac town to Highway 9) was surrounded and villagers left, going south to Negrovce/Negrofc, Kisna Reka/Kishnareke or Sedlare/Sedllar (the last-named in Lipljan/Lipjan municipality).<sup>86</sup> On 30 March, attacks began in the Negrovce area and the UCK advised villagers to move to safer territory, in the Vucak valley towards Trdevac/Terdec village. One woman was leaving her brother's house in Lapusnik/Llapushnik village with her eight children and mother-in-law, only to find that outside waiting were two cars full of police. The family tried to escape, but realized they were surrounded. She saw the police talking with three men who, when they refused to leave, were shot.<sup>87</sup> Troops who came through Negrovce on 27 March expelled those they found there.<sup>88</sup>

### **Gornje Obrinje/Obri e Eperme**

Shelling commenced in Gornje Obrinje/Obri e Eperme, 8 km west of Glogovac town, on 27 March. About 2,000\_3,000 people from the area spent the night in the nearby mountains. The next day they

were surrounded by soldiers, and so surrendered. The soldiers were wearing green camouflage, with red armbands, and all were "bald". They separated 16 men and beat them, while the others were ordered back into their improvised plastic sheet tents. Ten minutes later, there were shots from that direction. One man survived and described what happened to the others: he said they were lined up with their backs to the soldiers and were shot in the back (the interviewee named most of the dead). When the interviewee and other villagers went back to see the bodies, they found that they had been mutilated. As there were still troops in the area, only the relatives of those from Donje Obrinje/Obri e Ulet (Srbica) were able to bury the bodies right away; a funeral for the victims in Gornje Obrinje was organized three days later.<sup>89</sup>

The neighbouring village of **Trdevac/Terdec**, 3 km south, was attacked on 28 March, and police entered **Vucak/Vucak**, further down the road, on 30 March.<sup>90</sup> One interviewee there said that police in green uniforms and paramilitaries wearing camouflage uniforms with a two-finger-wide red stripe on their left arm separated the men from the women. After a woman holding a three-month-old baby angered one of the men, the baby was put aside and he tore the woman's dress, pulled out his knife, and cut her breast.<sup>91</sup>

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## Notes

<sup>1</sup> UNHCR, "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>2</sup> Amnesty International, *A Human Rights Crisis in Kosovo Province: Violence in Drenica, February-April 1998*. EUR 70/33/98, June 1998.

<sup>3</sup> Amnesty International, *A Human Rights Crisis in Kosovo Province: Ljubenic and Poklek: A Pattern Repeated*. EUR 70/46/98, July 1998.

<sup>4</sup> Human Rights Watch, *A Week of Terror in Drenica, Humanitarian Law Violations in Kosovo*, 1999.

<sup>5</sup> UNHCR, "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>6</sup> Undated note to Human Rights Division, Subjects UCK Prisons in the Field Office Glogovac and Mass Grave in the area of Field Office Glogovac. These rumours persisted after the OSCE-KVM withdrawal, but no-one interviewed by the OSCE-KVM had first-hand knowledge of any detentions there.

<sup>7</sup> As confirmed by an OSCE/ODIHR delegate from conversations with local residents, 1 and 2 October 1999.

<sup>8</sup> Account by OSCE-KVM Human Rights Officer; also M/0684.

<sup>9</sup> OSCE-KVM, Significant Events as Reported 260001A Mar99 through 262400A Mar99, "Blue Book".

<sup>10</sup> At the time an OSCE/ODIHR delegate and OSCE-MiK visited the factory on 1 October 1999, the administration building had not been fully cleaned up. Documents and graffiti throughout the factory confirmed that special police (*Posebne Jedinice Policije* \_ PJP) had been there at least during March 1999.

<sup>11</sup> For a detailed account of human rights violations in Glogovac town after the OSCE-KVM withdrawal, see Human Rights Watch, *Federal Republic of Yugoslavia: "Ethnic Cleansing" in the Glogovac Municipality*, Volume 11, No. 8(D), July 1999.

<sup>12</sup> M/0725. An OSCE/ODIHR delegate confirmed destruction of houses and buildings in the town on 1 October 1999.

<sup>13</sup> M/0738; M/0833. M/1027 had also heard about the killing of this man.

<sup>14</sup> M/0779, M/0780. M/1662 also saw the man being shot, although he only learned the name of the victim later.

<sup>15</sup> M/0543; M/0717; M/0725; M/0747; M/1310. In some cases the police took steps to try to control the violence, M/0543; M/0681; M/0717. M/0747 at one point saw police arrest four men in black uniforms who were reported to be perpetrating acts of violence in the town, and drive away with them in a white jeep.

<sup>16</sup> The man was identified by many by nickname. For example, M/0847 said that he personally intervened to prevent a VJ soldier

from executing him; but M/1389 and M/1774 said that he oversaw their detention.

<sup>17</sup> M/1347 and M/1369 identified perpetrators with the same nicknames and/or distinguishing features.

<sup>18</sup> M/1125. The interviewee identified distinguishing characteristics of the two men and said that they had identified themselves as members of the "Raska cleansing unit".

<sup>19</sup> M/0725; M/1125; M/1347; M/1358; M/1369; M/1234; M/0832; M/0717. These interviewees each named one or more of the victims.

<sup>20</sup> M/0717. Another relative, the man's father, was also in the flat and his account corroborates hers. M/1358; M/1125 and M/1347; interviewees from the same building said that they had seen the body of this man.

<sup>21</sup> M/1018; M/1152 saw the body of this man in the corridor of the building. M/1125 and M/1084 claimed to witness the killings, but the descriptions of how and where differed significantly.

<sup>22</sup> M/0410.

<sup>23</sup> M/1240; M/0681. M/0832 was nearby when this incident took place. Some interviewees said that the same perpetrators were responsible for other killings in the area, M/1155; M/1157.

<sup>24</sup> M/0984; M/1135; M/1482; M/1774 also named these victims as among bodies later taken out of the building.

<sup>25</sup> Some may be witnesses to the above incidents, others mentioned different names. M/0543; M/0720; M/0747; M/0725; M/0772; M/0784; M/0834; M1016; M/1027; M/1033; M/1057; M/1076; M/1125; M/1233; M/1310; M/1363; M/1415; M/1482; M/1616; M/1622.

<sup>26</sup> A/0827; M/0717; M/0747; M/0830; M/1014; M/1015 (male); M/1023; M/1033; M/1155; M/1294.

<sup>27</sup> M/1023.

<sup>28</sup> The following interviewees were either detained or their relatives were detained during this time: M/0294; M/0543; M/0555; M/0681; M/0684; M/0738; M/0783; M/0784; M/0826; M/0833; M/0847; M/0984; M/0996; M/1015; M/1018; M/1023; M/1125; M/1310; M/1363; M/1369; M/1383; M/1389; M/1622; M/1734; M/1774. As most interviewees were confused about the exact dates, it is possible that they were all arrested and detained at the same time, or it is possible that they were arrested and detained in smaller groups over several days. M/0294; M/0555; M/0684; M/0738; M/0784; M/1018; M/1023; M/1383 all said that they were detained at the time the Feronikel plant was bombed.

<sup>29</sup> M/0784; M/0883 and M/0847 all said they were beaten with shovels. Others who said they were ill-treated, or saw relatives who had received injuries from ill-treatment were: M/0294; M/0684; M/0738; M/0826; M/0996; M/1015; M/1310; M/1363; M/1369; M/1383; M/1734; M/1774; M/0785. Also M/0684; M/0784; M/0847; M/0996; M/1087 all said they were forced to sing Serbian songs.

<sup>30</sup> M/0833. M/0555; M/0996; M/1015; M/1310; M/1369; M/1383; M/1774 were among those only briefly detained. M/1310 said that the police commander, whom he did not name, reviewed the prisoners and after reprimanding the officers for taking cigarettes and wallets from the detainees along with their IDs, distributed some cigarettes to the detainees. Other interviewees, however, named him as supervising other police who were carrying out beatings: M/1389; M/1774.

<sup>31</sup> M/0833 and M/1015 said they were held in a garage. M/0847 was held overnight in the cinema building.

<sup>32</sup> M/0826. M/0684 and M/0984 heard that prisoners had been forced to do this work.

<sup>33</sup> M/1389; M/1734; A/0905 had been arrested while fleeing Vrbovac/Vrboc and initially detained in Turicevac/Turiceve (Srbica), then transferred to Glogovac before being transferred again to Lipljan.

<sup>34</sup> M/0294, was expelled on 16 April.

<sup>35</sup> M/0783; M/0832. Other interviewees said that the deputy chief of police organized the expulsion: M/0784; M/1774.

<sup>36</sup> M/0684; M/0717; M/0720; M/0725; M/0747; M/0834; M/0984; M/0998; M/1027; M/1123; M1358; M/1363; M/1482; M/1774.

<sup>37</sup> M/0681; M/0684; M/0720; M/0779; M/0780; M/0832; M/1033; M/1084; M/1135; M/1157; M/1123; M/1310; M/1358; M/1482; M/1774; M/0830; M/0948. Many interviewees were not clear about the date.

<sup>38</sup> M/0410; M/0473; M/0543; M/0725; M/0737; M/0738; M/0747; M/0772; M/0783; M/0784; M/0785; M/0826; M/0833; M/0834; M/0847; M/0984; M/0996; M/0998; M/1014; M/1016; M/1018; M/1027; M/1057; M/1234; M/1347; M/1369; M/1622.

<sup>39</sup> M/0725; M/0784; M/0984; M/0996; M/1057; M/1135; M/1363; M/1774.

<sup>40</sup> OSCE-KVM, "Human Rights Report", 10\_16 January 1999.

<sup>41</sup> OSCE-KVM, "Incident Report 1\_270299", 28 February 1999.

<sup>42</sup> OSCE-KVM, "Incident Report PR/A/0040/99", 13 February 1999.

<sup>43</sup> OSCE-KVM, CC3 Srbica, "Daily Activity Report", 04 March 1999.

<sup>44</sup> OSCE-KVM, "Daily Report", 4 March 1999.

<sup>45</sup> M/0473. OSCE/ODIHR delegates confirmed extensive house destruction in the area on 1 and 2 October 1999, including in Likosane, Stutica, Globare, Gladno Selo, and Staro Cikatovo.

<sup>46</sup> M/0681; M/1084 fled at this time: they said the village was shelled, but it is possible that they had seen the tanks and heard shells exploding and so came to the conclusion Globare itself was shelled.

<sup>47</sup> M/1512; villagers in Staro Cikatovo also reported that armed forces were based in the village and refused to let others leave.

<sup>48</sup> For example, see M/0984; M/1023; and 1482 (Banjica); M/1616 (Trstenik); M/0996 (Krajkovo); M/0473 (Poluza).

<sup>49</sup> Most are uncorroborated and/or are not first-hand, for example: A/0905; M/0473; M/1023; M/1319; M/0905; M/1616; M/1415.

<sup>50</sup> M/1033; M/1619, for example, was expelled three times from Gladno Selo.

<sup>51</sup> This factor may account for large discrepancies in the reported dates of some incidents in some of the villages in the municipality. It also renders difficult compiling an account of the series of events after March 1999 for any particular village, although key incidents are cited.

<sup>52</sup> For a detailed account of human rights violations in Staro Cikatovo village after the OSCE-KVM withdrawal, see Human Rights Watch, *Federal Republic of Yugoslavia: "Ethnic Cleansing" in the Glogovac Municipality*, Volume 11, No. 8(D), July 1999.

<sup>53</sup> M/1224.

<sup>54</sup> M/0937.

<sup>55</sup> M/1292. M/0830, who was in Glogovac, also knew women who had been taken to Staro Cikatovo and raped there. M/1193 also heard about rapes in a school in the area.

<sup>56</sup> M/0543; M/0827; M/1224; M/0782, however, said that there were police in dark blue uniforms and that the "paramilitaries" wore camouflage uniforms with a tiger insignia and had red and yellow armbands.

<sup>57</sup> M/0782; M/1224.

<sup>58</sup> M/0543; M/0827; M/1076.

<sup>59</sup> M/0747.

<sup>60</sup> M/0543; M/1076.

<sup>61</sup> M/0543; M/0782; M/1076; saw bodies. M/0747; M/0827 heard sounds of shooting.

<sup>62</sup> A villager showed OSCE/ODIHR and OSCE-MiK four locations where a total of 23 people had been killed. Human Rights Watch lists the names of 23 men killed in Staro Cikatovo; 15 of the names given by M/0782, M/0827, and M/1224 to the OSCE-KVM by appear on this list; it is possible that the name not on the Human

Rights Watch list is the 24th victim as reported. M/0543, M/1224 said that 24 were killed, however they did not provide names of all people allegedly killed.

<sup>63</sup> An OSCE/ODIHR delegate was shown the destroyed walls of houses and in one case a completely destroyed house, and disturbed earth in these locations on 1 October 1999.

<sup>64</sup> M/0834; M/1295 said that the forces had been specifically looking for this man and also listed his name among those of known victims.

<sup>65</sup> M/0555; M/0834; M/1138. Significant house destruction in the village was confirmed by an OSCE/ODIHR delegate on 1 October 1999.

<sup>66</sup> M/0937; M/1033; M/1074; M/1619. M/1138 heard shooting, but did not see the men being shot.

<sup>67</sup> M/0555; M/1389.

<sup>68</sup> M/1389.

<sup>69</sup> For example, on 1 October 1999 a villager showed an OSCE/ODIHR delegate and OSCE-MiK a shed where in mid-June he had found the bodies of his elderly father and mother (who was paralysed and was fed through a drip) under a pile of old clothes; he had last seen them in their house on 16 April before Serbian forces set it on fire; he said they had been shot.

<sup>70</sup> M/0473.

<sup>71</sup> M/0830.

<sup>72</sup> M/0473.

<sup>73</sup> The factory was bombed on the night of 29\_30 April 1999. M/0725; M/0737; M/1138; M/1155; M/1389; M/1512; M/1742; M/1784; M/1789.

<sup>74</sup> M/1784.

<sup>75</sup> M/1193.

<sup>76</sup> M/1396. An OSCE/ODIHR delegate visiting Stutica on 2 October 1999 was shown locations where 17 men were taken to be executed on 30 April after being discovered by Serb forces; three survived, but two of them died several days later after they were again shot at by Serb forces. Another man in Stutica said that he had been

detained and taken to Glogovac, where the group was separated into three; he and 24 other men were detained in an industrial-sized barn in Potrk/Poterk until 15 June; the other groups were detained in Krajkovo/Krajkove and Vukovce/Vukovc.

<sup>77</sup> Additional sites may continue to be investigated. ICTY "Mass Grave and Exposed Body Sites", 1 October 1999.

<sup>78</sup> A/0454. The interviewee who was part of the group who returned and photographed the scene was present during the interview. The account of the events by M/0757 \_ a relative who was in Poklek, but not a direct witness \_ strongly corroborates A/0454's account. A/0905 and M/0725 also heard about the killing. A witness not interviewed by the OSCE but interviewed by Human Rights Watch in Poklek on 25 June 1999 gave a virtually identical account of events as that given by A/0454. Human Rights Watch, *Federal Republic of Yugoslavia: "Ethnic Cleansing" in the Glogovac Municipality*, Volume 11, No. 8(D), July 1999.

<sup>79</sup> According to names given by M/0757. Human Rights Watch reported that 23 children died in the attack. *Federal Republic of Yugoslavia: "Ethnic Cleansing" in the Glogovac Municipality*, Volume 11, No. 8(D), July 1999.

<sup>80</sup> M/0757; M/1135.

<sup>81</sup> Human Rights Watch. *Federal Republic of Yugoslavia: "Ethnic Cleansing" in the Glogovac Municipality*, Volume 11, No. 8(D), July 1999.

<sup>82</sup> M/0984; M/1023.

<sup>83</sup> M/0984; M/1023.

<sup>84</sup> M/1023.

<sup>85</sup> M/0061; M/0880.

<sup>86</sup> M/1613; A/0463.

<sup>87</sup> M/0013. The interviewee saw blood but does not know whether they died.

<sup>88</sup> A/0905.

<sup>89</sup> M/0948.

<sup>90</sup> M/1084; A/0905 (Trdevac); M/0217 (Vucak).

<sup>91</sup> M/0217.

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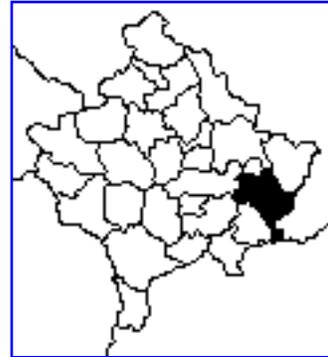
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KOSOVO / KOSOVA As Seen, As Told

OSCE ODIHR

## GNJILANE/GJILAN



Gnjilane/Gjilan municipality lies south-east of Pristina/Prishtina. When the OSCE-KVM arrived in the municipality it was considered to be one of the calmest parts of Kosovo, and Gnjilane/Gjilan did not experience any open conflict in the period before and during the OSCE-KVM's deployment, albeit there was a certain level of human rights abuses, and a prevailing climate of tension.

It is difficult to give a specific reason for the relatively calm situation in Gnjilane during the pre-deployment and deployment period. The ethnic breakdown in the region shows that a relatively high percentage of the population was Serb (between 10 and 30 per cent - sources vary). Some of the villages around the town of Gnjilane/Gjilan were almost exclusively Serb-inhabited, as were villages in the hilly northern part of the municipality, bordering Novo Brdo/Novoberde. As a result the UCK had difficulties infiltrating by its normal method of using the rural areas as a base. The municipality was far from UCK weapons supply routes. Furthermore a delicate system of mutual economic dependence had been developed between the different national communities, the breakdown of which would have been damaging for the larger part of the municipality's population. Gnjilane was generally considered to be one of the wealthiest parts of Kosovo, and there were also rumours of extensive activities of a criminal mafia character.

There was a relatively big Kosovo Turkish community in the municipality. There were Kosovo Turkish schools in Gnjilane town and in Dobrcane/Miresh which had adopted the Serbian curriculum and were therefore financed by the Serbian government.

In the period when the OSCE-KVM was monitoring inside the municipality, it determined that the Kosovo Albanian population was affected mainly by discrimination in administrative matters, in education,<sup>1</sup> work,<sup>2</sup> health<sup>3</sup> and social welfare provision, and also in regard to violation of the rights to free expression and association.<sup>4</sup> Several reports were received by the OSCE-KVM in Gnjilane concerning violations of freedom of movement and freedom from arbitrary arrest, harassment and ill-treatment. Political activists and teachers especially would be called to the police station for

"informative talks". (For this practice see Chapter 9, Arbitrary arrest and detention.)

One trial of persons on terrorist charges occurred in Gnjilane town during the period of the OSCE-KVM deployment, in February-March 1999. The trial was of eight Kosovo Albanian men. One man was acquitted, and seven received prison sentences, albeit five were immediately released. One of the released men was killed in later events; the two who were imprisoned are still missing, together with others from the prison. The OSCE-KVM official at the trial reported several violations of fair trial standards. These included instances when, the arresting officers having been unable to find the accused, they would instead bring some of his family members; on one occasion the 14-year-old sister of an accused man was taken to the police station and ill-treated. Several of the accused complained that they had been forced to confess under torture, including electric shocks. The investigation had been conducted by the police and security authorities instead of an Investigative Judge (see Chapter 10, Violation of the right to a fair trial). The accused had been interrogated without their defence lawyers being present, and had not been able to confer with their lawyers in private.<sup>5</sup>

By mid-February there were reports of increased activity by police and VJ. In the village of Zegra/Zheger a OSCE-KVM patrol was stopped by the local Albanian population who complained about night-time harassment. They claimed that every night, around midnight, the police and military forces that were normally based in the areas of Zlokucane/Zllakuqan and Rusta/Ruzhd came to Zegra to harass the population. These forces were also joined by civilians in cars without licence plates. The intruders would wave their guns and shout "This is Serbia!".<sup>6</sup>

The prevailing tension also affected the Serb community. In the village of Donja Budriga, a purely Serb village, OSCE officials who visited in February were met with angry shouts and were told by villagers that they would be prepared to take up weapons to defend themselves.<sup>7</sup>

There were several complaints to the OSCE-KVM about checkpoints that had been set up in the municipality. There were allegations of ill-treatment, bribes and illegal confiscation at these checkpoints. One notable case, in February, concerned a young man who was driving from Kosovska Kamenica/Kamenice to Gnjilane when he was stopped by a police officer. The officer informed him that the road to Gnjilane would be blocked for two hours and that the young man would have to turn back. As the young man was returning to Kamenica two men in police uniform again stopped him. At gunpoint the young man was forced back in his car with the police officers, who made him drive to a nearby location. There they changed cars and got into another private car without licence plates, drove off again and stopped on the edge of a nearby forest. The young man was forced to go into the forest where the police officers took out a bag from underneath some bushes. The young man was forced to put on a UCK uniform and pose with a rifle while the police officers took photographs of him. After this they took back the uniform and rifle and they beat him. The young man was not allowed to leave until he had promised that he would pay the police officers DM 20,000 the next day.<sup>8</sup>

Refugees told the OSCE-KVM of increased VJ activity immediately before the OSCE-KVM evacuation.

On 19 March, the day before the evacuation, for example, villagers of Vladovo/Lladovo saw how heavy artillery, tanks, transport vehicles, heavy armoured vehicles, trucks, anti-aircraft missiles and an estimated 5,000 troops passed through their village and set up a base in the Karadak valley.<sup>9</sup> On 20 March the VJ already stationed in Gnjilane town were supplemented by reinforcements from Bujanovac, in Serbia proper,<sup>10</sup> who stationed themselves in an Albanian-owned petrol station,<sup>11</sup> and in Zegra/Zheger VJ and military police stationed themselves in the radiator factory.<sup>12</sup> Apart from the intimidation the mere presence of increased numbers of troops represented, nothing of major significance happened for a few days. However, the fact that villagers of Vladovo decided to send all the women to Gnjilane on 23 March, and that many women from Zegra had already gone there on 20 March,<sup>13</sup> indicates that there was a general expectation of an increase in violence.<sup>14</sup>

### **Gnjilane/Gjilan town**

In the period from the OSCE-KVM evacuation to mid-April Gnjilane/Gjilan town experienced sporadic violence, attacks on and looting of Albanian shops, car bombings and sniper fire. Also, there is one report of a Serb civilian coming to the house of an Albanian on 25 March and telling him that he had to spread the word that everyone in the neighborhood had to leave. This was not taken too seriously and only the women moved elsewhere.<sup>15</sup>

On 30 March there was reportedly a car bomb incident. Paramilitary forces had allegedly placed a car bomb in a Volkswagon Golf parked in Pamis Sadiku Street in front of a restaurant. When the car bomb exploded, two buildings, including a restaurant owned by an LDK member, were completely destroyed, and windows were broken in other buildings within a radius of about 200 metres.<sup>16</sup>

On 28 March there was a NATO air strike on the VJ barracks in Gnjilane.<sup>17</sup> On the night of 31 March-1 April Gnjilane was bombed by NATO again. The following morning, 1 April, one resident of Gnjilane recounted waking up to find that Albanian shops had been looted and destroyed, and that bakeries had been burnt out.<sup>18</sup>

Around 4 April Gnjilane was shelled from Koretiste/Koretishte, resulting in considerable destruction of houses.<sup>19</sup> Paramilitary forces allegedly arbitrarily killed three people.<sup>20</sup> On 5 April paramilitary forces entered the house of a Kosovo Albanian and searched it for weapons. They shot the brother of the house owner in the leg and dragged him into the yard, where a paramilitary (a well-known Serb civilian) shot about 30 bullets into his body.<sup>21</sup>

In refugee statements the next events reported from Gnjilane did not take place until 15 April. It is apparent that residents of Gnjilane and people who had fled to the town in the hope that the situation there was quieter and safer had started to leave the town in the direction of the the former Yugoslav Republic of Macedonia border. Curiously, however, there was also considerable traffic into the town in

the same period. As a result of attacks on the villages of Lovce/Llovce and Malisevo/Malisheve in mid-April (see below), large convoys were seen going towards Gnjilane, contributing to an influx of IDPs who had also arrived from other areas of Kosovo.<sup>22</sup>

An increasing level of violence is apparent in the accounts of incidents taking place from the middle of April. Most occurred in connection with forced expulsion, extortion and robbing by various Serb forces. For example, an elderly woman reported that paramilitary forces entered her home on 15 April. Some of them spoke Russian, although the woman thinks most of them were from Serbia. They wore nets over their faces and she could not recognize any of them. Some wore White Eagle insignia on the sleeve and on their hats and had red and yellow armbands. She did not move as quickly as they told her to when she opened the door and consequently they kicked her, breaking her right leg.<sup>23</sup>

Another interviewee had heard of an incident on 6 or 7 May on Bojanina Street in Gnjilane. At 02:00 hours paramilitary forces entered the house of a 70-year-old woman, and told her to give them money. Probably dissatisfied with the amount she gave (DM 20), the perpetrators then kicked her in the stomach. She fell on her knees and they shot her twice, hitting her in the hand and the shoulder. Finally, they kicked her again before they left. The woman's son was hiding in a neighbour's garage. He found his mother in the corridor where the perpetrators had left her and where she died. The son notified the police station later that day and the police came and examined the scene of the crime. The son had recognized one of the perpetrators. A few days later a Kosovo Albanian retired police commander contacted the police station on behalf of the victim's relatives to inquire about the status of the investigation. He learned that the police had arrested the alleged perpetrators. However, some days later the son saw the person he had recognized in the street in Gnjilane.<sup>24</sup>

During the month of May refugees cited a lack of food as a reason why people left the town, although forced expulsions also occurred. On 3 May VJ went from house to house in the Popovica district of Gnjilane and told people to leave. On 30 May VJ again told people to leave.<sup>25</sup>

There were several arrests by the Gnjilane police and cases of torture at the police station. At the end of April in particular there was a wave of arrests of activists of various political affiliations, mainly men. They were taken to the police station and questioned about particular individuals belonging to the UCK or LDK.<sup>26</sup> Among those arrested were the local leaders of the Lidhja e Bashkuar Demokratike (LBD - United Democratic League). The president of the local branch of the Council for the Defence of Human Rights and Freedoms (CDHRF) was arrested on 11 May. He was kept in detention until 17 June and spent part of his time in the prison of Vranja (Serbia proper). During this period he suffered severe ill-treatment and was tortured with electric shocks.<sup>27</sup>

A refugee reported that her husband had observed from his window how police beat up their neighbour, a local leader of one of the smaller political parties, in front of his house around 22 May. They placed weapons, two grenades, one automatic gun and UCK uniforms in his house, and forced Kosovo Albanians from the street to "verify" this by signing a document. This kind of fabrication was seen

happening to other Kosovo Albanian leaders of political organizations in Gnjilane. The wife of the man detained around 22 May went two days later with food and clothing to the police station, but she was told that she could not see her husband, and the food and clothes were refused. Allegedly, the prisoners were moved to other areas because the police had evacuated the police station and were operating from other buildings.<sup>28</sup>

Another refugee reported that on 11 May police officers went from house to house, district by district, starting with Popovica, looking for members of the UCK, political party members and IDPs from Drenica. The interviewee said they came to his house in Gavran, asked for his ID and began searching the house. They asked him if he had any weapons, if he had given money to the UCK and if he was hosting any IDPs from Drenica. They threatened to kill the whole family if they found any weapons or IDPs. The following day they went to a neighbour's house where 32 IDPs from Drenica were staying. The interviewee witnessed how the MUPs took some of the men with them and returned them later. The next day the MUPs came back with two vans for the IDPs and drove away with them.<sup>29</sup>

The police reportedly started registering all males in Gnjilane town aged 18 to 55 on 22 May.<sup>30</sup>

## **Gnjilane Hospital**

Several interviews indicate that staff at the hospital in Gnjilane were turning away seriously injured people. Wounded Kosovo Albanians were either rejected with no explanation, or told that they should seek medical assistance from NATO or that there was "no space available for terrorists".<sup>31</sup>

## **Villages of Gnjilane municipality**

It is clear from interviews with refugees that the UCK was present in parts of the municipality. The VJ tactic of shelling before letting paramilitaries go into a village is another indication that they expected an armed response to their offensive. In descriptions of other incidents, there is no indication that the UCK was in a village being attacked.

## **Vlastica/Llastice**

Vlastica/Llastice, around 10 km south of Gnjilane town, was the first village of the municipality to be targeted in a major offensive. It is not clear whether the UCK was in the area. On 27 March, at around 19:00 hours,<sup>32</sup> the village was shelled, possibly from Pasjane/Pasjan. All villagers rushed out of their houses and fled by car and tractor to the hills. It is not entirely clear at what time forces actually entered the village but villagers reported that they saw VJ, police officers, paramilitaries and Serb civilians enter the village and use flame-throwers and grenades to destroy the houses.<sup>33</sup> They even burned the animals inside the farm buildings, or stole them.<sup>34</sup> It seems that some villagers returned from the hills to their homes on the morning following the initial attack,<sup>35</sup> but that the majority stayed in hiding, from where

for the next 17 days they watched as - just as on the first day - mixed groups of perpetrators destroyed their property, looted their houses and confiscated vehicles.<sup>36</sup>

On the seventeenth day (13 April), early in the morning, the villagers hiding in the hills were surrounded and attacked by paramilitaries who arrived in civilian cars.<sup>37</sup> The villagers were shot at and rounded up; they were harassed for six hours.<sup>38</sup> Then they were told to walk down to the village where men were separated from the women. People were ordered to hand over money, personal papers and jewelry.<sup>39</sup> A number of women were allegedly taken to a house and raped. A few of the women were reportedly taken to Pasjane.<sup>40</sup> At an unspecified time 15 men were ordered to go back to the hills and get tractors to transport people to the border.<sup>41</sup>

On 30 April two armed men entered one house which had been reoccupied in the village. An interviewee recounted what happened:

Two armed men entered the house by force and asked us for the UCK and weapons. One man was a paramilitary dressed in camouflage uniform with the Serbian cross and the Serbian eagle. The second was a civilian from the nearby village of Pasjan. They ordered us to another house in the village and when we got there they split men and women into two lines. They asked again for UCK and weapons and we answered that we never had either in our village. The paramilitary shot in the air above my father and when he shot a second time he shot my father in his right eye. After this he shot my nephew and my cousin and then he shot me on the side of my throat. After 20 seconds I heard him shoot the others. When they left we stood up and looked who was still alive. My mother asked me if she could go inside the house since she could not stand to see the dead bodies. I told my nephew and my cousins' daughter to go to their house and I wrote the names of the killed people, to give to any person they met. After five minutes I heard shooting and I thought that now they shot the children. Several paramilitaries entered our location. My mother stood in the hall of the house and they shot her straight away. They stood on the doorway looking inside the house. They thought we were all dead. I heard them say "We need to put the house on fire" and so they did. Two bodies lay next to the window and they were burned straight away. I took my daughter and my niece and went outside. I did not have a chance to save one of the other children who was only two-and-a-half-years old and she was burned alive.

In total 13 people died in this incident, and were buried in a mass grave next to the house where they had been killed.<sup>42</sup>

### **Zegra/Zheger**

Zegra/Zheger, around 2 km south-west of Vlastica, was also attacked on 27 March, albeit events began

differently than in Vlastica. Around 15:00 hours<sup>43</sup> as many as six or seven buses<sup>44</sup> entered the village. The buses were full of what refugees called "paramilitaries", reportedly Arkan Tigers and men loyal to Vojislav Seselj.<sup>45</sup> Some were described as older men, up to 60 years of age, wearing dark green uniforms, some with long beards and some masked. Others were described as wearing green camouflage uniforms, black vests, no masks, red gloves, patches bearing white eagles and the Serbian symbol of a cross and four Cyrillic "S"s, and with long hair and beards.<sup>46</sup> Police and armed civilians were also seen.<sup>47</sup> Villagers were ordered to leave their houses, and many fled to the surrounding hills where they stayed for the next couple of weeks.<sup>48</sup> From there they could hear shooting and watch the houses burning and perpetrators drive away their cars and tractors.<sup>49</sup> VJ came every day to the village and asked those remaining for the whereabouts of one individual, an LDK activist, who had already left for the mountains before the attack.<sup>50</sup> One elderly couple (aged 65 and 70) who had stayed in the village were killed in unclear circumstances: they were found by their son, one in front of their house and the other inside, with gunshot wounds to the forehead and neck.<sup>51</sup>

### **Vladovo/Lladovo**

In late March and early April Vladovo/Lladovo, just north-west of Zegra and west of Vlastica, was also targeted.<sup>52</sup> First, on 26 March, the village was reportedly the target of automatic gunfire from two sides. No casualties were reported.<sup>53</sup> Later (the dates are unclear), three VJ trucks full of paramilitaries came from the direction of Zegra. Approximately 120 VJ infantry arrived in the vicinity as well but stayed on the road between Vladovo and Zegra. The paramilitaries who entered the village expelled people from their houses and carried out arbitrary killings. Three people were shot dead as they were trying to hide in a stream.<sup>54</sup> One family of an LDK activist was particularly targeted. Three members of this family were summarily executed - their hands tied behind their backs and shot from a distance of about 10 metres - outside their house. One interviewee states that he saw the body of the LDK leader in the village on a truck.<sup>55</sup> Two young women of the same household were abducted and allegedly taken to Partes/Partesh, a stronghold of the paramilitaries.<sup>56</sup>

### **Lovce/Llovce, Inatovce/Inatofe and Podgradje/Pogragje**

These three villages, south-east of Gnjilane town, close to the border with Serbia proper, were particularly targeted around 5 April.

Less than 1 km outside Lovce on the road towards Podgradje several people during the afternoon of 5 April witnessed the execution of four Kosovo Albanian men.<sup>57</sup> Paramilitaries had stopped a tractor with six passengers, all Kosovo Albanian men, who were then ordered to lie face down on the ground. One of the paramilitaries (the driver) immediately executed at close range four of these men by gunshots to the head. A fifth person was ordered to stand up and move the bodies to a ditch near the road. Later the

paramilitaries apparently changed their minds and ordered the man to place the dead bodies on the road again. He was forced at gunpoint to lie face down on top of the bodies. The members of the paramilitary forces opened fire at him from a distance.<sup>58</sup> He suffered three bullet wounds, to the neck, shoulder and arm. He pretended to be dead, and before he lost consciousness he understood that the perpetrators intended to burn the bodies. He regained consciousness some time later and found himself still with his companions' dead bodies, which had not been burned.<sup>59</sup>

### **Prilepnica/Perlepnice**

Prilepnica/Perlepnice is a large village about 6 km north-east of Gnjilane town. In what appears to have been a joint operation, VJ and paramilitaries shelled and then entered the village on the morning of 6 April, took the imam hostage and used the megaphone at the mosque (used for the call to prayer) to order villagers to leave their houses.<sup>60</sup> Serb forces entered houses and forcibly expelled the occupants, looted the houses and destroyed them.<sup>61</sup> The paramilitaries lined people up on the main road and beat them.<sup>62</sup> In the early afternoon people were ordered to leave the village and go to Bujanovac (across the border in Serbia proper). Before they reached Bujanovac, they were ordered by a police patrol to go back to Prilepnica.<sup>63</sup>

Villagers were expelled from Prilepnica for a second time on 14 April, at the same time as the neighbouring hamlet of Kosaca/Kosace. VJ had come on 13 April and told villagers to leave by the following day. The Kosaca villagers were told to gather in Prilepnica, then the population of both villages was escorted by police to Gnjilane town, then to Vitina/Viti and finally to the border at Globocica/Gllobocice (Kacanik). While the villagers of Prilepnica were waiting to leave, soldiers burned houses and insulted people.<sup>64</sup>

### **Malisevo/Malisheve**

On 16 April at around 10:00 hours Malisevo/Malisheve, roughly 3 km east of Gnjilane town, was attacked. Paramilitary forces entered the village in five or six civilian cars.<sup>65</sup> The paramilitary forces wore masks (black), camouflage uniform, dark glasses and red bandanas.<sup>66</sup> They ordered people to leave the village within two hours.<sup>67</sup> However, they allegedly started shooting after barely five minutes.<sup>68</sup> Within those first minutes after having opened fire, the paramilitary forces reportedly wounded eight people, and rounded up 14 people who were taken away.<sup>69</sup> One interviewee witnessed his brother being injured in both legs by gunshots, and three other men and a 14-year-old girl being hit by gunfire.<sup>70</sup> Reportedly two young men were killed while trying to escape; villagers found their bodies in a ditch.<sup>71</sup>

Some people fled to the mountains, while others got on their tractors and joined a convoy of over 100 vehicles going towards Gnjilane.<sup>72</sup> On the way the convoy was stopped by paramilitary forces and

people were ordered to get down from the tractors and to lie face down on the ground with their hands behind their heads.<sup>73</sup> They were threatened with beatings if they did not comply. The paramilitaries took away money and jewellery,<sup>74</sup> and kept the people lying on the road for about two hours. The paramilitary forces were apparently looking for particular individuals. There are witnesses to the arbitrary killing of two young men during this incident.<sup>75</sup> Later, the perpetrators took a young boy, about 10 years old, to see the dead bodies of the two men and told the boy that this could happen to him.<sup>76</sup> The paramilitaries ordered some of the men in the convoy to bury the bodies.<sup>77</sup>

The convoy of villagers was eventually released and allowed to continue along the road. It is reported that beyond Gnjilane town, as they reached the Serb-inhabited village of Partes/Partesh, they were stopped by the villagers and robbed. The same reportedly happened as they passed through the village of Klokot/Kllokot (Vitina). As they arrived in Pozaranje/Pozzaran (Vitina) the convoy split into two groups. One of the groups continued to Urosevac, where they were kept between tanks and used as a human shield during one night of NATO bombings in the area. The next day the same group returned to Malisevo. The other group managed to get over the border to the former Yugoslav Republic of Macedonia.<sup>78</sup>

## Presevo

Presevo is a large town in Serbia proper, some 30 km south-east of Gnjilane. Its location places it outside the mandate of the OSCE-KVM. However, the OSCE-KVM received numerous accounts by Kosovo Albanian refugees from Gnjilane (and to a lesser extent from Vitina/Viti municipality) who had passed through this town and had been subjected there to grave human rights violations by the police and the army.<sup>79</sup>

Upon arrival at the Serbia-the former Yugoslav Republic of Macedonia border and in the town of Presevo refugees reported that police officers and Serbian forces held out large bags and told people to throw in their IDs and sometimes also money and jewellery.<sup>80</sup>

Kosovo Albanians, predominantly men, were arrested in Presevo town, in the surrounding villages, or were taken off buses, and were brought to either the police station or a private house.<sup>81</sup> Most interviewees who had been detained in this way reported interrogation accompanied by serious verbal and physical abuse, humiliation, beatings and starvation. Some reported that they had been tried before a military court or by what appeared to be an ad hoc tribunal. In one incident as many as 250 people were brought in pairs before a military court and sentenced to two months' imprisonment on charges of crossing the border illegally. Allegedly many of these were transferred to Leskovac and Nis.<sup>82</sup> At some point the police reportedly moved their operation from the police station to a motel owned by a local Albanian in Presevo.

There were probably thousands of IDPs in Presevo either detained or staying with local Albanians until the police went around telling householders that they were not allowed to shelter people from Kosovo. As a result many had to live on the streets.<sup>83</sup>

Despite the heavy influx of IDPs from the north, Presevo remained calm until around 22 April. VJ blocked the main roads leading into and out of the town, forcing the IDPs to take other routes around it. Serb residents of Presevo were pressured into volunteering their services to the army. The pressure sparked tension within the Serb community and culminated in desertions and fights among Serbs.<sup>84</sup>

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## Notes

<sup>1</sup> By a decision by the school authorities in October 1991 Albanian students were no longer admitted to the high school in Gnjilane. Classes for Albanian students were held in private houses, and later they used the secondary school "Selami Hallaqi". As this school was completely overcrowded and had no equipment it was nearly impossible to provide these students with a proper education.

<sup>2</sup> In meetings with the local trades unions the Albanian workers accused the management of the factories of having illegally dismissed Albanian workers. Some of the workers claimed that several years previously they had been told to take holiday, and that they had never since been allowed to go back to their jobs.

<sup>3</sup> Each worker would have a booklet in which the employer would put a stamp entitling the worker and his family to free health care. As very few Albanians had formal employment they had consequently no free health care.

<sup>4</sup> There were cases where members of sport teams would be accused of being members of or having formed terrorist organizations.

<sup>5</sup> OSCE-KVM, "Monthly Report RC 4", February 1999.

<sup>6</sup> Unnumbered Incident Report CC Gnjilane.

<sup>7</sup> OSCE-KVM, "Weekly Report RC 4", 12 February 1999.

<sup>8</sup> GN/03/0020/99.

<sup>9</sup> M/0265.

<sup>10</sup> M/1609.

<sup>11</sup> M/1609.

<sup>12</sup> M/0510.

<sup>13</sup> M/0510.

<sup>14</sup> M/0265.

<sup>15</sup> M/1609.

<sup>16</sup> M/1446.

<sup>17</sup> M/1706.

<sup>18</sup> M/1609.

<sup>19</sup> M/0351; M/1609.

<sup>20</sup> M/0351.

<sup>21</sup> M/1002.

<sup>22</sup> M/0246; M/0761.

<sup>23</sup> M/0922; similar accounts in M/0643 and M/1700.

<sup>24</sup> M/1446.

<sup>25</sup> M/1490.

<sup>26</sup> M/1400; M1786.

<sup>27</sup> GN 1.

<sup>28</sup> M/1501.

<sup>29</sup> M/0971.

<sup>30</sup> M/1494.

<sup>31</sup> M/0244; M/0439; M/0579; M/1055.

<sup>32</sup> This time is given in two (M/0341 and M/1158) of the eight interviews describing the attack on 27 March.

<sup>33</sup> M/0341; M/0750.

<sup>34</sup> M/0811; M/1158.

<sup>35</sup> M/0591; 60 people had returned and were hiding in the basement of one house.

<sup>36</sup> M/0214; M/0315; M/0434; M/0811; M/0815; M/1158; M/1215.

<sup>37</sup> M/0214; M/0343; M/0344; M/0750; M/0811; M/0815; M/1053; M/1215.

<sup>38</sup> M/1447.

<sup>39</sup> M/0343.

<sup>40</sup> M/0312; M/0315; M/0343; M/0750; M/0962; M/1053; M/1158; M/1214; M/1266; M/144. For a detailed account, see Chapter 7, Rape and other forms of sexual violence.

<sup>41</sup> M/0343.

<sup>42</sup> GN 10

<sup>43</sup> This time is given in one (M/0265) of five interviews.

<sup>44</sup> Seven buses M/0510 and M/0733, six buses M/0265, two buses M/0225.

<sup>45</sup> M/0225, M/0733.

<sup>46</sup> M/0265; M/0733.

<sup>47</sup> M/0733.

<sup>48</sup> M/0225.

<sup>49</sup> M/0733.

<sup>50</sup> M/0510.

<sup>51</sup> M/0733.

<sup>52</sup> Most reports say 2 April, but one says 30 March.

<sup>53</sup> M/0265.

<sup>54</sup> GN 25.

<sup>55</sup> GN 24.

<sup>56</sup> M/0265; M/0510; GN 25.

<sup>57</sup> M/0523 and M/1785, two young Kosovo Albanian men who were stopped by paramilitaries on the road near Lovce, ordered to lie face down on the ground, and robbed of money and IDs. Their female companion was released and ordered towards Presevo (across the border in Serbia proper). The two young men were ordered to climb on to the tractor the paramilitaries were driving, and to put their hands behind their necks. They witnessed the killings from there. Also M/0127, who was not a direct witness but identifies the location.

<sup>58</sup> M/0390; M/0523; M/1156; M/1785; among these witness accounts there are slight inconsistencies.

<sup>59</sup> M/0390, interview with survivor.

<sup>60</sup> M/0218; M/0219; M/0221; M/0500.

<sup>61</sup> M/0222.

<sup>62</sup> M/0221.

<sup>63</sup> M/0219; M/0222; M/0500.

<sup>64</sup> M/0222; M/0264; M/0500.

<sup>65</sup> Most interviews mention only paramilitary forces as perpetrators, but two mention also VJ and police (M/0132; M/0133).

<sup>66</sup> M/0116; M/0914; M/1285.

<sup>67</sup> M/0133; M/0914.

<sup>68</sup> M/0132; M/0133.

<sup>69</sup> M/0133.

<sup>70</sup> M/0132.

<sup>71</sup> M/1706.

<sup>72</sup> M/0979.

<sup>73</sup> M/0255, but in M/0914, according to a female refugee, only the men were ordered to lie face down.

<sup>74</sup> M0979.

<sup>75</sup> M/0249; M/0736; GN 6. As recounted, paramilitaries ordered two young men to step down from the tractor on which they were riding. They started to slap them around and push them and then told them to run. When the two young men started running they were shot. One paramilitary went over to the bodies and shot them again in the back of their heads. After each shot the paramilitary crossed himself.

<sup>76</sup> M/0249.

<sup>77</sup> M/0255; M/0979.

<sup>78</sup> GN 3.

<sup>79</sup> Some of the refugees had first gone to predominantly Albanian towns and villages in Serbia proper in the vicinity of Presevo, such as Oraovica. Others, especially those who had come from the more southern villages in Gnjilane municipality, had apparently taken the road to Presevo in preference to crossing the mountains to go via Vitina town to the border.

<sup>80</sup> M/0268; M/0548; M/1020.

<sup>81</sup> M/0078; M/0273; M/0548; M/0559; M/1282; M/1417.

<sup>82</sup> M/0273; M/0278.

<sup>83</sup> M/0278; M/0559.

<sup>84</sup> M/0285.

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KOSOVO / KOSOVA As Seen, As Told

OSCE ODIHR

## GORA/DRAGASH



In the findings of the OSCE-KVM there are almost no data relating to the municipality of Gora/Drage, which is in the southern tip of Kosovo, south-west of Prizren. One possible reason for this is that of the total population of approximately 18,000 people only 70 were Orthodox Serb and 1,100 were Kosovo Albanian, the majority of the remainder being Serbs of Muslim faith (converted at the end of the nineteenth century), known as Gorane.<sup>1</sup> The term Goran roughly translates as "Highlander".

The OSCE-KVM had a field office in the village of Drage/Drage, the municipal centre. On 20 February 1999 VJ soldiers went to the Drage field office, as well as the field office in Zur (Prizren municipality), and gave the OSCE-KVM a 24-hour deadline to leave the offices. The OSCE-KVM teams did not leave the offices and they remained open.<sup>2</sup>

According to one Kosovo Albanian, on 1 April VJ surrounded and began to shell Drage. The villagers who tried to flee to the mountains were intercepted by VJ, whereupon they were forced into a convoy of vehicles moving to Kukes (Albania). During the trip, VJ and police took the "good" cars. Many people were beaten and threatened with death. The interviewee stayed in Zur, then continued on to Albania. Police confiscated his ID on 2 April (the interviewee did not indicate at which location).<sup>3</sup>

A Gorani interviewee, who left Kosovo on 18 June 1999, stated that the UCK were destroying and robbing Drage village and the surrounding area and had taken over the petrol station. Serbs were being threatened to leave the area or be killed. All of the roads were blocked by the UCK, in particular the Prizren-Drage road, so that anyone leaving had to go on foot through the woods to Gostivar (the former Yugoslav Republic of Macedonia). Unlike the multitude of Kosovo Albanians who were expelled from Kosovo the interviewee was still in possession of his ID.<sup>4</sup>

## Notes

<sup>1</sup> UNHCR, "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>2</sup> OSCE-KVM report 20 and 21 February, 1999.

<sup>3</sup> A/0983.

<sup>4</sup> M/1524.

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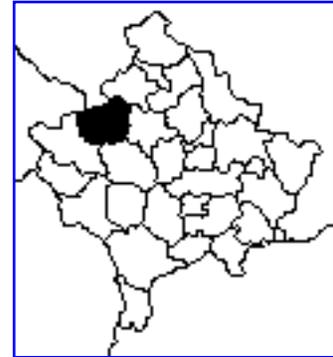
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KOSOVO / KOSOVA As Seen, As Told

OSCE ODIHR

## ISTOK/ISTOG



Istok/Istog municipality lies along the northern stretches of the Metohija/Dukagjini plain, separated from Montenegro by mountains rising over 2,000 metres. The main road from Kosovska Mitrovica/Mitrovica to Pec/Peja passes through the municipality, and several routes connect it to the central municipalities of Klina and Srbica.

Istok municipality had long been considered a "quiet" place, where the Kosovo Albanian and the Serb/Montenegrin communities (their populations numbering, respectively, approximately 50,000 and 7,000) appeared to live easily alongside each other without major incidents, even when the situation had already become extremely tense in other municipalities in the north-west of Kosovo. However, by the time the OSCE-KVM set up a permanent presence in Istok (from February 1999) the atmosphere was deteriorating rapidly. In particular, the presence of paramilitary formations and the occurrence of execution-style killings of individuals, a phenomenon already prevalent in neighbouring Pec/Peja municipality, caused serious concern. In late February and early March 1999 police raided state civil registration offices and confiscated personal registry documents in bulk.<sup>1</sup> The possibility cannot be excluded that these documents were later used for specific targeting of certain victims.

The OSCE-KVM dealt with a number of incidents involving the targeting of Serb civilians by the UCK. On 27 January a Serb man was injured in the village of Belo Polje/Bellopolje, east of Istok town, by a single shot fired from a nearby forest. At about 22:00 hours on 29 January 1999, unknown persons approached a house in the nearby village of Rakos/Rakosh, and threw two Chinese-made hand grenades through the window. One of the grenades exploded and killed the owner of the house, a 73-year-old Serb, and injured his wife.<sup>2</sup> On 13 March, the OSCE-KVM received complaints from Serb villagers in nearby Tucep/ Tucep (an exclusively Serb village just south of Belo Polje) who stated that they were afraid to go out after dark, as they might be shot at from the surrounding hills, and that their ability to work their fields was being affected.

After the OSCE-KVM's withdrawal on 20 March and the beginning of the NATO air campaign against

the FRY on 24 March, the municipality was hard hit by fighting between the UCK and Serbian forces, as well as a terror campaign by Serb paramilitary groups against the civilian Kosovo Albanian population. By April many thousands of IDPs had gathered in an area around Starodvorane/Staradran and Zablace/Zablaq, which were at that time under UCK control. When the UCK retreated after Serbian attacks, the civilian Kosovo Albanians fell victim to mass harassment, robbing and beatings. Hundreds were abducted and many killed. Thousands of IDPs from Srbica and Kosovska Mitrovica also passed through the municipality on their way to Albania, often finding themselves redirected, held up, sent back and forced into buildings without any obvious purpose. Many were robbed and harassed on their way, especially along the roads to Pec and Klina.

The Istok police, with whom the OSCE-KVM had begun to establish a working relationship, led in expelling Kosovo Albanians during the Serbian offensive. Most of the expelled crossed the border into the neighbouring Rozaje municipality in Montenegro, and then headed south from there to Albania. Many were also redirected via Pec, Decani/Decane and Djakovica/Gjakova and crossed into Albania from there.

Istok municipality is the location of the most notorious prison facility in Kosovo, the Dubrava prison. When this high security police installation was attacked by NATO in May 1999 a number of inmates were killed (see below). Some detainees were later released, but the majority is presumed to have been transferred to prisons in other parts of Yugoslavia.<sup>3</sup>

### **Istok/Istog town, and the road south**

Prior to the 1998-99 population displacements, Istok/Istog town had a mixed population totalling about 5,600 people, of whom about 3,450 were Kosovo Albanian, and about 1,400 Serbs.<sup>4</sup>

In the period when the OSCE-KVM was deployed in Kosovo, it reported on several incidents of killings in which the victims were discovered along or near the Istok-Klina road. In January the OSCE-KVM followed up on several reports related to the discovery of the body of a 20-year-old Kosovo Albanian from Trbuhovac/Trubuhovc, who had been shot dead. He had reportedly been found on 7 January in the village of **Prekale/Prekalle** with gunshot wounds to his shoulder, a broken arm and an eye injury.<sup>5</sup> He had been taken to the Pec morgue and then buried in Trbuhovac. A video tape of the body was given to and viewed by the OSCE-KVM on 5 February, when the nature of the injuries was confirmed.<sup>6</sup> Upon inquiries with the local Chief of Police, the police stated that they did not have any file on this incident and that the victim was completely unknown to them.

On 31 January 1999 the OSCE-KVM visited the site where police officers had found a dead body on the stretch of road south of **Djurakovac/Gjurakoc**, a small town at the junction where the road south from Istok towards Klina joins the main Kosovska Mitrovica-Pec road.<sup>7</sup> The dead man, identified as a 62-year-old Kosovo Albanian,<sup>8</sup> had been missing since the day before, when he had last been seen in Dobrusa/

Dobrushe, walking home after having arrived by bus from Pec. A local hunter had found the body in the bushes near the road. The police medical expert said that the lethal wound had been inflicted in the temple with a firearm during the night before. The Investigating Judge on the scene explained that the victim was said to be "loyal to the government and friendly with the Serbs".

A dead man found in **Zac/Zhaq** near the **Zablace/Zablaq** stone bridge, lying in the water, was identified on 11 February as a 32-year-old Kosovo Albanian coffee bar owner from Dubrava/Dubrave.<sup>9</sup> The victim, who had received one shot to the right side of his head, had been at his shop until 17:30 hours on 10 February. When he did not return home, he was first reported missing to the OSCE-KVM, and was found dead the next morning.

The OSCE-KVM was informed on 15 March that the bodies of two Kosovo Albanian men had been found in **Zac** near the same location.<sup>10</sup> Both had been shot in the head. It seemed that they had been beaten before they were killed, since bruises were visible on both bodies. It was apparent that the two victims had been killed at a different location and their bodies dumped close to the stream and the bridge. The police told the OSCE-KVM that one of the victims had been a good friend of the Serbs, and that he was wounded by the UCK in 1998, when he killed a man from Starodvorane in a fight. According to a family member, he had been abducted by the UCK a few days before, apparently because he was going to be interrogated by a UCK commander. The other victim was identified by close family members who thought that he was working in Germany and had last seen him two years previously.

On 17 March at 07:30 hours the local police informed the OSCE-KVM that they had found three dead bodies in a ditch at the side of the road near **Tomance/Tomanc**, a village just off the main road south of Istok town.<sup>11</sup> The first OSCE-KVM team arrived at the spot 15 minutes later. The police blocked the road and isolated the entire area; an Investigating Judge and several police officers were also present. One of the bodies was visible from the road, while the other two were right in the ditch about 10 metres apart. One of the bodies had both hands handcuffed behind his back. All of them had been shot in the head at close range and one of them had his throat cut. It appeared that the victims were killed in the same place that they were found, and there was some evidence that a vehicle had come to the spot with the victims. Several cartridges of ammunition, of two different calibres, were found on the road, and there were bloodstains on the ground where the victims were shot. The police did not have an explanation for the murders, but intimated that the victims were friends of or had connections with the police. The Investigating Judge stated that the bodies would be sent to Pristina for further examination because all of them had been ill-treated. The victims were identified as three Kosovo Albanian brothers from **Zablace**, two of them minors. They had gone missing two days before when they visited a relative in Starodvorane, their car being found the same day. After their father had begun a search for them, he also went missing.

On or around 22 March, shortly after the withdrawal of the OSCE-KVM, Serbian forces entered Istok town and burned the houses that had been used by the OSCE-KVM.<sup>12</sup> After 24 March, Serb civilians were given weapons and many dressed in military uniforms.<sup>13</sup> On 27 March (some interviewees said 28

March) a large part of the Kosovo Albanian population of Istok was expelled.<sup>14</sup> An interviewee related how police came to his house and ordered him to leave within one hour and that the police told everyone that they had to leave for Albania. Two of these policemen were known to the witness as local Serbs from Djurakovac/Gjurakoc and Kovrage/Kovrage. Even old people were refused permission to stay by the Chief of Police.<sup>15</sup>

Two interviewees reported that on 27 March residents of **Djurakovac/Gjurakoc** were given 10 hours to leave, whereupon they moved south towards an area on the Istok-Pec boundary.<sup>16</sup> Another interviewee saw four dead bodies in Djurakovac on 1 April.<sup>17</sup> After 27 March many IDPs from Istok and Djurakovac gathered at Trbuhovac/Trubuhoc, to the south, where they stayed for about one month. At the end of April the village was shelled for three days, and the villagers and IDPs were surrounded by Serbian forces.<sup>18</sup> The police forced them to move on to Trstenik/Trestenik and Ruhot/Ruhot (both in Pec municipality). When IDPs from Starodvorane passed through Trbuhovac about 10 days later, several people were reported killed there by paramilitaries.<sup>19</sup> On 7 May, IDPs in Trbuhovac were ordered to leave the village in convoy in the direction of Klina (see also below).<sup>20</sup>

Just north of Trbuhovac is the village of **Prekale/Prekalle**. On 26 March, police forced the villagers from their houses. Although they had been told to leave for Albania, most moved to the neighbouring village, Starodvorane, while police burned their houses in Prekale.<sup>21</sup> According to another account, the village was shelled by VJ on 28 March, and houses were damaged. The VJ, operating together with paramilitary units and special police forces, forced the villagers to leave.<sup>22</sup>

On 7 April, IDPs from Susica/Shushice (approximately 650 people) were escorted to the primary school in **Suvi Lukavac/Lukafci i Thate**, a village 3 km east of Djurakovac. There the police and the VJ separated the men from the women. The interviewee who recounted this, a woman, spent eight days in this school before being expelled via Djakovica to Albania. While at the school in Suvi Lukavac the witness saw a 13-year-old boy (named in the interview) being shot and killed in front of many people in the school yard. The alleged perpetrator was a local Serb who used to be a neighbour of that child's family.<sup>23</sup>

The villages of **Zablace/Zablaq** and **Zac/Zhaq**, which lie on either side of the Istok-Klina road just before it exits the municipality, were passed by several IDP convoys from the north and from the villages west of Zablace, along the river Drim. On or around 17 April many IDPs (including many from Kosovska Mitrovica) had apparently been ordered to stay in Zablace until further notice, when they were already on their way further south to Klina.<sup>24</sup> One witness stated that those forces ordering them to stay were paramilitaries, who displayed large white eagles on their sleeve patches.<sup>25</sup> After staying for about three weeks the IDPs were ordered to leave, and Zablace and Zac were shelled. Interviewees reported killings at this time, including four or five Kosovo Albanians who were killed by shelling, while a five-year-old girl was injured by gunfire.<sup>26</sup> There were more expulsions of IDPs from the area in early May.

On or about 6 May an old man (65) was sent with a white flag to the Serbian forces, who told him that all IDPs should leave. According to some accounts the men, their documents confiscated and destroyed, were kept back for five hours before being released and allowed to catch up with the others, who had left towards Klina, Djakovica, Prizren and the Albanian border.<sup>27</sup> Another witness stated that his convoy of IDPs was stopped and robbed at Zac on 8 May, and that 500 men were separated out, of whom 300 were later released (there are various reports relating to the separation of men from women among IDPs in this location at this time and the subsequent detention of the men for several hours, but it is not possible to determine whether each account refers to the same set of events).<sup>28</sup>

On 7 May, the villagers and IDPs from Starodvorane and Trbuhovac were stopped in the Zablace-Zac area by VJ, who also took their documents and some vehicles.<sup>29</sup> The paramilitary arrived and assaulted them, but those who were IDPs from Kosovska Mitrovica were released. The military commander (name recorded) arrived and released those he knew. The fate of the remainder is unknown. The IDP convoy made its way to Prizren.<sup>30</sup>

### **The south-west corner**

On 7 May, at around 08:00 hours, Serbian forces started shelling **Starodvorane/Staradran**, a large village 10 km south-west of Istok town, and west of Zablace and Trbuhovac, in a major offensive against several villages along a portion of the Istok-Pec boundary.<sup>31</sup> A large number of IDPs had gathered in this area. At approximately 11:00 hours, the villagers started to flee on tractors, but were hindered by Serb paramilitary forces who directed a convoy of 50 tractors to the school, where they robbed the villagers.<sup>32</sup> Others were herded together in a meadow near the river Drim where the Serbian police and paramilitaries extorted money and jewellery from them.<sup>33</sup> The villagers were divided into groups. About 100 men in one group were separated (some accounts give a much higher number) and the remainder were ordered to go towards Pec. Some witnesses report having seen these 100 men being stood against a wall, and describe a commander with a "Sajkac" (a Chetnik hat) and a grey uniform. It is unknown what happened to these men. From another group 40 men were separated and the remainder sent towards Klina.<sup>34</sup>

On 8 May, the villagers and IDPs still in Starodvorane were expelled and ordered to go to Klina or Pec. Serbian forces again robbed the IDPs and shot at the convoy. A male tractor driver was hit and died.<sup>35</sup> Another male Kosovo Albanian was hit in the back and died near Trbuhovac on the way towards Klina.<sup>36</sup> One of the people expelled from Starodvorane saw five dead bodies near Trbuhovac, and he heard that these people had been killed by paramilitaries.<sup>37</sup>

The Kosovo Albanian population remaining in Kasica, 2 km west of Starodvorane, was forced out on 7 May by police and VJ, who had arrived at around 07:00 hours with tanks.<sup>38</sup> While still in Kasica, the police took IDs from the villagers, who then went to a field less than 1 km from the village and stayed

there overnight. They were then told to go to Albania. People walked back to their village and collected their cars and tractors and went to the main road leading to Pec. Before they reached the main road, however, they were stopped by police and paramilitary units who took the newest cars, and jewellery from the women and money from the men. The regular VJ troops were not as abusive as the police and the paramilitaries. While on the road to Pec many of the villagers were again robbed of money and vehicles. They went on to Decani and just outside there they were again robbed by police and paramilitary.<sup>39</sup>

### **Villages west of Istok town, along the Pec road**

Four communities on the Istok-Pec road, **Studenica/Studenice, Vrela/Vrelle, Ljubozda/Lupizhde and Crnce/Cerce**, came under sustained attack from around 27 March for two weeks by Yugoslav and Serbian forces. The UCK temporarily had control of parts of Studenica and Vrela.

At Studenica, a large village which covers land on either side of the main road, police on 27 March ordered the villagers to leave within two hours. People fled to UCK-controlled parts of the village.<sup>40</sup> On 3 April Serbian forces began shelling over a seven-day period, when many people were injured and at least three were killed.<sup>41</sup> On or around 10 April, paramilitaries with black scarves, VJ and police, altogether about 100 men, entered Studenica with 10 to 20 tanks, armoured cars, four-wheel-drive vehicles and mortars. Many IDPs had gathered from the neighbouring communities of Vrela, Kalicane/Kalican and other parts of Studenica. About 3,000 Kosovo Albanians left the village. Many were shot at by Praga fire when they left their hiding places in the basements of the houses, and 20 were injured as they fled.<sup>42</sup> Five houses were burned by the VJ and the paramilitaries. The death toll on 10 April is unclear from the statements given by refugees, but one mentions at least 10 and possibly 20 people killed, some from shelling, while others were possibly arbitrarily killed. Three local Serbs, working as police officers in Istok, including the Chief of Police, were seen in Studenica that day and were allegedly involved in killings.<sup>43</sup>

Many IDPs from nearby villages had fled to the small town of Vrela at the end of March.<sup>44</sup> For about two weeks Vrela was shelled by Yugoslav and Serbian forces from positions in Djurakovac, Istok and Banjica/Llixhe e Pejes, but was defended by the UCK. When the VJ finally managed to enter the town on 10 April with about 10 tanks, five Pinzgauer and 50-60 infantry, the UCK had retreated. Many houses were set on fire, and about 5,000 villagers and IDPs left the village. During the fighting, at least three men and a woman were reported killed.<sup>45</sup> On 11 April Serbian forces entered the village, when the Kosovo Albanians felt compelled to flee into the mountains, from where most of them moved on towards Montenegro.<sup>46</sup>

For people expelled on 25 March from **Pecka Banja/Baje e Pejes**, Vrela and Kalicane, respectively about 5 km north and north-west, had been the initial refuge. At around 05:00 hours that day police and VJ surrounded Pecka Banja and told all Kosovo Albanian villagers to leave within one hour. They fled

into the mountains and the village was shelled. The Police Chief and his deputy were reported as being involved in the expulsion. Most villagers escaped towards Vrela and Kalicane, where they stayed for three days before moving on towards the Montenegrin border. Near Mala Jablanica/Jabllanice e Vogel (Pec) they were shot at by snipers, and one woman was seriously wounded. These IDPs walked in the snow for some 40 km to Rozaje (Montenegro), a journey which took them 24 hours.<sup>47</sup>

On the afternoon of either 28 or 29 March police ordered the villagers of Crnce to leave. Police, VJ and paramilitaries surrounded the village with armoured jeeps. Almost all inhabitants fled, many towards Vrela and Studenica. Only those who were bedridden people stayed behind, including several members of one interviewee's family. After two days some villagers went back and saw that some 50 per cent of the houses had been burned. One interviewee spent four days in Studenica and then returned to his home to take care of family members who had been left behind, and of the cattle. After spending one night there he saw that police had re-entered the town and were looting and burning buildings. He recounted how he watched from about 200 metres away as the police forced his sister-in-law back into his home. After hearing gunfire inside the house, he then saw it go up in flames. Two days later he returned to the house and found the remains of five individuals.<sup>48</sup> Crnce was reportedly attacked again on 12 April, by a mixed group of police, VJ and paramilitaries, who ordered occupants to leave within five minutes, and afterwards set fire to houses.<sup>49</sup>

Pushing further west towards UCK-held Vrela, Serbian forces attacked Ljubozda on 1 April at around 11:00 hours. A 20-year-old villager was wounded by a mortar explosion in the course of the shelling.<sup>50</sup>

On 14 April, **Orno Brdo**, between Pecka Banja and Kalicane, was shelled. The next day the police, VJ and paramilitary units entered the village. Altogether there were about 300 security forces and army vehicles as well as paramilitary forces with painted faces and wearing yellow caps; their uniforms had been seen in Istok three months previously, being worn by soldiers doing training. Five or six houses were burned, and during the shelling a boy (15) was injured. The interviewee stated that the refugees were also shelled in the mountains.<sup>51</sup>

## The north-east

Sinaje/Sinaje, 4 km north-east of Istok town, had been a mixed village with 30 Kosovo Albanian and 40 Serb houses. On 28 March at midday, Istok police, driving a yellow Zastava car, came to an interviewee's house and told him to leave. They also went to the head of the village and told him that he was responsible for ensuring that all Kosovo Albanians were out of the village within one hour. Several of the witness's Serb neighbours had put on uniforms and were firing in the air: the witness named three of them. Villagers who later returned to Sinaje for food saw that their houses were being set alight by their Serb neighbours as well as the Serbian forces. The convoy of IDPs left on tractors which they had to abandon when they entered the mountains. The tractors were shelled and the villagers were forced to walk through the snow to Montenegro, carrying elderly and sick on their backs; one man aged 70 died on the way. After two days in the mountains without food, they crossed the border.<sup>52</sup>

**Mojstir/Mojstir** 1.5 km north-east of Sinaje, was shelled on 7 April and four villagers were killed (a 44-year-old man, and three women aged 20, 22 and 42). Several people were injured and later treated in Rozaje hospital.<sup>53</sup>

### **East of Istok town, including Padaliste/Padalishte**

Villages along the eastern edge of Istok municipality are close to the Izbica/Izbice area of neighbouring Srbica/Skenderaj municipality, and were attacked by Yugoslav and Serbian forces in late March at around the same time (see the Srbica municipality entry). **Rakos/Rakosh**, the first large village on the road entering Istok municipality from the east, was shelled on 26 or 27 March, from early morning. Several people were wounded<sup>54</sup> At around 15:00 hours one interviewee tried to leave but five shells landed next to him and he was wounded. The attacking forces, described as paramilitaries and police forces, set fire to the interviewee's house and the family hid in a neighbour's house. Four policemen came in and said, "If we find you here tomorrow there will be nothing left of you but bones!" When the family left the next day, they were abused and hit with rifles. Many people left for the mountains and headed for Montenegro. Also on the day after the first attack on the village, about eight buses of police in blue uniforms with black scarves tied around their heads arrived from Istok and forced the remaining villagers to leave within 30 minutes. Many villagers from Rakos fled to **Ucka/Uce**, but when this village was also shelled, the IDPs left for the mountains, from where they saw Ucka burning. Twelve people were wounded because they were unable to leave when the village was attacked.<sup>55</sup>

North-east of Rakos are **Crkolez/Cerkolez** and **Padaliste/Padalishte**.<sup>56</sup> These were attacked by Yugoslavian and Serbian forces (VJ, police and paramilitaries) on either 26 or 27 March. Events that occurred there are cited in the indictment against Slobodan Milosevic and others issued by the International Criminal Tribunal for the former Yugoslavia (ICTY).<sup>57</sup> However, all data presented in this report are taken directly from OSCE-KVM interviews and not as presented by ICTY in the indictment.

Two interviewees gave the OSCE-KVM accounts of killings at Padaliste. One recounted how police and paramilitaries wearing masks entered the hamlet and went into the house of a teacher. They grabbed his three young children and told the teacher to cut off their heads. When he refused, the Serbs (the interviewee described them as police) killed the children by cutting their throats. The police separated the men from their families, and women were told to walk to the church in the village; the witness and his nephew ran to the woods. The village was burned down.<sup>58</sup> Another interviewee told the OSCE-KVM that as villagers fled they were shot at by the Serb forces. This interviewee reported that 19 people from the village were killed, and gave a list of their names, albeit she had not witnessed how they died. She also recounted that the police and VJ went back and looted the houses and then burned them. They also killed the animals. The interviewee stated that the police and some of the paramilitaries (wearing black scarves but not masked) were recognizable as local Serbs from Rakos and Crkolez.<sup>59</sup>

(An OSCE team visited Padaliste on 30 June 1999, documented the site and interviewed local residents who had found 18 bodies days before. The bodies had been identified and buried after having been documented on videotape. The bodies included those of the teacher mentioned above, and those of several children.)<sup>60</sup>

Between 27 and 30 March villagers were also expelled from **Susica/Sushice** and **Zakovo/Zhakove**, north of the Kosovska Mitrovica-Pec road,<sup>61</sup> and from **Veric/Veriq** and **Krnjina/Kernine**, south of the road.<sup>62</sup> On 7 April, just outside Veric, IDPs from Susica were held as human shields. They were stopped there for two hours by police and VJ close to a military base, which was allegedly bombed by NATO. About 50 of them received minor injuries.

### **Dubrava prison**<sup>63</sup>

The high security prison at Dubrava /Dubrave was long a cause of concern with regard to human rights standards. Although the OSCE-KVM, when deployed inside Kosovo, tried to gain access to this facility to speak to inmates who complained, through family members and lawyers, about ill-treatment and torture, the prison authorities never allowed the OSCE-KVM team access.

In a meeting with a well-known Pec-based Kosovo Albanian human rights lawyer on 12 January, the lawyer also expressed the view, shared by many of his colleagues, that "this prison is a serious cause of concern for lawyers and families of people detained there, as inmates are regularly ill-treated". Originally designed to hold only convicted prisoners, it was at that time being used as a pre-trial detention facility for the hundreds of Kosovo Albanians accused of terrorism. In addition to adult male prisoners it was believed to hold some juveniles (under 18 years old), as there was no other facility available.

There were many complaints of torture and beatings from people held in this prison. Injuries ranged from broken bones to permanent kidney failure. Between 7 and 15 January, for instance, a Kosovo Albanian man (24) was allegedly beaten and ill-treated with the result that he was transferred to Pec Hospital.<sup>64</sup> The victim had been arrested on 27 August 1998 and had been sentenced to two years' imprisonment. When the family tried to visit him, they were told that it was not possible since the hospital was being repaired. The wife of another Dubrava inmate, interviewed as a refugee in Albania by the OSCE-KVM, recounted that when on 22 March she had last seen her 40-year-old husband, who had been arrested on 29 May 1998 for being a UCK sympathizer, he appeared to be in very bad condition, unable to walk or talk, from the beatings he had received.<sup>65</sup>

It is believed that at least four or five men died as a result of injuries sustained while they were detained at the prison. Medical facilities within the prison were basic, although there was a doctor there. For prisoners with chronic complaints there appeared to be a lack of medicine.

The OSCE-KVM, while deployed inside Kosovo, reported that there were several occasions when defence lawyers were refused access to clients detained at Dubrava prison, for reasons not given by the authorities. Representations were made to the President of the Court regarding specific instances, but apart from excuses that appeared to be vague and inconsistent the OSCE-KVM never received satisfactory information about Dubrava prison. However, the authorities responsible for the legal supervision of the prison, including the District Court of Pec, continued to articulate the view that many inmates lived under better conditions in this prison than at home in their Kosovo Albanian villages.<sup>66</sup>

Dubrava prison was hit by several NATO bombs in mid-May, which reportedly killed several inmates and Serbian prison officials. Allegations have been made that up to 100 detainees were later lined up and executed by Serbian forces, and later buried in a mass grave in nearby Rakos, alongside those killed in the air raid. These allegations cannot be confirmed from the data gathered by the OSCE-KVM, but are known to be under continuing investigation.<sup>67</sup>

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## Notes

<sup>1</sup> On 23 February 1999, local police (around 13 or 14 police officers) entered the civil registration office in Vrela/Vrella by force during public opening hours. Disregarding the protests of the workers in charge, they seized 3,000 files containing personal information (addresses, names etc.) of Kosovo Albanian residents. The police did not give any justification for their action. Later the OSCE-KVM received information that similar incidents had occurred in other villages across the municipality: at Banjica/Llixhe e Pejës and Crkolez/Cerkolez on 23 February, as well as in Dobrusa/Dobrushe and Rakos/Rakosh.

<sup>2</sup> Reported by the OSCE-KVM RC3 Police Liaison Officer on 30 January.

<sup>3</sup> The ICRC on 4 October 1999 reported that it had had access to some 1,900 people arrested in Kosovo and held in places of detention elsewhere in Serbia. ICRC Press Release 99/54, 4 October 1999.

<sup>4</sup> UNHCR, "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>5</sup> PE/05/11/99, PE/02/012/99. The victim is identified by name.

<sup>6</sup> The tape was later returned to its owner.

<sup>7</sup> PE/05/029/99.

<sup>8</sup> The victim is identified by name in the relevant OSCE-KVM documentation.

<sup>9</sup> PE/01/054/99, PE/05/014/99. The victim is identified by name.

<sup>10</sup> PE/05/27/99. The victims are identified by name.

<sup>11</sup> PE/05/028/99. The three victims are identified by name.

<sup>12</sup> A/0609.

<sup>13</sup> A/0181.

<sup>14</sup> A/0069; A/0339

<sup>15</sup> A/0181.

<sup>16</sup> A/0396; A/0422.

<sup>17</sup> A/0379.

<sup>18</sup> A/0422.

<sup>19</sup> A/0370; A/0461.

<sup>20</sup> A/0422.

<sup>21</sup> A/0450.

<sup>22</sup> A/1086.

<sup>23</sup> A/0253. She reported that the perpetrator was known to her father-in-law.

<sup>24</sup> A/0420; A/0498; A/0464.

<sup>25</sup> A/0464.

<sup>26</sup> A/0480; A/0420 (gave names); A/0551; A/0498; A/1117 (date uncertain).

<sup>27</sup> A/0420; A/0498; A/1117.

<sup>28</sup> A/0486.

<sup>29</sup> A/0464.

<sup>30</sup> A/0430; A/0461 and A/0511.

<sup>31</sup> A/0370; A/0396; A/0430; A/0461; A/0511; A/0603; A/0817; A/1067; A/1071. The other villages affected were Trbuhovac, Zablace and Kasica/Kashice in Istok, and Nabrdje/Nabergjan, Ruhot/Ruhot, Ljutoglava/Ljutoglave and Trstenik/Trestenik (all in Pec).

<sup>32</sup> A/0461.

<sup>33</sup> A/0396; A/0430.

<sup>34</sup> A/0370.

<sup>35</sup> A/0486.

<sup>36</sup> A/0370.

<sup>37</sup> A/0461.

<sup>38</sup> A/0429; A/0574.

<sup>39</sup> A/0390; A/0574.

<sup>40</sup> A/0357, who left on 1 April and walked into the mountains bordering Montenegro.

<sup>41</sup> A/0181; A/1068.

<sup>42</sup> A/0569.

<sup>43</sup> A/0173, names two Istok policemen, and also names 10 alleged victims, including an elderly man stabbed to death, albeit the statement about victims is hearsay only. A/1068 names the same two policemen, plus a third policeman from Istok.

<sup>44</sup> A/0150.

<sup>45</sup> A/0356 mentions three people killed. A/0181 mentions one woman killed. A/0524 mentions three men and a woman killed. It is unclear whether any of these corroborate each other.

<sup>46</sup> A/0339.

<sup>47</sup> A/0152; A/0411.

<sup>48</sup> A/0150, who says 29 March; A/0174, who says 28 March, and identified two local police officers among the forces who attacked the village, including one from Istok who is also among three named as participating in killings in Studenica - see footnote 46, and a second whom he knew only by his first name; A/1082, who witnessed the killing of his sister-in-law, says the initial attack was on 29 April, but this appears to be a mistake either of the interviewee or in the interview record, since other aspects of his testimony match other refugees' descriptions of events at the end of March.

<sup>49</sup> A/0507.

<sup>50</sup> A/0466.

<sup>51</sup> A/0178.

<sup>52</sup> A/0995.

<sup>53</sup> A/0169.

<sup>54</sup> A/0451.

<sup>55</sup> A/0070; A/0451; A/0565.

<sup>56</sup> Padaliste was found to have only six or seven houses intact, and about 30 people in dire humanitarian need, when it was visited by an OSCE-KVM patrol on 28 February 1999, another five houses having been completely destroyed in fighting in 1998.

<sup>57</sup> ICTY, "Indictment Milosevic & Others ("Kosovo")", IT-99-37-I, 24 May 1999.

<sup>58</sup> A/0640. The interviewee named the victims, as well as giving the names of 15 local police and paramilitaries involved in the attack on Padaliste, including the Istok Chief of Police. Two of these are also named by interviewees describing events at Studenice and Crnce (see footnotes 46 and 51).

<sup>59</sup> A/0351, interviewed by the OSCE-KVM 28 April 1999.

<sup>60</sup> PE/0001/99 (including photographs and sketches).

<sup>61</sup> A/0169; A/0253.

<sup>62</sup> A/0361; A/0733.

<sup>63</sup> Many OSCE-KVM documents refer to ill-treatment or torture in the prison, for example PE/05/07/99, PE/05/08/99, PE/05/09/99, and PE/04/070/99.

<sup>64</sup> PE/05/05/99.

<sup>65</sup> A/0768.

<sup>66</sup> As recounted by OSCE-KVM human rights officer.

<sup>67</sup> See, for example, several articles published by international media sources: BBC News, "Bodies Recovered from Mass-grave", 14 August 1999; "Digging for the Truth in Kosovo", 13 August 1999, and Jacky Rowland, "Istok Prison's Unanswered Questions", 25 May 1999.

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KOSOVO / KOSOVA As Seen, As Told

OSCE ODIHR

## KACANIK/KACANIK



Kacanik/Kacanik municipality consists of some 82 towns, villages and hamlets. Situated in south-east Kosovo, south of Urosevac/Ferizaj municipality, it has a long, mountainous border with the former Yugoslav Republic of Macedonia. In a 1998 population estimate the municipality had 44,365 inhabitants, of whom 98.6 per cent were Kosovo Albanian.<sup>1</sup> The economy of the municipality was based mostly on subsistence farming and small-scale stone quarrying. One of the most important features of the municipality is the border crossing into the former Yugoslav Republic of Macedonia at the village of Djeneral Jankovic/Hani e Elezit, through which run Highway 2 (the main road running north-south through Kosovo) and the mainline railway to Skopje, the the former Yugoslav Republic of Macedonia capital. At Djeneral Jankovic there were VJ barracks and border police.

Smuggling over the border included - from 1995 onwards - weapons and UCK personnel.<sup>2</sup> The potential for this sort of infiltration, particularly so close to a vital transport artery, made the mountainous area south-west of Kacanik/Kacanik town and the border region of particular strategic importance to the FRY security forces. The VJ established a 5-km-wide security zone along the border, which they patrolled and to which access was strictly controlled. The villagers who lived in this zone were issued with special permits allowing them limited freedom of movement, the limitations being justified by the danger from minefields and ambushes. The OSCE-KVM, for the same reasons, were allowed only restricted access to the area, which hampered its mission.

When the OSCE-KVM initially deployed into the municipality at the end of 1998 the situation was relatively quiet compared with other parts of Kosovo, as had been the case all year. There was, however, a latent UCK presence in the area,<sup>3</sup> and from December 1998 to early February 1999 a relatively small number of incidents were reported. The police commander at Kacanik police station was well respected, and the general situation appeared stable. This changed in February 1999, however, when the UCK infiltrated and officially established a new brigade in the hills south-west of Kacanik town.

While the OSCE-KVM was present in Kacanik it received 31 complaints about various human rights violations. It received four reports relating to murders: two people who were previously abducted were found dead under a bridge,<sup>4</sup> and a father and son were shot and killed by unidentified assailants. None of these cases was solved.<sup>5</sup> The OSCE-KVM further received 12 complaints about the taking of Kosovo Albanians by the police for "informative talks" (for an explanation of this practice, see Chapter 9, Arbitrary arrest and detention). Five of these complaints were accompanied by an additional allegation of ill-treatment in the police station.<sup>6</sup> The OSCE-KVM received one complaint from a Kosovo Albanian whose house was burned down.<sup>7</sup> Furthermore, it received 14 reports on Kosovo Albanians who went missing. Of the latter, in six cases the UCK was the alleged perpetrator.<sup>8</sup>

The abduction with the gravest consequences was that of a Kosovo Albanian who was the Albanian political representative in the Socialist Party of Serbia (SPS - the ruling party of President Milosevic) and who had, according to the police commander in Urosevac, organized a security force to protect his village from UCK infiltration.<sup>9</sup> The abduction of this man triggered a series of events culminating in the first clashes and expulsions in the area (this is covered below, under the villages of southern Kacanik).

### **The south, between Kacanik town and the border**

On 21 February 1999 three different police stations informed the OSCE-KVM that a Kosovo Albanian politician had been abducted allegedly by the UCK on the previous day. As reported by the OSCE-KVM, many contradictory or inexplicable elements in the case called into question whether it was a genuine UCK abduction, and led to speculation that it might have been set up by the Serbian authorities. On 23 February the Kacanik police commander visited the victim's house in Doganovic/Doganaj (north of Kacanik town) and ordered the family to relay the message to several nearby communities that if the abducted man was not returned, these communities - Popotnica,<sup>10</sup> Palivodenica/Palaj and Djeneral Jankovic/Hani I Elezit, as well as Doganovic, and also Kacanik town - would be attacked and destroyed by police. Two days later, in an interview with the OSCE-KVM, the police commander did not repeat this threat, but said that he would start taking people from the villages for "informative talks" and making arrests. He also said that he knew that a lot of these villagers had family members in the UCK. The OSCE-KVM thereafter tried to obtain information from the UCK, but the latter maintained that they were not involved in this abduction.<sup>11</sup>

On the night of 25-26 February the Serbian authorities closed the border, and an OSCE-KVM patrol was harassed by police at a border checkpoint.<sup>12</sup>

On 26 February, at 08:00 hours, in the region of **Pustenik/Pustenik**, fighting broke out between villagers and the VJ. It was also reported that VJ soldiers were checking the IDs of villagers in Gorance/Garance. The next day the UCK reported that it had formed a new brigade, the 162nd brigade "Agim Bajram", in the Kacanik area. The UCK also claimed that VJ and police had forcibly expelled Kosovo Albanians from the villages of Pustenik, Donje Bus Mala, Gornja Bus Mala, and Dac Mala, and that

UCK fighters were located in the Kacanik border area.<sup>13</sup> In Gorance, Rezance/Reshanice and Hunel/Hunel the police had withdrawn and the UCK had moved in. Civilians had fled these villages. However, no heavy fighting was reported.<sup>14</sup>

On 28 February the Kacanik police commander ran into an ambush in the village of **Gajre/Gajre**, and was killed. Four other policemen were wounded. The commander had reportedly been on his way to Gajre to inquire into a case of another abducted Kosovo Albanian politician from an Albanian party, Democratic Initiative.<sup>15</sup> Immediately after the killing, fighting broke out in Gajre between VJ and police on one side and UCK and armed civilians on the other. Over 2,000 people were reported fleeing to the border.<sup>16</sup>

Thereafter, for at least the first 10 days of March there was fighting in most villages in the area west of Highway 2. Every day villages that were held by the UCK fell to government forces. The VJ and police used a tactic of burning and destroying civilian homes to clear the area of the UCK. They also looted and plundered private possessions on a large scale. They did, however, show relative restraint as far as targeting the civilian population throughout this episode of fighting, the death toll being only three, all men alleged to be UCK members; one woman was reported injured.

At the same time, the UCK was also instrumental in emptying villages. They would go to a village and tell the people to leave because a Serb attack was expected. Thereafter the UCK could make use of the empty houses as fortified positions, which inevitably provoked Serb forces to attack.<sup>17</sup> Although the villagers seemed to incline toward the UCK, some were reported to have been coerced to show support and even to join them.<sup>18</sup>

The police collected IDPs who were in the mountains, escorted them to the main road and provided transport to collective shelters in Kacanik. However, they separated able-bodied men from women, children and the elderly, and brought them to the police station in Kacanik where they were interrogated and submitted to the "paraffin glove tests" (see Chapter 10, Violation of the right to a fair trial), in order to establish whether they had been involved in the fighting. Out of 125 men who were taken in, 23 were brought to the Urosevac police station and to a sports hall between Urosevac and Stimlje/Shtime.<sup>19</sup> There they were reportedly tortured and beaten by police seeking to extract information about the UCK. Twenty of them were subsequently released, the remaining three being taken to Pristina/Prishtina.<sup>20</sup>

The UCK abducted those who worked for or had expressed support for the Serbs, and harassed those who did not want to take the side of the UCK. On 5 March, the UCK held displaced Kosovo Albanians in the village of **Kotlina/Kotline** against their will. They were not allowed to leave, although UNHCR and the OSCE-KVM had made arrangements for a safe transport out of the conflict area.<sup>21</sup>

Most villages south-west of Kacanik were affected by the fighting in late February and early March. Some 5,000 people fled their homes, spending up to a week in the open in the hills in winter weather.

Approximately 20 per cent of the houses were completely destroyed in the affected villages.<sup>22</sup>

In the week after the OSCE-KVM reported these events, VJ and police consolidated their positions, and there was a general heightened degree of movement by police and VJ throughout the municipality. In the area south of Kacanik, Kosovo Albanians were arrested in villages such as **Ramun Mala** and **Palivodenica/Palaj**. In the latter some 200 VJ and police came into the village and took all the men, about 70 in number, outside, near the mosque. Some of them were beaten and according to statements they were obliged to shout "We are for great Serbia!" and other pro-Serb slogans.



**Destroyed school in Kotlina** [\[zoom\]](#)

After that 19 of them were brought to the police station in Urosevac, where they were interrogated, beaten and tortured. All but three were released. Those who were not released were sent to Pristina to be prosecuted.<sup>23</sup>

After the OSCE-KVM evacuated, it is clear from refugee statements that the police and military actions continued south of Kacanik town in Pustenik, Kotlina, and Gajre. It was reported that on 21 March, Serb VJ and police came into Pustenik with heavy weapons and military equipment. The villagers, with "many" IDPs, fled into the mountains to an area called Kepi i Gate-Sulaja. On 1 April they were shelled and surrounded by VJ. One woman was wounded and given first aid by VJ, after which everybody was sent to the border.<sup>24</sup> Gajre was seen burning on 27 March.<sup>25</sup>



**Kotlina: (left [zoom](#)) a well in which 16 bodies were found, and (right [zoom](#)) the site of a burial**

Kotlina, 6 km south-west of Kacanik town, was allegedly attacked on 24 March. There are many

statements recording events, including a mass killing, during this attack.<sup>26</sup> However, there was an article on the events in the Albanian *Fakti* newspaper on 16 April, and all the statements (which mostly give a precise and detailed account of what happened) are from after that date. Therefore, some of what at face value would appear to be corroborative statements may amount only to hearsay, or may have been otherwise tainted by the newspaper article.<sup>27</sup> Most statements list 22 men, complete with their ages, who were allegedly killed. Following is one of the accounts.

On 24 March, the village of Kotlina was shelled on this morning from the direction of Ivaje [Serbian: Ivaja] by artillery. From 12:30 Serbian VJ infantry came to the village. I noticed two kinds of green camouflaged uniforms; the ones wearing darker pattern uniforms had camouflaged casquettes; those wearing lighter pattern had black masks; they all came with tanks and Pragas. They took about 500 women and children by truck to Kacanik. This was finished around 14:30. After the shelling, 22 men were captured. About 60 masked soldiers started beating those men to death with wooden fence poles. I was at a distance of 60 metres in the wood. At around 17:00 the bodies were taken to a well and thrown in it. One grenade was thrown in the well. After that about 30 houses were looted and burned. [The interviewee then recited a list of victims from memory in an unbroken sequence.] On the same day I went back to the village, where I found two dead men with gunshot wounds in the neck, and a third man who had been shot in the right arm and whose right leg was chopped off by a Praga machine-gun. He died the next morning.

[Interviewee mentions the names of all three victims.]<sup>28</sup>

Because of the reservations set out above, OSCE/ODIHR made a follow-up on-site investigation on 30 September 1999. The findings mostly corroborate the account, the main difference being that the bodies were thrown into two wells, or at least large holes dug out for water. Six bodies had been thrown into the smaller one, approximately 5 metres deep, and in the larger one, some 7 metres deep, 16 bodies were found. At the time of the visit an Austrian forensics team had recovered the bodies to find evidence for the International Criminal Tribunal for the former Yugoslavia (ICTY). The latter confirmed the finding of this mass grave. Villagers, said to be eye-witnesses, added to the story that men were surrounded in the woods and taken down to the village. Of the whole group of men, 22, of whom 11 were apparently unarmed UCK soldiers in civilian clothes, were selected and taken to the area close to the "wells". There they were beaten, shots (probably of an execution) were later heard, and finally there was the noise of a loud explosion (probably that of a grenade).

### **The north of Kacanik municipality**

In the upsurge of violence beginning in February 1999, the north of the municipality was initially much less affected than the south. However, in the week prior to the OSCE-KVM's evacuation the general heightened level of movement by police and VJ affected this area also, with a discernible build-up of troops in the north-west, towards the boundary with Strpce/Shterpce municipality. Sporadic fighting was also reported in the north, and Kosovo Albanians were arrested in villages such as Bicevac/Bicec and Reka/Reke. VJ were reportedly active in the village of Korbulic/Korbuliq, in the far eastern corner of the

municipality, where they damaged and looted school property and expelled villagers, who fled to Kacanik town.<sup>29</sup>

In the first week after 20 March, judging from refugee statements, the north still remained relatively calm. The first attack was on the village of **Stari Kacanik/Kacanik i Vjeter**, east of Highway 2, around 27 March. Besides Kacanik town, this was the only community with a sizeable Serb population in the municipality, and some of the Serb villagers reportedly helped the Serb forces in the attack on the village. A witness recounted that "The village was surrounded by VJ with tanks and trucks. My family left the house and moved to the other end of the village. On 27 March in the evening, we heard a lot of shootings and saw two houses burning. We left the same day for the mountains. All the villagers went with us to Belogradze [Serbian: Belograce]." When the witness returned, he saw a lot of VJ in the village.<sup>30</sup>

At the end of March and the beginning of April villages in the north-west corner of the municipality west of Highway 2 were attacked sequentially. First, **Dura/Duraj** was attacked around 29 March by Serb forces (only one interviewee specifies the assailants as police forces<sup>31</sup>). The attack started with shelling, and thereafter the forces went into the village and started shooting with machine-guns into the houses, killing one Kosovo Albanian woman and injuring other people. The villagers fled to the surrounding mountains, where they stayed for a week. Thereafter around half of the villagers went back to Dura; the others went on to Dubrava/Lisnaje, 4 km south of Dura. Those who returned were forced out again on 30 April or 1 May.<sup>32</sup>

Around 31 March two armed vehicles and four covered trucks with soldiers entered **Gabrica/Gabrrice**.<sup>33</sup> The forces (no further specification was given in statements), began to shoot into the houses. All the villagers left immediately for the mountains. One woman was reportedly killed by a policeman when she returned to her house to pick up food for her baby.<sup>34</sup> **Banjica/Baice** was attacked around 3 April by VJ, police and paramilitaries. The VJ started with mortar shelling, then paramilitaries and police went into the village shooting at the houses and immediately setting them on fire. Most villagers were able to escape to the mountains, but some were too late and had to hide in basements. When paramilitaries entered the houses, they killed some of the men who were hiding, one man being killed and his body mutilated in front of his family.<sup>35</sup> According to one witness:

Tanks entered the village without any warning, with 50 armed Serbs in uniforms behind each. There were also police reservists from Shterpce [Serbian: Strpce] among the police forces. They started shooting at houses and burning them with flame-throwers. When I returned to the village two days after the attack, I found two dead bodies. One was in a basement, the body had been mutilated, presumably by Serb paramilitaries. His throat was cut, and arms and legs were cut off. The other victim I found in front of his house with a gunshot wound in his back. Another IDP from Petrove was found with his throat cut and his eyeballs cut out.<sup>36</sup>

Thereafter, on 5 April VJ, police and paramilitaries went to **Doganovic/Doganaj** and expelled the inhabitants. As recounted, they came into the village shooting "in an uncontrolled way". The people were told to leave their houses immediately. According to different statements, some 50 men were separated from women, children and elderly, and had to stay behind. The rest were told to go to Albania with their tractors. Buses were also provided to take people to the Albanian border. There are three apparently contradictory reports of what happened to the men who were kept behind. One interviewee claimed that they were taken to the police station in Urosevac, beaten, and all but two released within hours.<sup>37</sup> Another stated that they were kept in the village, beaten, and released the next day.<sup>38</sup> A third reported that the men were used as a human shield for an anti-aircraft installation that was put up in the area.<sup>39</sup>

**Nika/Nike** was attacked on 9 April by shelling, and afterwards houses were burned.<sup>40</sup> Around 13 April **Gornja Gabrica** was attacked by Serb forces. The UCK resisted for four hours, but then retreated.<sup>41</sup> The UCK was also present in villages further south,<sup>42</sup> and around 13 April there was an attack on villages including **Dubrava/Lisnaje**,<sup>43</sup> **Slatina/Sllatine**,<sup>44</sup> **Vata/Vataj**<sup>45</sup> and **Doganovic/Doganaj** (for the second time),<sup>46</sup> and smaller hamlets in the Doganovic district. Many villagers fled into the hills in the area. VJ and police shelled the villages from different directions, and police and paramilitaries went in to loot and burn the houses. There were a number of killings, particularly in and around Slatina, many of them reportedly in the course of forced expulsions, albeit witnesses also reported that some of the dead were UCK fighters.<sup>47</sup> The killings are vividly described in many refugee statements, including the following:

Serb forces surrounded the Lamaj and Cakaj parts of the village Slatina. They were supported by at least four tanks, trucks and anti-aircraft vehicles. They divided themselves in two groups. They began to shell the villages, apparently trying to create a climate of panic. When the artillery heard NATO planes, they stopped to shell but the infantry continued to burn the houses. I left the place but when I came back, after the shelling and the burning of houses, I discovered a lot of dead bodies. I recognized them. Four of them had been mutilated: the first one had his stomach and chest cut from the bottom up to the throat and his eyes had been taken out, the second had the left ear cut, the third had his throat cut, the fourth one had his mouth cut from one ear to the other.<sup>48</sup>

Police, VJ and paramilitaries arrived from the direction of Ferizaj (Urosevac) with Pragas, tanks, and APCs in the area of the villages Lamaj and Tifek in Slatina (stopped near Doganovic). Four trucks with paramilitaries and buses with 700 armed Serbs entered Lamaj. I left with the others, as we feared for our security. A lot of men fled to the mountains and 11 were killed near Lamaj. After the attack I discovered four dead bodies. The victims were shot, and their eyes were taken out and their faces were cut. I heard that seven men had been killed in other locations: three brothers from Duraj, as well as four more from other places [victims' names and ages given].

[A] Serb offensive started against the village with about 700 VJ, starting at Firaj and continuing to Lisnaje [Dubrava]. I saw that the assailants were dressed in different uniforms, some masks, some armbands, and I saw both Arkan Tigers and Grey Wolves insignia. I fled to a nearby hill and could see houses and cars burning. A group of women and children and old men were captured by Arkan's men for two hours and then released. The women told me nothing had happened to them. Two old men, my cousins, were badly beaten, one had half his moustache pulled out. During the offensive another cousin was captured by the paramilitaries and was shot four times in the head. I videotaped the body, the tape was left in Kosovo. Three more men were killed: a doctor in Ferizaj [Urosevac] and two persons from Doganaj [Doganovic]. I saw from 200 metres the doctor being captured with his family. He was tied to a tree, beaten, his face was cut up with knives and then he was killed. All this was in front of his wife and children. The other victim was physically disabled and could not leave his home. After the paramilitaries had left, I went into his house and found the body. He had one bullet in the throat, one in the head and he had clearly been beaten. I found the last victim thrown in a stream nearby. His eyes had been cut out and his ears cut off; he had apparently been knifed to death. His body was very twisted and mutilated and it was barely possible to recognize him. The three were buried secretly outside the village.<sup>49</sup>

The last reports of attacks on villages in this area west of the highway concerned **Kovacevac/Kovac**, which was shelled and its houses burned by Serb forces on 10 May, and again on 25 May;<sup>50</sup> **Bicevac/Bicec**, which was also attacked on 25 May by Serbs who separated five men (subsequent fate unknown) as the villagers fled south;<sup>51</sup> and Dubrava, attacked by shelling again also on 25 May. Villagers and IDPs fleeing Dubrava were apprehended by VJ troops who separated and searched men aged between 16 and 60. Seven of them were held: some witnesses said that they were killed, one other witness claims that they were taken to Urosevac/Ferizaj. Thereafter the houses were set on fire, and the VJ shot at the fleeing crowd, but there were no injuries.<sup>52</sup>

On 30 April Stagovo/Stagove, east of Highway 2 and just below Stari Kacanik beside the main railway line, was shelled. Police took up positions around the village, but did not enter it. There was fighting in an area called the "Pears" and there were casualties from the shelling.<sup>53</sup> In May the UCK had a "stronghold" close to the village,<sup>54</sup> and on 21 May Stagovo was attacked again. VJ and police shelled the village from a distance, and the villagers started to flee towards the mountains. There, they were confronted by paramilitaries coming from the opposite direction, who opened fire indiscriminately, killing and wounding. One interview described seeing how they killed three people, including a mother and her daughter, and wounded four from a distance. A paralysed grandmother and her granddaughter of eight were executed at close range, because the old woman could not get up. A young man was executed at close range by machine-gun fire, which blew his brains out.<sup>55</sup> Then, many houses were set on fire (according to one statement, 60 per cent of the houses). The Serb forces left soon after that.<sup>56</sup> The next day 13 people were buried, and some 1,000 villagers and IDPs left for Vrban in Vitina/Viti

municipality.<sup>57</sup>

## **Kacanik/Kacanik town**

Kacanik town had already been affected by hostilities in the municipality in the weeks prior to the evacuation of the OSCE-KVM on 20 March 1999. Hundreds of displaced people were living in the town and the atmosphere was tense, heightened by the overall political situation and strict security measures. From 20 March the situation started to deteriorate. Serb police increased their checkpoints on the road and in the town. They escorted groups of people who had fled the surrounding villages, and brought them to the Kacanik cultural centre. Sporadically, police shot from sniper positions, which increased the tension.<sup>59</sup> Two interviewees report the arrest, between 21 and 23 March, of the owner of the house in Bob in which the OSCE-KVM had had a field office. The man was beaten and brought to the police station in Kacanik, and thereafter taken to the police station in Urosevac where he was kept and interrogated for six hours, after which he was released.<sup>60</sup> The house itself was shelled, so that the roof was burned out, somewhere between 27 March and 7 April.<sup>61</sup> Around 24 March, mixed paramilitary forces came to the town and based themselves in the Sharr factory building.<sup>62</sup>

From 24 March onwards the combined Serb forces of VJ, police, paramilitaries and Serb civilians began systematically to empty the town, beginning with four days of indiscriminate VJ shelling of different areas, resulting in deaths and injuries.<sup>63</sup> Other reports mention that the police were also involved in shelling or firing into neighbourhoods to drive away the inhabitants.<sup>64</sup> The shelling would be followed by the arrival in the affected area of Serb forces, who would conduct a house-to-house search and evict individuals and families. During these eviction raids many people were beaten and some were killed.<sup>65</sup> The murder of the son of the owner of the former OSCE-KVM office, who was a pharmacist, was reported by many interviewees (he was reportedly shot in the back by police and a local Serb civilian at his pharmacy, while trying to escape).<sup>66</sup> There were many other reports of individual killings, either during evictions,<sup>67</sup> by sniper fire,<sup>68</sup> or just on the streets.<sup>69</sup>

Serb forces killed a mentally handicapped person [name given] in the streets of Kacanik. I saw on the same day how a man was taken away from his house, and his documents taken and thrown on the ground. As he was bending down to pick them up he was shot. His body was taken to the morgue in Pristina. I also saw three dead bodies on Ramadan Agush street and recognized one of them as the teacher [name given], from Kovacet. The police arrested three persons in the street Ramiz Sadiku. They were taken to a place called "Te Rrasat", where one was shot and the others were ordered to leave.<sup>70</sup>

Most of the evictions were reported to have been carried out by police and armed civilians; few reports refer to paramilitaries as the perpetrators.<sup>71</sup> By 28 March half of the town's inhabitants had reportedly either been evicted or had fled,<sup>72</sup> either to suburbs such as Bob or to the mountainous areas close to

Kacanik, especially to two places called "Proni i Runjeves" (Runjevo valley) and "Proni i Rakocit" (Rakoc valley),<sup>73</sup> or to the former Yugoslav Republic of Macedonia. In one incident, around 31 March, 4,000 Kosovo Albanians residing in tents in the mountains near Kacanik were approached by policemen, who took their money, jewellery and IDs, then told them to leave.<sup>74</sup>



**A group of women and children coming down from the hills to shelter facilities; the men have been separated for "talks" and "paraffin tests" (village of Bob/Bob) [\[zoom\]](#)**

Apparently because of the threat of NATO bombings the police moved their office around 27 March to different locations, among others to the health centre and the Gelgeroria factory (or Lepenec factory).<sup>75</sup> The VJ from early April had their quarters in the sanatorium.<sup>76</sup>

From 28 March to 8 April the shelling in Kacanik town became sporadic, but the individual expulsions continued. Then, on 8 April Serb forces attacked again an area of Kacanik town, initially to drive the UCK out of their positions, and, later, to drive all the residents out. One extensively documented incident concerns the deliberate targeting of a large number of civilians in the Rakoc valley, as they fled intense fighting between the security forces and the UCK. A detailed statement, corroborated by other witnesses,<sup>77</sup> was given to the OSCE-KVM by a UCK fighter.

Around 8 April, the UCK had taken positions around Kacanik, in Bob and close to a suburb of Kacanik called Lagje e Re ("new quarter"). On 8 April, VJ and police shelled the UCK positions in Lagje e Re. Since this offensive against the UCK was not successful, they further concentrated on shelling the whole suburb. Most of the villagers took shelter in basements. At about 21:00, Serb VJ, police and paramilitaries were withdrawn and went back to their base, the police building in Kacanik. Since the UCK expected a new offensive, most of the villagers of Lagje e Re were told to evacuate to an area in the hills, called Proni i Runjeves. On 9 April, around 08:30, VJ and police shelled the suburb again. The shelling came from a factory in Kacanik, called Silkapor. At around 09:30, they changed their target and concentrated the shelling on the Rakoc valley. At that time between 150 and 200 displaced people were staying there.<sup>78</sup> Some 40 to 50 VJ soldiers and police, most of them snipers, took strategic position in the hills of Proni i Rakocit. The villagers were forced by heavy artillery fire to leave their shelters and were driven towards

the hills. There, Serb policemen were waiting for them in ambush positions. When the villagers passed through the hills the snipers opened fire on them and killed between 40 and 70 people.<sup>79</sup>

Another account, corroborating the above, says that there were nine uniformed UCK soldiers in the group of civilians.<sup>80</sup> Numerous statements describe the collection of the bodies by Serb forces, and their burial in a mass grave, the location of which is generally given consistently in reports.<sup>81</sup> Two interviewees reported that, two days after the bodies were disposed off, some civilians altered the mass grave and made it look like a number of normal graves, by putting normal grave markers (wooden boards) on them.<sup>82</sup>

After the incident in the Rakoc valley there were reportedly more killings and evictions in the town.<sup>83</sup> By mid-April the town was virtually empty. The only report after that date refers to the suburb of Runjevo/Runjeve (already reportedly deserted and destroyed by shelling on 29 March)<sup>84</sup> being shelled by (unspecified) Serb forces on 21 May, from a position in Drenova Glava/Drenushe, 4 km to the east, apparently as part of the same offensive as affected Stagovo/Stagove on that date (see above).<sup>85</sup>

### **En route to the border: Kacanik checkpoints and the border crossings**

The main north-south road through Kosovo and into the former Yugoslav Republic of Macedonia, Highway 2, crosses Kacanik and exits at the border at **Djeneral Jankovic/Hani i Elezi**. Within a week of the departure of the OSCE-KVM from Kosovo on 20 March 1999 groups of people were fleeing Kosovo south by this road (on foot, by tractor or car, or by bus) as well as by train to the former Yugoslav Republic of Macedonia, through the Djeneral Jankovic border crossing. From refugee statements it is apparent that there was an almost continuous stream of people going to the border up until the end of May, by which time more than 300,000 people, mostly Kosovo Albanians, had crossed into the former Yugoslav Republic of Macedonia (see also Chapter 14, Forced expulsion).<sup>86</sup>

Around the end of March and the beginning of April, the movement was at its height. Interviewees recall long lines of cars, almost at a standstill.<sup>87</sup> The border would become jammed with people coming by road or by train. One refugee stated:

[On 31 March] 300 metres before the border, we had to walk over the railway, accompanied by security forces in civilian clothes. Around 120,000 people were gathered in the no man's land. We stayed without food or heating. ... The third night, 11 persons died. [The witness saw the bodies of the victims; they were of all ages.] In the fourth night, we heard that people finally could move to Macedonia. It was a path, ... a lot of people collapsed, others were moving over them.<sup>88</sup>

At the beginning of April people had to wait at the border for days, sometimes up to a week, before they were finally allowed to cross. Other people were turned back and ordered to go home or were returned, in the same train on which they had arrived, to Urosevac/Ferizaj or even further back, to Pristina/Prishtina.<sup>89</sup> One Kosovo Albanian from Pristina recounts that

After being expelled from Proleterska street on 28 March I left with my family towards the Blace border. We ended up staying at the Serb side of the border for six nights and seven days until 5 April. We were told by the police that we had to go back to our homes. We were then forced to go back, no incidents happened on the way, but we were not allowed back in our house at Proleterska Street so we stayed in different houses in Prishtina every night for 10 nights.<sup>90</sup>

While, of the many people fleeing by car or tractor, a few actually managed to take their car across the border, very many others had their vehicles confiscated along the way,<sup>91</sup> or else had to leave the vehicle behind at the border.<sup>92</sup> One Kosovo Albanian stated:

[On 2 April] while being deported to the border by bus, I saw a lot of cars standing along the road from Urosevac to Djeneral Jankovic. Some cars were turned upside down and some had a lot of bullet holes. All the cars were empty. The car registration numbers were missing.<sup>93</sup>

All along the way there were checkpoints, manned by police, by police and military combined, and by paramilitaries. In this way Serb forces had absolute control over the movement of people all the way up to the border. The checkpoints were not only used to check, and sometimes take, people's IDs, and to arrest men who were suspected of being UCK members, or who could give intelligence on the UCK,<sup>94</sup> but they were also a primary location where money, jewellery and other valuables could be extorted. People were told to give amounts from DM 50 up to DM 1,000. Children, family members or men could be separated out from the main group, and then either party could be beaten and threatened with death in order to extort money in exchange for their lives (see also Chapter 12, Deliberate destruction of civilian property, looting and pillage).<sup>95</sup>

[On 22 May] police, VJ and military police stopped the buses again in Kacanik. I had to get off the bus, together with two other men. We were beaten with a wooden stick for about 30 minutes. The military police blackmailed the people on the bus and extorted DM 500 for not killing us.<sup>96</sup>

People would sometimes be stopped repeatedly at checkpoints along the road:

[On 28 March] we continued along the road and reached Kacanik; near the second tunnel we were stopped by around 10 paramilitaries, wearing old JNA uniforms which smelt of

mothballs. They were armed with sniper rifles and knives, one of them had a Russian accent and they were drunk. They demanded DM 300 per car. As we continued along the road we were stopped again by another group of paramilitaries and we had to pay them DM 100. Then we reached the border....<sup>97</sup>

There are many accounts of arbitrary violence en route to the border, from 26 March up to 23 May. Over and above harassment and extortion the different Serb forces killed or ill-treated the IDPs.<sup>98</sup> Interviewees gave accounts of seeing dead bodies.<sup>99</sup>

On 31 March ... while driving a cargo a few kilometres north of the border, I saw the beating (from 12:00 - 15:00) and subsequently the execution, at 15:00, of two [Kosovo] Albanian men, age presumably 35 to 40, by masked blue camouflaged policemen. I was approximately 20-30 metres from the spot, lots of people must have seen this from the long convoy on the road at that moment. After that, the corpses were stabbed repeatedly by one policeman.<sup>100</sup>

[On 31 March] before crossing the border, one person threw a bag at me and my daughter. The bag hit my daughter's head and my daughter fainted. When I wanted to help her, I was taken away by a civilian and one soldier to the cement factory at Hani i Elezit. There were a lot of armed civilians and uniformed people. They had [fire]arms and also big knives. Around 50 to 60 detained people were in that building. Then three men took me to a small river next to the cement factory. They were carrying big knives with them. I saw around 12 dead bodies. Some of those bodies had their heads cut off, some others were mutilated. I realized that I would also be killed if I would not do anything. I managed to escape.<sup>101</sup>

The chaos and long waiting time at the border was also the occasion for arbitrary violence. People were killed or beaten up and money and valuables were extorted. When they finally were able to cross the border they had to leave their cars behind and hand over their IDs.

[On 28 March] before Djeneral Jankovic border, he witnessed how masked men in black uniforms shot at and above the convoy of cars which was almost at standstill. He saw the abduction of one person from a Lada car (male, 45), and heard gunshots soon after. At midnight, masked men in white uniforms went through the convoy extorting from people. From the witness they stole DM 500 after pointing a gun at his head. At the border, people were forced to leave their cars behind, and documents were being torn up.<sup>102</sup>

The other border crossing in Kacanik municipality is at **Globocica/Globocice** (also referred to as Jazinec, the name of the village on the opposite side of the border in the former Yugoslav Republic of Macedonia). Although they were on a lesser scale compared with the Djeneral Jankovic crossing, similar accounts of killings, maltreatment and extortion were received about Globocica.<sup>103</sup> One witness

described seeing the following on the way to the border:

On 29 March 1999, after 17:00, while I was heading towards the Globocica border crossing by bus, I saw a house on the left side of the road. This house looked like a castle and was the last one before the border. From the junction (road Prishtina-Skopje and Globocica) it took about one hour to get to that house. From the house to the border it took a bit less than one hour. At the right side of the road, on the opposite of that house, I saw more than 40 dead bodies. They had clothes on which looked like they were dressed for a long journey (the clothes were of a thick material which looked like the stuff people wear when they go to work on the field). The bodies were piled upon each other (like a wall). The white hats of the dead bodies were lying next to them. Two military trucks (covered trucks) in green were parked next to the bodies. Some soldiers or officers were standing next to the bodies. About 200 metres from the bodies towards the border, again on the right side of the road, I saw another seven dead bodies lying on the ground. More soldiers, wearing green uniforms and who looked as if they did not have time to shave, were standing next to that group of dead bodies.<sup>104</sup>

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## Notes

<sup>1</sup> UNHCR, "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>2</sup> OSCE-KVM special report "Kosovo border issues", 13 February 1999 (internal document); Report of OSCE-KVM meeting 3 March 1999 with President of Urosevac Municipal Court.

<sup>3</sup> During OSCE-KVM field trips, interviews revealed that Kosovo Albanian villagers in the municipality had no major problems with Serb authorities or police, but villagers asserted that, should they be attacked, most would join the UCK.

<sup>4</sup> PR/03/0008/99; PR/03/0009/99.

<sup>5</sup> PR/03/0043/99; PR/03/0044/99.

<sup>6</sup> PR/03/0062/99; PR/03/0063/99; PR/03/0064/99; PR/03/0081/99; PR/03/0082/99.

<sup>7</sup> PR/03/0059/99.

<sup>8</sup> PR/03/0041/99; PR/03/0042/99; PR/03/0083/99; PR/03/0084/99; PR/03/0085/99; PR/03/0086/99.

<sup>9</sup> PR/03/0041/99.

<sup>10</sup> As reported; possibly refers to Sopotnica/Sopotnice, close to Doganovic.

<sup>11</sup> OSCE-KVM/RC5/CC Urosevac, HR Special Report "Chronology of events in Kacanik", 11 March 1999.

<sup>12</sup> OSCE-KVM/RC5/CC Urosevac, HR Special Report "Chronology of events in Kacanik", 11 March 1999.

<sup>13</sup> OSCE-KVM/RC5/CC Urosevac, HR Special Report "Chronology of events in Kacanik", Info OSCE-KVM VJ Liaison and Kacanik FO, 11 March 1999.

<sup>14</sup> OSCE-KVM/RC5/CC Urosevac, HR Special Report "Chronology of events in Kacanik", 11 March 1999.

<sup>15</sup> PR/03/0083/99; M/1106.

<sup>16</sup> OSCE-KVM/RC5/CC Urosevac, HR Special Report "Chronology of events in Kacanik", 11 March 1999.

<sup>17</sup> OSCE-KVM/RC5/CC Urosevac, HR Special Report "Chronology of events in Kacanik", 11 March 1999.

<sup>18</sup> OSCE-KVM/RC5/CC Urosevac, HR Special Report "Chronology of events in Kacanik", 11 March 1999.

<sup>19</sup> OSCE-KVM/RC5/CC Urosevac, HR Special Report "Chronology of events in Kacanik", 11 March 1999, citing police report of 10 March 1999.

<sup>20</sup> OSCE-KVM/RC5/CC Urosevac, HR Special Report "Chronology of events in Kacanik", 11 March 1999; also M/0639; M/0687; M/1453; M/1602.

<sup>21</sup> OSCE-KVM/RC5/CC Urosevac, HR Special Report "Chronology of events in Kacanik", 11 March 1999.

<sup>22</sup> The OSCE-KVM listed the following villages as having been affected: Alil Mahala/Ali Mahala, Bjela Voda area, Bob/Bob, Bukovik/Bukovik, Dac Mala/Dac Mala, Djeneral Jankovic/Hani i Elezit, Donja Bus Mahala/Donja Bus Mahala, Dragomac/Dragomac, Drosec/Drosec, Globocica/Gllobocice, Gajre/Gajre, Gornja Bus Mahala/Gornja Bus Mahala, Ivaja/Ivaje, Kacanik/Kacanik, Kodraji/Kodralli, Kotlina/Kotline, Kuc Mahala/Kuc Mahala, Kuk/Kuk, Laj/Laj, Ljacit area, Mahala Kod Dzamiji/Mahala Kod Dzamiji, Palivodenica/Palaj, Pustenik/Pustenik, Raga/Raga, Ramun Mala/Ramun Mala, Straza/Strazhe, and Stremce/Shtremce.

<sup>23</sup> OSCE-KVM/RC5/CC Urosevac, HR Weekly report 12-18 March.

<sup>24</sup> M/1461.

<sup>25</sup> M/0508.

<sup>26</sup> M/0166; M/0496; M/0505; M/0506; M/0507; M/1196; M/1316; M/1317; M1461.

<sup>27</sup> M/1317.

<sup>28</sup> M/0507.

<sup>29</sup> OSCE-KVM/RC5/CC Urosevac, HR Weekly report 12-18 March.

<sup>30</sup> M/0364.

<sup>31</sup> M/1186.

<sup>32</sup> M/0220; M/0662; M/1106; M/1108; M/1186; M/1271; M/1331.

<sup>33</sup> Name as recounted. It is probably Donja Gabrica, since this is the third of four villages close together on a straight line between Doganovic and Banjica, all of which were attacked in the space of a week. Gornja Gabrica is about 2 km away to the east of this line.

<sup>34</sup> M/0184.

<sup>35</sup> A/0835; M/0120; M/0197; M/0198; M/0370; M/0857; M/0936; M/0946; M/0961; M/1186; M/1702.

<sup>36</sup> M/0198.

<sup>37</sup> M/0857.

<sup>38</sup> M/1151.

<sup>39</sup> M/0196.

<sup>40</sup> M/1355.

<sup>41</sup> M/0135.

<sup>42</sup> M/0122; M/0135; M/0247;

<sup>43</sup> M/0247; M/0363; M/0364; M/1210; M/1271; M/1604. Reportedly, Dubrava had already been shelled as early as 25 March, but then there were no further actions at that point. On 10 April the UCK had come to Dubrava to ask the people to leave. The men refused but the women and children left for the hills.

<sup>44</sup> M/0122; M/0135; M/0251; M/0254; M/0258; M/0288; M/0370; M/0662; M/0759; M/1021; M/1251; M/1252; M/1702.

<sup>45</sup> M/0258; M/0340; M/0362; M/0364; M/0365; M/0582; M/0679; M/1197; M/1198; M/1200.

<sup>46</sup> M/0220; M/0339; M/0370; M/0679; M/0764; M/0989.

<sup>47</sup> M/0135.

<sup>48</sup> M/0258.

<sup>49</sup> M/0759.

<sup>50</sup> M/1740.

<sup>51</sup> M/1355.

<sup>52</sup> M/1337; M/1382; M/1384; M/1744.

<sup>53</sup> M/0749; M/1028.

<sup>54</sup> M/1743.

<sup>55</sup> M/1743. Then interviewee was himself wounded by a gunshot above his left knee.

<sup>56</sup> M/1355; M/1385; M/1478; M/1743.

<sup>57</sup> M/1804.

<sup>58</sup> UNHCR, "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>59</sup> M/0883.

<sup>60</sup> M/0026; M/0229.

<sup>61</sup> M/0540; M/0544.

<sup>62</sup> M/0259.

<sup>63</sup> M/0359; M/0371; M/0493; M/0508; M/0653; M/0730; M/0924; M/1091; M/1184; M/1296.

<sup>64</sup> M/0924; M/0973; M/1046; M/1091; M/1296.

<sup>65</sup> M/0883; M/1461.

<sup>66</sup> M/0051; M/0229; M/0259; M/0371; M/0544; M/0777; M/0790; M/0913; M/0924; M/0994; M/1091; M/1272; M/1485; M/1602. The number of police is given generally as three, but one report states seven.

<sup>67</sup> M/0425; M/0540; M/0544; M/0587; M/0635; M/0777; M/0904; M/0905; M/0924; M/0966; M/0973; M/0983; M/1091; M/1272; M/1296; M/1484; M/1503.

<sup>68</sup> M/0203; M/0090; M/0883; M/1296; M/1316.

<sup>69</sup> M/0790; M/1503; M/1731.

<sup>70</sup> M/1091.

<sup>71</sup> M/0026.

<sup>72</sup> M/0508.

<sup>73</sup> M/0653; M/0966; M/1144; M/1271.

<sup>74</sup> M/0496.

<sup>75</sup> M/1046; M/1271; M/1296; M/1503; M/1058.

<sup>76</sup> M/1503.

<sup>77</sup> M/0540; M/0587; M/0653; M/0924; M/0964; M/0965; M/1189; M/1272; M/1283; M/1503.

<sup>78</sup> Another witness (M/0964) states at this point, "When the shelling started, Serb infantry came from the hospital, wearing green camouflage uniforms with UCK patches. UCK retreated to the hills, taking family members with them. Witness saw civilians being surrounded by Serbs shooting at them." Another statement (M/1283) corroborates the report that Serb soldiers were wearing UCK uniforms.

<sup>79</sup> M/0702.

<sup>80</sup> M/1283.

<sup>81</sup> M/0702, M/0924, M/0964,

<sup>82</sup> M/0587 says five or six grave markers. M/1272 says 13.

<sup>83</sup> M/0805; M/0917; M/1058; M/1448.

<sup>84</sup> M/1058.

<sup>85</sup> M/1485.

<sup>86</sup> Figures on refugee estimations from OSCE-KVM Human Rights Daily reports, referring to UNHCR reports.

<sup>87</sup> M/0025; M/0072; M/0993; M/0328.

<sup>88</sup> M/0068.

<sup>89</sup> M/1093.

<sup>90</sup> M/1218.

<sup>91</sup> M/1021.

<sup>92</sup> M/0025; M/0479; M/0646.

<sup>93</sup> M/0646.

<sup>94</sup> M/1496; M1790.

<sup>95</sup> M/0005; M/0025; M/0722; M/0847; M/1128; M1243; M/1245; M/1300; M/1309; M/1496; M/1530; M/1790; M/1801.

<sup>96</sup> M/1245.

<sup>97</sup> M/0005.

<sup>98</sup> M/0025; M/0072; M/0993; M/1530.

<sup>99</sup> M/0024; M/0945; M/0907.

<sup>100</sup> M/0993.

<sup>101</sup> M/0519.

<sup>102</sup> M/0025.

<sup>103</sup> M/0006; M/0026; M/0135; M/1021; M/1128; M/1151.

<sup>104</sup> M/1128.

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KOSOVO / KOSOVA As Seen, As Told

OSCE ODIHR

## KLINA/KLINE



The municipality of Klina/Kline lies in west central Kosovo, on the edge of the Drenica region. Highway 9 and a railway line run east-west across the municipality from Pec to Pristina/Prishtina, although no trains ran along this route after the fighting in 1998. The Beli Drim/Drini i Bardh river runs from north to south across the municipality, and another railway line runs south from Klina to Djakovica/Gjakove and Prizren/Prizren.

Based on data given by local Serbian authorities, Klina municipality had about 70,000 inhabitants before the 1998 fighting and displacements, comprising some 50,000 (Muslim) Kosovo Albanians, 10,000 Serbs, 5,000 Kosovo Albanian Catholics, and 5,000 "Gypsies" (*Maxhupet*).<sup>1</sup> By early 1999 only about 40,000 people still lived in the municipality. According to the Serb mayor, mainly Kosovo Albanians had left in 1998 for other regions in Kosovo, or for Albania or Germany. Some Kosovo Albanians later returned to their villages, although no Serbs were registered as coming back to their houses. Furthermore, the mayor stated that eight villages in the Klina area which used to be mixed were 100 per cent Kosovo Albanian by early 1999. The mayor complained that only the Kosovo Albanians received aid from the international organizations and not the Serbs or other national communities. In Grebnik/Grebnik and in Durdjevik/Gjurjevik there was still a minority of Serbs.

The Kosovo Albanian Roman Catholic community was large compared with those in other municipalities, and there were several churches in Zlokucane/Zllakuqan and Budisavci/Budisalc and a large congregation in Dobri Dol/Doberdoll. The rectory of Klina had repeatedly sought permission from the Serbian authorities to build a church in Klina town, but had faced persistent obstruction in recent years. The Roman Catholic community complained that their freedom of religion was thereby restricted.<sup>2</sup>

The municipality was heavily affected by the fighting in 1998, especially in the south around the then UCK-held areas around Jablanica/Jabllanice and Kraljane/Kralan (Djakovica/Gjakove) and in the eastern parts bordering on the municipalities of Srbica/Skenderaj and Glogovac/Gllogoc and along

Highway 9. The situation in the first three months of 1999 was comparatively calm, however. Tensions were nevertheless evident when schools at Volujak/Volljake and Iglarevo/Gllareve were closed on 3 March, as a result of police threats to students. Villagers told OSCE-KVM verifiers that the decision had been made by the UCK.<sup>3</sup> The VJ also carried out operations against the villages of Svrhe/Sverke and Dus/Dush, south-east of Klina, on 14 March, a week before the withdrawal of the OSCE-KVM.

### **Klina/Kline town**

The population of Klina town was estimated by UNHCR at 6,800, of whom 68 per cent were Kosovo Albanian, 19 per cent Serb and 13 per cent of other national communities.<sup>4</sup>

In early 1999 the town was relatively calm compared with 1998, although the OSCE-KVM human rights office received information about incidents of harassment and beating by the police and persistent problems concerning the school system. On the one hand there was systematic infringement of the freedom of movement as a result of the many police checkpoints in the town. On the other hand UCK-controlled areas, in particular in the southern part of the municipality, were a "no-go zone" for Serbian forces.

On 9 February, a police officer cut the tyres of the car the son of a Kosovo Albanian lawyer with a knife and threatened him. When the OSCE-KVM later followed up with the deputy chief of police, the latter acknowledged that the policeman had done wrong and said he would be disciplined. However, the lawyer did not want to pursue the issue further, since he feared discrimination or other forms of revenge.<sup>5</sup> The following day a Kosovo Albanian man was beaten a by local police officer from a group of around 10 at a gas station where he had filled a jerry-can with petrol - the police officer suggested that the Kosovo Albanian was providing the UCK with fuel.<sup>6</sup>

On 13 March an OSCE-KVM patrol encountered a group of Serb men, some of whom were dressed in police camouflage uniforms, sitting around drinking beer, who became very nervous and aggressive towards the local OSCE-KVM staff member, although they were relatively polite towards the international staff.<sup>7</sup> They warned the local staff member that they would kill him if they saw an OSCE-KVM vehicle approaching the police position near Klina again.

Following the withdrawal of the OSCE-KVM on 20 March former local staff were the first to be targeted by the Serbian authorities. On 25 March the senior guard at the OSCE-KVM Co-ordination Centre office in Klina was approached by two officers of the Yugoslav State Security Service (SDB) (named in reports) and ordered to open the OSCE-KVM office building. About 10 police officers were waiting there, who said: "Now we can finish him off!" but were told by the SDB officers: "No, not now, we have to let him leave Klina and kill him outside!" The two SDB officers forced the former guard to assist them, along with two other people, while the 10 police officers stood around guarding the operation. A van made three journeys to take everything from the building, "even the cables", as the

interviewee reported, after which the former guard locked the building and went home.<sup>8</sup>

The large-scale expulsion of Kosovo Albanians appears not to have begun until 28 March, when police and VJ ordered residents to leave within five minutes.<sup>9</sup> (A small group of about 120 - almost exclusively women, children and the elderly - had left on 26 March after a Serb neighbour, with whom one interviewee had good relations, had said they should leave.<sup>10</sup>) Shots were fired at Kosovo Albanian houses on the night of 27 March and the following day one interviewee heard a local police officer (name recorded) saying, "We don't force you to flee but whenever the order comes from Belgrade we have to obey or kill you or to do anything or force you. That's it." Kosovo Albanians were told by a local policemen (named in reports) to leave their house keys behind, <sup>11</sup> cars were "confiscated" by members of the Serbian forces, and houses were seen burning.<sup>12</sup> One interviewee saw a Kosovo Albanian man (name recorded) shot dead, while three prominent local Kosovo Albanians (names recorded) were abducted by police officers and soldiers; the body of one of the three was later seen in the market place.<sup>13</sup> The perpetrators were described as being partly VJ and partly police, some of the latter being dressed in green/brown/yellow camouflage uniforms.<sup>14</sup> Between 1,000 and 3,000<sup>15</sup> IDPs first headed north-west towards Montenegro, but were stopped by police and ordered to go south to Djakovica/Gjakove instead and from there to Albania. The police threatened to kill them if they deviated from the route, shot into the air, and escorted them all the way to Grebnik/Grebnik, although after that they made their own way to UCK-controlled territory near Kraljane/Kralan (Djakovica/Gjakove).<sup>16</sup>

In continuing operations in the town over the next few days (with tanks on the streets and snipers on roofs) police targeted men in particular.<sup>17</sup> One interviewee was among a group of 300 men who had been separated from their families and who were forced to undress. Police beat them with the butts of the rifles and with batons. Police and VJ searched them and extorted money and valuables from the men, taking an estimated DM 126,000 in total. Several of the men were released the next day and taken by truck to Djakovica, from where they walked to Albania. However, 95 of the men were not released, including the interviewee's son, of whom he had not heard at the time of the interview in mid-May.<sup>18</sup>

Further expulsions of Kosovo Albanians from Klina took place on 31 March. VJ and police forced them out of their houses into waiting trucks, which took them to Prizren. Serbian forces set houses along the road on fire.<sup>19</sup> Another group were given two minutes to leave and were told to go to the police station, from where they were taken on civilian trucks to a military camp some 15 km from Klina. Military personnel verbally abused the group and forced them on to the main road in the direction of Djakovica. UCK fighters intercepted them and led them to UCK-controlled territory in Djakovica municipality, where thousands of IDPs had gathered.<sup>20</sup>

Expulsions continued into early April. On 5 April, VJ and police again surrounded the town and one interviewee reported that, as she fled towards Zajmovo/Zajm

, several Kosovo Albanians were shot, including a woman.<sup>21</sup> On 7 April, police kicked in another interviewee's door and forced her to leave, giving her two minutes to do so. She and other Kosovo Albanians were put in a truck and driven south for about 10 kilometres but were then ordered to walk the rest of the way.<sup>22</sup>

Several times IDPs from northern municipalities reported harassment by Serbian and Yugoslav forces in April as they passed through Klina on their way south towards Prizren. On 30 March special police verbally insulted an IDP on a tractor from Istok/Istog, pointed their guns at him and extorted DM 300 from him on his way through Klina.<sup>23</sup> On around 11 April, regular VJ were seen beating the husband of an interviewee who had fled from Lausa/Llaushe (Srbica/Skenderaj) - they hit his head with a rifle and made the couple hand over DM 1,000.<sup>24</sup> On 17 April, police directed a convoy of IDPs from Kosovska Mitrovica/Mitrovice towards Klina. As the convoy approached Klina, local Kosovo Albanians started coming towards them, apparently to bring them aid, but armed Serbian civilians began shooting at them to force them back and the convoy had to continue on its way.<sup>25</sup> It is likely that the Serbian forces wish to prevent IDPs from stopping and settling temporarily in Klina.

### **Villages south-west of Klina town**

The group of villages mentioned below lies along and south of Highway 9 and west of Beli Drim/Drini i Bardhe river. *Gornji Petric/Poterq i Eperme*

On the evening of 12 March the body of a 29-year-old Kosovo Albanian man was found in Gornji Petric/Poterq i Eperme, 7 km west of Klina just off Highway 9. He had been shot three times in the chest in front of a shop. On the following day, OSCE-KVM human rights officers were told about the case and on 13 March took photographs at the scene and carried out interviews, though it seemed that the villagers were not interested in providing further details either to the police, which reportedly suspected the UCK, or to the OSCE-KVM.<sup>26</sup>

According to some statements, on 12 March at 20:50 the victim had gone from his house to his shop nearby (the only one in the village) to pick up some personal belongings. Suddenly six men in black with UCK insignia surrounded him. They at first tried to talk him into going with them and after he refused to do so they started to drag him by force. Then automatic fire was heard. Sometime later the victim's relatives ran to the shop, where they found the dead body. Other statements also describe hearing the shooting, the victim being surrounded by three men in black, but then report that after some minutes they shot him without a word. The family did not call the police to make a complaint.

VJ began shelling the village on 28 or 29 March. At about 17:00, VJ and local Serbs in uniform (some of whom were identified by witnesses) entered one house, pointed their weapons at 11 of the male family members and ordered them to rape the women or be shot, but the men refused. One man was hit with a rifle but was able to leave, but 11 were kept back, while the women and children were told to "walk to where the NATO planes would pick them up". After 100 metres they heard shots and the 11

men (aged 15-62) left behind were presumed to have been shot dead. When the women reached the village of Rosulje/Rosuje (Pec/Peja), 2 km to the west, they told the UCK about the incident and moved on to Kosuric/Kosuriq (Pec) where they stayed for a few days. The UCK told them later that they had found the bodies and buried them in Rosulje. In early April the group of survivors left Kosovo.<sup>27</sup>  
*Grabanica/Grabanice, Drenovac/Drenoc and Dugonjive/Duganjive*

These three villages lie 5-6 km south-west of Klina either on Highway 9 or south of it. The area was seriously affected by the fighting in 1998, especially Drenovac

/Drenoc and Dugonjive/Duganjive, and a priest informed the OSCE-KVM on 15 February that even though some Kosovo Albanians villagers had returned the Serbs carried weapons at all times and tension was high.<sup>28</sup>

On 17 March the OSCE-KVM was told that a police officer had been shot at while driving his car near Grabanica/Grabanice. The chief of police in Klina requested a meeting with the OSCE-KVM and said that, according to the police report, the off-duty police officer was driving towards his home village of Dugonjive at 21:00 on 15 March. Immediately opposite a destroyed and abandoned service station off the highway his car was shot at by someone with a light automatic weapon. He was not injured nor his car damaged. An OSCE-KVM team went to the scene of the incident and found a team of criminologists from Pec there. The preliminary investigation resulted in the finding of nine empty 7.62mm calibre cartridges, suggesting that the car had been ambushed by someone firing an AK-47 automatic rifle. No other traces, evidence or clues were found at the site.<sup>29</sup>

A 63-year-old man described how on 28 March two (named) local Serbs from Drenovac and Grabanica gave him and his family two minutes to leave Grabanica. Three police officers assaulted him and beat him and his daughter-in-law, who tried to protect him, and a police officer ripped her clothes off. The family fled, and spent the night in the church at Glodjane 4 km away.<sup>30</sup> *Novoselo-Zajmovo/Zajm*

On 28 March Serbs tried to loot the Mother Teresa Society warehouse in Novoselo-Zajmovo/Zajm, 4 km south of Klina on Highway 9, and a Kosovo Albanian who happened to see this was killed (as confirmed by a man who heard the shooting and attended his funeral).<sup>31</sup> On 3 and 4 April, police and VJ started to shell Zajmovo, after which the Serbian forces told the village leader to leave and take all the Kosovo Albanians to Albania. Many left on tractors and about 150 left on foot, moving south on the road towards Djakovica.<sup>32</sup> *Kpuz/Kepuze, Ceskovo/Qeskove*

A convoy of IDPs, which had been directed from Bardonic/Bardhaniq (Djakovica) to Kpuz/Kepuze, in the hills 9 km south-south-west of Klina, was stopped by police on 28 March. They separated those who were driving from those who were walking and beat and robbed many people. A 51-year-old man was assaulted by a Serb who hit him round the head with a steel ball attached to a wire cable. The interviewee suspected that the Serb, who wore camouflage and a red bandanna, was a member of

"Arkan's group" and also said that they saw about 100 "Arkan" soldiers in groups of 20-30, who were also wearing red bandannas. There were tanks and VJ soldiers on either side of the road as the IDPs were moved on out of Kpuz.<sup>33</sup>

On 31 March Serbian forces came to Ceskovo/Qeskove, in the hills nearby, forced the Kosovo Albanian population to leave, killed livestock and burned down the house of one interviewee.<sup>34</sup>

### **Villages south-east of Klina/Kline town**

The group of villages mentioned below lies south of Highway 9 and east of the Beli Drim/Drini i Bardhe river. *Svrhe/Sverke and Dus/Dush*

Svrhe/Sverke, lying in the hills 8 km south-south-east of Klina, according to UNHCR had a population of around 2,700 before the 1998 population displacements (although local estimates exceeded that figure)

and was much affected by the fighting in 1998, when dozens of houses were burned and shelled. Dus/Dush, 9 km south of Klina and also in the hills, was much smaller, with only 270 inhabitants.<sup>35</sup> Between Highway 9 and Svrhe rises the Grebenicka Planina hill, over 700 metres high. From summer 1998 it served as a base for VJ forces, with the result that the location became known as "VJ Hill". Svrhe and Dus were again the scene of fighting between Serbian/Yugoslav forces and the UCK on 14 March.

On 13 March there was heightened military activity in the area. At around 13:20 the VJ fired several single shots with small arms at an unknown target from a position south of "VJ Hill".<sup>36</sup> These shots were fired while an OSCE-KVM team was observing the VJ position from approximately 800 metres away. Two "general warning" signs discouraging observation and photography had been placed in the vicinity and the OSCE-KVM suspected the shots were fired to enforce the "general warning".

On 14 March OSCE-KVM teams observed (at the invitation of the deputy chief of police in Klina) that the VJ had five T-55 tanks, one BOV-M armoured vehicle and one M-80 small tank in Svrhe. At 05:55 VJ soldiers were seen at the exit of Svrhe village and four explosions were heard in the village by OSCE-KVM teams over the next 25 minutes. People started to flee south-east towards Bublje/Bubel (Orahovac/Rrahovec), while tanks took positions north of Svrhe in order to support the entry to the village of an M-80, which was positioned between Svrhe and Dus. Many shots and explosions were heard throughout the morning, in particular between 11:10 and 11:56, as the UCK defended the village. South-east of Svrhe and Dus, OSCE-KVM teams saw several UCK reinforcements with anti-tank weapons arriving from the south-east and reinforcing the UCK with anti-tank weapons. They were well dressed in black leather and well organized. During the afternoon, several houses were seen burning. One T-55 tank and one BOV-M were seen by the OSCE-KVM in the centre of the Svrhe. From Bublje the IDPs started to flee further to the south-east.

During the fighting in Svrhe and Dus four UCK fighters were killed. The Investigating Judge from Pec

reportedly came to the area afterwards and sent the bodies to Pristina for autopsy. The UCK-commander of the region named the four dead people.<sup>37</sup>

Later the same day, once the situation was calm,

OSCE-KVM teams entered Svrhe, where they met two civilians who had returned after the firing ceased, who stated that the villagers had fled at around 09:00 and were not expected back that day. The destruction was documented by the OSCE-KVM. Many houses had been damaged or destroyed in the fighting or they were still burning. At the school in Dus all the windows were broken; stoves previously delivered by NGOs were stolen or otherwise removed; children's satchels, also delivered by NGOs, had likewise gone. Many livestock were killed and some set on fire. More than 4,000 Kosovo Albanians were reportedly displaced as a result of the fighting.

A 16-year-old boy from Svrhe was later interviewed in Albania. He described how Serbian forces entered their house, shooting with rifles and yelling at the men to come out. He was scared, so he took his 13-year-old brother and ran out from the back of the house into the hills. As they ran they saw the Serbs set fire to their house. They reached the mountainside about two hours later and met others who had fled. At 18:00 Serbian forces attacked the group in the mountains and captured them. They were ordered to move on to Ljubizda/Lubizhde (Orahovac), where Serbian forces were shelling the village from tanks. They were then sent to Dragobilje/Dragobil (Orahovac) and on an unspecified day were gathered into two groups and loaded on to buses. They drove to Zur/Zhur (Prizren), where they were taken off the buses and robbed of their valuables, money and IDs. Those who refused to give up their valuables were beaten. They then had to walk the rest of the way to Albania.<sup>38</sup>

On 15 March the OSCE-KVM met the deputy chief of police in Klina to discuss the events in Svrhe and Dus the previous day. He explained that the VJ had been attacked by the UCK on its regular exercises and that was why the operation had been launched in retaliation.

On the morning of 21 March, the VJ started to shell Svrhe again. During the offensive, three relatives of an interviewee (names recorded) were killed. Around 60,000 people fled to the "Tushil and Aqarev mountains", which were UCK-controlled.<sup>39</sup> *Volujak/Volljake*

*Volujak/Volljake* lies 8 km south of Klina on the side of "VJ Hill". During the period of the OSCE-KVM's deployment villagers reported various problems concerning access to education and to health care. During a visit to the village on 17 March, villagers told the OSCE-KVM that a doctor had not visited the village for two weeks and that two women (aged 56 and 62) had died over the previous four days because of lack of medical treatment. The villagers also had problems if they tried to leave the village. One man asserted that even though he had valid ID he was stopped at a police checkpoint on his way to Pec, taken to the police station and questioned. He was not ill-treated but such incidents increased the villagers' reluctance to leave and restricted their freedom of movement.<sup>40</sup> On 4 April a group of IDPs from Zajmovo passed through *Volujak* and heard an explosion, after which Serbian forces

started to shoot at them with machine-guns from an armoured personnel carrier. Another witness stated that Serbian forces, whom he identified as VJ, gave them five minutes to leave or they would be killed. He saw one Kosovo Albanian killed and gave the names of 12 others killed that day in Volujak, and named a local Serb who mistreated Kosovo Albanians. A third interviewee reported that police had abducted her nephew in Volujak during April.<sup>41</sup> *Grebnik/Grebnik*

After the OSCE-KVM had left, the population of Grebnik/Grebnik, 4 km south of Klina near the road running south from Highway 9 towards Djakovica on the edge of the valley, was afraid to go out for eight days. Many food shops were burned and the villagers had to remain without food and drinking water. On 31 March five or six paramilitaries, some of them with painted faces and black scarves and wearing camouflage uniforms, and VJ soldiers came to the house of one interviewee and forced everyone to leave within five minutes. Other houses were looted.<sup>42</sup>

Given its location, many IDPs from northern regions passed through Grebnik on their way south towards Djakovica and Prizren. Thus people expelled from Kosovska Mitrovica/Mitrovice passed Grebnik in mid-April and were held for two days in the area, then harassed and robbed and sent back. A convoy was held in Grebnik for two days, during which time three women were allegedly raped by police in a house nearby.<sup>43</sup>

### **Villages east of Klina town**

The group of villages mentioned below lies along Highway 9, the main Pec-Pristina road, in the area adjacent to Glogovac/Glogovc municipality. *Iglarevo/Gllareve and Bobovac/Bubavec*

In early March Iglarevo/Gllareve, a village of scattered houses running parallel to Highway 9 some 10 km east-south-east of Klina, and Bobovac/Bubavec, 15 km south-east of Klina, were frequently visited by police. On 6 March a Kosovo Albanian couple's car was shot at by five or six police officers in Iglarevo, although there were neither casualties nor extensive damage to the car.<sup>44</sup> On 8 March and again on 13 March villagers complained that police often visited Iglarevo in an armoured vehicle and intimidated the population by shooting in the air.<sup>45</sup> On 12 March the OSCE-KVM observed a police patrol in Iglarevo, when a white four-wheel-drive vehicle and an armoured police vehicle (without licence plates) patrolled Highway 9 and checked identification documents at the road junction.<sup>46</sup>

At the end of March police surrounded Iglarevo, separated the men from their families, ordered them to strip to the waist and robbed them. About 3,000 villagers and IDPs were forced up into the mountains, but the younger men were not allowed to leave. The next day a 64-year-old interviewee returned to the village with several other older men and saw the burned remains of one man who had been tied to a haystack. Eleven other young men (five from Iglarevo, the rest from Plocica and Golubovac) had been executed together in one place and were buried there by the older men. Another young man, alive but wounded, was reportedly taken to hospital in Skopje (Former Yugoslav Republic of Macedonia). The next day, while the villagers were hiding in the mountains Iglarevo, "police" came and the interviewee

saw one of them grab a four or five-year-old boy from his mother. One of the "policemen" cut his head off with his knife. Those "policemen" wore red or yellow coloured headbands and camouflage uniforms with an eagle on the sleeve.<sup>47</sup> At the end of March villagers from Bobovac also fled due to shelling and military movements nearby.<sup>48</sup>

Balince/Balince, Crni Lug/Carriluke, Vrmnica/Vrmice, Skorosnik/Shkoroshnik

The villages of Balince/Balince, Crni Lug/Carriluke, Skorosnik/Shkoroshnik and Vrmnica/Vrmice lie 18-20 south-east of Klina, south of Highway 9, and are described by one interviewee as an area in which villagers noticed a large UCK presence. Crni Lug had been shelled and attacked by Serbian police in July 1998.<sup>49</sup>

On 8 February 1999 the body of a local Kosovo Albanian missing since September 1998 was found in his yard in Balince, which had been heavily affected during the fighting in 1998. He had been seen in December 1998 in Lipljan prison, but the OSCE-KVM was not able to follow up on the circumstances of his death.<sup>50</sup>

On 21 March VJ began shelling Crni Lug

and the UCK told the Kosovo Albanians to leave. They went to the mountains but at 18:00 on 23 March were surrounded by Serbian forces who demanded money and jewellery and burned 10 tractors.<sup>51</sup> On 1 April, Crni Lug was shelled again. An interviewee and his family hid in their basement, which was hit and destroyed, but no-one was injured. The family fled on a tractor and trailer and saw the bodies of two women and a child as they left. Police later stopped and robbed the convoy they were in. The police took money, gold and watches from them and told them to leave Kosovo and never come back. They also took three young men from the village and executed them.<sup>52</sup>

On 1 April Serbian forces surrounded Vrmnica and started shooting at the villagers, who fled in cars, trucks, tractors or on foot. Police shot a 56-year-old man's sister dead as she got on to a tractor. He drove the tractor carrying the family for two hours, then buried his sister in some woods and went into the mountains.<sup>53</sup>

A UCK member reported that by about 12 April, the villages of Crni Lug, Skorosnik, Balince and Vrmnica were completely destroyed, and that Serbian positions were seen in Vrmnica.<sup>54</sup>

### **Villages north of Klina/Kline**

The villages mentioned below lie either along the road towards Istok/Istog or that to Srbica/Skenderaj. *Klinavac/Klinafc, Jelovac/Jellofc, Radulovac/Radulofc, Resnik/Resnik, Stupelj/Shtupel*

This group of villages lies between 4 and 10 km north-east of Klina. Several incidents of random shooting from police checkpoints were reported to the OSCE-KVM during its deployment. It seems that police were either shooting randomly at Kosovo Albanian settlements (24 January, Klinovac/Klinafc)<sup>55</sup> or specifically trying to shoot Kosovo Albanian villagers (6 January, Stupelj/Shtupel).<sup>56</sup> In other cases, villagers suspected the police of coming down from hilltop vantage points at night, although the police stated that the shooting might also be by Serb civilians (16 February, Resnik/Resnik).<sup>57</sup> In Resnik about 70 houses had been burned, shelled or damaged in 1998 and there were about 760 Kosovo Albanians living there in early March 1999.

On 17 March the OSCE-KVM was told by a Kosovo Albanian from Radulovac/Radulofc (4 km north of Klina off the road from Klina to Isrtok) that masked people in black uniforms with UCK insignia and machine guns broke into his house on 13 March, looking for a family member. When they failed to find him, they took away his car.<sup>58</sup>

On 28 March VJ troops, some of whom were recognized as local Serbs from Klina and Jelovac, came to the house of an interviewee in Jelovac/Jellofc (9 km from Klina east of the road to Srbica). They told the family and other Kosovo Albanian villagers to leave immediately, giving them no time to take any possessions. The military fired in the air and directed the convoy of tractors to take the road to Djakovica. On the road the UCK met them and advised them to go to Kraljane/Kralan (Djakovica).<sup>59</sup>

On or around 31 March Serbian forces entered Stupelj/Shtupel (5 km north of Klina in the hills) and ordered the Kosovo Albanians to leave within a few minutes and go to the police station in Klina, threatening to burn them in their houses if they stayed. They went first to the village school and then to Klina, where they were told to go south towards Djakovica; on the way some of them were robbed.<sup>60</sup>  
*Josanica/Jashanice*

Josanica/Jashanice lies 8 km north of Klina on the road to Srbica. On around 28 March a group of IDPs coming from Izbica and Srbica passed through Josanica, where they were surrounded by tanks and the VJ threatened to kill them. A 40-year-old woman handed over DM 5,000 to save their lives and the group was allowed to continue.<sup>61</sup>

On or around 4 April, an interviewee joined nine other Kosovo Albanians in a house in Josanica. The VJ took positions just behind the house so that they were unable to move away. After two days they were captured, beaten and questioned by the police. A local Kosovo Albanian (his identity was known to the interviewee) from another village in Klina municipality was co-operating with and interpreting for them. They put all the men in a truck and drove them to a police station, where they were beaten for two days, before being put on another truck, taken to Istok and released.<sup>62</sup>

On or around 8 April, Serbian forces shelled villages around Klina, including Josanica. They forced the Kosovo Albanian villagers out of their houses and gathered some 1,000 people in a field, where they

separated men from women and children, who were sent to Albania. They took money, valuables and documents, and about 600 men were forced to walk north-east towards Srbica.<sup>63</sup>

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## Notes

<sup>1</sup> OSCE-KVM, CC2, "Meeting Report with mayor of Klina", 8 March 1999. The mayor gave a figure of 8,000 Roman Catholics, of whom 3,000 were in fact in Glogjane/Gllogjan in Pec municipality, as was detailed more clearly in the OSCE-KVM's meeting with Roman Catholic priests a few days later. UNHCR gives a figure of 66,700 Kosovo Albanians (whether Muslim or Roman Catholic) out of a total population of 72,900 in the municipality as a whole. See UNHCR, "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>2</sup> OSCE-KVM, CC2, "Meeting Report with Catholic Priests", 13 March 1999.

<sup>3</sup> OSCE-KVM, "Patrol Report", 3 March 1999.

<sup>4</sup> UNHCR, "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>5</sup> PE/02/047/99.

<sup>6</sup> PE/02/050/99.

<sup>7</sup> PE/02/074/99.

<sup>8</sup> A/1122.

<sup>9</sup> A/0112; A/01125.

<sup>10</sup> A/0426.

<sup>11</sup> A/0401.

<sup>12</sup> A/0381.

<sup>13</sup> A/0112; A/1122.

<sup>14</sup> A/0112; A/0401 (described the police as being local Serbs).

<sup>15</sup> A/0561.

<sup>16</sup> A/0111.

<sup>17</sup> A/0199 (who was himself shot in the arm as he stood by a window in his apartment).

<sup>18</sup> A/0401.

<sup>19</sup> A/0080.

<sup>20</sup> A/0199; A/0200.

<sup>21</sup> A/0304.

<sup>22</sup> A/0009.

<sup>23</sup> A/1086.

<sup>24</sup> A/0841.

<sup>25</sup> A/0996.

<sup>26</sup> PE/02/066/99.

<sup>27</sup> A/0143; A/0206.

<sup>28</sup> OSCE-KVM, "Patrol Report", 15 February 1999.

<sup>29</sup> OSCE-KVM, CC2, "Daily Report", 17 March 1999.

<sup>30</sup> A/0145; A/0976. The church in Glodjane sheltered IDPs on several occasions.

<sup>31</sup> A/0499.

<sup>32</sup> A/0204.

<sup>33</sup> A/0425.

<sup>34</sup> A/0021.

<sup>35</sup> Population figures from UNHCR, "Kosovo Village List", 9 March 1999.

<sup>36</sup> At the following times: 13:20; 13:24; 13:26; 13:28; and 13:29.

<sup>37</sup> PE/02/067/99; PE/02/068/99; PE/02/069/99; PE/02/070/99.

<sup>38</sup> A/0562.

<sup>39</sup> M/0519. (The "Tushil and Aqarev mountains", not recorded on maps available to the OSCE/ODIHR, appear to be in the direction of Srbica/Skenderaj.)

<sup>40</sup> OSCE-KVM, CC2 Klina, "Daily Report", 17 March 1999.

<sup>41</sup> A/0204; A/1040; A/1043.

<sup>42</sup> A/0499. (Some villagers had left on 25 March when Serbian forces had reportedly come to the area looking for teachers (A/0931).)

<sup>43</sup> A/0782; A/0852.

<sup>44</sup> OSCE-KVM, CC2, "Daily Report", 6 March 1999.

<sup>45</sup> OSCE-KVM, "Patrol Reports", 8 and 13 March 1999.

<sup>46</sup> OSCE-KVM, CC2, "Daily Report", 12 March 1999.

<sup>47</sup> A/0415. It is unclear from the statement whether the perpetrators were police, as stated, or paramilitaries judging from the description of their clothing.

<sup>48</sup> A/0168.

<sup>49</sup> A/0130.

<sup>50</sup> PE/02/049/99.

<sup>51</sup> A/0588.

<sup>52</sup> A/0130.

<sup>53</sup> A/0572.

<sup>54</sup> A/1074.

<sup>55</sup> PE/02/029/99.

<sup>56</sup> PE/02/044/99.

<sup>57</sup> PE/02/054/99.

<sup>58</sup> OSCE-KVM, "Daily Report", 17 March 1999.

<sup>59</sup> A/0970.

<sup>60</sup> A/0083; A/0142; A/0326.

<sup>61</sup> A/0808.

<sup>62</sup> A/0803.

<sup>63</sup> A/1095.

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KOSOVO / KOSOVA As Seen, As Told

OSCE ODIHR

## KOSOVO POLJE/FUSHE KOSOVE



The small municipality of Kosovo Polje/Fushe Kosove had, up to 1998, a population of just under 40,000 - 59 per cent Kosovo Albanian, 24 per cent Serb and 17 per cent from other national communities. Just west of Pristina/Prishtina, the municipality is a mostly industrial area dominated by the town of Kosovo Polje/Fushe Kosove and coalmines attached to the Elektroprivreda Srbija power station (across the boundary in Obilic municipality). It also contains Pristina airport.

Kosovo Polje/Fushe Kosove municipality was affected by the escalating armed conflict in the summer of 1998, when violence erupted in the area around a coalmine in Veliki Belacevac/Bardhi i Madh and in the nearby village of Grabovac/Graboc. According to information later obtained by the OSCE-KVM, the UCK was positioned in the mountains west of Grabovac. In the second half of June 1998, the UCK occupied the coalmine in Veliki Belacevac and the village of Ade/Hade (Obilic).<sup>1</sup> On 22 June nine Serb employees of the coalmine were abducted on their way to work.<sup>2</sup> VJ and police attacked the UCK shortly afterwards. At that point almost all the inhabitants of nearby villagers fled, either westwards to the Drenica region, or east to Pristina.

Villagers also stated that in 1998 around 700 Kosovo Albanians had lost their jobs in the coalmine and were replaced by Serb workers. Police and VJ maintained intensive controls at checkpoints. At Grabovac there was repeated looting of Kosovo Albanian property, continuing through to the end of 1998, and the police reportedly failed to investigate complaints of such crimes. One villager was reportedly killed in October 1998 when he attempted to return to Grabovac.<sup>3</sup> The UCK remained present in the mountains on the western edge of the municipality, although according to the villagers the local population did not support them.

### **Kosovo Polje/Fushe Kosove town**

Kosovo Polje/Fushe Kosove was the only sizeable town in Kosovo where Kosovo Albanians were in a

minority: the population of over 16,000 was around 36 per cent Serb, 27 per cent Kosovo Albanian and 37 per cent from other national communities.<sup>4</sup> Kosovo Polje town is just 4 km west of Pristina, and is at the junction where the railway line from Pristina joins the main line to the the former Yugoslav Republic of Macedonia border. Near this railway line many IDPs from Pristina witnessed abductions, executions and the burning of bodies from March to May 1999.<sup>5</sup>

During the presence of the OSCE-KVM prior to its evacuation, the situation in the town was tense, and there were violations of the human rights of members of both the Kosovo Albanian and the Serb populations. The most prominent incident was the killing of the Serb deputy mayor of Kosovo Polje on 17 December 1998. He was reputed to have been a "moderate" Serb who did much to improve the conditions of the Kosovo Albanians.<sup>6</sup> From January to March 1999 several killings and abductions in the area were reported to the OSCE-KVM, the victims coming from both the Serb and the Kosovo Albanian populations.<sup>7</sup>

The situation deteriorated almost immediately after the OSCE-KVM withdrawal from Kosovo on 20 March 1999. Refugees interviewed by the OSCE-KVM subsequently reported shootings, harassment, looting and forced expulsion on a massive scale.<sup>8</sup> The Kosovo Albanians were mostly directed to the railway station from where they had to leave for the former Yugoslav Republic of Macedonia.<sup>9</sup> Many of the perpetrators appeared to be locals (most of them were recognized by interviewees). The local police appeared to have no influence over the paramilitaries who were also active in the town.

There was a further significant increase in the prevalence, as well as in the severity of human rights violations following the beginning of NATO air strikes on the FRY. On the night of 24 March the president of the Mother Teresa Society of Kosovo Polje was found dead in his yard.<sup>10</sup> An Kosovo Albanian man whose son had worked for the OSCE-KVM in Pristina was burned to death on or around 24 March during a shelling attack on Kosovo Polje.<sup>11</sup> At the same time, the inhabitants of the neighbouring house who belonged to the same extended family also died. One surviving member of this family stated that local Serbs had executed her grandmother (75). Her father (aged around 50) then fired back and killed at least two Serbs. As revenge, her father was blown up together with her paralysed grandfather (80).<sup>12</sup> There are numerous very detailed accounts of other people being killed and/or burned in the last week of March. Among them were a number of shopkeepers and their whole families.<sup>13</sup> Serbs who entered houses also took away young girls; young girls were also abducted from the railway station.<sup>14</sup>

Also on 24 March, paramilitaries and police separated around 40 men and boys (aged between 12 and 40) from a crowd of people who were waiting at the bus station. The men were beaten and forced to sing Serbian nationalistic songs.<sup>15</sup> A civilian who seemed to be the chief and who had a black and white band on his arm arrived at the scene. When asked by a paramilitary whether they could kill the men, he answered: "It is not our job to kill these people. We did not receive an order for it. Our order is just to

beat them."<sup>16</sup>

On 27 March the secretary of the LDK branch of Kosovo Polje was arrested and later died from injuries sustained while detained. Some 20 to 30 men (described as paramilitaries, police and VJ - wearing different uniforms, some masked) apprehended the LDK leader, his wife and the neighbouring Kosovo Albanian family, including children. In the police station all of the arrested had to face the wall for about six hours. Apparently policemen from Serbia and/or State Security Officers were present. The men were severely beaten, all in the same room.<sup>17</sup> The wife of the LDK leader was made to clean the police station. Three hours later this woman asked a local policeman for help. The policeman answered that he had no competence over the police and the paramilitaries from Serbia. However, the children and the woman were released that day after being robbed.<sup>18</sup> The four men only came back the next morning, 28 March, at 08:30 hours. The LDK secretary was not able to walk and his hands were black from the beatings. He had a large wound on his neck from cigarette burns. His stomach was distended and his ribs seemed to be broken. He vomited blood.<sup>19</sup> Other relatives reported that this man recounted that the police had demanded that he put on a Serbian military uniform and kill his family; they also asserted that he was a UCK commander. He told his relatives that the police drove him several times somewhere for a mock execution.<sup>20</sup> The family of Kosovo Albanian neighbours were able to escape to Pristina with the help of another neighbour, a Serb. This neighbour refused to help the severely injured man and his wife because of their LDK involvement, however. The family took the injured man to a village just outside Kosovo Polje, where he received medical assistance. On 3 April the family left for the former Yugoslav Republic of Macedonia, where the LDK secretary died of his injuries on 4 April in hospital in Tetovo.

On the night of 29 March shots were fired at the house of a well-known Kosovo Albanian doctor. VJ and police broke into the house, looted it and expelled the inhabitants. An interviewee who later entered the doctor's premises (his house and clinic combined) reported finding the bodies of 11 dead (two children, four women and five men). All had had their throats slit open. Only a four-year old girl had survived this massacre.<sup>21</sup>

Also on 29 March three paramilitaries with long beards and an FRY coat of arms or RS Elite Unit insignia on their sleeves, forced a woman (aged 50) and her daughter (aged 30) to undress in front of their husband/father. They groped and ridiculed the women in front of the man.<sup>22</sup>

It is widely reported that masked men in uniforms and helmets arrested in late March or early April a Kosovo Albanian worker of the social security office in Pristina together with two or three colleagues in Kosovo Polje. While the circumstances of the abduction and killing of these men remain unclear, several interviewees later saw the heavily mutilated bodies under a bridge on the way from Krusevac/Krushefc (Obilic) to Kosovo Polje.<sup>23</sup>

## **Nakarada/Nakarade**

The small collection of buildings at Nakarada/Nakarade is near the railway track leading from Krusevac/Krushefc (Obilic) to Kosovo Polje town. As in Kosovo Polje, paramilitaries forcibly expelled most of the villagers on or around 21 March 1999 and directed the inhabitants towards Krusevac/Krushefc.<sup>24</sup> Between 23 March and 4 May residents of Nakarada, Krusevac and Kosovo Polje town observed activities at two mass grave sites near the railway tracks on the way from Kosovo Polje to Krusevac. Over this period, tractors brought bodies, wrapped in plastic, from Obilic/Obiliq, Plemetina/Plemetine and Milosevo/Milloshve (all in Obilic municipality) and dumped them at these locations.<sup>25</sup> Paramilitaries and police were present,<sup>26</sup> as well as "Gypsies" (*Maxhupet*) dressed in the orange clothing of the Cistoca refuse collection company. Excavators dug new graves, which usually each contained four to five bodies.<sup>27</sup> At other times 20 to 40 bodies were thrown into one pit at the same time.<sup>28</sup> On 24 or 25 April men in camouflage uniforms and with black masks brought more than 150 bodies to a grave site. The bodies were dumped into five graves approximately 3 to 4 metres across. Bulldozers flattened the ground afterwards.<sup>29</sup> Also around this time a man and two members of his family were driving past the Albanian cemetery in the area and saw a tractor from the Cistoca refuse collection company and behind that a horse and cart, both driven by "Gypsies" (*Maxhupet*) and with a Kosovo Albanian passenger. From the horse and cart they saw legs and arms hanging down over the edges. The two vehicles went into the cemetery and the bodies were thrown into the open trench. There were about 10 bodies on the horse-drawn cart and around 20 on the tractor.<sup>30</sup> Villagers saw that between 25 April and 4 May the graves were opened almost every night.

Apart from the mass graves, Nakarada was also a place of abductions, killings, rapes and forced executions. On 20 April young, armed Serb males with shaved heads<sup>31</sup> entered the house of a large Kosovo Albanian family and asked for their IDs and money. The next day, some of the Serbs, wearing masks, shot and killed one of the men from the family in front of the house.<sup>32</sup> The female family members reported that after this killing 16 other men from the family were taken away on a truck for interrogation. It is also alleged that the paramilitaries raped and mutilated a number of women from the family in this incident. Their bodies were cut on the breasts, the genital area and the face.<sup>33</sup> At the time when the testimony of these events was taken by the OSCE-KVM, the men were still missing.

## **Grabovac/Graboc**

The tensions prevailing in the villages close to the Veliki Belacevac/Bardhi i Madh coalmine, particularly Grabovac/Graboc, that had been prevalent since mid-1998 (see above) were heightened further on 7 January 1999, when a Serb security worker with the Elektroprivreda company was killed.<sup>34</sup> However, the villagers of Grabovac, displaced as a result of the 1998 fighting in the area, still wished to return to their homes. The OSCE-KVM Human Rights Division was engaged in mediating an agreement between the authorities, the villagers and the UCK. This agreement was first obstructed by Serb authorities, then by the UCK, which insisted that the police remove all the checkpoints from the area. The villagers were ready to return despite the checkpoints; this, however, the UCK did not allow.<sup>35</sup>

One morning in mid-April (the date is unclear from refugee testimonies) police and VJ launched an offensive on the Cicavica mountains. At around 14:00 hours on the day in question some 200 VJ and police forces and paramilitaries approached Grabovac from two sides.<sup>36</sup> They proceeded to loot and burn the village, destroying dozens of houses.<sup>37</sup> The villagers and IDPs being hosted there, who numbered around 4,000-5,000, fled to the edge of the village. Those who did not leave their houses were shot. One interviewee describes seeing from a nearby hill how 12 men were shot in front of their families and how the child of one family who tried to flee was decapitated in front of its parents.<sup>38</sup> By 17:00 hours many children and elderly had fled to the hills where police used dogs to track people down before shooting them.<sup>39</sup> Later, when those who had fled returned, 12 bodies were found in the village. Some had been mutilated and the throat of one had been cut.<sup>40</sup> Other bodies were found in the hills.<sup>41</sup>

At the end of March, about 5,000 IDPs from the surrounding villages fled to **Veliki Belacevac/Bardhi i Madh**. There, two or three men in blue uniforms and bullet-proof vests constantly harassed the inhabitants, but it seems that local police managed to stop this harassment.<sup>42</sup> On 16 April VJ and police ordered everyone to leave. Houses were looted and burned, and cars in good condition were confiscated<sup>43</sup>. The villagers had to walk all the way via Djakovica/Gjakove and Prizren/Prizren to the Albanian border.

### **Donje Dobrevo/Miradi e Ulet, Gornje Dobrevo/Miradi e Eperme and Vragolija/Vragoli**

The villages of Donje Dobrevo/Miradi e Ulet, Gornje Dobrevo/Miradi e Eperme and Vragolija/Vragoli are south-west of Pristina. All three villages seem to have been relatively quiet until April 1999. On 9 April, Serb forces expelled all the inhabitants of the three villages. A special VJ unit ordered the villagers to gather at the schoolyard in Donje Dobrevo. Men were separated from women and directed into a convoy. VJ escorted the convoy to Highway 9 (running east-west through Pristina and Kosovo Polje town). The villagers were sent west via Malisevo/Malisheve (Orahovac) and Prizren/Prizren to Albania.<sup>44</sup> Serbs looted the convoy.<sup>45</sup> Two interviewees (father and son) reported having seen between seven and 10 bodies and many injured persons. One interviewee from Gornje Dobrevo reported seeing nine bodies being dumped into a mass grave 500 metres from his house.<sup>46</sup>

The village of Gornje Dobrevo is also the location where the well-known politician Fehmi Agani was last seen alive on 6 May 1999. (The killing of Fehmi Agani is covered in Chapter 22, Groups targeted for political activism.)

### **Near Pristina airport**

The area in the south-west of Kosovo Polje municipality, near Pristina airport, was mainly known for its mobile checkpoints, established by police, VJ and armed Serb civilians, at which a number of Kosovo Albanians were arrested or ill-treated.<sup>47</sup> On 27 February a police patrol was ambushed west of the

airport: one police officer was killed, and another wounded.<sup>48</sup>

The nearby villages of **Velika Slatina/Sllatine e Madhe, Mala Slatina/Sllatine e Vogel, Mali Belacevac/Bardhi i Vogel** and **Pomazatin/Pomazetin** were attacked by the VJ in the last week of March, apparently as a revenge for NATO attacks. A VJ sniper is also said to have killed an old man (aged 73) and his nephew (aged 16).<sup>49</sup> Most of the villagers stayed temporarily in the mountains and then went via Djakovica/Gjakove and Zur/Zhur (Prizren) to Albania.

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## Notes

<sup>1</sup> OSCE-KVM interview with the representatives of Grabovac, 15 January 1999.

<sup>2</sup> PR/00/0014/99; PR/00/0015/99; PR/00/0020/99. Another Serb had gone missing on 14 May 1998.

<sup>3</sup> Pristina Outreach Office report, 4 January 1999.

<sup>4</sup> UNHCR, "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement). The inhabitants from other national communities, numbering nearly 6,000, included over 3,500 "Gypsies" (*Maxhupet*).

<sup>5</sup> M/0068; M/0092; M/0155; M/0164; M/0179; M/0232; M/0309; M/0525; M/0715; M/1096; M/1113; M/1529.

<sup>6</sup> OSCE-KVM, Human Rights Division: "Violations and abuses of the Serb community rights in Kosovo since February 1998", p. 7 (draft report, not published); US KDOM Report 18, 19 and 30 December 1998. It is assumed that the man was killed by either Kosovo Albanian or Serb extremists.

<sup>7</sup> Account from OSCE-KVM Human Rights Officer.

<sup>8</sup> M/0458; M/0379; M/0694; M/1424; M/0614.

<sup>9</sup> M/0640; A/0956; M/0142; M/0885; M/0888; M/0124; M/0770; M/0533.

<sup>10</sup> M/0614.

<sup>11</sup> M/0526; M/1092; M/0346; M/0379; M/0458. In M/0995 two green jeeps without number plates stopped in front of the house of the victim. Around 11 masked men in black uniforms shot the victim dead. Some of the perpetrators seemed to be policemen well known in the town.

<sup>12</sup> M/1454; M/1092; M/0928 (also includes the names of the perpetrators) and M/1042, M/0928 (hearsay); M/0346 (hearsay); M/0379 (hearsay).

<sup>13</sup> M/0379; M/0886; M/1042; M/0379; M/0609.

<sup>14</sup> M/0443.

<sup>15</sup> Some people recognised one of the paramilitaries as a resident of Nakarada, M/0969.

<sup>16</sup> The interviewee knew that this man lived somewhere in Bresje, M/0969.

<sup>17</sup> M/0527.

<sup>18</sup> M/1024; M/0142.

<sup>19</sup> M/0641; M/0678.

<sup>20</sup> M/0640 and M/0458 also include the name of the Commander of the police station in Kosovo Polje.

<sup>21</sup> M/0627.

<sup>22</sup> M/1042; M/1043.

<sup>23</sup> There are about a dozen hearsay reports of this event, varying greatly in time and circumstances of the killings. M/0416; M/0475; M/0755; M/1342 have eyewitness statements.

<sup>24</sup> Forced expulsions, looting and burning of houses also happened to a number of other interviewees, M/0533; M/1228; M/0534.

<sup>25</sup> M/0718; M/0957 indicated that there are not one but two mass graves. Several reports have drawings of the grave sites. Also, M/0887 and M/1208 contained testimony that on 27 or 28 March, 15 bodies were piled up 5m from the main graveyard of Kosovo Polje. One of the interviewees saw a police officer cutting out the eyes of an elderly man and cutting off one breast of a middle-aged woman. Several dead children and women were lying around. The perpetrators were mainly paramilitaries, some of them identified. It is unclear whether these two statements also refer to Nakarada, or to another location.

<sup>26</sup> M/0416 and M/0860 has some names of perpetrators seen there on 25 March 1999.

<sup>27</sup> M/0416; M/0860.

<sup>28</sup> M/0860; M/1342; M/1486; M/0531; M/0755; M/0536; M/0534; M/0535; M/1029; M/0669; M/0848; M/1104.

<sup>29</sup> M/1029, M/0755.

<sup>30</sup> M/1522. The interviewee named one of the drivers and the Kosovo Albanian "collaborator".

<sup>31</sup> The interviewee describes them as having "shaved heads with [the] Serb cross burnt onto the head".

<sup>32</sup> M/0537, M/0309, M/0718. The description of the uniforms varies in each testimony (either blue/black, black with masks, or yellow/green with stripes on the arms. Two statements indicate 21 April, one 23 April.

<sup>33</sup> Twelve names of the abducted men were reported as well by the wife of the men killed in front of the house and by various other relatives of the extended family. M/0537; M/0309; M/0536; M/0534; M/0531; M/0535; M/0537; M/1486; M/0357; M/0875.

<sup>34</sup> *V.I.P. Daily News Report* (English-language summary of Serbian news), 7 January 1999.

<sup>35</sup> PR/00/0012/99; PR/00/0013/99; PR/00/0059/99; CC Pristina Weekly Reports 27 February 1999, 5 March, 11 March and 18 March, RC 5 Weekly Report 27 February-6 March 1999.

<sup>36</sup> M/1061; M/1457. M/0604 has a figure of 700. M/0603 describes VJ and police as having standard dress and the paramilitaries as wearing civilian clothes, with long hair, beards, masks and being armed with knives on both legs and both sides of the chest and pistols.

<sup>37</sup> M/0603 describes 78 houses as having been burned.

<sup>38</sup> M/0483; M/0604.

<sup>39</sup> M/0604; M/1457 (who describes the men as wearing insignia of the elite anti-terrorist SAJ police).

<sup>40</sup> The villagers who buried the dead were only able to name a few of the victims as others were IDPs. M/0388; M/0737; M/1061; M/1062 and M/1410 also witnessed these events. Statements differ as to whether there were among the dead one or three children (aged between seven and 15 years) but there appears to have been one woman, the remainder being men.

<sup>41</sup> M/0604 found four other bodies in the hills; M/0875 reports that 13 or 14 men were killed and mutilated in the hills and that he saw nine of the bodies and participated in the burials; M/0361 heard that 13 people were killed in

the mountains at this time (four with knives). Also M/1410 and M/1457 (hearsay). M/1062, describing an attack on Grabovac in which at least 13 people were killed, may also refer to these events, although the dates as given are inconsistent.

<sup>42</sup> M/1116.

<sup>43</sup> A/0876.

<sup>44</sup> A/0870; A/0968; A/0992. The names of the VJ commander in charge as well as of a police officer and a Serb civilian who took part in the actions, are given in A/0137.

<sup>45</sup> A/0227; A/0137.

<sup>46</sup> A/0870.

<sup>47</sup> PR/A/0012/99, Pristina RC 5, information on check points.

<sup>48</sup> KVM Headquarters Fusion Blue Book 8, 28 February 1999.

<sup>49</sup> A/0189; A/0890; A/0269; A/0240.

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KOSOVO / KOSOVA As Seen, As Told

OSCE ODIHR

## KOSOVSKA KAMENICA/KAMENICE



Kosovska Kamenica/Kamenice is the most easterly of Kosovo's municipalities. The population of just under 60,000 was 76 per cent Kosovo Albanian and 22 per cent Serb, with the remainder coming from other national communities.<sup>1</sup> During the time that the OSCE-KVM was deployed in the municipality no major incidents of human rights violations were reported to it. The atmosphere in the municipality was, however, very tense, as in other parts of the province. Some Kosovo Albanian villagers complained that their Serb neighbours would fire their weapons in the air every night, as a way to intimidate the Kosovo Albanians,<sup>2</sup> and in the village of **Robovac/Ruboc**, close to Kosovska Kamenica town, a shooting incident during daytime in mid-January was reported to the OSCE-KVM; no-one was injured. The shooting was allegedly coming from a nearby village.<sup>3</sup> Police were also reported to be active in the village of **Kriljevo/Krileve** at night, which led to frightened villagers spending the night away from their homes.<sup>4</sup> The OSCE-KVM also received allegations of the police demanding money to let people pass through checkpoints.<sup>5</sup>

Among the statements given to the OSCE-KVM by refugees after 20 March 1999 there are no references to incidents in Kosovska Kamenica. Two incidents from the period up to June 1999 came to light later, after the deployment in Kosovo of a new OSCE mission, and these are recounted below. This would appear to suggest a general level of violence and human rights violations - including forced displacement - far lower in Kosovska Kamenica than in other municipalities, but it is not possible to determine definitively whether violence on the scale seen elsewhere in Kosovo was genuinely absent<sup>6</sup> - and if so, for what reason - or whether other factors account for the apparent absence of refugees making complaints about human rights violations.

### Oraovica/Rahovice

On the morning of 18 April 1999 the village of Oraovica/Rahovice, in the north-west of the municipality

close to the boundary with Pristina municipality, was surrounded by VJ. The villagers were told to prepare themselves to leave but to wait until paramilitaries arrived. The paramilitaries, in green camouflage uniforms and some of them masked, arrived in 15 vehicles. They started to rob the villagers, also ill-treating them and making death threats. One of the villagers was separated from the others and was seen being pushed through a gate into a courtyard. After the gate was closed two rounds of automatic fire were heard. Thereafter, smoke was seen coming from the barn in the courtyard and another round of automatic fire was heard. When the villagers returned to the site on 15 May they found the barn entirely burned, and some burned bones.<sup>7</sup>

## **Koprivnica/Kopernice**

On 11 May 1999 at Koprivnica/Kopernice an armed man in VJ uniform was seen taking the local doctor into a field. As the doctor entered the field he was shot three times in the back and shoulders by the soldier. The body was later buried by relatives.<sup>8</sup>

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## **Notes**

<sup>1</sup> UNHCR "Kosovo Village List", 9 March 1999. 1998 population estimate excluding forced displacement.

<sup>2</sup> KK 8; KN 16.

<sup>3</sup> KK 5.

<sup>4</sup> OSCR-KVM, "Weekly report RC 4", 12 February 1999.

<sup>5</sup> KK 23.

<sup>6</sup> Certainly, the municipality was among the farthest from UCK areas of activity, which was doubtless a factor in the overall security situation.

<sup>7</sup> GN 22.

<sup>8</sup> GN 21.



## KOSOVSKA MITROVICA/MITROVICE



Kosovska Mitrovica/Mitrovica municipality is in the north of Kosovo, at the north end of the Kosovo Polje/Fushe Kosove valley and extending into the Bajgora/Bajgore mountains. The municipality's population of approximately 116,500 was 81 per cent Kosovo Albanian, the majority of the remainder being more or less equally divided between Serbs and members of other national communities, including "Gypsies" (*Maxhupet*). Most of the Serbs and the members of other national communities lived in Kosovska Mitrovica town and its suburbs of Prvi Tunel/Tunel i Pare and Sipolje/Shipol, and Serbs were in the majority in the mixed village of Svinjare/Frasher i Madh.<sup>1</sup>

The OSCE-KVM established human rights personnel in its Regional Centre in Kosovska Mitrovica in December 1998.

### Kosovska Mitrovica/Mitrovica town

Kosovska Mitrovica town is tucked into the hills in the south-west of the municipality, bordering Zvecan municipality, at a bend in the Ibar river. The city's population of approximately 68,000 was 71 per cent Kosovo Albanian, with approximately 9,000 Serbs and 10,141 people of other national communities, a large part of them "Gypsies" (*Maxhupet*). Although Kosovo Albanians lived throughout the city, the areas south of the river, including the Tavnik and Bair quarters, were thought of as Kosovo Albanian districts. The Sipolje/Shipol suburb, on the main road to Pec/Peja, was also a significantly Kosovo Albanian area.<sup>2</sup> Throughout the time of the OSCE-KVM deployment in Kosovo one functioning bridge linked the north and south parts of the city. The OSCE-KVM had human rights staff in its Co-ordinating Centre in Sipolje from December 1998. The UCK had a strong presence and influence in Sipolje. *Events in the town up to 20 March*

*Killings and abductions.* During the time the OSCE-KVM was in Kosovo, a number of killings were committed in the Kosovska Mitrovica area which might have been ethnically or politically motivated,

although many might have been common criminal acts. On the evening of 27 December 1998, a spokesperson for a "Gypsy" (*Maxhupi*) organization was killed in his yard by three gunmen. Two other "Gypsies" (*Maxhupet*) were killed at the same time. According to witnesses, the gunmen, speaking Albanian, had knocked at the gate and asked for one of the men by name; two of the gunmen were masked and wearing uniforms. The family and police attributed the killing to the UCK.<sup>3</sup> Two Kosovo Albanian brothers were found dead in Supkovac/Shupkofc, a suburb to the east of Kosovska Mitrovica, on 29 December; they had been killed elsewhere. One of the men, whose body OSCE-KVM personnel saw, had been shot three times in the chest. The two men had previously contacted the OSCE-KVM following a weapons search of their house.<sup>4</sup>

Two Serb men, one reportedly a journalist, were found dead in the Radasnik quarter on 2 January 1999. It appeared as if they had been killed elsewhere and their bodies taken to where they were found.<sup>5</sup> On 12 January a Kosovo Albanian bar owner was shot dead in the street after being summoned from his bar by Albanian-speaking perpetrators; the body was found in another location. It was suspected that this case was a common criminal act.<sup>6</sup> On 27 January the body of a Serb man was found under the Mitrovica bridge; he had been killed with several shots to the head from an automatic weapon.<sup>7</sup> On 3 February the body of a Kosovo Albanian man was found near Zvecan; he had been shot in the head. He had been last seen driving between Pristina/Prishtina and Kosovska Mitrovica on the night of 2 February.<sup>8</sup> On 3 March the bodies of two men were found dead near their abandoned car (which still had the keys in it) at the same location where the bar owner killed on 12 January had been found. Both men found on this occasion had been shot several times, including shots through the head, with automatic rifles and at least two pistols (different calibre bullets were found). The car had been found the previous night by a relative of one of the victims, who said that he had not seen the bodies. A person reported to be an eyewitness said that he saw two men in civilian clothes and two in uniform stop the car and remove the two men; the witness claimed that he had then called the police, who allegedly responded that they could not take action against the perpetrators.<sup>9</sup> The body of a politically active Kosovo Albanian former theatre director was found just outside Kosovska Mitrovica on 12 March; he had been shot at close range four times in the abdomen, once in the chest and twice in the head.<sup>10</sup> It is not clear whether these killings were common criminal acts or whether they were politically motivated.

The UCK also abducted people from Kosovska Mitrovica. Eight VJ soldiers who strayed from their unit were released on 13 January 1999 following OSCE-KVM intervention.<sup>11</sup> Victims were not always Serb. For example a man who had been seen firing off a weapon while drunk was allegedly abducted by the UCK in Kosovska Mitrovica on 18 February. Relatives and other local human rights activists said that they had received information he was detained in the Shala region, but this was never confirmed by the OSCE-KVM.<sup>12</sup> A Kosovo Albanian who was a retired former representative of a prisoner association and a lay judge was abducted when his car was stopped between Donje Zabare/Zhabari i Poshtem and Kosovska Mitrovica on 15 March. The family received information from the UCK that he was detained in the Shala region.<sup>13</sup>

*Killings and displacement during security operations.* On 18 January 1999 two men opened fire with a rocket launcher and an AK-47 against a police jeep on the main road going towards Sipolje on the outskirts of Kosovska Mitrovica. The jeep was hit and rolled over; five people were reportedly injured. Immediately afterwards police began a cordon and search operation in the area.<sup>14</sup> During the searches, which continued over the next two days,<sup>15</sup> Kosovo Albanians reported that houses were ransacked and property stolen or destroyed.<sup>16</sup> Some people reported that men were ill-treated.<sup>17</sup> On 20 January, police surrounded two houses where 10-15 UCK members were allegedly hiding out. The incident as it unfolded was observed by the OSCE-KVM. The police surrounded the houses and called on the occupants to surrender. The OSCE-KVM arranged a temporary ceasefire with the police, but its attempts to broker a surrender with the UCK inside the house were unsuccessful. The UCK initiated fire with small arms and light anti-tank weapons. After a day-long stand-off, police attacked the houses using an M53/59 Praga. The bodies of two armed UCK members (their membership established by their military uniform and UCK insignia) were found, while it was estimated that 10 other occupants had escaped.<sup>18</sup>

The police continued their searches in the area, and according to the UNHCR, at this time some 5,000 local residents fled their homes and became temporary displaced.<sup>19</sup> After the local residents returned, the OSCE-KVM verified that houses had been ransacked and some objects destroyed; residents also claimed that valuables and shops had been looted during their absence.<sup>20</sup> In two houses, objects had been thrown into the wells. In one case 15 litres of cooking oil appeared to have been poured into the family's water source.<sup>21</sup> The family of one man who had been left behind in his home claimed that the police had ill-treated him, and that he died four days later as a result of the injuries.

Yugoslav military "winter exercises" began in the south of Kosovska Mitrovica municipality in late February (see Vaganica, below, and also the entry for Vucitrn municipality). By 21 February international sources reported that police reserves had been called up in Kosovska Mitrovica, receiving uniforms, weapons and ammunition.<sup>22</sup> On 24 February, the VJ conducted "exercises" in Sipolje, involving approximately 50 troops with supporting armoured vehicles including two tanks and four artillery pieces. The exercises, lasting until early afternoon, caused an estimated 500 Kosovo Albanian residents to leave their homes, despite the presence of the OSCE-KVM in Kosovo Albanian villages. Some returned after the exercises were completed.<sup>23</sup>

*Arbitrary arrest and ill-treatment.* Kosovo Albanians frequently reported to the OSCE-KVM that they or their relatives had been stopped at random in the town by police and then detained at the police station.<sup>24</sup> The OSCE-KVM also received and documented many reports of ill-treatment by police, either in the police station when people were taken for questioning, or in private homes in the context of searches for weapons or for alleged UCK members, or in the form of random beatings on the street.

On 24 December 1998 police conducted weapons searches in several houses in the Bair quarter. OSCE-KVM verifiers saw two trucks with about 60 police, a Pinzgauer, and five other cars come to the area.

According to one witness:

Around 10:00 hours police arrived at the house. One fired his gun and shot the house dog, which was wounded (in the yard). Inside the house 30 police searched for weapons. Outside were 70 more, most in blue camouflage uniforms, some in civilian dress. The police asked if there were any refugees in the house [answer: no]. . . They only prepared a warrant after they had conducted the search and before the police left the house.<sup>25</sup>

The police found and confiscated a 16 mm hunting rifle and ammunition for the rifle, and arrested one man. The OSCE-KVM verifier noted that the house was ransacked. In another house in the neighbourhood, relatives said the police held a gun to a 16-year-old boy and punched him while conducting a weapons search in the house. They ransacked the house and, although they had not found any weapons, arrested a 27-year-old man. Others were also reportedly arrested at this time.<sup>26</sup>

On 13 March, an improvised explosive device went off in the Kosovska Mitrovica market at 14:18 hours. Four people were killed and approximately 30 injured (seven seriously) in the blast.<sup>27</sup> No-one claimed responsibility for the attack, although both Serb and Kosovo Albanian communities were quick to blame the other.<sup>28</sup> A similar device detonated in Podujevo market at the same time (see the entry for Podujevo municipality). Following the blast, a Kosovo Albanian couple walking down the street saw police arresting two Kosovo Albanian men. When the police saw the couple they stopped them and ordered the husband to come with them to the police station. He refused to go, as he was accompanying his wife, who was six months pregnant at the time. The police then kicked and beat him, and pushed him into the car. When the woman tried to stop them taking her husband, she too was beaten.<sup>29</sup> A man was arrested in the post office on 17 March and taken to the police station, where he was questioned about alleged UCK membership and about his alibi during the market explosion on 13 March. During the questioning he was beaten with a truncheon. On 18 March the OSCE-KVM documented the injuries he had received as a result of the beatings; photographs show bruised buttocks, a mark on the right thigh, and swelling around the right eye.<sup>30</sup>

The same evening, police came to a house and arrested three men, reportedly because they were distantly related to a well-known UCK member. Two of the men, who were released after 24 hours, reported that they were taken to separate rooms, severely beaten and thrown into cold water, and interrogated about the UCK.<sup>31</sup> The third man was only taken before an investigating judge 93 hours after he was detained, and was charged with terrorism. At that time OSCE-KVM verifiers noted that his hands were bruised.<sup>32</sup>

On 11 February a Kosovo Albanian was stopped in the street by police, who, when finding out that he was an IDP, started to beat him. Another police officer called to two young men standing on the other side of the street, and when they ran away fired a shot from his pistol in their direction (they were not hit).<sup>33</sup>

On 15 February, when returning to Kosovska Mitrovica from Kosutovo/Koshutove, a taxi driver was stopped in Zabare/Zhabare by five uniformed men wearing dark uniforms. He was forced to get out of the car and the police hit him with the butt of their rifles and forced him on to his knees. Another civilian vehicle tried to pass, and one of the police threatened the driver of that car, then pulled the passengers out of the taxi and hit one of them, a young man, on the head. He then demanded money from them and threatened to kill them. At that point the taxi driver started the car and they fled. When the taxi driver was interviewed two days later, the OSCE-KVM observed injuries to his neck and face.<sup>34</sup>

Because of repeated incidents where Kosovo Albanians were harassed, ill-treated, or arbitrarily arrested when stopped at checkpoints, particularly when travelling by bus, on 19 February the OSCE-KVM monitored two bus routes in the Kosovska Mitrovica area.<sup>35</sup> That day no passengers were detained or ill-treated, but the driver on one bus route was arrested and fined after completing his route.<sup>36</sup> Complaints about detention and ill-treatment at checkpoints continued after this OSCE-KVM monitoring action, however.<sup>37</sup>

In contrast to the zealous, albeit procedurally flawed, investigative activities carried out when Kosovo Albanians were suspected of committing violent acts against Serb civilians, police frequently failed to investigate or intervene in cases where Serb civilians were suspected of committing violent acts against Kosovo Albanian civilians.<sup>38</sup> For example, one family was repeatedly harassed throughout the time the OSCE-KVM was in Kosovska Mitrovica. On 22 January, a group of drunk and disorderly Serbs hurled stones and firewood at the house, in what was reported to be a repeat attack on the family. The police were informed on 6 February 1999.<sup>39</sup> On 13 February the family's house was again stoned and they were harassed.<sup>40</sup> On 20 February, the house was stoned again. A family member said that when he had last complained to the police and mentioned the OSCE-KVM they told him not to complain to the OSCE-KVM.<sup>41</sup>

Police also failed to intervene to protect Kosovo Albanians on other occasions when they were attacked. For example, on 8 March the OSCE-KVM received a report of Serbian youths throwing stones at Kosovo Albanian secondary school students. As the OSCE-KVM approached, they saw the youths running across the road and attacking a group of girls; the young men left as the OSCE-KVM approached. Four female students had been injured: they had been punched and hit with a piece of wood, three were bruised - one on the face - and the other had a cut hand. Two police officers were seen near the youths during the attack, and three others were standing about 100 metres away, but none reacted to the incident. When the OSCE-KVM brought the case up with police later, they demanded proof that the incident had taken place and the names of the police officers involved. The OSCE-KVM conducted foot patrols near the school, and no further incidents were documented.<sup>42</sup>

### ***Events in the town after 20 March***

After the evacuation of the OSCE-KVM on 20 March and the start of the NATO air campaign against the FRY on 24 March, human rights and humanitarian law violations, including killings as well as other acts of violence, intensified the climate of fear for Kosovo Albanians in Kosovska Mitrovica. News circulated quickly about the killings of LDK activist Latif Berisha as well as a Kosovo Albanian trade union activist, Agim Hajrizi; the latter was reportedly killed along with some of his family.<sup>43</sup>

*Summary and arbitrary killings.* Refugees interviewed by the OSCE-KVM reported random killings of individuals. One interviewee reported that on 27 March a 63-year-old man with a bicycle was forced to stop by police officers, who asked him for his ID and forced him to strip to his underwear. The police officers then threw the man's bicycle into the river and, after they ordered him to retrieve it, shot him in the back. Wounded, the man tried to proceed with his bicycle across the river, and was shot dead.<sup>44</sup> When another interviewee's family was expelled from their house police were shooting in the air. The interviewee's 65-year-old brother was the last to leave the house, and after he did not come with the others, the interviewee went back to the house, where he found his brother severely injured. He said he had been shot from the street by four masked Serbian police officers, and was hit twice in the leg and once in the side; although he received medical treatment he later died from his injuries.<sup>45</sup> Several other interviewees said that they witnessed killings or had seen bodies.<sup>46</sup> Others heard of killings during this time.<sup>47</sup> The information collected by the OSCE-KVM did not provide enough detail to establish whether any of the above killings actually referred to the same incident.

On 14 April more than 20 men living in Miladin Popovic street were kept behind when their relatives were expelled from the street. One woman reported that one of her Serb neighbours, whose son was in the armed forces, prevented her husband from leaving the building, saying that police wanted to check their IDs. Shortly afterwards, police in green camouflage uniform came to the door and ordered everyone to get out immediately. On the stairs, the police stopped her husband, brother-in-law and two nephews and told the women to go on. This woman gave the names of some other neighbours abducted at that time.<sup>48</sup> One of them was a relative of an interviewee who said that on 14 April, relatives came in a panic to his residence; they told him that they had been expelled from Miladin Popovic street earlier in the day and that two male members of the family had been separated from them. They believed that one had escaped, but another man was seen separated from the others.<sup>49</sup> In September 1999, 28 bodies were exhumed from a gravesite in a remote location in Vidomiric/Vidimiriq; at least 16 of them were identified as men abducted from Miladin Popovic street on 14 April.<sup>50</sup>

Another large gravesite was identified in Suvi Do/Suhadolli and exhumations began in July 1999. Some residents said that they had seen trucks carrying bodies in that direction on several occasions, driven by "Gypsy" (*Maxhupi*) employees of the Standard sanitation department dressed in orange clothing.<sup>51</sup> At least some of the approximately 70 graves appeared to be marked with numbered wooden posts. By 23 August, nine bodies had been identified, of seven men and two women; they had been killed in at least five separate incidents in various places.<sup>52</sup>

On 9 June armed forces came to three adjacent apartment buildings on the north side of Kosovska Mitrovica on the road to Suvi Do and went from apartment to apartment, arresting men; approximately 14 men were taken that day.<sup>53</sup> One man said that the perpetrators threatened to take his son, but when he volunteered to go in his place, they left.<sup>54</sup> Another man said that he tried to escape being taken by showing the men documents which said he was not Kosovo Albanian. While this worked for the first group that came to the door, another group smelling of sweat and alcohol arrived three minutes later and ordered the interviewee and his (Kosovo Albanian) brother-in-law to come downstairs. There, nine men were assembled who waited until another five were brought. They were robbed of their money and beaten, then put in a red van and driven through the small streets towards the river; when they got there, the interviewee was among the last to get out of the van; he heard shooting and pleaded again in vain for mercy from one of the perpetrators. The remaining men were then ordered to jump in the river; the man heard shooting and, staying under water holding on to a tree branch, lost track of what happened. He eventually left the river and stayed for approximately two weeks on the river banks before returning to his family; he did not know what happened to the other men forced to jump in the river that day.<sup>55</sup>



**Kosovska Mitrovica: a looted and burnt out house in the hospital district. The graffiti read: "Where are you now Shiptars", "Pretty house pretty flame" and "Serbs don't protect Shiptars" [\[zoom\]](#)**

*Forced Expulsions.* The killings or other acts of violence caused some Kosovo Albanians to flee for other areas of Kosovska Mitrovica.<sup>56</sup> However, the majority of the 145 people interviewed by the OSCE-KVM who reported incidents in Kosovska Mitrovica town were expelled from their homes by force or threat. These reports cover the period from 22 March until 16 May, but the frequency of reports intensified during three distinct periods: from 24 to 29 March, over several days in early April, and a large wave on 14 and 15 April.

On 22 March, expulsions began in Kosovska Mitrovica.<sup>57</sup> Many of those forced out of their homes went to other places in the town, in particular to the Tavnik quarter.<sup>58</sup> Some looting and burning of Kosovo Albanian businesses also took place at this time.<sup>59</sup>

Forced expulsions increased between 24 and 29 March. The following account of the way in which an expulsion was carried out is unusual in the fact that a Serb neighbour was present and intervened, but

generally matches a pattern described by many victims:

On 29 March 1999 a group of 10 masked paramilitaries dressed in green camouflage uniforms (a black stripe on the arm of one of them) looted houses, harassed, beat and finally expelled residents of Minatore street [Serbian: Rudarska ceta] in Mitrovica from their homes. [They came to the house where the interviewee was staying.] I witnessed them beat my brother [aged 47, and named in the interview] whose rib was broken as a result; they also beat my nephew [aged 36], and hit my sister-in-law with the barrel of a rifle. A Serb neighbour [name given] who intervened on behalf of my relatives was also threatened. Then they looted and took my brother's car, DM 500 and gold jewellery, then forced all from the building.<sup>60</sup>

During this wave of expulsions, those Kosovo Albanians who lived in mixed areas of the town seemed to be particularly targeted.<sup>61</sup> One interviewee noted that four masked police officers came to his building and made a list of the Serbs who lived there. His neighbours tried to protect the family by saying that they had already left, but police returned the following morning and, when they discovered the family, forced them to leave.<sup>62</sup>

Most of the interviewees were not told where to go, so fled to other parts of Kosovska Mitrovica. Others were specifically told to go to Tavnik quarter.<sup>63</sup> However, some of those who fled were sent in a convoy on foot towards Pec/Peja.<sup>64</sup> Others were told to go to the bus station; one interviewee was there for three days before being told to walk to Albania.<sup>65</sup>

Most of the interviewees described the perpetrators as masked but wearing police uniforms. However, some said that VJ members were responsible.<sup>66</sup> One interviewee described the armed men who came to his house and gave him 15 minutes to leave as wearing green camouflage uniforms, black gloves and a badge with white, blue and red vertical stripes.<sup>67</sup> Descriptions given by interviewees indicate that armed civilians may also have taken part in the expulsions.

At the same time, houses and businesses of Kosovo Albanians were targeted for looting and arson.<sup>68</sup> A house formerly used by UNHCR staff was set on fire.<sup>69</sup>

For those Kosovo Albanians remaining in Kosovska Mitrovica, movement was restricted. One interviewee reported that when he tried to return to his house to visit on 2 or 3 April, he was stopped at a bridge by police who asked him where he was going. The police started to punch him and beat him with the butts of their automatic rifles, but stopped when a Serb friend of the interviewee intervened.<sup>70</sup> Another interviewee reported that in early to mid-April when she was in Tavnik quarter, a rumour circulated that although provisions were low in Tavnik, shops were open on the other side of Kosovska Mitrovica. Three women from the interviewee's household were beaten by Serb women civilians when

they tried to cross the bridge on their way back to Tavnik.<sup>71</sup>

Another wave of expulsions took place in early April. Again, some interviewees fled to other parts of Kosovska Mitrovica, others to other locations in Kosovo.<sup>72</sup> At least some reported that buses were waiting for them which took them to the former Yugoslav Republic of Macedonia.<sup>73</sup> Others were sent to Montenegro.<sup>74</sup>

There was a large number of expulsions on 14 and 15 April in the greater Kosovska Mitrovica area, including the suburbs of Zabare/Zhabare, Suvi Do/Suhadolli and Sipolje, and the town of Stari Trg/Stariterg; other areas in northern Kosovo were also affected (see the entry for Vucitrn/Vushtrri municipality).<sup>75</sup> One 48-year-old man described how masked men came to his house on 15 April and forced the inhabitants to go to the market place in Kosovska Mitrovica. There, men were separated from women, and the men were forced to put their hands against a wall and were beaten with iron bars. They were then put on buses and taken to Zur (Prizren), where they were forced to walk to the Albanian border. When interviewed 12 days later, the man still bore bruises on his legs which he said were a result of the beatings.<sup>76</sup> Others fled in fear before Serb forces came to their homes.<sup>77</sup> Two interviewees reported that these expulsions took place shortly after a NATO attack on the Yugoslav Army barracks in Kosovska Mitrovica.<sup>78</sup>

On 14 and 15 April, large convoys estimated to number tens of thousands of people were directed on foot to Albania. Many people in this convoy spent the night in Sipolje or Zabare, to the south-west of Kosovska Mitrovica, before being forced to move on towards the border. One convoy was directed via Pec/Peja, Decani/Decane and Djakovica/Gjakova municipalities to the Albanian border.<sup>79</sup> Some IDPs were sent to Klina/Klina via Djurakovac/Gjurakoc (Istok), while others went through Srbica/Skenderaj municipality to Klina. Many became part of a large group of IDPs whose movement was restricted, for example many who were stopped in Zablace/Zablaq (Istok) or Grebnik/Grebnik (Klina), as is described in further detail in the entries for those municipalities..<sup>80</sup> Although the majority of people interviewed by the OSCE-KVM had travelled to Albania, NGOs report that many Kosovo Albanians expelled on 14 and 15 April from Kosovska Mitrovica were ordered to go to Montenegro, travelling on foot via Dubovo/Dubove (Pec) before being returned to Kosovska Mitrovica.<sup>81</sup> One interviewee who tried to go to Montenegro noted that at the border the bus was stopped, and men were removed and sent back to Kosovska Mitrovica.<sup>82</sup>

Some people who were not directly expelled to the border were eventually allowed or ordered to return to Kosovska Mitrovica, where they found Kosovo Albanian areas of the city largely abandoned, looted and torched.<sup>83</sup>

*Detentions.* The Kosovska Mitrovica police station was used as a facility for the arbitrary detention of Kosovo Albanians. Four adult Kosovo Albanian men provided consistent detail about inhumane

conditions and ill-treatment while in detention in the police station.<sup>84</sup> All claimed to have been apprehended while in transit with other IDPs. Although all say they were questioned about their participation in or knowledge of the UCK, the criteria for their arrests may have been solely their ethnicity, sex and age.

One interviewee had been captured by VJ soldiers in the village of Reka/Reke (north of Kosovska Mitrovica town towards Bajgora) on 24 April while searching for food with a group of approximately 10 IDPs. He was taken first to Stari Trg/Stariterg village, where for prolonged periods Yugoslav Army soldiers beat the interviewee and four men with him while their hands and feet were bound and while being forced to lean their heads against a wall. The same day, the five men were transferred to Kosovska Mitrovica, where he was held for one day in the cultural centre by armed men who introduced themselves as paramilitaries from the "Janki", "Kobra" and "Franki" units. On 25 April he was transferred to the Kosovska Mitrovica police station, where one of the four men who were with him when he was initially apprehended was released, and two others were apparently taken to a different location unknown to the interviewee. After this, approximately 50 men who had been detained in Sipolje were brought to the cell in the basement of the police station where the remaining two men were being held.<sup>85</sup>

Two (possibly three) interviewees were among those transferred from Sipolje to Kosovska Mitrovica police station on 25 April.<sup>86</sup> Beatings were frequent in the prison.<sup>87</sup> Two of the men described being questioned and beaten when taken for interrogation.<sup>88</sup> One claimed that he was forced to sign a statement without reading it, and recognized one of the officers questioning him and four of the guards.<sup>89</sup> One reported that water was not provided for the detainees in the cramped and poorly ventilated cells, but they could drink when using toilet facilities. However, the detainees were beaten when they asked to use the toilet.<sup>90</sup> On or about 29 April, the detainees were transferred to Srbica secondary school, and were later transferred to Smrekovnica/Smrekonice prison (for which see the entry for Vucitrn municipality).<sup>91</sup>

On 16 May, male Kosovo Albanian residents of Kosovska Mitrovica were detained and taken to Smrekovnica prison.<sup>92</sup> On that day, large groups of people were rounded up, including in the Tavnik quarter, and the Kosovo Albanian residents were ordered to go to the bus station or the market place.<sup>93</sup> Some reported that they were told that they would need to get new IDs or register for humanitarian assistance there.<sup>94</sup> One interviewee reported that VJ and paramilitaries went from house to house in the Tavnik area looking for the UCK. Twelve men including the interviewee were taken along with the Serb forces during the operation; he believed they were being used as human shields. He reports that the 12 men were beaten and stripped of any valuables, and one soldier threatened to shoot them, but his commander said that it was better to take them to prison.<sup>95</sup> At the bus station and market place, men were separated from women, interviewees reporting that the separation was made on the basis of the apparent age of the man. Those not separated were issued with IDs and were sent home.<sup>96</sup> Several of the

men separated reported the names of police officers they recognized as taking part in the separation procedure.<sup>97</sup> They were then put on trucks or buses and taken to Smrekovnica prison. One interviewee reported that Serb forces wearing green camouflage with a badge on the arm indicating they were Special Forces came directly to his house to arrest him<sup>98</sup>; another reported that armed forces in beige uniforms with "police" written on the back and men in green camouflage conducted the expulsions.<sup>99</sup> Most other statements did not contain enough detail to identify the type of forces participating in the operation.

For dates after 16 May, the OSCE-KVM only took statements from those men from Kosovska Mitrovica town who were detained at Smrekovnica prison and who later became refugees. There are no refugee statements from women, children and elderly remaining behind in Kosovska Mitrovica after the men had been separated. OSCE staff who returned to Kosovska Mitrovica on 23 June found the city virtually empty of its Kosovo Albanian civilian population.<sup>100</sup>

*Named perpetrators.* Several police officers in Kosovska Mitrovica were mentioned by name as having participated in many of the incidents both before and after the OSCE-KVM evacuated.<sup>101</sup> In many cases it was unclear whether the interviewee named the individuals because he or she specifically recognized them, or whether the individuals were named because of their reputation.

## **Vaganica/Vaganice**

The VJ "winter exercises" which began on 25 February seriously affected the area south of Kosovska Mitrovica in the region of Vaganica, which had a large UCK presence (as well as the village of Vaganica/Vaganice, other villages in this area include Senjak, Pirce/Piriq, Vrbnica/Vernice and Svinjare/ Frasheri i Madh).

The UCK informed the OSCE-KVM that two UCK members were shot dead on 27 February 1999 in a location near Vrbnica; when the OSCE-KVM went with Yugoslav authorities to the location they documented that both of the dead men were armed and had been shot in at least the legs and abdomen; one was wearing military uniform and the other was in civilian clothes.<sup>102</sup>

On 1 March at 19:30 hours relatives of displaced people from Vaganica reported that VJ soldiers came to the village and told the residents to leave or they would be killed. Most left, and went to Kosovska Mitrovica.<sup>103</sup> On 8 March, the UNHCR reported seeing several houses on fire in **Pirce/Piriq**, at the northern edge of the area where the "winter exercises" were being carried out, and reported that 1,600 people were displaced, witnessing five buses carrying residents to Kosovska Mitrovica. The OSCE-KVM visited the villages in the area on the morning of 9 March, and reported a military presence in Pirce village. Although the situation was quiet, the local commander did not allow civilians to return to the village, although many wanted to return at least during the day to care for their cattle. When the OSCE-KVM returned later in the day, three cows had been shot and there was no military presence in

the village.<sup>104</sup> On 11 March an OSCE-KVM patrol following up rumours that Pirce was being looted was denied access to the village by the VJ. From a position where they could see the village, they observed that windows had been broken, and saw haystacks burning, cattle roaming loose and four cows which had been shot, and soldiers using property such as tractors belonging to Kosovo Albanians who had fled. However, they did not document any looting at that time.<sup>105</sup>

On 16 March a villager displaced from Vrbnica village by the "winter exercises" but who had returned to release his cattle, claimed that his house had been destroyed during the shelling. When leaving he was surrounded by VJ soldiers. He was taken to the VJ barracks in Kosovska Mitrovica and handed over to the police, who later released him.<sup>106</sup>

The OSCE-KVM was denied access to the Vrbnica and Pirce area by VJ on 18 March. At that time the patrol saw heavy smoke coming from Vrbnica village. The VJ at the checkpoint told the OSCE-KVM that the livestock from the villages, which was still a subject of concern for villagers who had fled the area, had been let out and driven over the checkpoint. The OSCE-KVM observed cattle in the area.<sup>107</sup>

No interviewees reported incidents in the Vaganica area after the time of the OSCE-KVM withdrawal. This may be because most of the population had fled the Vaganica area at the time of the winter exercise, and had not attempted to return.

### **West along the Ibar river**

Approaching Kosovska Mitrovica town from the north-west, Highway 2, the main road running north-south through Kosovo, branches at Cabra/Caber (Zubin Potok): the main highway continues along the south bank of the Ibar river into the south side of the town before continuing on to Pristina, and a lesser road runs along the north bank of the river. The northern branch road enters Kosovska Mitrovica town at the north-western suburb of **Suvi Do/Suhodolli**, which straddles the Ibar near the town stadium.

A bus service from Kosovska Mitrovica towards Donje Vinarce/Vinarc i Ulet was mostly used by Kosovo Albanians, especially children coming to and from school. It was frequently stopped at a checkpoint in Suvi Do, where passengers were removed from the bus and beaten.<sup>108</sup> Passengers said that the police often went to a Serb area of the suburb and hung out in the local café there; they said that frequently Kosovo Albanians taken from the buses were ordered to buy police officers drinks there.<sup>109</sup> Police officers told the OSCE-KVM that the checkpoint had been established because the UCK used the road. Although the bus line was monitored by OSCE-KVM verifiers, passengers and others reported regular incidents of harassment and ill-treatment when the OSCE-KVM was not monitoring the route. For example, on 6 March 1999 a bus was stopped at the checkpoint and after checking the IDs of the passengers, police asked one Kosovo Albanian if he had completed his military service. He was then slapped across the face and taken to the police station; he claimed that he was beaten along the way. Others in the area also reported that another man was taken from the bus and beaten that day.<sup>110</sup>

On 28 March a Kosovo Albanian family was gathered together in Suvi Do to celebrate the Muslim holiday of Bajram. Police or armed civilians came into the yard where two men (an interviewee's sons) and their young male cousin were changing the tyre on their car.<sup>111</sup> After demanding money from the three men the police officers shot them. One of the interviewee's sons was wounded and the other two were shot dead. Hearing the gunshots, the interviewee's brother came into the yard, and after demanding money from him, the police officers took him into the garden shed and shot him dead. After the police officers left, the interviewee tried to assist his wounded son, who died shortly afterwards. The four men were buried two days later in Zabare/Zhabari.<sup>112</sup> Other interviewees assisted at the funeral, held on 1 April.<sup>113</sup> This incident became relatively well known after it was reported on television several days later; several interviewees told OSCE-KVM personnel about the killings after having heard about them second-hand.<sup>114</sup> Also, one interviewee who found out about the killings recalled having seen two Volkswagen Golf cars in the street and five masked police officers and having heard shooting: she believed this may have been when the killing took place.<sup>115</sup>

The surviving family members fled. Other interviewees from that region of Kosovska Mitrovica reported that they also left after these killings.<sup>116</sup>

### **Bajgora/Bajgore**

Bajgora is the name of a village, but also is used to refer to an area in the north-east of Kosovska Mitrovica municipality in the Kopaonik mountains between Kosovska Mitrovica and Podujevo. Other villages in this area include Bare/Bare and Kacandol/Kacandoll, and Dobrotin/Dobratine and Dobri Do/Doberdoll (both in Podujevo). The area had a strong UCK presence, and - as of March 1999 - was controlled by the 141 brigade of the UCK in the Shala region (this region extended south to Cecelija/Ceceli village east of Vucitrn).

Thousands of IDPs from villages in Podujevo municipality fled from Dobrotin to the Bajgora mountains in the last week of March 1999, when their villages were attacked (see the entry for Podujevo municipality).<sup>117</sup> They stayed there for five weeks, during which time nearby UCK positions came under frequent attack.<sup>118</sup> Villagers who were sheltering in the mountains went to nearby villages, often their home village, to try to find food. One man, whose child reportedly died because of the harsh conditions, was shot dead when he went to his home village of Revuce (Podujevo) to find food.<sup>119</sup>

At the end of April, the VJ offensives from the east and west of the Bajgora area gained territory and the UCK reportedly relinquished control. IDPs in the area were caught in crossfire, and on occasion were deliberately targeted by Yugoslav and Serb forces. On about 27 April a school where hundreds of people were sheltering was reportedly fired upon from an aircraft.<sup>120</sup> Two men (reported by one interviewee to be UCK soldiers) and a young girl died in this attack, and others were wounded.<sup>121</sup>

As the VJ advanced, the UCK told the IDPs that they could no longer protect them. Rumours circulated that paramilitaries were heading to the mountains.<sup>122</sup> One group of IDPs travelling from Dobrotin was fired upon when they reached a large field near the pass to Kacandol. One interviewee's 15-year-old son was killed, as well as a child, another teenage boy and a Kosovo Albanian man.<sup>123</sup> On about 27 April one group of IDPs were preparing their tractors to leave when shelling and shooting started. Twenty-three people were reportedly killed, including two men who were recognized by two interviewees.<sup>124</sup>

In fear of the advancing VJ troops coming from the directions of Kosovska Mitrovica and Podujevo, the IDPs headed south, sheltering in the villages of Kovacica/Kovacice (Kosovska Mitrovica), and Vesekovce/Vesekofc and Kurilovo/Kurillove (both in Vucitrn). From there, some eventually went down the valley heading to Slakovce/Sllakofc and Cecelija (both in Vucitrn) towards Vucitrn town, and others down a parallel valley on the other side of the mountains which led through Popovo/Popove and Ljupce/Lupqi (both in Podujevo) towards Pristina.

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## Notes

<sup>1</sup> UNHCR, "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>2</sup> UNHCR, "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>3</sup> Incident Reports MI/00/006/98 and MI/00/007/98. The three victims are named in the reports.

<sup>4</sup> Incident Report MI/4/009/98.

<sup>5</sup> Incident Report MI/00/003/99. The victims are named in the report.

<sup>6</sup> MI/00/0015/99. The victim is named in the report. According to the UCK, he had been a UCK informer and had been arrested by police with two Kosovo Albanians, who were released.

<sup>7</sup> MI/00/0036/99. The victim is named in the report.

<sup>8</sup> PR/00/0060/99, MI/0010039/99.

<sup>9</sup> MI/00/0085/99 and MI/00/0078/99. The victims are named in the reports. The reported witness was not interviewed by the OSCE.

<sup>10</sup> MI/00/0102/99.

<sup>11</sup> OSCE-KVM Mission report, Period covering 13 January 1999.

<sup>12</sup> MI/00/0067/99.

<sup>13</sup> MI/00/0106/99.

<sup>14</sup> Blue Book, 18 January 1999. OSCE-KVM specifically noted that they were not overly aggressive or abusive in their efforts to find the perpetrators; however some people reported that their houses had been ransacked and property destroyed during the searches.

<sup>15</sup> Blue Book, 19 and 20 January 1999.

<sup>16</sup> Incident Reports MI/00/0018/99; MI/0019/99; MI/00/0020/99, 18 January 1999; MI/00/0023/99; MI/00/0024/99, 19 January 1999; MI/0025/99, 20 January 1999.

<sup>17</sup> In one house a family member was reportedly hit with a gun, MI/00/0024/99, 19 January 1999.

<sup>18</sup> One of the UCK members allegedly committed suicide. Blue Book, 20 January 1999, and OSCE CIO. GAL/10/99, "Monthly Report on the situation in Kosovo pursuant to the requirements set out in United Nations Security Council Resolutions 1160 and 1203", 20 February 1999, 2 March 1999.

<sup>19</sup> MI/00/0033/99, 24 January 1999; the claims could not be verified

<sup>20</sup> MI/00/0028/99, 22 January; MI/00/0030/99, MI/00/0031/99, 24 January 1999; MI/00/0032/99, 24 January 1999; MI/00/0034/99, 25 January; MI/0038/99, 3 February 1999.

<sup>21</sup> MI/00/0031/99 and MI/00/0032/99, 24 January 1999. OSCE-KVM observed the empty bottles alongside and floating inside the well. OSCE CIO.GAL/10/99, "Monthly Report on the situation in Kosovo pursuant to the requirements set out in United Nations Security Council Resolutions 1160 and 1203", 20 February 1999, 2 March 1999.

<sup>22</sup> OSCE-KVM Report, Period covering 20 and 21 February 1999, quoting European Union Attaché Group (EUAG) source.

<sup>23</sup> OSCE-KVM Report, Period covering 24 February 1999.

<sup>24</sup> MI/00/0059/99, 18 February 1999; MI/00/0065/99, 24 February 1999; MI/00/0070/99, 26 February 1999;

MI/00/0087/99, 5 March 1999; MI/00/0086/99, 5 March, questioned about currency exchange; MI/00/0093/99, 6 March 1999, the detained man was a representative of the LBD party and was questioned about currency exchange; MI/00/0098/00, 10 March 1999; MI/00/0103/99, 13 March 1999, reportedly ill-treated.

<sup>25</sup> OSCE-KVM, Incident Report (no number) 24 December 1998 (IH).

<sup>26</sup> OSCE-KVM, Incident Report (no number) 24 December 1998 (BG).

<sup>27</sup> Earlier, on 7 February, a small explosive device, possibly home-made, had exploded outside a Kosovo Albanian café, causing no injuries and no damage. OSCE-KVM Report, Period covering 6 and 7 February 1999.

<sup>28</sup> "Spot Report: Bombings in Podujevo and Mitrovica 13 March 1999", OSCE-KVM Mission Report. OSCE-KVM verifiers present at the hospital noted an increasingly discriminatory attitude towards Kosovo Albanians arriving at the hospital by police guarding access to the hospital and medical staff. They also described expressions of hatred by (presumably Serb) individuals near the hospital entrance, for example about why "such people" should be treated at all (Inter-Office Memorandum, Market Explosion - Hospital Monitoring, Mitrovica, 14 March 1999). Among the rumours spread in the community were that a car later seen being driven by a police officer had been seen speeding away from the scene immediately after the blast (MI/00/0099/99); other speculation about the intent of the bomb included the observation that that and the bombing of Podujevo market coincided with the departure of the Kosovo Albanian delegation to France for the Rambouillet peace negotiations (Investigation Report 99-040-RC2, 14 March 1999).

<sup>29</sup> Incident Report MI/00/0100/99.

<sup>30</sup> MI/00/0104/99, 17 March 1999.

<sup>31</sup> OSCE-KVM verifiers who interviewed the men on 26 December were not able to document any injuries to the men. Incident Report MI/04/002/99.

<sup>32</sup> Incident Reports MI/04/002/99 and MI/04/0005/98.

<sup>33</sup> Incident Report M/00/0046/99.

<sup>34</sup> Incident Report MI/00/0057/99.

<sup>35</sup> For example, on 10 January money was extorted from passengers stopped near a police checkpoint near Kosovska Mitrovica (MI/03/001/99). Three Kosovo Albanians were detained at a checkpoint near Prvi Tunel/ Tunel i Pare and ill-treated on 25 January (MI/00/0035/99); for other examples see this entry, Suvi Do.

<sup>36</sup> He was questioned about the UCK, and was given no explanation for the fine - MI/00/0062/99.

<sup>37</sup> For example, one man was detained and questioned on 21 February 1999 (MI/00/0064/99); two people were removed from a bus, threatened and detained on 27 February 1999 (MI/00/0073/99); OSCE-KVM witnessed a man being detained at that checkpoint on 2 March 1999, he was subsequently questioned and released (MI/00/0080/99).

<sup>38</sup> See also Chapter 10, Violation of the right to a fair trial.

<sup>39</sup> The family was reportedly one of four Kosovo Albanian families in an otherwise Serb neighbourhood. Incident Report MI/00/0029/99.

<sup>40</sup> OSCE-KVM, Incident Report MI/01/004/99.

<sup>41</sup> OSCE-KVM, Incident Report MI/04/0051/99.

<sup>42</sup> MI/00/0094/99. This was not the only case where Kosovo Albanians were stopped in the street at random and beaten by the police, as noted in MI/00/0072/99, 24 February 1999.

<sup>43</sup> All accounts of these killings collected by the OSCE-KVM are hearsay, inconsistent and/or provide no detail of the exact dates, circumstances or places where they occurred. Some said that Agim Hajrizi was killed along with one or two of his sons and/or mother. A/0032; A/0050; A/0075; A/0151; M/0176; M/0389; M/0226; M/0708; M/0799; M/1117; M/1118.

<sup>44</sup> M/0270.

<sup>45</sup> A/0880

<sup>46</sup> A/0786 saw three bodies near a bridge on 26 March 1999; A/0685 saw a man he knew and one other man being shot dead on 27 March (M/0141 heard that the same victim, a relative, had been killed, although on a different date); A/0321 witnessed a man he knew being killed because he refused to leave his house on 28 March, A/0704 saw two bodies on the street on 28 March 1999; M/1274 saw two men being shot dead on 30 March; A/1064 discovered in a house in Tavnik on 30 April the partially burned body of an individual he recognized; A/1063 saw two men being shot dead by snipers while walking down a street sometime before 10 May; A/0757 saw four bodies of men who had been shot dead on about 10 May.

<sup>47</sup> M/1118 heard of the killing of three people on 24 March; A/0038 heard that his father was killed on 24 March.

<sup>48</sup> OSCE-MiK Interview Form, MI/02/99. This woman named the man A/0191 had indicated as having been separated among other neighbours abducted at that time.

<sup>49</sup> A/0191. Other interviewees reported that they saw men abducted on that day from flats, however it was not

clear if they were abducted from Miladin Popovic street: A/0480; A/0519; A/0565; some said they saw or heard that some of the men were killed (A/0480; A/0566; OSCE-MiK Interview Form MI/09/99).

<sup>50</sup> OSCE-MiK, Report on Vidomiric site, 2 October 1999.

<sup>51</sup> It is possible that those interviewees assumed that the employees were "Gypsies" (*Maxhupet*) because of prevailing stereotypes (see Chapter 20 Kosovo "Gypsies" (*Maxhupet*)). OSCE-MiK, MI/13/99.

<sup>52</sup> OSCE-MiK, MI/050/99.

<sup>53</sup> OSCE-MiK MI/09/99 describes the perpetrators as VJ; MI/13/99 said the perpetrators were police; MI/22/99 described them as masked paramilitary/police.

<sup>54</sup> OSCE-MiK, MI/13/94.

<sup>55</sup> OSCE-MiK, MI/22/99 (the interviewee is from the Turkish national community in Kosovo).

<sup>56</sup> M/0176; M/1507; A/0704.

<sup>57</sup> A/0158; A/0677.

<sup>58</sup> A/0158.

<sup>59</sup> A/0729.

<sup>60</sup> M/1181.

<sup>61</sup> A/0158; M/0207.

<sup>62</sup> M/1507.

<sup>63</sup> A/0781; A/0782.

<sup>64</sup> 24 March: A/0769.

<sup>65</sup> A/0639.

<sup>66</sup> A/0781; A/0624; M/0230; A/0420; A/0498.

<sup>67</sup> A/0624.

<sup>68</sup> M/1507; A/0646; M/0708; A/1005; A/1006; A/0088. This was confirmed by an OSCE/ODIHR delegate who visited Kosovska Mitrovica on 29 September 1999.

<sup>69</sup> A/0321.

<sup>70</sup> M/0207.

<sup>71</sup> M/1118.

<sup>72</sup> M/0226; A/0880; M/0071; A/0075; A/1119; A/0151.

<sup>73</sup> M/0207.

<sup>74</sup> M/0071.

<sup>75</sup> The following interviewees were expelled during this wave: A/0782; A/0932; A/1117; A/0148; A/0190; A/0191; A/0194; A/0480; A/0498; A/0542; A/0543; A/0566; A/0933; A/1022; A/1058; A/0187; A/0207; A/0257; A/0727; A/0766; A/0996; A/1014; A/1063; M/1507; A/0989; A/1079; A/0940; A/0634; A/0213; A/0224; A/0360; A/0787; A/0804; A/0806; A/0824.

<sup>76</sup> A/0207; interviewed on 27 April 1999.

<sup>77</sup> A/0378; A/0388; A/0681; A/0977; A/0990; A/1106; A/0420.

<sup>78</sup> A/0378; A/1014.

<sup>79</sup> M/1507; A/0187; A/0257; A/1014.

<sup>80</sup> Those stopped in Zablace include A/0498; A/0566; A/1117; A/0940; those stopped in Grebnik include A/0727; A/0766; A/0782; A/1022; A/1058.

<sup>81</sup> See, for example: "A letter from Natasa Kandic", Humanitarian Law Centre Report, 12 May 1999.

<sup>82</sup> A/0990; A/0542 also reports that men from this bus were separated and detained.

<sup>83</sup> As confirmed by an OSCE/ODIHR delegate visiting Kosovska Mitrovica on 29 September 1999.

<sup>84</sup> A/0585, A/0787, A/0804 were all arrested or transferred to the prison on or around 25 April 1999 and seem to have been held together; A/0978 said he was arrested on 23 April and the details of his statement differed in slight ways from the others; however he may in fact have been detained with the others.

<sup>85</sup> A/0585.

<sup>86</sup> A/0585; A/0787; A/0804. As mentioned above, on the basis of corroborating detail A/0978 may have been with them.

<sup>87</sup> A/0787; A/0804.

<sup>88</sup> A/0787; A/0978.

<sup>89</sup> A/0787.

<sup>90</sup> A/0787; A/0978.

<sup>91</sup> A/0585; A/0787; A/0804; A/0978.

<sup>92</sup> The OSCE-KVM interviewed more than 25 released Smrekovnica prisoners in May and June 1999 who said that they had been arrested in Kosovska Mitrovica on 16 May: A/0610; A/0639; A/0642; A/0678; A/0680; A/0700; A/0701; A/0703; A/0720; A/0721; A/0729; A/0752; A/0757; A/0769; A/0807; A/0831; A/0853; A/0882; A/0883; A/0906; A/0945; A/0977; A/0996; A/1069; A/1070. A/0818 said that he was arrested on 17 May; and A/0702 and A/0858 said that they were arrested on 18 May; however, the account of their arrests is similar to those who said that they were arrested on 16 May. All except one reported that they were taken to Smrekovnica prison. A/0842, however, reported that he was taken to Mitrovica Prison (although his experiences were similar to those of the Smrekovnica prisoners, he said that he was a former prisoner of Smrekovnica from 1989 and so would have been able to distinguish between the two detention centres).

<sup>93</sup> A/0842; A/0996; A/0680; A/0702; A/0721; A/0752; A/0757; A/0818; A/0831; A/0858; A/0945; A/1069.

<sup>94</sup> A/0842; A/0996; A/0702; A/0818.

<sup>95</sup> A/0700.

<sup>96</sup> As confirmed to an OSCE/ODIHR delegate in meetings in Kosovska Mitrovica, 29 September 1999.

<sup>97</sup> A/0680; A/0818; A/1070; some of the names are mentioned by more than one interviewee.

<sup>98</sup> A/0720.

<sup>99</sup> A/0757.

<sup>100</sup> As conveyed to an OSCE/ODIHR delegate on a visit to the town on 29 September 1999.

<sup>101</sup> Incident Reports MI/00/0053/99; MI/00/0079/99; MI/00/0100/99; MI/00/0103; A/0163; A/0194; A/0254; A/0480; A/0612; A/0646; A/0680; A/0681; A/0685; A/0720; A/0767; A/0787; A/0818; A/0906; A/0940; A/1117; M/0230; M/0470; M/0903; M/1339; M/1507.

<sup>102</sup> Daily Report, CC1 Sipolje, 27 February 1999.

<sup>103</sup> Two men from the village, who have a shop in Vaganica, gave the OSCE-KVM this report when OSCE-KVM followed up on a relative's complaint after they had been taken into detention (they were released the same day without incident). MI/00/0075/99 and Human Rights Report from 2 March 1999, Patrol SI 27, (handwritten).

<sup>104</sup> Daily Report, CC1 Sipolje, 9 March 1999.

<sup>105</sup> OSCE-KVM Daily Report, CC1 Sipolje, 11 March 1999

<sup>106</sup> Incident Report MI/01/008/99. See also OSCE-KVM RC2 Human Rights Office Weekly Report No 13, 12-18 March 1999. He was not ill-treated.

<sup>107</sup> OSCE-KVM Daily Report, CC1 Sipolje, 18 March 1999.

<sup>108</sup> MI/01/0002/99. On 16 February, OSCE-KVM observed a four-wheel-drive vehicle, two Pinzgauers, and 22 police officers armed with AK-47s at this checkpoint.

<sup>109</sup> OSCE-KVM, Daily Situation Report, Field Office Zvecan, 4 March 1999.

<sup>110</sup> MI/00/0090/99.

<sup>111</sup> The interviewee, A/0312, said the perpetrators were "police officers" but described them as civilians he knew (a postman and coffee shop owner) who were wearing police uniforms and were masked.

<sup>112</sup> A/0312; OSCE-MiK MI/29/00 states that relatives heard shots and later saw the bodies.

<sup>113</sup> A/0720.

<sup>114</sup> M/0270; M/0071; A/0634; A/0704.

<sup>115</sup> M/0270.

<sup>116</sup> A/0601; from Lugmir (not found on map, but also a village or part of Mitrovica west of the city).

<sup>117</sup> A/0627; M/0856; M/0865; M/1123; M/1326; M/1508; M/1614; M/1780.

<sup>118</sup> M/1008; M/1123; M/1326; M/1508 and M/1780 all mentioned UCK proximity to the IDPs.

<sup>119</sup> M/1508.

<sup>120</sup> M/1326; M/1614; M/1780. The date of this incident is approximate, as most interviewees had apparently lost track of time during the weeks of displacement. M/1008 said the school was used as a hospital. M/1123 described the school as being in Kacandol; it is possible this is a separate incident, since the interviewee was originally from the area and therefore likely to have been familiar with it. See also Blue Book, 2 April 1999: the OSCE-KVM heard from a source of undetermined reliability that two MiG-29s had attacked a school in Bajgora; the OSCE-KVM commented that if the incident were true, the aircraft were most probably Galebs, not MiGs.

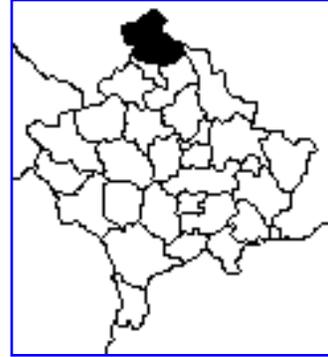
<sup>121</sup> M/1780; M/1614; M/1508; M/1008. M/1614 reported that three men were killed. Other interviewees reported higher numbers of casualties (M/1123 reported that 14 people were killed in an attack from aircraft; and M/1326 reported that 11 were killed), however these reports could have referred to a different incident.

<sup>122</sup> M/1008; M/1614. M/0581 described seeing Serbian forces dressed completely in black heading up the mountain towards areas where IDPs had been sheltering.

<sup>123</sup> A/0865, M/1508 had heard about a killing of a boy of that age from that village.

<sup>124</sup> M/0586; M/1123.

## LEPOSAVIC/LEPOSAVIQ



Leposavic/Leposaviq municipality is the northernmost in Kosovo, bordered to the north by Serbia proper, including parts of the Sandzak. The main road to Raska (Serbia) leads through Leposavic. The municipality's population of approximately 15,000 was 90 per cent Serb, its Kosovo Albanian inhabitants numbering some 1,100, approximately half of whom lived in the Kosovo Albanian villages of Ceranja/Ceraj and Saljska Bistrica/Bistrice e Shales, in the south of the municipality, very near Kosovska Mitrovica/Mitrovice city.<sup>1</sup>

During the time of the OSCE-KVM's deployment in Kosovo, very few incidents, none of them human rights violations, were reported in Leposavic municipality. This may have been because Serb residents were reluctant to report incidents due to a prevailing hostile attitude towards the mission.<sup>2</sup>

The OSCE-KVM also received little information on events in Leposavic following its withdrawal. This may be because the more obvious and accessible routes for anyone fleeing from Leposavic might have led them to Montenegro or Bosnia-Herzegovina, rather than taking them to Albania and the former Yugoslav Republic of Macedonia, where OSCE-KVM's refugee interviewing was carried out (the same appears to have been the case also for the neighbouring Zvecan and Zubin Potok municipalities). One man who fled from Kosovska Mitrovica bought a bus ticket to Raska on about 15 April. At a checkpoint along the way, probably in Leposavic municipality, police stopped the bus and removed the five Kosovo Albanians on board. The two men in the group, including the interviewee, were beaten, and they were sent back to Kosovska Mitrovica by another bus.<sup>3</sup>

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### Notes

<sup>1</sup> UNHCR "Kosovo village list", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>2</sup> For example, on 19 February, nine OSCE-KVM verifiers were withdrawn following a demonstration by Serb civilians. Rocks and firecrackers were thrown by some of the approximately 150 civilians shouting anti-OSCE and anti-Rambouillet slogans. After three hours the situation calmed with the arrival of the Kosovska Mitrovica deputy Chief of Police and the Mayor of Leposavic; the Mayor later demanded that the OSCE-KVM not return. OSCE-KVM Report, period covering 19 February 1999.

<sup>3</sup> A/0990.

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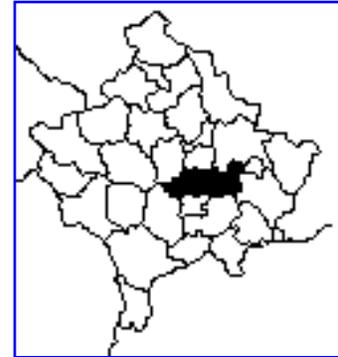
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KOSOVO / KOSOVA As Seen, As Told

OSCE ODIHR

## LIPLJAN/LIPJAN



The municipality of Lipljan/Lipjan lies south of Pristina/Prishtina, and spans the broad valley between the mountains in central Kosovo, where it borders Glogovac/Gllogoc and Suva Reka/Suhareke municipalities in the west, and hills in the east which are mainly in Gnjilane/Gjilan and Pristina municipalities. Before the 1998-99 displacements the population was mixed, with some 62,700 Kosovo Albanian inhabitants, about 10,000 Serbs and 5,800 members of other national communities.<sup>1</sup> Lipljan/Lipjan town had by far the largest concentration of Serbs in the municipality, who otherwise settled mostly in the villages of Suvi Do/Suhodoll, north of Lipljan town, Livadje/Livadha, Donja Gusterica/Gushterice e Ulet, Gornja Gusterica/Gushterice e Eperme and Dobrotin/Dobratin, north-east and east of Lipljan town. Lipljan town and Janjevo/Janjeve had the largest Croat populations in Kosovo.

Highway 2, the main road from Pristina to Skopje in the former Yugoslav Republic of Macedonia, runs through the municipality, as does the main north-south railway line. One road runs westwards from Lipljan town through Magura/Magure to Glogovac municipality. Highway 25 runs south-west through Lipljan towards Stimlje/Shtime.

The villages of Magura, Sedlare/Sedllar and Rusinovce/Rusinoc in the west of Lipljan municipality are geographically connected to the central Drenica area and the central highlands. These areas were controlled by the UCK from 1998 and represented important areas to which UCK fighters and IDPs could retreat during the fighting in 1999.

Lipljan was a relatively calm area when the OSCE-KVM deployed in Kosovo, and was therefore not considered a priority, particularly since the events in Racak/Racak in neighbouring Stimlje/Shtime municipality, just to the south-west, demanded much of the OSCE-KVM's attention (for the Racak mass killings in January 1999 and related developments see the entry for Stimlje municipality). The attitude towards the OSCE-KVM, particularly that of the Serb inhabitants of Lipljan town and several other villages was negative, even hostile.

Following the evacuation of the OSCE-KVM on 20 March 1999, most of the Kosovo Albanian residents in the municipality were expelled or left for security reasons, while tens of thousands of IDPs passed through the municipality from Pristina and other areas in the north of Kosovo on their way to the former Yugoslav Republic of Macedonia. Yugoslav and Serbian forces, often assisted by local Serbs, carried out several mass killings in the area, some of which are well documented by witness statements, as described below.<sup>2</sup>

## **Lipljan/Lipjan town**

Lipljan town had a population of about 7,000 before the conflict, with a majority of Serbs, numbering about 3,400, about 2,600 Kosovo Albanians and another 1,000 residents belonging to other national communities.

The attitude of the Serb population to the OSCE-KVM and the restriction on freedom of movement was demonstrated in an incident late on 21 February 1999, when an OSCE-KVM patrol travelling south from Pristina was stopped by four Serb civilians at the rail crossing north of Lipljan town. Three of the Serb men were armed. They asked the OSCE-KVM members what they thought they were doing there so late and told them to go back to Pristina and not return. At about 22:10 hours the patrol returned to the same place and was stopped by the same individuals, who opened the two front doors of the vehicle, pointed their weapons inside and asked the verifiers why they had returned. The Serbs then told the patrol members that if they came back again they would shoot them, and emphasized that their Kosovo Albanian interpreter would be the first to be shot. At about 01:00 hours (on 22 February), another OSCE-KVM patrol was sent to the same place but reported that the Serbs had departed.<sup>3</sup>

When the NATO air campaign against FRY began on the night of 24-25 March, Serbian forces deployed tanks, armoured vehicles and weapons at Lipljan's paper factory and high school buildings. Armoured personnel carriers, tanks and other equipment were transported by train from Kosovo Polje/Fushe Kosove to Lipljan. From Lipljan they were also deployed to Kosovo Albanian villages in the area.<sup>4</sup>

One interviewee describes how he left Lipljan on 25 March when he heard by telephone that a friend of his had been forced to leave after three local Serbs (including a police officer in uniform) had threatened to kill them both. Some who were expelled moved to nearby Kosovo Albanian villages, such as Glogovce and Slovinje, where they stayed until they were expelled from there.<sup>5</sup> Houses of expelled Kosovo Albanian residents were looted and then burned. Some interviewees report that they saw houses burning from the train as they passed through Lipljan.<sup>6</sup> However, it was not until 6 April that VJ, police, paramilitaries and Serb civilians carried out a large-scale deportations, sending Kosovo Albanian residents on the road towards Albania via Stimlje. One interviewee reported a convoy of some 670 tractors and other vehicles.<sup>7</sup>

Lipljan being situated close to the main road south from Pristina and northern municipalities to the border with the former Yugoslav Republic of Macedonia, IDP convoys were frequently stopped on the

road, harassed, threatened and robbed.<sup>8</sup> In addition, the trains carrying IDPs from Pristina to Djeneral Jankovic/Hani i Elezit (Kacanik/Kacanik) were often stopped in Lipljan, and Kosovo Albanian passengers were harassed and threatened by local Serbs, police officers and paramilitaries, who regularly extorted money and valuables. One interviewee reported that police took a local Serb, who was being particularly aggressive towards the passengers, off a train. On 30 March, a train from Pristina was stopped for eight-and-a-half hours in Lipljan, only about 30 metres from what was thought to be an ammunition depot. It was assumed by the passengers that the trainload of IDPs was being held there as a human shield.<sup>9</sup>

On 20 May armed Serbs broke into the apartment of a Kosovo Albanian in Lipljan. They struck his wife in the face, then the interviewee was taken to a police station where he was beaten, along with some 300 other men and women who also all had their fingerprints taken. All except for eight men and two women were released that evening. The interviewee assumed that the exercise was intended partly to establish the number of IDPs in town.<sup>10</sup>

On an unknown date after the OSCE-KVM's evacuation, at least two buildings which had been rented to the OSCE-KVM in Lipljan were reportedly burned to the ground.<sup>11</sup>

### **Villages in Lipljan/Lipjan municipality**

Both victims and perpetrators of the incidents described below are widely named in witness statements. One Serb, who was a police commander in Lipljan for many years, is in particular frequently named as directing operations. Although he is often described as a police commander it appears that he was in fact dismissed some years earlier, but returned as a reservist police officer during the period of the NATO bombing of FRY.

### **East of Highway 2**

#### ***Muhadzer Babus/Babush Muhaxheri, Gornje Gadimlje/Gadime e Eperme and Donje Gadimlje/Gadime e Ulet***

On 24 March VJ started shelling Muhadzer Babus/Babush Muhaxheri, a wholly Kosovo Albanian village 8 km south-east of Lipljan town, just east of Highway 2. On the evening of the following day 125-mm mortar rounds were again fired from the wholly Serb village of Srpski Babus/Babush (Urosevac/Ferizaj), which lies 2 km to the south and had been transformed into an improvised military base. A 16-year-old boy and a 60-year-old man were killed and three men were wounded.<sup>12</sup> On 26 March, 36 tanks and 37 trucks arrived in the village. Eight houses were burned, most of the cattle were killed and many villagers fled to Gornje Gadimlje/Gadime e Eperme on higher ground closer to the hills.<sup>13</sup>

Also on 26 March Serbian forces attacked the wholly Kosovo Albanian village of Gornje Gadimlje/Gadime e Eperme, 9 km south-east of Lipljan town. They entered houses and looted them, with the result that many local residents left for Slovinje/Sillovi.<sup>14</sup> On 29 March an interviewee witnessed the expulsion from Gornje Gadimlje of Kosovo Albanians, who were beaten, harassed and forced to leave for Albania. He witnessed beatings by the vice-president of the Socialist Party of Serbia (SPS) in Lipljan, while another Serb from Lipljan was also named as involved.<sup>15</sup> Four police officers from Lipljan are also described as entering Gornje Gadimlje in early April and ordering Kosovo Albanians to leave for Albania within an hour.<sup>16</sup>

On 27 March, Donje Gadimlje/Gadime e Ulet, lying between Gornje Gadimlje and Muhadzer Babus 8.5 km south-east of Lipljan, was shelled by Serbian forces from the police station in Srpski Babus. Eleven grenades hit Donje Gadimlje. On 3 or 4 April, at 14:00 hours, Serbian forces with 13 tanks came to Donje Gadimlje. They looked like VJ and wore green camouflage, but some had long hair and beards. Three hours later they came back to the village and were shooting with automatic guns and heavy machine-guns from the top of their vehicles in order to scare the villagers away. One man was killed, and houses were looted and burned. Among the forces entering Donje Gadimlje local residents identified the police commander already mentioned above, a few other regular policemen from Lipljan, two local Serbs and a retired policeman. Many villagers fled. Some went to Smolusa/Smallushe, but came back after about a week.<sup>17</sup>

On or around 11 or 12 April, Serbian forces again entered Donje Gadimlje. All the villagers were told to leave within two hours and threatened with death if they did not do so. They were robbed, and one resident witnessed policemen hitting old people in the mouth to extract their gold teeth. Police told the Kosovo Albanians to go to Albania and forced most villagers to go via Lipljan and Prizren/Prizren to Vrbnica/Verbnice border crossing point with Albania, where ID cards were confiscated. On the way, paramilitaries robbed them, demanding money and cars. Some villagers went to nearby villages and later returned to Donje Gadimlje before eventually fleeing Kosovo.<sup>18</sup>

An interviewee who stayed in Gornje Gadimlje as an IDP reported that on 16 April, at around 16:30 hours, mixed Serbian forces (described as those who had been involved in the killings on 15 April in Slovinje) started shelling the village. Then infantry entered the village, forced their way into houses, told the residents to leave and killed their cattle. All were forced to go to the main road, and the interviewee witnessed the beating of two young men aged 17 and 18. The interviewee saw Serbian forces abduct a man and two women, about whom he had no further information, and said that at least three more family members went missing after this attack on 16 April. The interviewee fled with his family to Guvno Selo and then to the former Yugoslav Republic of Macedonia.<sup>19</sup>

On around midday on 17 May, thousands of IDPs who had gathered in Gornje Gadimlje were told to leave by Serbian forces. One witness described how once they reached Donje Gadimlje they met masked paramilitaries, who separated young men from their families. In Lipljan they were robbed by the special anti-terrorist SAJ forces. The driver of a tractor was attacked by SAJ forces and suffered a head injury.

He fell off the tractor and had to be left behind. From Lipljan, the IDPs passed through the mountains to Prizren and Albania. Along the way they were continually and harassed and robbed by VJ and paramilitaries.<sup>20</sup>

### ***Marevce/Marefc and Glavica/Gllavice***

On or around 26 March, Marevce/Marefc, 6.5 km south-east of Lipljan, was shelled by tanks stationed in Smolusa/Smallushe, 2 km away. On 15 April, three local men in police uniforms came to Smolusa and told the inhabitants they had to leave. After a while, however, they came back and told them to stay, while at the same time several tanks came into the village. The next morning police and VJ entered the village, shooting, looting and burning 53 houses. The villagers left for the mountains and could see from a hill how buildings in Smolusa/Smallushe, Slovinje/Sllovi and Oklap/Okllap (10 km east of Lipljan town) were set on fire.<sup>21</sup>

On or around 18 April, Kosovo Albanian residents of the nearby much smaller village of Glavica/Gllavice, situated 7.5 km south-east of Lipljan town, were forced out of their houses, which were burned afterwards. A witness saw over 80 per cent of the village being burned by paramilitaries.<sup>22</sup>

### ***Slovinje/Sllovi***

The large village of Slovinje/Sllovi, 8.5 km east of Lipljan town in the foothills of the mountains on the eastern edge of the municipality, and its surrounding hills were the scene of a series of killings of Kosovo Albanians on 15 and 16 April 1999. The OSCE-KVM took 39 statements about these events, mostly from refugees in camps in the former Yugoslav Republic of Macedonia. The vast majority are statements from victims or witnesses, and only four are based on hearsay. The following account is based on these interviews.<sup>23</sup>

It appears that on the evening of 14 April Serb forces came to Slovinje, where some 10 per cent of the population was Serb. One interviewee describes how 27 or 28 paramilitaries arrived with two tanks and then returned with more tanks.<sup>24</sup> Another interviewee states that 200 VJ, police and paramilitaries arrived that evening with three tanks, four armoured vehicles, and six trucks.<sup>25</sup>

Another interviewee describes how local police in civilian clothes came to Slovinje on 14 April and told village elders that forces would come the next day but that they should not worry as the forces would only stay one or two days.<sup>26</sup> Local Serbs said that the Kosovo Albanians should not be afraid, that tanks would come the next day but that nothing would happen to them, although later other Serb neighbours advised them to leave as soon as possible because they could not protect them from those who were arriving.<sup>27</sup> One interviewee also describes how on 14 April nine paramilitaries and Serb civilians occupied the Burimi flour mill just outside Slovinje, forced the workers out and made them sit on the grass for two hours while they were harassed and threatened.<sup>28</sup> There seemed to be little indication of

the brutal expulsions and killings which were to follow the next day.

In the early hours of 15 April more tanks and VJ surrounded the village, effectively blocking exit routes. However, the local leader of the Socialist Party of Serbia (SPS) called a meeting at 07:00, when he said that the tanks and troops were not there to attack the village but to hide from NATO bombing.<sup>29</sup> Automatic gunfire was heard, which was interpreted as an attempt to scare the villagers, paramilitary groups began to enter vacated houses and set them alight, and 300 tractors and cars headed out of the village.<sup>30</sup>

As they tried to flee a series of killings took place. One interviewee describes how two of those fleeing were dragged from their tractors and shot dead by four police reservists. One of the perpetrators was named as a local Serb who was wearing green camouflage uniform with white and yellow arm bands, a green military baseball cap and "special anti-terrorist unit" insignia.<sup>31</sup> One woman's husband was shot in front of her as they tried to leave and as she fled she saw other dead bodies at checkpoints. Another interviewee describes how people were told to burn their tractors, cars were shot at and how she saw seven bodies which had fallen from a tractor and how a man on a tractor was killed in front of his wife and 8-year-old daughter.<sup>32</sup> Six or seven young men were singled out, lined up and shot.<sup>33</sup> While all this was going on, money and valuables were being extorted from Kosovo Albanians.

A refugee who was investigating the killings at Slovinje gave the names of 16 people killed on 15 April, while another man gives the names of 24 Kosovo Albanians either dragged from their vehicles and shot or otherwise killed in the village that day.<sup>34</sup> One witness from the village named 14 out of 17 Kosovo Albanians aged between 15 and 85 whom he said were killed on 15 April. He stated that those active in the LDK or in the Mother Teresa Society, or their families, were especially targeted.<sup>35</sup>

One interviewee described how villagers fled the killing and stealing, going in three different directions from Slovinje, while another spoke of two different groups of villagers fleeing to different parts of the mountains.<sup>36</sup> Among them were some villagers who tried to escape to Vrbica/Verbice (Gnjilane/Gjilan) higher up in the mountains, but were prevented from doing so by the police commander described above.<sup>37</sup> They were brought back and moved first to Gadimlje and then, escorted by Serbian forces, to Lipljan. They were not allowed anything to drink during the 16-hour journey. A large group of about 150 moved up the valley to a place called Monastirce, where they spent the night.<sup>38</sup>

On 16 April this group was joined by IDPs from the Gnjilane villages of Zegovac/Zhegofo and Vrbica<sup>39</sup> in a valley called Lugu i Demes.<sup>40</sup> Around midday<sup>41</sup> the valley was surrounded by Serbian/Yugoslav forces. This group, which numbered between 400 and 1,000, was variously described as comprising VJ, police and/or paramilitaries coming from the direction of Gnjilane.<sup>42</sup> Between 10 and 30 men in green camouflage uniforms with two red bands on their arms came down, separated a large group of men from

the women and children, extorted money and confiscated IDs,<sup>43</sup> and threatened to kill anyone who did not hand over everything.<sup>44</sup> The women and children were told that they could go when they wanted "because the men would be killed anyway".<sup>45</sup>

## **Lipljan/Lipjan prison**

This penitentiary, more recently also used for pre-trial detainees, is located between Mala Alas and Gracko on the road west from Lipljan towards Magura.

The conditions there were described by many interviewees in detail. Even while the OSCE-KVM was stationed in Kosovo, it was concerned about accounts of mistreatment and the general conditions in the prison. A further aspect of the treatment of prisoners in this and other Kosovo prisons was the transfer of detainees to Serbia proper, which regularly occurred, to the grave disadvantage of the detainees as far as contacts with their family and legal assistance were concerned.<sup>1</sup>

It appears that during the entire period of the NATO air campaign young men were arrested in different parts of Kosovo, including the municipalities of Djakovica/Gjakove, Glogovac/Gllogoc, Podujevo/Podujeve and Pristina, and then arbitrarily detained in Ljipljan prison (see also Chapter 9, Arbitrary arrest and detention).<sup>2</sup> They were arrested in their homes or as they were travelling in convoys, in much the same way that Kosovo Albanian men were arrested in the area around Smrekovnica/Smrekonice prison and sent there (see Vucitrn/Vushtrri municipality). Many of them were later released and brought to the former Yugoslav Republic of Macedonia.

Most often the men were detained at a first location, such as Pristina Police Station No. 92, and ill-treated there before they were transferred to Lipljan.<sup>3</sup> Thus after a mass killing in Vrbovac/Vrboc (Glogovac/Gllogoc) in mid-April, 175 men were taken from there to the mosque at Cirez/Qirez (Srbica/Skenderaj) and from there to the police station in Glogovac, where they were severely beaten for six hours. Afterwards they were sent to Pristina, where they were again beaten for several hours with police batons, rifle butts and iron poles. The day after, all 175 men were transferred to Lipljan prison.<sup>4</sup>

When the prisoners arrived at the prison they were beaten by 40-50 guards who stood in two lines through which detainees had to pass. The guards beat them with rubber truncheons and kicked them. One interviewee describes how he could see the path going from the entrance to the prison from his cell and how he saw the guards washing the blood off the ground after the beatings. Their IDs were also taken.<sup>5</sup>

The detainees were put into overcrowded cells; for example one ex-detainee stated that they were 34 people in a cell measuring 5 metres by 4.<sup>6</sup> One interviewee, who was detained for the whole of the

month of May, estimated that there were 3,000 prisoners in total at the prison.<sup>7</sup> They were fed only bread and water "and for lunch small pieces of macaroni".<sup>8</sup> When the bread was distributed, the detainees were forced to shout "Long live Serbia!"<sup>9</sup> They were allowed to go to the toilet three times a day but whenever they went they were beaten.<sup>10</sup>

Kosovo Albanian prisoners saw through the windows that Serbian prisoners were allowed to receive visits from their families, while they were not.<sup>11</sup> Kosovo Albanian prisoners were also denied medical treatment, and were told when they requested it, "Terrorists don't need doctors". When, some days later, one doctor did eventually appear, he did not want to know about the detainees' injuries, only measuring their blood pressure.<sup>12</sup>

The prisoners were called individually from the overcrowded cells for interrogation, which included that by the State Security Police (DBS). During these interrogations the detainees were ill-treated and beaten not only by the prison guards but also by Serb detainees and the prison cooks.<sup>13</sup> Several former detainees describe how they were ill-treated on a daily basis in the prison. They were beaten until they were unconscious, at which point the guards poured water on them. This treatment lasted for several days and from early morning until the afternoon. The detainees appear all to have been accused of terrorist offences and were forced to sign statements stating that they were involved in UCK activities.<sup>14</sup> One former detainee claims to have seen how two (male) detainees were raped by two police officers inside the prison.<sup>15</sup>

Inmates died as a result of the beating and torture to which they were subjected. One former detainee described how, a few days after his arrival, a professor from Urosevac/Ferizaj was brought to his cell. He had been beaten so badly that his body was "violet" and his eyes were swollen. He could not walk and he vomited as soon as he ate or drank. The professor told the interviewee that he had been tortured with electric shocks and after three days he died.<sup>16</sup>

Another ex-detainee describes how once he arrived at Lipljan prison he and the men he was with had to face a wall with their hands behind their backs, and in that position were beaten by police officers and prison guards until they could not get up. After the beating he had blood in his urine for many days. The following day their heads were shaved and they were ill-treated again. Their hands were beaten so badly that blood came from their nails. The interviewee stayed for 20 days in the same cell, initially with 17 others, but more were brought in over this period, so that they eventually numbered 35. However, when some 200-300 Serb deserters arrived, this group of Kosovo Albanians were moved to another, bigger room, without beds. Every day police officers interrogated the men, and during the interrogations they beat the detainees with wooden and metal batons, on their backs, hands, feet and legs. They were asked "Are you guilty?" and when they said no they were asked, "Are you *`shiptar`*?"<sup>17</sup> When they answered yes, they were told, "Then you are guilty." One day a detainee from Pristina prison arrived together with seven Serb deserters. His eye was wounded: the deserters were trying to take his eye out with their fingers. On 5 June a group of 44 names were called out, including the interviewee's, and they were released.<sup>18</sup>

Women were reportedly also detained in two buildings in the detention complex. One former detainee described how he heard the women scream. On one occasion he also heard one guard telling another to "keep two for him". Among other detainees a member of the Kosovo Albanian Women's League, a member of the Parliamentary Party and his son, a student leader, were seen.<sup>19</sup>

Kosovo Albanian prisoners were released from Lipljan prison in significant numbers on 26 and 30 May and on 5 June; about 50-60 detainees were released on each occasion and brought by bus to the border with the former Yugoslav Republic of Macedonia. One detainee describes how on 30 May he and 50 other prisoners were told to get on a bus waiting outside the prison. The statements which the prisoners had signed were destroyed so that no proof would exist that they had ever been in prison. Inside the bus they had to hold their hands behind their heads and not look up. The bus went directly to the border. The interviewee said that the men could not have been beaten up any further because the doctors in the former Yugoslav Republic of Macedonia would discover the bruises. At the border they were all told that they would never return to Kosovo.<sup>20</sup>

<sup>1</sup> PR/02/050/99.

<sup>2</sup> M/1390; M/1777.

<sup>3</sup> M/1739.

<sup>4</sup> M/1389; M/1390. (M/1712 gives the names of the director of Pristina and Lipljan prisons and of the commander of Lipljan prison.)

<sup>5</sup> M/1390; M/1391; M/1606; M/1712; M/1734; M/1739.

<sup>6</sup> M/1739.

<sup>7</sup> M/1418.

<sup>8</sup> M/1712.

<sup>9</sup> M/1777; M/1389.

<sup>10</sup> M/1777.

<sup>11</sup> M/1777.

<sup>12</sup> M/1391.

<sup>13</sup> M/1391; M/1734; M/1712; M/1777.

<sup>14</sup> M/1389; M/1390; M/1391; M/1418; M/1606; M/1712; M/1777.

<sup>15</sup> M/1777. This interviewee was extremely traumatized, and his allegations have not yet been confirmed by other sources.

<sup>16</sup> M/1739.

<sup>17</sup> Derogatory Serb expression used for Albanians.

<sup>18</sup> M/1780.

<sup>19</sup> M/1712; M/1734. Names recorded.

<sup>20</sup> M/1418.

The paramilitaries began beating one Kosovo Albanian former policeman (name reported) whom they had called out from the crowd, and then shot him at close range.<sup>46</sup> A couple of other people appear to have been killed at this stage, including an older man who protested that his sick wife had been separated from him.<sup>47</sup> One elderly paralysed woman was killed and burned on a tractor.<sup>48</sup> Six or seven men appear to have been separated from the group and told to burn the tractors and belongings.<sup>49</sup> The majority of statements report that at this stage the Serbian forces told the men to run up the hill, although two say that the pervading panic caused them to run.<sup>50</sup> Whatever the case, the paramilitaries began to shoot the men in the back as they ran up the hill, killing at least 12 men and wounding many others. One masked paramilitary used a machine-gun fixed on top of a vehicle.<sup>51</sup> Some 30 men also appear to have been abducted by the Serbian forces and their fate was unknown.<sup>52</sup> Another interviewee states that the forces then went down to Slovinje, looting and burning houses there and killing Kosovo Albanians.<sup>53</sup>

Ten interviewees give the number of people killed in the valley on 16 April as either 16 or 17.<sup>54</sup> They include two or three bodies of young males who had been shot and cut with knives which were found near a river.<sup>55</sup> Most of the victims were male (at most there were reportedly only two female victims) and their ages range from the young teens to over 70. Many statements listed a dozen or more names of the dead.

The total number of Kosovo Albanians who died in the mass killings on 15 and 16 April is not clear from witness statements. One villager said that he buried 30 corpses afterwards.<sup>56</sup> Others gave totals that are mostly in the 30s and 40s, although one interviewee gave a figure of 200, which appears less likely.<sup>57</sup> A figure of at least 33 seems entirely plausible.

The assailants appear not necessarily to have been the same on the two different dates, although some personnel may well have been present on both occasions. The names of those involved are more widely given for the events on 15 April and include both the names of the deputy chief of the Lipljan police and a man described as his (named) deputy (who features widely in other reports of atrocities in the region).<sup>58</sup> Men wearing insignia of the Special Anti-Terrorist Unit and vests with "Arkan" written on the back were also seen.<sup>59</sup> Paramilitaries were seen with beards, long hair, knives, tattoos with the Serb cross, some with masks.<sup>60</sup> Local Serbs were also named.<sup>61</sup> The forces are described as moving on to Gornje Gadimlje the following day.<sup>62</sup> (It is also possible that these forces went on to carry out the killings on 18 April in the west of the municipality, notably in Mali Alas/Hallac i Vogel and Malo Ribare/Ribar i Vogel.) The mixed VJ, police and paramilitary forces involved on 16 April are reported by one interviewee to have come from the direction of Gnjilane.<sup>63</sup> They are described as wearing green camouflage, and with masks, beards, red headbands and some with the insignia of "White Eagles".<sup>64</sup>

The reasons why the local Serbs (both civilian and local officials) first gave assurances which turned out to be false are unclear. It is possible that the various Serbian groups had different plans and priorities and also that Serb civilians were not fully informed about what was planned.<sup>65</sup> Some fighting between Yugoslav/Serb forces and the UCK appears to have been going on in the Zegovac/Zhegovac hills, since one witness to the massacre stated that two Serbs were killed in Zegovac on 16 April and that Yugoslav/Serb forces then came to one group of people who had fled from Slovinje on 15 April, thus linking the killings carried out on 16 April with Serb deaths earlier that day.<sup>66</sup>

After the killings on 15 and 16 April several hundred IDPs from Slovinje spent about 10 days hiding in the hills.<sup>67</sup> Then a group of paramilitaries, described as "Special Forces", met them and told them to sit down. Their commander (named in the report), who knew one of the IDPs, asked what had happened to them, while his soldiers cuddled the little children to calm them down. When he heard what had happened to them he started to cry and ordered them to go back to their village.<sup>68</sup> Around this time 16 or 17 bodies (aged 13 to 85) which had been buried in one mass grave (dug with an excavator near the football field in Slovinje) were exhumed under police supervision, taken to the local school, examined by Serbian doctors, identified by the villagers and then buried again in separate graves.<sup>69</sup>

### ***Plitkovic/Plitkoviq, Vrelo/Vrella***

The villages of Plitkovic/Plitkoviq and Vrelo/Vrella lie 2 km apart about 12 km east of Lipljan town, in the hills on the eastern edge of the municipality, where paramilitaries appear to have been active following the killings in Slovinje.

One interviewee describes how his 70-year-old uncle was captured on 16 April in Plitkovic, how his fingers and toes were cut off one by one, and he was then killed. Shortly afterwards a young man found

the body of his cousin who had been beaten and killed. He had been stabbed in the hands, had bullet wounds in his head, and his throat had been cut.<sup>70</sup>

During the afternoon of 18 April, a group of IDPs and villagers escaped from Vrelo to the hills when they saw a convoy of paramilitaries arriving. They found three bodies when they returned that evening. One had been shot in the back of his head in front of his house. The partially burned bodies of an elderly IDP couple who had reportedly been too frail to walk any further were also found in front of another house.<sup>71</sup>

### **The central part of the municipality, around Lipljan/Lipjan town**

#### ***Lugadzija/Llugagji, Glogovce/Glogofc, Guvno Selo/Gumnaselle, and Celopek/Callapek***

This group of villages lies between 2.5 km and 5 km south-east of Lipljan town, between Lipljan and Highway 2 (except for Celopek/Callapek which lies 5 km south-east of Lipjan but just east of the highway). On or around 20 March on the local road between Lugadzija/Llugagji and Guvno Selo/Gumnaselle, villagers found an unidentified body with two gunshot wounds and injuries from beating.<sup>72</sup> On or around 30 March, police and VJ were seen robbing Kosovo Albanian residents in Lugadzija, and setting fire to the houses. Two local police officers from Lipljan and a "Gypsy" (*Maxhup*) were recognized and named as participating in these activities.<sup>73</sup>

One refugee describes how in early April there was a pervasive climate of fear, saying that "everybody was sleeping with their clothes on" and "was ready to leave any minute". He stated: "On 3 April the Serbforces went systematically from one village to the other in Lipljan municipality to expel all the [Kosovo Albanian] inhabitants." Police and VJ forces were described as passing through **Glogovce/Glogofc** (2.5 km south-east of Lipljan) and Guvno Selo with two tanks, three BOVs, three Pinzgauers and about 50 infantry from Bandulic/Banulle on their way southwards to Konjsko/Kojske [see separate subheading below]. The interviewee named the local police commander (already mentioned above) as being in charge of the operation. In Guvno Selo, the house of a political activist was burned. In Glogovce, many villagers were robbed and beaten. One man's car was set on fire and his head was forced so close to the burning vehicle that it was burned. He had to hand over all his money. Kosovo Albanian villagers were expelled by force, although some only went to neighbouring villages and later returned to Glogovce and Guvno Selo.<sup>74</sup> On 7 April, a local Serb policeman from Lipljan, who lived in the mixed village of Babljak/Bablak (Urosevac), fired towards Lugadzija on his way home from work, injuring one man in the leg.<sup>75</sup>

On 17 April, Kosovo Albanian villagers gathered in Lugadzija/Llugagji, having fled from the villages of Slovinje/Silovi, Vrelo/Vrella, Smolusa/Smallushe, Glavica/Gllavice, Marevce/Marefc (all in Lipljan) and in Zegovac/Zhegovc (Gnjilane/Gjilan) in the hills on the eastern edge of the municipality, following an offensive launched by police, VJ and paramilitaries in mid-April, which is described in greater detail under the Slovinje subheading below. On around 18 April, a total of 95 women and children from

Gornja Brnjica/Bernica e Eperme (north-west of Pristina), arrived in Guvno Selo and Glogovce in two military trucks. They had been separated from their men in Brnjica and turned back at the former Yugoslav Republic of Macedonia border.<sup>76</sup>

On 20 April, the same named police commander described above came to Lugadzija with four other officers, and demanded that all weapons in the village be handed over, including those held legally. They also demanded the names of all the males under 50 years of age and announced "drastic measures" if these were not provided. A similar demand was made in Guvno Selo.<sup>77</sup>

A few days later VJ, police, paramilitaries and Serb civilians returned to Glogovce. They entered houses in the village, demanding money and taking valuables, TV sets, radios and so on, and the women's jewellery. Residents were driven out from their houses, 26 of which were later burnt, and their documentation was destroyed. A man was beaten up and robbed by Serb paramilitaries with black masks who included at least one Russian-speaker. The Russian-speaking paramilitary also demanded money from a 31-year-old Kosovo Albanian, who convinced him that he did not have any. The paramilitaries then ordered the women in the house to take their clothes off and ordered the men out, prompting the Kosovo Albanian to offer them DM 3,000; he was then beaten up for lying earlier. The paramilitaries were collecting money in a box in a van they were using. They threatened to kill the Kosovo Albanian residents if they were found the next time the Serbs came back.<sup>78</sup> By late April, many villagers from Glogovce and Guvno Selo had decided to leave by train from Lipljan and travel to Blace.<sup>79</sup>

In the second half of April one interviewee reports that Serbian forces with insignia of the Serbian Special Anti-terrorist Unit (SAJ) on their shoulders and green uniforms, some of whom had beards and/or bandannas, entered the village of Lugadzija, demanded money and were given DM 1,000. Half an hour later police (including a named policeman) arrived and said that they were chasing paramilitaries. On 30 April all the residents decided to leave the village.<sup>80</sup>

On 3 May one interviewee was robbed and badly beaten by police in Celopek/Callapek, 5 km south-east of Lipljan town just east of Highway 2. A military truck entered the village and three police officers got out and entered his house, where they grabbed him by the neck, pushed him on to the floor, and demanded money. Once they had taken DM 1,500 from his father they stopped mistreating him.<sup>81</sup>

### ***Bandulic/Banulle***

The exclusively Kosovo Albanian village of Bandulic/Banulle lies 3 km east of Lipljan town just west of Highway 2. On 4 April, an interviewee left his village as he considered that it was "impossible to lead a normal life" any longer. Kosovo Albanians were constantly harassed by the police or members of the Yugoslav/Serbian forces. He and his two brothers were heavily beaten up and had to hand over DM 1,810 before they were let go.<sup>82</sup>

On or around 12 April, a police commander (named in reports) and two other officers came to Bandulic, where several IDPs from other villages had taken refuge, to look for weapons. During the search, three people were allegedly badly beaten. The following day all the IDPs left for Smolusa/Smallushe (4-5 km further east towards the hills), because the police commander had told them that paramilitaries were on their way and would kill them all.<sup>83</sup> On 15 April, Serbian forces passing through Bandulic before they entered Glogovce/Glogofc (1.5 km to the south-west of the village) apprehended a local Kosovo Albanian resident, tied him up, beat him and stole his deutschmarks.<sup>84</sup>

On the morning of 21 May, special forces surrounded the village and went from house to house, ordering all the inhabitants to get out and line up. One interviewee and his father were taken a short distance away and were beaten until they lost consciousness. The police told them that if they were still around the following morning they would be killed. Most Kosovo Albanian villagers then left by train for Djeneral Jankovic and the former Yugoslav Republic of Macedonia.<sup>85</sup>

### ***Konjsko/Kojske and Rabovce/Rubofc***

On about 3 April houses were burnt in Konjsko/Kojske, 4 km south of Lipljan, and most Kosovo Albanian villagers left their homes.<sup>86</sup> In the latter part of April armed Serbs and paramilitaries with black masks and red bandannas, who were driving a black VW Audi with Pristina registration, a white Land Rover and green Pinzgauers, travelled around several villages near Lipljan, including Rabovce/Rubofc, 5 km south of Lipljan town. They harassed the Kosovo Albanian population, extorted money from them and told them to leave. A number of people left from the small railway station at Rabovce, which lies on the main line from Pristina to Urosevac/Ferizaj. Serbian police were also seen at the station taking young men off trains bound for the border.<sup>87</sup>

### ***Konjuh/Konjuh***

The largely Kosovo Albanian village of Konjuh/Konjuh lies 2.5 km north-east of Lipljan town, and like Bandulic is just off Highway 2. On 23 April masked Serb paramilitaries forced a Kosovo Albanian man and woman in the village to remove their clothes, tied them up and then put a hand grenade in their son's mouth. Then they forced the couple to tell them where the richest Kosovo Albanian families in the village were. They beat the couple and one of the Serbs carved a cross on the women's forehead with a screw driver.<sup>88</sup> On 25 April, Serb paramilitaries forced Kosovo Albanian residents to leave Konjuh.

### ***Toplicane/Topliqan,***

In Toplicane/Topliqan, 4 km south of Lipljan town, houses, including one previously rented by the OSCE-KVM, were burned shortly after the start of the NATO bombing of FRY. In mid-April, 40-60 paramilitaries started shelling, destroying and burning more houses, and residents tried to flee to neighbouring villages. Serbs with red headgear forcibly entered one interviewee's house, threatening the

inhabitants, ordering them to leave and looting their possessions. They fled, but were surrounded in the street by armed Serbs, who separated men from women and children. About 17 men were held by the police and were harassed and beaten. A witness overheard them discussing whether or not to kill them. One man was able to escape from the group at night, but several others remained unaccounted for. The next day more houses were burned. One young man said that he was "scared to death" when he took the train to Djeneral Jankovic with the other expelled villagers.<sup>89</sup>

## **Villages west of Highway 25**

### ***Bujance/Bujan, Krajiste/Krajshte and Crni Breg/Breg i Zi***

The villages of Bujance/Bujan, Krajiste/Krajshte and Crni Breg/Breg i Zi lie between 5.5 and 7.5 km south-west of Lipljan town.

On 25 March at around 10:00, police under the command of the named former Lipljan police commander were seen setting five houses on fire in Bujance/Bujan. On 18 April, Serbian forces again attacked the village, shelling houses and groups of IDPs. The nearby village of Krajiste/Krajshte was attacked on either the same or the following day, when early in the morning 14 armed Serbs dressed in camouflage uniforms entered it with four tanks and APCs. They were later joined by Serb villagers. Most Kosovo Albanians escaped to the nearby hills, from where they watched the paramilitaries and local Serbs burning and looting Kosovo Albanian houses. Shells hit five houses and snipers shot from isolated houses. A 25-year-old woman who was sitting on the tractor was killed when a grenade hit the vehicle, although her five-month-old daughter and others survived.<sup>90</sup> A 51-year-old woman was killed by a sniper when she tried to go back to her house to save a two-and-a-half-year-old boy (who was later rescued by two men after dark). A 16-year-old boy was also killed by a sniper, when he tried to go back to the village to pick up belongings. After five days, the villagers went back and found their houses being looted, eight of them having been burned. After this incident and because of lack of food, they left to Macedonia.<sup>91</sup>

An interviewee reported that there had been many cases of sexual violence towards women in Crni Breg/Breg i Zi. On about 20 April mixed Serbian forces, including paramilitaries, reportedly killed four women who refused to take their clothes off on the spot.<sup>92</sup>

Around 13 April Serbian forces, described as police and VJ, entered **Malo Gracko/Grack i Vogel**. They forced a local boy to show them the houses where Kosovo Albanians were hiding and thus found and beat up one interviewee. The Serbs gave them five minutes to leave their houses, which they then set on fire. When the villagers left, the interviewee saw five bodies covered in blood, each at a different location.<sup>93</sup>

### ***Mali Alas/Hallac i Vogel***

At 07:00 hours on 18 April, paramilitaries with two jeeps entered the wholly Kosovo Albanian village of Mali Alas/Hallac i Vogel, lying just 2 km west of Lipljan town. All the villagers were brought together in the open, and the men were separated from the women. One interviewee and about 40 other men were lined up for execution. A 14-year-old boy from a neighbouring village was crying out of fear as he was forced out of the place he was staying. A paramilitary (name recorded) told him to calm down, but he did not, so the paramilitary shot him in the chest with about 10 bullets. The same paramilitary then let those under 18 go, but about 20 men were still left standing in two equal lines. First, two businessmen were shot, then a 32-year-old man who had no money to give. The owner of the mill was knifed to death, and a former Kosovo Albanian policeman was killed along with his two brothers.

Witnesses said that 11 men were lined up and executed, as confirmed by one of those who survived the shooting with a light injury to his shoulder. The remaining men were told to go with the paramilitaries to the police station in Lipljan, but were able to escape. All the other villagers went to Gracko. One interviewee and others later returned to Mali Alas and found Roma digging a mass grave. Twenty-one bodies were put in the grave (including the victims mentioned above), although in some accounts it was claimed that 25 people were killed.<sup>94</sup>

### ***Veliko Ribare/Ribar i Madhe, Malo Ribare/Ribar i Vogel, Novo Rujce/Rufc i Ri***

A 31-year-old interviewee describes how the village of Veliko Ribare/Ribar i Madhe (7 km west of Lipljan at the edge of the hills) was shelled from early April for 10 days from positions in Poturovce/Poturoc, 7 km due west of Lipljan on the road to Magura. Mortars and grenades were fired from tanks virtually every day, there was sniper fire, anti-aircraft fire was heard from close by, and a bomb fell 20 metres from the house where he was staying, making a crater 4 metres square and described as "French made". (For further details on NATO air attacks in the area at this time see below under Velika Dobranja/Dobraje e Madhe subheading.) On around 10 April two named police officers (including the same named police commander) came to the village and told some Kosovo Albanians to tell the other villagers and IDPs to leave the village. (The interviewee went to Smolusa but was expelled from there five days later.)<sup>95</sup>

Before 06:00 on 18 April, Serbian forces (described as VJ and armed civilians) came to Malo Ribare/Ribar i Vogel, 5 km west of Lipljan town, looted and burnt 19 houses, and killed around 20 local villagers and five or six IDPs. The victims (most of whom are named apart from the IDPs) were aged between six and 98; four were over the age of 78. LDK activists and UCK supporters are described as being particularly targeted.<sup>96</sup>

One interviewee saw Serbian forces arriving at 05:45 with two tanks, two Pinzgauers, a white minibus and two other vehicles. Armed Serb civilians with red bandannas began entering houses and killing people. Two old men, aged 87 and 98, were killed in their beds. A husband and wife were shot dead outside their house and their bodies later covered with hay. A woman was killed when she tried to help her father-in-law who had been wounded in the leg while he was trying to escape. A 57-year-old man

was executed with two bullets in front of his house and three others were killed together while trying to escape from the same house. Two middle-aged men were killed in front of their family and when the wife and daughter of one of them approached the dead body, they were also killed. A father and his two sons, aged 13 and 15, were killed in front of the family. A 78-year-old woman was killed in her house, buried by a wall crushed by a tank, and her 80-year-old husband was executed at the edge of the village together with a six-year-old girl (possibly his granddaughter). Another man tried to return to the village and was shot dead. The bodies of a middle-aged couple were found. The five or six IDPs who were killed (two women and three or four children) were from Vrsevce/Vershec (Lipljan).

When the villagers returned after five days, after having obtained permission from the police to bury the bodies, they found 13 of the bodies on a trailer in a yard, covered with hay; two or three had been burned. While the villagers were burying the victims the previously named police commander from Lipljan arrived and assured the villagers that nothing more would happen to the village. He asked why they were not burying the victims next to the graves of the respective families. Another named police commander ordered that the bodies be buried in separate graves and assured the villagers that punitive measures would be taken against the paramilitaries, whom he said came from Nis (in Serbia proper). Some VJ soldiers helped the wounded people bandage their injuries, gave them food and milk, and even offered transport. According to interviewees the second mentioned police commander was not involved in the attack. They asserted that the paramilitaries, who wore green uniforms and black headgear, were led by a local Serb from Magura (name recorded) who wore a red beret with a "White Eagle" symbol.

On 19 April at around 07:00, the same group of 35-40 paramilitaries entered Novo Rujce/Rufc i Ri, 3.5 km west of Lipjan on the road from Lipljan to Malo Ribare, with civilian vehicles stolen from Malo Ribare. The tanks stayed in Malo Ribare, where they had remained overnight. Five paramilitaries entered the house of one interviewee who said they wore green camouflage, some were "bald", some had black bandannas, and one had a red cap. They wore gloves without fingers, and had blood on their hands. Before entering the house, they broke the glass of the windows and fired machine-gun salvos at the house. They told everybody to leave, demanded money and jewellery, threatened to kill them, and shouted, "Now you get out of here! This is not your land!" They kept back one named man, forced him to lie on the ground and tied his hands behind his back. A minute later, machine-gun fire was heard from inside the house and five minutes later smoke was seen. The Kosovo Albanian residents, who were sent off to Lipljan, returned home after some hours.<sup>97</sup>

### ***Poturovce/Poturoc and Torina/Torine***

On or around 21 March, five buses with about 250 police officers or paramilitaries entered Poturovce/Poturoc, 7 km west of Lipljan town on the road to Magura, in "Express Nis" buses, accompanied by one truck of weaponry. The men were without masks and wore green and brown uniforms with "White Eagles" insignia and white stripes on their epaulettes. They shot in the air and threatened to kill the Kosovo Albanian population, who fled. Three men, two of whom were mentally handicapped, were taken by paramilitaries, who released one of men after 24 hours and told him to bring others back to take away the two others, which they did. They had been badly beaten and questioned about UCK contacts.<sup>98</sup>

On or around 29 March, VJ and paramilitaries stationed themselves 500 metres from Torina/Torine, lying 5 km west of Lipjan town just off the road to Magura, while 30 more VJ tanks were stationed nearby. A couple of days later police officers (including the named police commander mentioned above and another officer from Gracko whose nickname only is given) came the village. They shot in the air and told villagers to leave. They fled to Ribare (which of the two Ribare villages is not specified) but were moved on from there 10 days later.<sup>99</sup>

On 10 April in the early morning, paramilitaries entered houses in Poturovce, threatened the residents and forced them to leave after seizing IDs and extorting money and jewellery. Many left for Mali Alas. According to one interviewee many were killed and some women were abducted and raped. However, no eye-witness statements have yet confirmed this.<sup>100</sup>

### ***Magura/Magure***

In the area around Magura/Magure, which lies 10 km west of Lipjan town at the western edge of the municipality, tensions began to increase well before the departure of the OSCE-KVM. On 5 March, two police vehicles containing 11 police officers were ambushed by UCK members on the road south-east of Magura, near Vrsevce/Vershec. They were attacked with rocket-propelled grenades and machine-guns and all 11 officers were injured, six of them seriously. The attack came shortly after a bus was stopped by police just outside Lipjan town, at the junction of the road to Magura. They reportedly ordered 30-40 passengers from the bus and the driver and conductor were told to drive off without them.<sup>101</sup>

On 21 March, immediately after the departure of the OSCE-KVM, Magura was surrounded by a large number of tanks. Police, VJ, paramilitary units, local Serbs and a few Roma looted, burned and shelled the houses of local Kosovo Albanian residents. The interviewee who recounted this fled to Dobranje/Dobraj where, on or around 3 April, a Kosovo Albanian man (name recorded) was killed by a grenade while watching Serbian forces besieging Magura.<sup>102</sup>

On 25 March Serbian forces entered Magura and went from house to house ordering Kosovo Albanian residents to leave, although most had already left for Pristina. At 22:10, three young masked local Serbs, in civilian clothes and armed with baseball clubs, entered the garden of a house, breaking several windows. A 36-year-old man fled the house and outside two shots were fired at him. He later returned to the house to be with his parents and could hear a larger group of Serbs, who had arrived 10 minutes earlier, say: "If we find you here tomorrow, we're going to kill you!" At 06:00 the next morning, the family left and moved to a nearby village. Another interviewee reported that at the end of March armed Serbs stole cars, broke into buildings, threatened people and ordered them to leave.<sup>103</sup>

### ***Velika Dobranja/Dobraje e Madhe***

On 10 and 11 April, NATO bombed and destroyed the radio transmission facility on Goles mountain

north-west of Magura. On 11 April, Serbian forces "took revenge" for the NATO bombing at around 13:20 hours by firing mortar rounds at Velika Dobranja/Dobraje e Madhe, 7 km north-west of Lipljan. A nine-year-old girl was killed and seven other children were wounded in one house (and later sent to Pristina). The village was visited by Greek television reporters in the afternoon, where police officers showed them "the consequences of NATO bombing", while in the evening VJ also came to the house, filming the circumstances. The film crew guards beat about five Kosovo Albanians. Two days after the shelling, the (aforementioned named) Lipljan police commander came to the village and promised all IDPs safe passage to their homes. IDPs from Novo and Staro Rujce and Torina also decided to return to their villages.<sup>104</sup>

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## Notes

<sup>1</sup> UNHCR, "Kosovo Village List", 9 March 1999 (1998 population estimate excluding population displacement).

<sup>2</sup> That tensions between the Serb and Kosovo Albanian communities were still very much alive in this area after the end of the fighting was clearly indicated in July 1999 by the killing of 14 local Serb men in a field near Gracko/Gracko, 2.5 km south-west of Lipljan town. The village lies not far from Mali Alas/Hallac i Vogel and Malo Ribare/Ribar i Vogel, where dozens of Kosovo Albanian civilians were brutally killed by Serb paramilitaries in April 1999. This incident has been documented by the OSCE-MiK. It is outside the timeframe of this report, so is not covered here.

<sup>3</sup> OSCE-KVM , RC5, "Daily Report", 23 February 1999. At the time, the presence of OSCE-KVM vehicles on the roads was rather exceptional, since security reasons generally prevented the OSCE-KVM from carrying out night patrols on a regular basis.

<sup>4</sup> M/0873.

<sup>5</sup> M/0959.

<sup>6</sup> M/0086.

<sup>7</sup> M/0118.

<sup>8</sup> M/0080; M/0356; M/0886.

<sup>9</sup> M/0618.

<sup>10</sup> M/1258. Registration exercises were carried out during May in Pristina and other towns in Kosovo as described in Part III, section 12: Forced expulsion.

<sup>11</sup> M/1778.

<sup>12</sup> M/0617.

<sup>13</sup> M/0308; M/0402; M/0520; M/0602; M/0613; M/0617; M/0869.

<sup>14</sup> M/0520.

<sup>15</sup> M/1026.

<sup>16</sup> M/0402.

<sup>17</sup> M/0617; M/1051.

<sup>18</sup> A/0285; M/0617; M/1025.

<sup>19</sup> A/0285; M/0617; M/1025. M/0284 identified among the forces involved in this operation individuals seen in Slovinje the day before.

<sup>20</sup> A/0895; A/0898; M/0284.

<sup>21</sup> M/0494; M/0617; M/658; M/1162.

<sup>22</sup> M/0596; M/0869.

<sup>23</sup> A/0376; M/0103; M/0123; M/0281; M/0284; M/0292; M/0311; M/0338; M/0468, M/0494; M/0518; M/0520; M/0658; M/0711; M/0714; M/0719; M/0727; M/0752; M/0756; M/0760; M/0802; M/0817; M/0923; M/0930; M/0950; M/0958; M/0959; M/1004; M/1007; M/1013; M/1051; M/1180; M/1329; M/1343; M/1352; M/1366; M/1374; M/1401; M/1491; M/1504. The vast majority of these statement give the dates of 15 and 16 April, as given in this report; a couple gave different dates but described the same sequence of events. M/0719 and M/0923 also reported killings in Trbovce/Truboc.

<sup>24</sup> M/1013.

<sup>25</sup> M/0719.

<sup>26</sup> A/0376.

<sup>27</sup> M/1504 (where it is not clear whether the later warning was made on 14 or 15 April).

<sup>28</sup> M/1401.

<sup>29</sup> M/0284. M/0281, M/0658 and M/0711 also reported that tanks surrounded the village on 15 April. M/0802 said that a meeting with influential Kosovo Albanians and Serbs was called by a VJ major that morning, but that no-one showed up.

<sup>30</sup> M/0281; M/0658.

<sup>31</sup> M/0760.

<sup>32</sup> M/0760; M/0923; M/1329.

<sup>33</sup> M/0520 (who saw the men being lined up but described this event as happening on 16 April); M/0714 (only heard about this); M/0930; M/1329.

<sup>34</sup> M/0802 and M/1374. M/1004 describes finding five bodies in the yard of his brother's house, which are also mentioned by M/1352, who says that 22 others were killed in their houses and in the streets of Slovinje.

<sup>35</sup> M/0468 (whose brother was in charge of the later burials under police direction) gives an age range of 13-85); M/1504.

<sup>36</sup> M./1504 and M/0311 respectively.

<sup>37</sup> A/0376, although M/0727 describes how the same named commander intervened that same day to prevent paramilitaries with beards from killing a Kosovo Albanian whom he knew.

<sup>38</sup> A/0376; M/0760; M/1366.

<sup>39</sup> M/0711; M/1051.

<sup>40</sup> M/0802; M/1329; M/1374; M/1504. (M/0719 describes the field as Lugu i Manastirit.)

<sup>41</sup> M/0658; M/1180.

<sup>42</sup> M/0103; M/0658; M/0817; M/1051; M/1504.

<sup>43</sup> M/0760; M/0711; M/0817; M/0103; M/0817; M/0711; M/0714.

<sup>44</sup> M/0658; M/0760.

<sup>45</sup> M/0711.

<sup>46</sup> M/0292; M/0468; M/0658; M/0711; M/0727; M/0760; M/0802 (although he has him killed on 15 April); M/0817; M/0950 (who describes the same sequence of events but gives a date for the killing of 13 April); M/1374 all name this man.

<sup>47</sup> M/1504 (who said that the man's wife died the next day).

<sup>48</sup> M/0103; M/0817; M/1051.

<sup>49</sup> M/0292; M/0711.

<sup>50</sup> M/0802, M/0959; M/1013; M/1343 (heard) and M/1374 report that the paramilitaries/police told them to run. M/0658 and M/1180 describe a panic in which villagers ran.

<sup>51</sup> M/0658; M/0760.

<sup>52</sup> M/0518.

<sup>53</sup> M/1013.

<sup>54</sup> M/0292; M/0711; M/0719; M/0727; M/0817; M/1180; M/1343 (saw bodies) give a total of 16 and (including two women) M/0103; M/0658; M/1374 a total of 17.

<sup>55</sup> M/0103; M/0711; M/1504.

<sup>56</sup> M/0518.

<sup>57</sup> M/0284 (has a total of 42 dead plus 16 killed in the mountains); M/0311 (at least 65 killed); M/0714 (45 dead); N/0719 (46 dead); M/0752 (heard 42 were killed); M/0802 (36 plus three bodies from a neighbouring village brought by a police officer); M/1013 (200 dead); M/1051 (36 dead); M/1180 (46 dead plus two others from nearby villages); M/1329 (46 dead); M/1376 (names 33 dead).

<sup>58</sup> A/0376; M/0284; M/0727; M/1329; M/1505.

<sup>59</sup> M/0817; M/0923; M/1004.

<sup>60</sup> M/1013; M/1366 (also describes a paramilitary with a hat with the Serbian cross).

<sup>61</sup> M/0284; M/0760 (who both describe one local as wearing green camouflage with a special anti-terrorist unit badge); M/1329.

<sup>62</sup> M/0284.

<sup>63</sup> M/1504.

<sup>64</sup> M/0711.

<sup>65</sup> M/0756 describes how a Serb neighbour came and found them in the hills later in April, said that it was safe to return and that those who had attacked were from outside Slovinje and that it wouldn't happen again, so the IDPs returned.

<sup>66</sup> M/0311 (had fled from Pristina to her brother-in-law's house in Slovinje).

<sup>67</sup> M/0760; M/1180.

<sup>68</sup> M/1013.

<sup>69</sup> M/0468; M/0711; M/0727; M/0756; M/0760; M/1013; M/1180; M/1401. M/0760; M/0817; M/1180; M/1352 and M/1504 also stated that there were two mass grave sites in Slovinje so it is not clear whether a second site still exists.

<sup>70</sup> M/1309; M/1314.

<sup>71</sup> M/0433; M/1314.

<sup>72</sup> M/1137.

<sup>73</sup> M/0602.

<sup>74</sup> M/0712; M/1088.

<sup>75</sup> M/0596.

<sup>76</sup> M/0117; M/0414.

<sup>77</sup> M/0596; M/1137.

<sup>78</sup> M/0403 (who was beaten for saying that he did not have money); M/0642; M/1088.

<sup>79</sup> M/0338; M/0393; M/0642; M/1769.

<sup>80</sup> M/1025.

<sup>81</sup> M/0691.

<sup>82</sup> M/0661.

<sup>83</sup> M/0617.

<sup>84</sup> M/1088.

<sup>85</sup> M/1318 (names one of the police officers involved).

<sup>86</sup> M/0123.

<sup>87</sup> M/0326; M/0297; M/1162.

<sup>88</sup> M/0873. (The interviewee knew the Kosovo Albanian couple but did not want to give their names because "it would shame them". He did, however, name the perpetrators.)

<sup>89</sup> M/0636; M/0637; M/1323; M/1778. See also M/0571.

<sup>90</sup> M/0754. M/0297 describes what may be the same incident, albeit locates it in Bujance.

<sup>91</sup> M/0754; M/1473.

<sup>92</sup> M/0394.

<sup>93</sup> M/0279.

<sup>94</sup> M/0367; M/0787 (who name many of the victims). See also M/0542; M/0721; M/0835; M/0933; M/1323, who saw the graves or the bodies after some days.

<sup>95</sup> M/1162.

<sup>96</sup> M/0297; M/0422 (heard about killings); M/0474; M/0933; M/1068 (who gives a date of "10 days after 25 March" but otherwise appears to be describing the same events); M/1162; M/1509.

<sup>97</sup> M/0933.

<sup>98</sup> M/0326; M/1026.

<sup>99</sup> M/1082; M/1162.

<sup>100</sup> M/0326; M/0329; M/0367; M/1026.

<sup>101</sup> OSCE-KVM, RC5, "Weekly Report", 27 February-6 March 1999.

<sup>102</sup> M/0275 (names perpetrators including their commander involved into the looting and burning of the houses and in the beating of the people).

<sup>103</sup> M/1068; M/0209.

<sup>104</sup> M/0329; M/1068.

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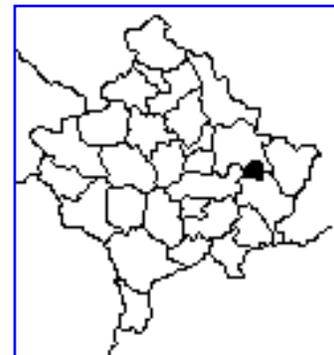
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## NOVO BRDO/NOVOBERDE



In the findings of the OSCE-KVM there is almost no data relating to the small municipality of Novo Brdo/Novoberde, south-east of Pristina/Prishtina. This is most probably explained by the fact that the municipality's population of barely 5,000 had a Serb majority,<sup>1</sup> with some villages being exclusively or almost exclusively Serb-inhabited. Conditions similar to those apparently accounting for the relative calm in neighbouring Gnjilina/Gjilan municipality (see that entry), such as circumstances which were not conducive to UCK infiltration, may also have prevailed here.

During the period that the OSCE-KVM was deployed inside Kosovo the mission did receive one complaint that a Kosovo Albanian man had been ill-treated at the police station in Novo Brdo/Novoberde village in February 1999. The man had been accused of illegal possession of weapons. Allegedly the man had been beaten so severely by police that he had lost consciousness three times.<sup>2</sup>

### Notes

<sup>1</sup> UNHCR "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>2</sup> OSCE-KVM, Weekly Report RC 4, 12 February 1999.

## OBILIC/OBILIQ



Obilic/Obiliq municipality lies roughly 7 km west of Pristina/Prishtina and includes the province's largest power station. There are also several coalmines in the south-east of the municipality (as in the neighbouring Kosovo Polje/Fushe Kosove municipality, to the south).

Prior to the OSCE-KVM's deployment, recent events in the municipality were dominated by the UCK's seizure in June 1998 of an open cast coalmine near Grabovac/Graboc (Kosovo Polje) and of surrounding villages including Ade/Hade (Obilic).<sup>1</sup> The fighting brought work to a halt in the mine for a time, until Serbian forces regained control. On 22 June 1998 nine Serbs who worked for the Elektroprivreda Srbija company were abducted near Grabovac while driving to work at the mine, allegedly by the UCK. They and another mineworker who was abducted in similar circumstances on 14 May remained unaccounted for.<sup>2</sup> The fighting, repeated shelling of villages, danger from snipers and the tense security situation restricted movement and meant that Grabovac was largely empty for much of the time thereafter,, as is described in the entry for Kosovo Polje.

In the period after the OSCE-KVM deployed, tensions rose again after a Serb employee of Elektroprivreda Srbija was killed near Grabovac on 7 January 1999.<sup>3</sup> These developments affected the Obilic municipality, not least because Serbs, who generally lived in mixed towns such as Obilic, Plemetina/Plemetine or Milosevo/Milloshëve to the north of the mines, were increasingly employed in the mines in preference to Kosovo Albanians.

On 14 January, at 20:30 hours, a Kosovo Albanian medical doctor on his way to visit an elderly woman patient was stopped at a police checkpoint on the Obilic-Podujevo road at the turning for the village of Bariljevo/Barileve (Pristina). There were two Pinzgauers and nine police in combat gear, who stopped him and started beating him with their weapons. When one policeman found his ID and doctor's bag he said, "He's a doctor. Kill the motherfucker! He is treating the terrorists." He was beaten until he lost consciousness, after which the police left. After waiting 20 minutes, the victim was able to drive home.

When he reported the attack to the OSCE-KVM the following day he still had pain in his groin and abdomen, and abrasions on his neck were visible.<sup>4</sup>

There were also reports of unofficial roadblocks set up by both Serb civilians and the UCK. In early January more than 10 armed Serb civilians as well as two uniformed policeman (who were not wearing badges) set up a roadblock near the village of Milosevo on the Pristina-Mitrovica road. They stopped cars and a bus, checked identity documents and beat people, sometimes severely. When personnel from an OSCE vehicle intervened those being detained were released. Identity documents were also taken and thrown in the road (some of which were later found by villagers and the OSCE). OSCE-KVM verifiers were harassed and accused of not helping Serbs.<sup>5</sup> On 5 February another man was stopped near Orlovic/Shkabaj (Pristina), on the road from Obilic to Pristina, by four men carrying weapons and wearing UCK badges. They asked him for his identity documents and then beat him until he was almost unconscious before allowing him to drive away from the scene.<sup>6</sup>

After the withdrawal of the OSCE-KVM on 20 March 1999 refugee statements indicate a similar pattern of violations in Obilic and Kosovo Polje. In both municipalities there were several mass killings in which many members of the same family were killed in one operation. In addition the perpetrators appear to have been widely recognized as either local police or armed local civilians.

### **Obilic/Obiliq town**

The town of Obilic/Obiliq had a mixed population of 11,000 that was 41 per cent Albanian and 27 per cent Serb, the remainder being "Gypsies" (*Maxhupet*) and other minorities.<sup>7</sup>

In the period up to the withdrawal of the OSCE-KVM the town was generally calm as compared with other parts of the municipality and many other towns in Kosovo,<sup>8</sup> although it was not without violent incidents.<sup>9</sup> There was a case in which four young Serb civilians armed with wooden clubs stopped a 16-year-old Kosovo Albanian secondary school student as he was going home after school in Obilic town at around midday on 10 December 1998. They beat him up so severely that he had to seek medical treatment for injuries to his head and for broken teeth at the Mother Teresa Society clinic. Two policemen on guard outside the nearby police station saw the incident but did not intervene. The same group of Serb youths was reported as having beaten up several other students on their way home from school on about four occasions over the previous three weeks. One was so severely beaten he had to go to hospital in Pristina.<sup>10</sup>

Shelling, shooting and looting of shops began on 24-25 March 1999, the first night of NATO's air campaign against the FRY, and continued on each of the next few nights. The properties of wealthy Albanians were targeted first and houses were burnt.<sup>11</sup> Those who came to the houses were described both as armed civilian Serbs, some of whom spoke the local Serbian dialect,<sup>12</sup> and as police and

paramilitaries.<sup>13</sup>

Tensions in Obilic rose further on the morning of 26 March at 10:00 hours when 10 policemen forced about 20 Kosovo Albanian males and 30 Kosovo Albanian women to kneel down on the ground at Obilic bus station. They encouraged young Serbs in the vicinity to beat the men, while the women were obliged to face the wall so that they could not see what was going on.<sup>14</sup> Three of the men were taken away by police. The next day about 20 dead bodies were seen, including those of the three abducted men.<sup>15</sup>

The following morning (27 March) at about 08:00 hours a tank was seen shelling the house of one family (named in reports).<sup>16</sup> By about 14:30 there were four Pinzgauers and another vehicle with a heavy machine gun sited on top of it in the vicinity, while 30 to 40 mostly masked men were seen approaching the house.<sup>17</sup> They were variously described as men in green camouflage with police insignia, as paramilitaries and as local Serbs in black uniforms, some of whom were masked.<sup>18</sup> Members of the family who were unable to flee were told to go to the back of the house, where shooting suddenly began.<sup>19</sup> There was one wounded female survivor, who lay still when the bodies were kicked to make sure they were dead and who was later able to crawl to the road with another largely immobile, 70-year-old female member of the family who had been left in the house. Both were picked up by a car and taken to Pristina.<sup>20</sup> Ten members of the family, including three females, were later found dead, while the others fled to Pristina.<sup>21</sup> The family reportedly had a son who was in the UCK and who had been visiting at the time;<sup>22</sup> someone else had heard that one member of the family had a pistol and had shot at the attackers.<sup>23</sup>

That night (27-28 March) looting and burning of shops and houses continued.<sup>24</sup> A house that had been rented to the Mother Teresa Society was burned.<sup>25</sup>

The burning, looting and attacks were widely alleged to have been orchestrated by the mayor of Obilic. One interviewee was told by a Serb from the town that a meeting for Serb villagers was held a few days before the NATO bombing began, at which Obilic was divided into different areas of concern for the Socialist Party of Serbia, the Serbian Radical Party and so on, and that a "Gypsy" (*Maxhup*) was among those in control.<sup>26</sup> Another describes both paramilitaries and "Gypsies" (*Maxhupet*) as being involved in the burning and looting of houses.<sup>27</sup>

While thousands of people fled as a result of these attacks, there does not appear to have been organized mass expulsions. Many people who left their homes in the town continued to stay in the vicinity and to return for reasons such as feeding their animals or checking whether their houses were still standing,<sup>28</sup> and only fled in late April and at the beginning of May, generally by train direct from Obilic station to Blace or to Pristina and thence to the former Yugoslav Republic of Macedonia. One interviewee even

describes continuing to work in the coalmine until late April, although as he was returning from work on 26 April the bus he was travelling on was stopped by paramilitaries and police, who appeared to know that the workers had just been paid. They beat the Kosovo Albanians and forced them to hand over their wages.<sup>29</sup>

The village of **Mazgit/Mazgit** lies just to the north-east of Obilic. Like Obilic it was subjected to looting and burning from late March, and many Kosovo Albanians fled.<sup>30</sup> On or around 3 May 1999 those who remained were told to leave and were taken on buses to the former Yugoslav Republic of Macedonia.<sup>31</sup>

### **Krusevac/Krushefc**

The predominantly Albanian village of Krusevac/Krushefc lies just south of Obilic. On 25 March 1999 and subsequent nights shops and then houses were looted and burned by people described as Serbs in black uniforms with black masks, who were possibly guards from the nearby Elektroprivreda electricity plant.<sup>32</sup> There was also shooting from the Elektroprivreda yard, from where there is a clear view of the village.<sup>33</sup>

On 27 March (the eve of the Muslim festival of Bajram) Serbian forces started to shell Krusevac. At around 17:00 hours (that is, apparently later on the same day on which the 10 killings of the family in Obilic described in the preceding section took place), a group of uniformed police and VJ as well as Serbs in civilian clothing carried out many killings in Krusevac.<sup>34</sup> Four men from the same family (named in reports) were seen being shot, but did not apparently die immediately (they were seen to be moving and moaning); the paramilitaries responsible then siphoned petrol out of a car and set fire to the family house. Four charred bodies were later found in the house.<sup>35</sup> (OSCE MiK representatives visited the site of the killings on 21 July 1999 and confirmed the presence of burnt human bones and a skull section and that the maximum number of persons killed was four. Fourteen bullet holes in one internal wall of the burnout building were also found.<sup>36</sup> A family of seven was also killed on 27 March, while the same interviewee also saw 21 dead bodies in a nearby field.<sup>37</sup>

On 28 March the villagers of Krusevac were told to leave by security guards from the Elektroprivreda power plant.<sup>38</sup> There were a number of killings on that date. One interviewee describes seeing two bodies, one of which had been dismembered, as they fled through the streets.<sup>39</sup> Another, who passed through Krusevac on 28 March, describes seeing more than 15 dead bodies - both male and female, and aged from 14 to 50 - near the railway tracks.<sup>40</sup> Although many villagers left at this stage,<sup>41</sup> many others remained and did not leave the area until mid- to late April.

In mid-April paramilitaries dressed in green camouflage and armed Serb civilians from Kosovo Polje came to Krusevac, looted and burned houses, and demanded money from Kosovo Albanians. When the villagers went to the police in Obilic the next day the police posted a guard in the village for two

weeks.<sup>42</sup> On 18 April the police turned back one family which had tried to flee by tractor and told them they would protect them in Krusevac; a VJ base was also set up.<sup>43</sup> By late April, however, the police said that they were leaving and that the villagers were no longer their responsibility, while another Kosovo Albanian describes being told to leave by the police because they no longer had control over the paramilitaries.<sup>44</sup> By this stage the level of killings and woundings by paramilitaries or snipers, and the beatings, looting and burning effectively forced the remaining Kosovo Albanians to leave.<sup>45</sup>

## **Ade/Hade**

On 22 March 1999, before the start of the NATO bombing of FRY, police moved into Ade/Hade, southwest of Obilic, shooting first at a group of IDPs from nearby villages and forcing them to flee. Later they also shot at Kosovo Albanian houses. The following day security guards at the village factory forced Kosovo Albanians out of their homes near the factory and occupied them. On the first night of bombing by NATO, Serb forces moved in with vehicles and began shooting in the air. That night four houses were burned and Kosovo Albanian-owned shops were looted.<sup>46</sup>

Special unit police came to Ade as early as 3 April and ordered everyone to leave, albeit some Kosovo Albanians appear still to have remained in the village.<sup>47</sup>

On 17 or 18 April between eight and 14 police, VJ and paramilitaries with masks arrived in the morning in Ade. They shelled the village, burned houses and carried out a series of killings of members of the same extended family in which five men died. All five victims are widely named. They shot one man as he came out of the house with a white cloth to surrender; he died some hours later of his wounds from lack of medical assistance.<sup>48</sup> One policeman and one VJ armed with AK-47s then went to the house of that man's brother and separated women and children (whom they sent away) from four men aged approximately between 27 and 78 years, some of whom they burned alive in the stable. When members of the family and other villagers returned a few days later they found two bodies (variously described as tied with cables and without legs) under the carcass of a dead cow. Another body was found in the yard and the body of the fourth man was never found.<sup>49</sup> One villager describes contacting the police in Obilic, who said that they knew nothing about the incident.<sup>50</sup>

During this time the house of a former locally hired OSCE-KVM staff member was among the dozens of houses that were burned.<sup>51</sup>

About 20 tanks and 20 other police vehicles, VJ infantry and paramilitaries are described as being stationed in Ade, with a similar force in neighbouring Grabovac. Both positions were reportedly used to shell the Cicavica mountains.<sup>52</sup> Paramilitaries are also described as coming down into the village on 25 April and rounding up the villagers near the mosque, before letting them flee.<sup>53</sup>

A final order to leave came towards the end of April, when police arrived in a Praga vehicle. Between 12 and 15 buses from the Elektro Economia company came to the bus station in Ade on 28 April and took 900 to 1,000<sup>54</sup> people to Stimlje/Shtime, from where some buses were sent to Albania and some to the former Yugoslav Republic of Macedonia. Each person had to pay DM 10 for the journey.<sup>55</sup> Those who went via Lipljan/Lipjan and Kacanik/Kacanik to Blace were stopped three times at checkpoints and again at the border, where their IDs were checked and any mobile phones were taken.<sup>56</sup> One man who ended up in Albania had to pay DM 1,000 to secure the release of his son who was seized by police at the border.<sup>57</sup>

(A few kilometres west along the road from Ade lies the town of **Grabovac/Graboc**. The upper part of the town lies in Obilic municipality and the lower part in Kosovo Polje. Events in both parts of the town are covered together under Kosovo Polje municipality.)

### **Leskovcic/Lajthishte**

At 09:45 hours on 17 or 18 April 1999, between 10 and 15 special police and Serbian security personnel<sup>58</sup> stopped a vehicle at a checkpoint on the road from Leskovcic/Lajthishte to Crkvena Vodica/Palaj. Three men, at least one of whom worked for the Mother Teresa Society and assisted those who had been displaced to return to their homes, were taken from the car and beaten. They were taken to the basement of a nearby building and then to the graveyard in nearby Crkvena Vodica, where they were shot with automatic guns. All of them were first made to lie down and were shot in the back of the head. Towards the end of April one of the witnesses returned and saw four dead bodies (the fourth being that of another MTS worker who had gone to see what had happened). Two had been scalped. The men were reportedly buried by "Gypsies" (*Maxhupet*) at the end of April in a single grave.<sup>59</sup>

Towards the end of April the police told the villagers they could no longer protect them and that they should walk to Crkvena Vodica. The police then escorted them on buses to the former Yugoslav Republic of Macedonia.<sup>60</sup>

### **Villages around Obilic town with a significant Serb population**

There are a number of villages near Obilic town with significant and even majority Serb populations. While a number of the Serb Elektroprivreda employees who were abducted near Grabovac in mid-1998 came from these villages, they were generally quieter than towns with predominantly Kosovo Albanian populations. There were nevertheless several attacks in these villages too.

The population of **Milosevo/Millosheve**, 4-5 km north-east of Obilic, was 20 per cent Serb.<sup>61</sup> On or around the night of 30-31 March 1999 local masked Serb civilians surrounded a house in the village and killed four members of the same Kosovo Albanian family (named in reports). One son was shot in the yard before they broke down the door. They then shot the father, and two other sons, aged 9 or 10 and

13, in their beds. The women were able to flee. The attackers set the house (and other houses) on fire with petrol bombs. Screaming and shouting was heard by villagers sheltering in the neighbouring house<sup>62</sup> Many villagers left, often for Bariljevo/Barileve (Pristina) or the UCK-held hills to the north. Several found themselves part of the large convoys which came down off the hills at the end of April.<sup>63</sup>

In **Plemetina/Plemetine** Serbs accounted for over 40 per cent of the population and Kosovo Albanians for over 30 per cent, with the remainder being of other nationalities. One Kosovo Albanian resident describes being attacked by Serbs from the same village at the start of the NATO bombing of FRY and then later by VJ as well.<sup>64</sup> A Pristina journalist reported going to Plemetina on 30 March and seeing 11 bodies, including three children and two named men, who had been shot and burned. When she tried to videotape the burning houses and the bodies, police and others stopped her, confiscated her camera and other equipment, beat her until she lost consciousness and took her to Pristina.<sup>65</sup>

**Sibovac/Siboc**, lying 4-5 km west of Obilic, is described as being shelled by police three days before the start of the NATO bombing.<sup>66</sup> On 27 March, in the face of continued shelling, villagers fled, leaving behind one sick 49-year-old man. Twenty-six civilian paramilitaries with red bands round their heads were seen entering the house and screaming was heard. Later the man's decapitated, mutilated body was found.<sup>67</sup>

## Notes

<sup>1</sup> The Council for the Defence of Human Rights and Freedoms in Pristina gives the date of the UCK's seizure of the mine as 22 June 1998 (see OSCE-KVM, "Weekly Report No. 420", 21-26 June 1998, available on <http://albanian.com/kmdlj/> ).

<sup>2</sup> The Serb families affected made repeated representations to many bodies including the OSCE-KVM, which sought to visit the town in mid-January 1999, but was unable to shed light on the situation (documentation on incident collected by the OSCE-KVM Outreach Office in Pristina). Further details are given here in the entry for Kosovo Polje municipality.

<sup>3</sup> For further details see the entry for Kosovo Polje municipality.

<sup>4</sup> PR/0023/99.

<sup>5</sup> MI/00/0009/99; MI/04/0009/99.

<sup>6</sup> PR/02/0042/99.

<sup>7</sup> UNHCR, "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>8</sup> M/0877.

<sup>9</sup> One of the most harrowing rapes recounted took place in Obilic in mid-February as reported by the victim herself (M/1017). See further section ·· of this report on sexual assault.

<sup>10</sup> PR/02/0002/98.

<sup>11</sup> M/0486 (whose house was set alight even though he refused to leave; he had to leap from a first floor balcony and was shot in the arm as he fled, as was still evident at the time of interview); M/0877; M/1522 (who names an individual said to have made a video recording of the burning).

<sup>12</sup> M/0877.

<sup>13</sup> M/0485.

<sup>14</sup> Among those rounded up were a brother and sister. The brother sustained a broken nose from the beating he received, as was still visible at the time of interview: M/0631.

<sup>15</sup> As seen by the uncle of the interviewees in M/0631.

<sup>16</sup> M/0848 and M/0944 give different dates but are not direct witness statements.

<sup>17</sup> M/0844; M/1287; M/1435. These witness reports of the killings describe the events as taking place on the road running south-east from Obilic towards Orlovic.

<sup>18</sup> M/0844; M/1287; M/1435; M/1748; M/1753 (who names 15 local Serbs, many of whom were from the Subotic area near the power plant immediately south-east of Obilic town).

<sup>19</sup> According to M/1753, whose father was among the dead.

<sup>20</sup> As the wounded woman described to a close member of her family in M/1287.

<sup>21</sup> The wife of one of the victims (M/1748) lists five men, two women and a teenage daughter and son. There is some doubt as to whether the body of the latter was actually found, according to M/1287 and another member of the family - M/1753 - who escaped before the shooting began.

<sup>22</sup> M/0486.

<sup>23</sup> M/1104.

<sup>24</sup> M/1522, who states that he saw local police driving around in his brother's Volkswagon Golf car which had been stolen.

<sup>25</sup> M/0529. Two people (M/0070 and M/0669) heard that 18 to 20 people were killed by police or paramilitaries at Obilic hospital, but there is no witness testimony to this.

<sup>26</sup> M/1149; M/1522 (both the mayor and the Serb informant are named in this statement).

<sup>27</sup> M/1750.

<sup>28</sup> M/0967. See also Chapter 20, Kosovo "Gypsies"/*Maxhupet*.

<sup>29</sup> M/0944; although M/1116 states that employees were obliged to work without pay at the mine.

<sup>30</sup> M/1330; A/0005.

<sup>31</sup> M/0944 (who actually left by train); M/0967; M/1103; M/1104; M/1330; M/1336; A/0954 (who left slightly later and ended up in Albania).

<sup>32</sup> M/0497; M/0718; M/1029.

<sup>33</sup> M/0497.

<sup>34</sup> Perpetrators allegedly included the security guards from the electric power station in Obilic. According to M/0481, Serb refugees from Croatia also participated in the attacks.

<sup>35</sup> M/0810 describes the killings as being in the home of the victims; M/0755 and M/1029 both describe the killers as being four men in either black or camouflage uniforms and black masks, albeit the former describes the shootings as happening a little further down the road in the Nakarada district of Kosovo Polje. The niece of one of the victims (M/0718) was also among those who saw the bodies the next day. Also M/0497 (who heard the shots, saw the burning house and named the victims); M/0524 (who was told about the killings by a Serb civilian); M/0718 (who saw the burned bodies).

<sup>36</sup> PR/0146/99.

<sup>37</sup> M/0810.

<sup>38</sup> M/1109.

<sup>39</sup> M/0481. For other incidents see M/0497.

<sup>40</sup> M/1421.

<sup>41</sup> M/0497; M/0957; M/1109.

<sup>42</sup> M/1259.

<sup>43</sup> M/0694.

<sup>44</sup> M/1029; M/1259.

<sup>45</sup> M/0357; M/0385; M/0755 (who said that his house near the railway was shelled by tanks mounted on trains); M/1104; M/1259; M/1342.

<sup>46</sup> M/0529 (who estimated the number of IDPs at 6,500); M/0604.

<sup>47</sup> M/0875.

<sup>48</sup> M/0045; M/0530 (who describes VJ in green camouflage uniforms as also being present); M/0853; M/0875; M/1031; M/1421; A/0517; A/0682.

<sup>49</sup> M/0045; M/0530; M/0532; M/0744; M/0829; M/0831; M/0875; M/1031; M/1421; A/0517; A/0682 (all of whom were among the family members separated out, or witnessed the event or saw the bodies afterwards or a combination of these).

<sup>50</sup> A/0682.

<sup>51</sup> M/1421.

<sup>52</sup> M/1032. See also M/0810.

<sup>53</sup> M/0853.

<sup>54</sup> M/0603; M/0604; M/0831; M/1032. (M/0530 gives a figure of 2,000 villagers.)

<sup>55</sup> M/0388; M/0604; M/0831; M/1031. (M/0532 and M/0829 give earlier departure dates but describe the same events.)

<sup>56</sup> M/0045; M/0831; M/0853; M/1031.

<sup>57</sup> A/0517.

<sup>58</sup> Described variously as being from the Janavoda mine factory and as police guarding the electric plant.

<sup>59</sup> M/0350 witnessed the murders. M/0541 describes seeing 15 police in blue camouflage uniforms take four men from the car, force them to lie on the ground and beat them. She was then told to move on, heard shots 10 minutes later and later heard that the men had been killed. See also M/0569; M/0577; M/0874; M/1149. M/0576 draws a map of the location of the presumed mass grave. All reports give the same four names of the victims.

<sup>60</sup> M/0350; M/0576; M/0577; M/0874.

<sup>61</sup> UNHCR, "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>62</sup> M/0162; M/0848; M/1085; M/1261 (wife of one of the vic tims); M/1403; all but two saw the bodies afterwards. The number of perpetrators is given variously as six or 20. Statements name the victims and in some cases local Serbs suspected of involvement in the killings.

<sup>63</sup> M/0310; M/1510; A/0758; A/0759.

<sup>64</sup> A/0718.

<sup>65</sup> M/0627, who names the police officer who beat her. Her arrest and subsequent ill-treatment in Pristina are described in section ...of this report on journalists as victims of persecution.

<sup>66</sup> M/1066.

<sup>67</sup> M/0845, who witnessed the attack, saw the body and named local police as also being involved.

## ORAHOVAC/RRAHOVEC



Orahovac/Rrahovec municipality lies in the west central hills of Kosovo. Within the municipality there are more than 60 towns, villages and hamlets. Before the 1998-1999 population displacements approximately 90 per cent of the population was Kosovo Albanian, the remainder being a mix of Serbs, Montenegrins, Turks, Slavic (Gorane) Muslims and "Gypsies" (*Maxhupet*). The only village with a predominantly Serb population was Velika Hoca/Hoce e Madhe, about 5 km south-east of Orahovac/Rrahovec town.<sup>1</sup>

Orahovac had seen much violence during the summer of 1998. The result, by the time of the OSCE-KVM's deployment into Kosovo, was high levels of tension and fear within the local population, many of whom welcomed the opening of the OSCE-KVM office. During most of the in-country reporting period of the OSCE-KVM the situation in the municipality remained tense and volatile, becoming increasingly so towards the middle of February 1999, when further clashes occurred between Serbian forces and the UCK, and an increase in VJ movement was markedly visible in the municipality. Upon its inception some of the OSCE-KVM investigations concerned incidents that had occurred in 1998 prior to the mission's deployment, especially relating to missing or abducted persons.

To understand the volatile situation in Orahovac one must go back to the summer of 1998, when armed conflict broke out between the UCK and Serbian forces over control of parts of the municipality. Although the UCK had infiltrated rural areas, Orahovac town was the first large town of which the UCK was able briefly to take control, on 17 July 1998, although police soon re-entered, and re-took control by 21 July. Houses were destroyed, and some of the locals who had remained behind were killed: some may have been killed in combat, whilst others may have been shot while trying to flee.<sup>2</sup> The fighting in and around Orahovac town was fierce, since control of the town was considered key to a supply route to the nearby small town of Malisevo/Malisheve, the temporary UCK headquarters. The UCK also subsequently lost control of Malisevo to Serbian forces on 28 July.

During and after the fighting in the summer of 1998 serious human rights and humanitarian law

violations committed by both Serbs and Kosovo Albanians resulted in retaliatory killings and abductions by both sides. Some Kosovo Albanians who were considered to be collaborating or sympathizing with the Serbian authorities were also abducted or killed by the UCK. At the same time large numbers of men who were suspected of belonging to the UCK were rounded up and charged by the Serbian authorities with acts of terrorism (see Chapter 10, Violation of the right to a fair trial). As activity by police and armed forces increased, mutual provocation often resulted in civilians being caught in the middle. Ill-treatment and harassment of many Kosovo Albanians at police checkpoints were also reported.

In December 1998 the reporting period began for the OSCE-KVM in Orahovac with the receipt of several reports and requests for help in locating some of the missing.

One such case, dating back to June 1998, involved a Kosovo Albanian man who had been abducted from his home in Brestovac/Brestoc by three UCK members who suspected him of collaboration with the Serbian police. The man had been detained in the UCK "prison" in Ratkovac/Ratkoc. After six weeks the UCK left Ratkovac and transported all detainees to an unknown location.<sup>3</sup>

In January 1999 a Serb man from Orahovac requested the help of the OSCE-KVM in locating his 14-year-old son and 26-year-old son-in-law whom he said had gone missing after being captured by the UCK on 22 September 1998 at a roadblock in Prizren (Prizren).<sup>4</sup>

On 18 February the dead bodies of two men were found in the Orahovac area. The men were apparently handcuffed and then beaten to death, with signs of severe torture evident. One of the men was identified as being a Kosovo Albanian from Prizren municipality. His wife said that two masked gunmen dressed in black had abducted him from their house on 3 February at 01:00 hours. It was believed that both men had been killed by the UCK for allegedly collaborating with the police.<sup>5</sup>

A rocket-propelled grenade was fired at Orahovac police accommodation, known locally as the "police hotel", on 20 February, causing superficial damage to the building but no reported casualties.<sup>6</sup> Three days later three Kosovo Albanians were apparently abducted, in unknown circumstances and not seen again. Another Kosovo Albanian man reported escaping from a civilian vehicle whose three armed occupants had tried to abduct him on 23 February. He described the assailants as wearing a mixture of police and civilian clothes, and from their accents he identified them as Serbs.<sup>7</sup>

The situation was very tense in Orahovac in late February after the UCK admitted to abducting and holding two Serb civilians. The OSCE-KVM made attempts to secure the release of the two, who were abducted while cutting wood in the village of Velika Hoca, south of Orahovac town. Large numbers of police were positioned around Orahovac and Velika Hoca in response to the abduction. On 1 March the two men were handed over by the UCK to the OSCE-KVM. One of the men was dead and the other was injured after having been severely beaten.<sup>8</sup>

On the initiative of families of abducted persons, daily protests lasting an hour were held involving both Serb and Kosovo Albanian residents of Orahovac, beginning on 26 November 1998.<sup>9</sup> A team dedicated to dealing with missing persons issues was established by the OSCE-KVM in Orahovac and was in full operation by the week ending 26 February 1999.

The OSCE-KVM in Orahovac also received requests to intervene on behalf of those who had been detained for lengthy periods. One such request, in January, related to the detention since September 1998 of the husband of the complainant, a Kosovo Albanian, and her brother-in-law during offensives occurring in the village of Danjane/Dejne, west of Orahovac town. The family had been living in the woods due to the shelling taking place. Police had arrived and taken away the men. By the time of her approach to the OSCE-KVM the complainant's husband was reportedly among a group of 23 other men, all awaiting trial on charges of terrorism. (The subsequent fate of this man is unreported.)<sup>10</sup>

During February and early March there was heightened activity by both Serb forces and the UCK in the municipality. On 7 February several thousand Kosovo Albanians attended the funeral of nine of those killed in the 29 January incident at Rogovo/Rogove (for which see the entry for Djakovica/Gjakove municipality). Although there was no indication of the UCK being present, the police set up temporary checkpoints in the village of Velika Krusa/Krushe e Madhe in southern Orahovac, around 5 km from Rogovo. Police conduct at these checkpoints was described as provocative and aggressive (later events at Velika Krusa are described below).<sup>11</sup>

In the latter part of February the UCK was persuaded by the OSCE-KVM not to attack routine police patrols on the Orahovac to Suva Reka road, and both sides agreed to adopt postures that were less provocative. The next day, however, it was noted that the police were patrolling the road with at least three times their normal number of patrols and they were also heavily armed. For the first time in three months the VJ conducted "drivers' training" for their tank crews, armoured personnel carriers and artillery at this time along this stretch of road.<sup>12</sup>

The UCK reportedly attacked the village of Zociste/Zocishte on 11 March, in retaliation for heavy operations conducted by Serbian security forces against the UCK in Jeskovo/Jeshkove (the latter are documented in detail in the entry for Prizren municipality). On 13 and 14 March an OSCE-KVM team visited Zociste to investigate reports that the UCK fired a mortar and a heavy machine-gun into the village. The team received a hostile reception from resident Serbs (who comprised a fifth of the inhabitants), but with the help of the police it was able to visit the scene. OSCE-KVM teams reported that UCK responsibility was "not disputed", although both the operations by the Serbian forces and the retaliation by the UCK represented violations of the cease-fire agreement.<sup>13</sup>

After the OSCE-KVM's withdrawal on 20 March, as subsequently recounted to the OSCE-KVM by refugees from Orahovac, there was a high level of anxiety among civilians in the municipality as harassment and intimidation increased. Fighting soon spread and intensified over a wide area of the municipality shortly after the start of NATO air strikes against the FRY. As a result of co-ordinated

actions by Serbian forces, Kosovo Albanians were forced from their homes in Orahovac town and from villages in all parts of the municipality. Thereafter their experiences as recounted were typical of the general patterns of human rights violations affecting the forcibly displaced all across Kosovo (see Chapter 14, Forced expulsion). Many Kosovo Albanians who were forced out of Orahovac municipality were transported on buses and trucks and taken south through Prizren and Zur/Zhur, from where many people were made to walk the last kilometres to the border crossing into Albania. Others took to the mountains, in some cases eventually walking the whole way to the borders with Albania or the former Yugoslav Republic of Macedonia.

### **Orahovac/Rrahovec town**

Before the 1998-99 displacements the population of Orahovac/Rrahovec town was 84 per cent Kosovo Albanian, 13 per cent Serb and 3 per cent from other national communities.<sup>14</sup>

Between 20 March, when the OSCE-KVM evacuated, and 24 March, when the NATO air campaign against the FRY began, Serbian military and police began what appeared to be a campaign of intimidation, letting off gunfire every night. Police occupied two houses near the eastern end of the town that were described as "good firing positions".<sup>15</sup> On 24 March Serbian military and police surrounded and entered the town and reportedly rounded up and abducted young men. One Kosovo Albanian was told by his brother-in-law that 70 men were taken to Prizren hospital, where allegedly blood was forcibly taken from them. They were all given uniforms and taken to the Albanian border where they were forced to dig trenches for the Serbian forces.<sup>16</sup>

The situation deteriorated quickly around 25 March with killings, looting and burning of property by police, VJ and paramilitaries. Freedom of movement was severely restricted since a curfew was imposed and people were ordered not to leave their houses for the whole day. The following day, Serbian forces entered the town, told the people to leave, and demanded the keys to their cars.<sup>17</sup> One man said he saw paramilitaries beating people, looting homes and taking the better cars.<sup>18</sup>

In April there were reportedly confusing signals of the intentions of the Serbian authorities, with VJ reportedly attempting to encourage Kosovo Albanians back to the town, only for people to find that the next day the police were registering Kosovo Albanians apparently in preparation for expelling them towards Albania. Moreover, at the same time there were rumours of a "black list" and reports of the targeting of professionals or of people connected to the LDK or UCK. After the teacher of a local primary school was found dead the cleaner of the same school was told that he was also targeted, as police were seeking the staff of the school. Since the man had been detained and beaten nine months previously he went into hiding, spending 40 days in a basement before fleeing to Albania.<sup>19</sup> On 5 April a 50-year-old and an 86-year-old woman, both related to a well-known lawyer, were found shot in the head and their bodies burned inside their house.<sup>20</sup> Many young men were abducted and taken into custody while they were walking in the street.<sup>21</sup>

Individual rather than mass killings appear have been the norm in Orahovac town itself, in contrast to the mass executions on a wide scale that occurred in many rural areas of the municipality. This may be because of the scale of the flight from Orahovac town: from interviewee statements it appears that when Serb forces advanced and stepped up their actions many Kosovo Albanians in Orahovac panicked and left out of fear, while others were ordered to leave, sometimes within 15-30 minutes.<sup>22</sup> Some of the inhabitants of the town fled to the nearby mountains. Many who did not flee hid in basements.<sup>23</sup>

## The villages

A number of villages lying in close proximity to each other in Orahovac municipality were attacked on or around the same dates in late March 1999, in particular the villages of Bela Crkva/Bellacerke, Celina/Celine, Nogavac/Nagafc, Brestovac/Brestoc, Velika Krusa/Krushe e Madhe and Mala Hoca/Hoce e Vogel. These all lie in a cluster at the southern end of Orahovac municipality and close to the boundary with Prizren municipality. Events that occurred in the villages of Bela Crkva, Celina, Nogavac and the twin villages of Velika Krusa and Mala Krusa (the latter in Prizren municipality, but described in this entry, for methodological reasons - see below) are cited in the indictment against Slobodan Milosevic and others issued by the International Criminal Tribunal for the former Yugoslavia (ICTY).<sup>24</sup> All data presented in this report are taken from OSCE-KVM interviews and not that presented by ICTY in the indictment.

### Bela Crkva/Bellacerke<sup>25</sup>

Bela Crkva/Bellacerke lies 7 km south-west of Orahovac town, and had a 100 per cent Kosovo Albanian population.<sup>26</sup>

Only a few hours after the start of NATO bombing of the FRY on 24 March Serbian forces occupied the village. Much of the population, which at that time included IDPs from the surrounding areas, started to leave.<sup>27</sup> In the early hours of 25 March, VJ and police arrived in Bela Crkva with tanks, positioned them on a hill and began shelling the 850 homes and burning the village.<sup>28</sup> Villagers fled in different directions but many failed to escape. People were rounded up and money was extorted in exchange for the lives of some of the men. Serbian forces then rounded up a group of over 50 men, and after robbing them of their IDs, they summarily executed them.

One group of villagers fled to a valley approximately 0.5 km away where police and VJ surrounded them. Men were separated from women and children. The women and children were allowed to leave and the men were placed in a yard where money was demanded under threat of death. Approximately DM 70,000 was given to a senior military officer (named in interviews). The men were later freed and told to go to Zrze/Xerxe. As they were leaving, the military began firing and an old man was wounded and left behind. They fled into the mountains and were subsequently found and robbed of their IDs,

which were then burned.<sup>29</sup>

Meanwhile, another group of 200-300 villagers who were trying to escape the shelling of Bela Crkva fled towards the Beli Drim/Drini i Bardh, a river which flows southwards from Bela Crkva towards Rogovo/Rogove (Djakovica). The UCK arrived and advised the people to move on as paramilitaries were advancing. The police were all around the Bela Crkva-Rogovo bridge.<sup>30</sup> One group made their way along the stream and hid in the water under a railway bridge while others hid in a bush nearby. A number of men who made their way along the railway line going towards Prizren were shot and killed as they ran, according to a 65-year-old man who was hiding nearby.<sup>31</sup> Twenty police came from the direction of Bela Crkva to the railway bridge and began firing on the people who were hiding in the ditch. A group of people were rounded up from where they were hiding and taken back over the bridge and across the ditch to other villagers.<sup>32</sup>

Fifty-five men were separated from the women and children. The women and children were ordered to leave. The 55 men were forced to strip to the waist and stand with their hands behind their head while they were searched.<sup>33</sup> A bullet was found in the pocket of a 13-year-old boy. Police were told that the boy had picked it up on the road. The men were asked if anyone supported the boy's statement and the boy's uncle stepped forward. The uncle was taken to one side by one of the policemen. A burst of gunfire was heard and the uncle fell.<sup>34</sup>

The men were told to dress and face the water. With their backs to the police they were told to walk into the water. They were shoulder to shoulder.<sup>35</sup> One of those who was among the group of men in the water heard an order given in Serbian to shoot. As shooting began he was one of the first to plunge into the water, which was up to his waist, as men fell all around him. A policeman went over to one man, who was crying for help, fired again and killed him. The man who heard the order given survived the mass killing and stayed in the water for approximately one hour. When he came out he found about 10 other survivors. One had been shot through the shoulder and two others died later of their wounds. A group who survived hid in nearby bushes.<sup>36</sup> One man who hid in the river for seven hours with 15 others said "the river ran red with blood".<sup>37</sup> One man said there were 20 or 30 police present at the time but that only four were directly involved in the killings.<sup>38</sup>

A group of elderly people with a young man driving a tractor took the survivors back to Zrze. During the night of 26 March a group of villagers returned to bury the dead. Bodies were put in a waist-deep trench, laid head to feet in a line, in pairs. The burial occurred in the dark whilst shooting continued to be heard around them. A bottle was placed on each body containing the name on a piece of paper for identification. The grave was disguised as much as possible to hide it from the Serbian forces. Of the men who were killed the youngest was given as either 13 or 15 and the oldest was 68 years old.<sup>39</sup>

An unnamed man who had returned to Bela Crkva the night before to seek survivors along the riverside

reportedly told an interviewee that he discovered 13 bodies, all from one family. With the bodies was a two-year-old boy who had been alone for up to 15 hours and survived.<sup>40</sup>



**Burnt wallet containing ID of a Kosovo Albanian born in 1928, killed with 50 other men in the river Beli Drim at Bela Crkva** [\[zoom\]](#)

Surviving villagers who had either remained or failed to escape Bela Crkva, were eventually expelled from the village on or around 16 April, when the police entered at approximately 15:00 hours and told everyone to leave in 30 minutes, under threat of being killed by VJ. Later the same day, three large, heavily armed groups of soldiers with paint on their faces entered the village. The police forced two young brothers to undress, they fired their guns close to the boys then released them after forcing them to hand over DM 1,060. As everyone was leaving the village, the police burned the houses after looting them, and cars were confiscated. Villagers were beaten, and police and VJ threw stones at them.<sup>41</sup>

The population of **Zrze/Xerxe**, 1.5 km north-west of Bela Crkva, was also expelled between mid-April and early May. A possible explanation for the fact that the village had been left relatively untouched in late March (in comparison with the neighbouring villages) is that, as one villager stated, the villagers had previously agreed not to resist the VJ or police and had not harboured any UCK fighters.<sup>42</sup> Another interviewee reports having witnessed a group killing on 28 April while leaving Zrze,<sup>43</sup> and others recount the burial of large numbers of bodies there on or around the same date.<sup>44</sup>

### **Celina/Celine**<sup>45</sup>

Celina/Celine lies approximately 2.5 km south-east of Bela Crkva. The population was 100 per cent Kosovo Albanian.

Serbian police and military were present in and around Celina every day for several days, beginning on or around 23 or 24 March until at least 29 March 1999. During this time houses were looted and destroyed, families were split up and robbed, and many people were killed. Men were beaten and robbed of their ID,<sup>46</sup> and money was extorted under threat of death, while others were shot and killed.

Thousands of people were forced from where they had sought refuge and were eventually expelled towards the Albanian border.

On 24 March, villagers observed a long VJ convoy at the entrance of Celina.<sup>47</sup>

In the early hours of 25 March the villagers realized that they had been surrounded during the night. Between 06:00 and 08:00 hours shelling began. Panic ensued and villagers tried to escape. People fled to the mountains, especially the young men,<sup>48</sup> while many women and children stayed in the village. Many villagers failed to escape as events unfolded.

Police entered the village and went into houses taking money and jewellery. Any young men who were found were separated from the rest of the villagers. A VJ commander announced that he would not kill the young men if DM 10,000 were handed over. This was done, and the young men were released.<sup>49</sup>

A man who was hiding in the woods said he witnessed 13 men, who were mostly old, being separated from the women and children. The police took the 13 men to a building without a roof. All personal items were taken from the men, then there was shooting from inside the building. The police then took the bodies, piled them up, poured fuel on them and set them on fire.<sup>50</sup> A woman recounted that her husband told her that he saw 13 men and boys being burnt alive by police. Their son and the woman's father were among them.<sup>51</sup>

One woman who was taking shelter in a basement said that soldiers took five men, including her husband, from the basement. The men were separated from the women and children. As she was leaving along with other women, she saw two of the men with their hands up. She heard later that the men had been executed.<sup>52</sup> The same day at approximately 19:00 hours, when the soldiers left, two young men who had been taking shelter on the mountain returned to the village. When they went to their house they found five dead bodies in the cellar; their father was one of them.<sup>53</sup>

On 26 March shooting started again. The remaining villagers fled to the mountains where there were approximately 4,000 people from the surrounding villages. Some of the people went down into the village to get food. On coming back they reported finding many dead bodies in various locations.<sup>54</sup> One man returning to Celine from the mountains with a group of other men said that they buried a total of 86 bodies that were found in various locations.<sup>55</sup>

Men who were forcibly expelled from the village were ordered to walk towards the main road going to Mala Krusa. En route, the men were ordered to shout "Serbia! Serbia!" and to give the Serbian (three-fingered) victory sign while soldiers were shooting in the air and beating the men. A man who was handicapped and could not speak made a sign to one of the soldiers to show that he was not able to shout. He was taken from the group and shot,<sup>56</sup> while another man was executed because he recognized

one of the policemen.<sup>57</sup> When the group of men reached Mala Krusa soldiers arrived on trucks and ordered the men to get on. They were taken to Zur by truck then made to walk to the Albanian border.<sup>58</sup>

### **Nogavac/Nagafc**

Nogavac/Nagafc, approximately 1.5 km east of Celina near the boundary with Suva Reka/Suhareke municipality, was also attacked on or around 26 March. The population of around 1,000 people was 100 per cent Kosovo Albanian.<sup>59</sup> After Serbian forces surrounded and entered the village the villagers were ordered not to leave.<sup>60</sup> Serbian forces then shelled the village, causing many casualties and much loss of life.

Approximately 20,000 IDPs from the surrounding areas had been directed to Nogavac by Serbian forces. During the attack on Nogavac by Serbian forces a group of Kosovo Albanians who had sought shelter in the surrounding mountains were forced down and into the grounds of a local school. The police arrived and separated the men from the women and children. Men were forced to lie on the ground while soldiers hit them with their guns. Twelve young men were killed and one young man was shot dead after asking for his family. The IDs of the survivors were then confiscated and burnt and they were told to return to their houses.<sup>61</sup>

Three or four days later, at the end of March, Serbian forces returned and again separated a group of men from the women and children. After taking money and valuables they left. Approximately two hours later the village came under heavy attack from the VJ. One grenade hit an area where a group of people were hiding. Seven people were killed in the attack while others were seriously injured. Many of the villagers crowded on to tractors and fled to the Albanian border.<sup>62</sup> Nevertheless, many people remained in Nogavac, staying in burnt-out houses until on or around 1 or 2 April, when Nogavac was bombed by Serbian aircraft. At first it was thought that the bombs had been dropped by NATO, but one interviewee stated that he had heard on the news that they were Serbian aircraft.<sup>63</sup> More than 100 civilians were killed and many others were injured when houses they were sheltering in were hit in this attack.<sup>64</sup> Some of the houses had as many as 50 to 100 people sheltering in them. The next day VJ and police entered the village and forced the villagers to bury the dead in a mass grave which was then covered over using a bulldozer.<sup>65</sup> The villagers were then robbed and forced to leave the village.<sup>66</sup>

### **Velika Krusa/Krushe e Madhe and Mala Krusa/Krushe e Vogel<sup>67</sup>**

Velika Krusa, 2 km south of Nogavac, is situated at the southern tip of Orahovac municipality on the boundary with Prizren municipality; Mala Krusa/Krushe e Vogel is just across the boundary in Prizren municipality, about 1.5 km away. Given the fact that people from the two villages became intermingled during the events which followed the simultaneous attack on the two villages in late March, those events are all presented here.

Velika Krusa was 99 per cent Kosovo Albanian, while Mala Krusa was 81 per cent Kosovo Albanian and 18 per cent Serb.<sup>68</sup>

VJ and police appear to have been present intermittently in and around the area over a period of four or five days beginning on 24 March.<sup>69</sup> After surrounding and shelling the two villages, VJ and police then entered and began systematically burning and looting the homes of the Kosovo Albanians living there.<sup>70</sup> Over a period of three days the Serbian forces along with Serb civilians were looting and burning houses in the area. During this time more than 1,000 people were in Mala Krusa, many from the surrounding areas moving from one place to another for safety. Other groups of people went into the mountains from where they could see the VJ, police and Serbian civilians looting and burning houses. Private vehicles were driven out of Mala Krusa filled with items they had stolen from the houses. After houses were looted the buildings were then burned. At night some of the villagers returned and hid in cellars.<sup>71</sup>

On or around 25 March the villages were surrounded and shelling began.<sup>72</sup> VJ were widely described (in varying degrees of detail), as wearing green, or green/yellow camouflage uniforms with white bars on the sleeves and two white stripes on the arm, or a special police insignia and Serbian flag on the left shoulder with two stripes above it.<sup>73</sup> Five brothers were found in one house in Mala Krusa on 25 March and refused to leave. Police wearing blue camouflage uniforms took them to another house where the five men were beaten and killed and their bodies burned.<sup>74</sup>

On 27 March villagers saw police arrive with trucks full of dead bodies and start to dump them in the river. The villagers who were still there remained inside their houses. On or around 31 March when police again started to force the remaining villagers out they observed that the trucks and some remaining dead bodies were still there near the river.<sup>75</sup> KFOR later removed a truck from the river; bones were found in the back.<sup>76</sup>

Groups of villagers were rounded up from various locations by Serbian forces on or around 26 March. People were ordered out of their homes whilst others were found in the nearby mountains and forested areas where people from the surrounding areas, particularly Mala Krusa, had gathered.<sup>77</sup> Men were separated from the women and young children. Then the men and boys were marched away with their hands behind their head.<sup>78</sup> One group of women and children were sent to the mosque,<sup>79</sup> whilst other groups of women and children escaped or were ordered to leave the men and go to Albania (they were told to "go to NATO").<sup>80</sup> The men and boys, more than 100 of them,<sup>81</sup> were taken to a Serb-owned house with a yard where they were beaten and robbed of their IDs. Police then opened fire on the group. After the shooting stopped, they piled straw in and around the house and set fire to it in order to burn the bodies.<sup>82</sup> Returning villagers reported finding a large number of bodies, some of which had been burned.<sup>83</sup>

In a further incident on or around 28 March, a surviving group of people who had not left or had returned to Velika Krusa were apprehended by the police, who then separated the men from the women and children. Forty-seven men were told to walk away. While they were walking the police began to shoot at them. Approximately 23 men were killed. One man fell to the ground and lay there all day among the bodies. He later made his way to Nogavac where, he said, police extorted and collected DM 53,000 from people from the surrounding villages in return for their safety.<sup>84</sup>

One woman describes leaving Mala Krusa on a tractor at the end of March and seeing trucks of VJ soldiers who shouted, "Kosovo is Serb land!"<sup>85</sup>

### **Mala Hoca/Hoce e Vogel**

Mala Hoca/Hoce e Vogel is just under 2 km north of Nogavac/Nagafc. The population of the village was 100 per cent Kosovo Albanian.<sup>86</sup>

When Serbian forces began shelling the village on or around 24 March the population gathered and began to flee, thinking that it would be the same as in 1998 when after fighting took place in the area they had been able to return after a few hours. This time, however, Serbian forces began to burn down the houses, shell the hills and systematically loot goods and valuables from their homes.<sup>87</sup> Villagers who were caught by the police were ordered to give up their valuables, otherwise the men would be shot. DM 60,000 and a quantity of gold was handed over in order to spare the lives of the men.<sup>88</sup>

Villagers gathered on the hills and decided to split up, since Serbian forces were apparently seeking young men. The men went into the mountains and the women and children left in the direction of Albania. Police set fire to tractors and rolled them down a hill into the crowd.<sup>89</sup> One man who left the village and returned a few days later to check on the elderly and vehicles said that upon returning he found 13 burned bodies.<sup>90</sup>

On or around 25 March, Serbian forces surrounded a group of villagers and forced them to go to Nogavac where, they were told, they would be safe.<sup>91</sup> When they arrived in Nogavac people were threatened with death in order to extort valuables.<sup>92</sup> Villagers put up a white flag and surrendered.<sup>93</sup>

A consistent pattern of events, including shelling, systematic pillage by Serb forces, separation of men from women, forced expulsion and summary execution of men, singly or in groups, is described by refugees as having taken place in **Brestovac/Brestoc** (just north of Mala Hoca) on 23-24 March,<sup>94</sup>

### **Pusto Selo/Pastasel**<sup>95</sup>

The village of Pusto Selo/Pastasel is approximately 6 km north-west of Orahovac town. The population

of the village was 100 per cent Kosovo Albanian.<sup>96</sup> Many villagers from the surrounding areas had fled to Pusto Selo when fighting took place in the region between the UCK and Serbian forces. Two young men who were hiding in separate locations claimed to have seen the mass killing of over 100 men,<sup>97</sup> while two men who had later returned to the village said they found the bodies.<sup>98</sup>

When the village was shelled on or around 29 March, many of the villagers fled towards Danjane/Dejne, while others remained behind.<sup>99</sup> One man who was in a wheelchair and took shelter just on the outskirts of the village,<sup>100</sup> and another man who was hiding in the mountains<sup>101</sup> gave an account of what happened.

VJ and paramilitaries surrounded the village and gathered the villagers into one place. They separated the women and children from the men.<sup>102</sup> The women and children were ordered away towards the road on foot. There were more than 100 men left behind. After going through the belongings of the men the VJ and paramilitaries, in groups of 10, started shooting into the group of men.<sup>103</sup> Nine men survived the shooting and six others were burned alive when they were set on a tractor, had petrol poured over them and were set on fire.<sup>104</sup> A man who was in the woods said that he heard shooting coming from the direction of Pusto Selo around the same date and waited for three days before entering the village.<sup>105</sup> Over 100 dead bodies were later found and buried by returning villagers. The bodies had been shot and some completely burned whilst others were partially burned.<sup>106</sup>

### **Villages in the north-east**

On the north-eastern side of Orahovac municipality are a group of villages which were 100 per cent Kosovo Albanian. The UCK was based in and had positions in the area, which they largely controlled. From 21 March or around that date until as late as 8 April, the villages were all attacked by Serbian forces that appeared to move from Malisevo/Malisheva and Mirusa/Mirushe, on the boundary of Suva Reka/Suhareke municipality, south-westwards towards the other villages. At around the same time, a large number of villages south and south-east of Malisevo, in Suva Reka, were attacked in much the same way (see the entry on Suva Reka municipality).

**Malisevo/Malisheva** and **Mirusa/Mirushe** are approximately 1 km apart and were shelled on or around 21 March. Many inhabitants started to leave, moving to the mountains or to the surrounding villages. On 24 March in Mirusa, after extorting money and jewellery from villagers, the police ordered them to leave and go to Malisevo. Over the next few days beginning around 26 March Mirusa and Malisevo were shelled by tanks and rockets. According to one interviewee it was a big offensive that was non-stop, involving about 1,000 VJ and paramilitary units in the area.<sup>107</sup> Many people had fled to the mountains or nearby villages. One man who fled to the woods with more than 2,000 villagers stayed there for three days, and saw homes burning. While in the woods they were surrounded by Serbian police and civilians who burned their tractors. The police shot one man, then beat his wife with a gun.

The villagers were then ordered to walk to Dragobilje/Dragobil. On the way from Malisevo to Dragobilje the police shot a young woman dead, then ordered some of the group to dig a hole and bury her. They also took many young women out of the group as they were leaving.<sup>108</sup>

Those who had remained behind in the villages were told by the police that they had 15 minutes to get out or they would be killed.<sup>109</sup> A group of people was taken to a school where all of their documents were confiscated and destroyed.<sup>110</sup> In Mirusa an old man who was not able to walk was shot and killed because he could not leave his home.<sup>111</sup> A cordon of police extorted money from the villagers under threat of death. After the villagers had been gathered together, buses and trucks arrived which took them to Prizren and from there they were made to walk to the Albanian border crossing where all IDs were taken. They were told: "This is part of Serbia, so there is no reason why you should ever come back."<sup>112</sup>

Also on 26 March, Serbian forces shelled the village of **Dragobilje/Dragobil**. As villagers fled along the road the police, driving APCs, blocked their passage and demanded their valuables. The villagers were held in a field for 24 hours without food or water.<sup>113</sup> One man who had been ordered to leave the village of Malisevo said that in Dragobilje he saw a man he described as a policeman, but who had a long beard and long hair and wearing a patch with the insignia of the "Grey Wolves" paramilitaries on his shoulder, stab a 10-year-old boy to death. When the boy's mother tried to go to his aid the policeman kicked her.<sup>114</sup>

Serbian forces then surrounded and shelled **Ostrazub/Astrazup**<sup>115</sup> and **Crnovrana/Gurbardh**<sup>116</sup> on or around 27 March. Villagers fled into nearby mountains, but police surrounded a group of villagers and not all managed to flee. Of this captive group men were separated from the women and children. Police threatened to kill the children if the group did not hand over their money.<sup>117</sup> A group of old men was forced to lie on the ground and they were beaten and kicked.<sup>118</sup> Another group was also surrounded on the mountains. Men aged 16 and older were separated from the women. The group of men, more than 30 in total, were taken around 100 metres away over a hill. The women were told to leave. Two women said shooting was heard for over half an hour.<sup>119</sup> One UCK fighter told his mother that the UCK had buried the bodies of the victims in three mass graves.<sup>120</sup>

On or around 1 April **Janciste/Jancishte** was shelled from the direction of Dragobilje.<sup>121</sup> The population of Janciste, massively swollen by IDPs from the surrounding area, was rounded up and expelled in groups, those who were able to hand over money being allowed to leave first.

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## Notes

- <sup>1</sup> UNHCR, "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement).
- <sup>2</sup> OSCE-KVM CC1 mission report, "Human Rights In The Town Of Orahovac", 1998.
- <sup>3</sup> PZ/00/0016/99. OSCE-KVM was unable to ascertain further the fate of the missing man.
- <sup>4</sup> PZ/00/009/99B.
- <sup>5</sup> PZ/00/0053/99.
- <sup>6</sup> OSCE-KVM Report period covered 20 and 21 February 1999.
- <sup>7</sup> PZ/01001099.
- <sup>8</sup> OSCE-KVM Report period covered 27 and 28 February 1999.
- <sup>9</sup> OSCE-KVM report, 31 December 1999.
- <sup>10</sup> Incident Report (identified by name of complainant).
- <sup>11</sup> OSCE-KVM Report Period covered 6 and 7 February 1999.
- <sup>12</sup> OSCE-KVM Report period covered 25 and 26 February 1999. Slightly earlier, on 18-19 February, the OSCE-KVM Regional Centers reported increased movement of VJ throughout Kosovo.
- <sup>13</sup> OSCE-KVM Reports 11-14 March.
- <sup>14</sup> UNHCR "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement).
- <sup>15</sup> M/0154.
- <sup>16</sup> M/1525; A/1102 (reported forced blood taking).
- <sup>17</sup> A/0688 (said there were 100 or more Serbian forces wearing green camouflage uniforms, head bands and carrying automatic weapons and knives); A/0836; A/0688; A/1525.
- <sup>18</sup> A/0504.

<sup>19</sup> A/0414 (worked in the school); A/1525.

<sup>20</sup> A/0399 (said three police or paramilitary entered the house of the two women; he heard two shots then the police left; the house was burned); A/0400 (said an unmarked car with two masked men stopped outside the house of the two women; after 40 minutes they left; the house was burned).

<sup>21</sup> A/0915; A/1525 (no further details from either interview).

<sup>22</sup> A/0504; A/0756; A/1525.

<sup>23</sup> A/0400; A/0414.

<sup>24</sup> ICTY, "Indictment Milosevic & Others ("Kosovo")", IT-99/37, 24 May 1999.

<sup>25</sup> ICTY confirmed the discovery in Bela Crkva of a mass grave containing 69 bodies, "Mass graves and exposed body sites", 1 October 1999.

<sup>26</sup> UNHCR "Kosovo village list", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>27</sup> A/0234 (said there were 4,000 people); A/0490.

<sup>28</sup> A/0053; A/0234; A/0657.

<sup>29</sup> A/0490.

<sup>30</sup> A/0053; A/0657.

<sup>31</sup> A/0053.

<sup>32</sup> A/0053 (described the police as wearing red armbands and headbands); A/0657 (said the police were wearing regular uniforms, red headbands, no masks).

<sup>33</sup> A/0053.

<sup>34</sup> A/0657 (the 13-year-old boy and his uncle are named in a list of the dead).

<sup>35</sup> A/0053; A/0657.

<sup>36</sup> A/0657; a woman who was made to leave the group of men also gave an account of the killing which, although varying somewhat in detail, is mostly consistent with other testimonies. The woman's son and husband were among the dead - A/0688.

<sup>37</sup> A/1017 (said he saw the killing of the men but did not give detail).

<sup>38</sup> A/0053.

<sup>39</sup> A/0053 (hand-drawn map of burial site, place where witness hid and list of the dead given by witness); A/0234 (gave details of grave in original statement); A/0657 (hand drawn map of site of killings given).

<sup>40</sup> A/0053.

<sup>41</sup> A/0446.

<sup>42</sup> A/0408.

<sup>43</sup> A/0520.

<sup>44</sup> A/0506, who reports finding bodies; A0506, who reports burying 72 bodies. It is possible that in both cases these were actually the bodies of people killed leaving Bela Crkva. A/0971 reports seeing on 3 May four or five police and 15 "Gypsies" (*Maxhupet*) in Zrze with a truck containing approximately 15 bodies in black plastic, which they buried in the graveyard in individually marked graves This interviewee speculated that the bodies were those of people killed at Pusto Selo (A/0763 reported that the 106 people who had been killed at Pusto Selo and buried in that village had later been exhumed by Serbian police and taken away to an unknown location.).

<sup>45</sup> ICTY confirmed the existence in Celina of two graves, one containing 73 bodies, the other one containing two bodies, "Mass graves and exposed body sites", 1 October 1999.

<sup>46</sup> A/0277; A/0280; A/0289; A/0303; A/0966; A/1019; M/1376.

<sup>47</sup> A/0073; A/0303; A/0691; M/1110.

<sup>48</sup> A/0338; A/0691; M/1110.

<sup>49</sup> A/0691.

<sup>50</sup> A/0280.

<sup>51</sup> A/0288.

<sup>52</sup> M/1110 (described the soldiers as wearing green uniforms with a strip of white cloth around their arm and some with a strip of red cloth around their leg. A white jeep with a Black Hand painted on the side was nearby).

<sup>53</sup> M/1376 (the two young men interviewed together are related to interviewee M/1110).

<sup>54</sup> A/0073; A/0288; A/0937.

<sup>55</sup> A/0691.

<sup>56</sup> A/0277; A/0289; A/0303; M/1376.

<sup>57</sup> A/0289; M1376.

<sup>58</sup> A/0277; A/0289; A/0338; A/0966; M/1376.

<sup>59</sup> UNHCR "Kosovo village list", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>60</sup> A/1026.

<sup>61</sup> A/0097; A/0251.

<sup>62</sup> A/0132.

<sup>63</sup> A/0015; A/0057; A/0097; A/0129; A/0250; A/0251; A/0489; A/1026. (See also this report, Chapter 3, The military/security context.)

<sup>64</sup> A/0115; A/0129; A/0896.

<sup>65</sup> A/0896.

<sup>66</sup> A/0129.

<sup>67</sup> ICTY confirmed the existence in Velika Krusa of three mass graves, containing respectively eight, 16 and 45 bodies, "Mass graves and exposed body sites", 1 October 1999.

<sup>68</sup> UNHCR "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>69</sup> A/0394; A/0799 (who said a large convoy arrived in Mala Krusa on 24 March).

<sup>70</sup> A/0215; A/0394; A/0699 (said the police had white patches on their sleeves); A/0799; A/1104.

<sup>71</sup> A/0800; A/0820; A/1104.

<sup>72</sup> A/0125; A/0126 (stated no warning was given); A/0215; A/0237 (said that the police warned the villagers to leave because it was going to be shelled); A/0275; A/0648; A/0649; A/0650; A/0800; A/0820; A/1104; M/0457.

<sup>73</sup> A/0648; A/0649; A/0650; M/0457.

<sup>74</sup> A/0799.

<sup>75</sup> A/0799 (who said that the truck, tractor and bodies remained there for five days and were still there when villagers were then forced to leave; she also identified by name the police who were involved); A/0800.

<sup>76</sup> ICTY, "Mass graves and exposed body sites", 1 October 1999.

<sup>77</sup> A/0311.

<sup>78</sup> A/0237; A/0272; A/0275; A/0287; A/0126; A/0689; A/0799; A/0800; A/0801; A/0820; A/1090; A/1104.

<sup>79</sup> M/0457; A/0126; A/0255.

<sup>80</sup> A/0272; A/0586; A/0689; A/0799; A/0800; A/0820; A/1104.

<sup>81</sup> A/0126; A/0799; A/0800; A/0801; A/0820; A/1090 (identified the group who opened fire on the men and boys as four paramilitary members of the "Grey Wolves", of whom he named the apparent leader, and a "Gypsy" (*Maxhup*) whom he also named); A/1104; M0457

<sup>82</sup> A/0255; A/0799 (said local civilians in police uniform were also involved; also said a local Serb house); A/0800 (said a Serb house); A/0820; A/1090 (said the house was in Mala Krusa); A/1104 (said a house under construction).

<sup>83</sup> A/0118; A/0215; A/0394.

<sup>84</sup> A/0233.

<sup>85</sup> A/0800.

<sup>86</sup> UNHCR "Kosovo village list", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>87</sup> A/0132.

<sup>88</sup> A/0057; A/0115.

<sup>89</sup> A/0115; A/0132; A/0334.

<sup>90</sup> A/0057.

<sup>91</sup> A/0057 (also witnessed the bombing of Nogavac).

<sup>92</sup> A/0057; A/0115; A/0132; A/1026.

<sup>93</sup> A/0057; A/1026 (no exact date given).

<sup>94</sup> A/0252; A/0508 (describing the killing of seven men in a basement, and two other incidents of multiple killings); A/0921.

<sup>95</sup> ICTY confirmed the existence in Pusto Selo of a mass grave containing 106 bodies, "Mass graves and exposed body sites", 1 October 1999.

<sup>96</sup> UNHCR "Kosovo village list", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>97</sup> A/0402; A/0728.

<sup>98</sup> A/0763; A/1125.

<sup>99</sup> A/0728; A/0763.

<sup>100</sup> A/0728.

<sup>101</sup> A/0402

<sup>102</sup> A/0728 (said that all the men were at least 50years old); A/0402 (stated there were old and military-age men, who were separated by age); A/1125 (said that the bodies he found were men and boys above the age of 12).

<sup>103</sup> A/0728 (said 100 men); A/0402 (said 123 men).

<sup>104</sup> A/0402; A/0728 (said he was told that the survivors had hidden under the dead bodies to survive).

<sup>105</sup> A/1125.

<sup>106</sup> A/0402; A/0763 (said the bodies were later exhumed by Serbian police and taken away to an unknown location); A/1125, (said that a local villager may have taken a video of the bodies where they were found lying).

<sup>107</sup> A/0309; A/1101; A/0006.

<sup>108</sup> M1101.

<sup>109</sup> A/0006. A/1101

<sup>110</sup> A/0023; A/0089; A/0843.

<sup>111</sup> A0843.

<sup>112</sup> A/0006; A/0023; A/0089.

<sup>113</sup> A/0096.

<sup>114</sup> M1101.

<sup>115</sup> A/0196; A/0438; A/0473; A/0571; A/0573; A/0576.

<sup>116</sup> A/0575; A/1113; A/1114.

<sup>117</sup> A/0087; A/0196; A/0575; A/0871.

<sup>118</sup> A/0091; A/0871.

<sup>119</sup> A/0196; A/0270; A/0901.

<sup>120</sup> A/0270 (son's name and names of dead given in statement).

<sup>121</sup> A/0740.

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KOSOVO / KOSOVA As Seen, As Told

OSCE ODIHR

## PEC/PEJA



The municipality of Pec/Peja is the location of several important Serbian Orthodox offices, including the archbishopric, dating from the late thirteenth century, and the patriarchate, dating from the sixteenth century, of the Serbian Orthodox Church. As such, it is considered by Serbs to be an intrinsic part of their national identity and territory. Events of great significance in the history of the Serbs began or took place in Pec and have become part of the Serb psyche. Among these is the exodus in 1689 at the end of the Austro-Turkish war of the Patriarch of Pec, Arsenije III, who led a large convoy of Serbs from Pec to territories lying several hundreds of kilometres north, in what is known as the "Great Migration".

The municipality was in January 1999 estimated by the local authorities to have 150,000 inhabitants, comprising some 80,000 Kosovo Albanians, 22,000 Serbs and Montenegrins, and a number of other minorities, including "Gypsies" (*Maxhupet*) and Muslim Slavs (Bosniacs).<sup>1</sup> UNHCR estimates that before the 1998-99 population displacements the total population was 140,200, comprising 111,600 Kosovo Albanians, 14,800 Serbs and 13,800 members of other national communities.<sup>2</sup>

Pec municipality traditionally enjoys close ties with Montenegro: it is just a 30-minute drive from the centre of Pec town along the main road to Rozaje in Montenegro. An old dirt road through the Rugova canyon and a dozen remote mountain villages immediately to the west of Pec also link the municipality with Montenegro. Major roads within Kosovo connect Pec with Decani/Decane and Djakovica/Gjakova in the south (Highway 17), with Klina/Kline and Pristina/Prishtina in the east (Highway 9), and with Istok/Istog and Kosovska Mitrovica/Mitrovice in the north-east.

Most villages are concentrated on the plain to the east of Pec and in the Barane/Baran valley in the south-east. During their offensive from July 1998 until October 1998, Serbian forces shelled villages south-east of Pec and most Kosovo Albanian villagers fled, many to Montenegro. One interviewee recounted how he had seen his family home and other houses in his home village of Rausic/Raushiq being burned in October 1998 by the Serbian forces, assisted by local Serbs (whom he named).<sup>3</sup> The UCK had established a permanent presence in the inaccessible valleys of the Rugova canyon and in the high

ground south of the Barane valley, including villages in Decani and Djakovica municipalities. In the woods and marshes of the plain to the east of Pec, the UCK had strong support among the local population, although it only challenged Yugoslav and Serbian forces there openly after the beginning of the latter's 1999 offensive.

KDOM, present in Pec from November 1998, handed over to the OSCE-KVM on 24 December, although a Human Rights Division was not operative in Pec until early January 1999. The killing of six young Serbs in the Panda bar in Pec in mid-December 1998 raised tensions in the town, as did a series of eight or more abductions and murders of "loyal" Kosovo Albanians in the Pec area, which are documented in more detail below.

The Deputy Chief of Police of Pec told the OSCE-KVM at a meeting on 23 January: "The UCK resort to the abduction of innocent people and gun attacks on the police. [They are] trying to destabilize the situation in the area and provoke an invasion of foreign troops to Kosovo. The police only act in self defence." He also assured the OSCE-KVM that it would be informed in timely fashion about any police offensive operations in the area.<sup>4</sup> The first weeks of the OSCE-KVM's presence in the area were marked by many abductions and murders, and so-called routine operations by police and armed forces, which tended to escalate into mutual provocation.

### **Pec/Peja town**

The town of Pec/Peja, referred to as "Dukagjini" by Kosovo Albanians and as "Metohija" by Serbs and Montenegrins, can be considered the main town in the area of western Kosovo. UNHCR estimated the population to be 67,600 people before the 1998 population displacements, of whom 76 per cent were Kosovo Albanian, 13 per cent Serb and the remainder of other national communities. The town is known not only for its historical importance but as a thriving centre for trade, education and transport.

The killing in mid-December 1998 of six young Serbs in an attack on the Panda coffee bar in Pec led to an immediate crackdown on the predominantly Kosovo Albanian-populated southern quarters of Pec (Kapeshnica and Zatra). The area was sealed off, and houses were searched systematically. Several Kosovo Albanians later complained to the OSCE-KVM about beatings, harassment and thefts after the police operation.<sup>5</sup> Media reports stated that police killed two Kosovo Albanians during the operation.<sup>6</sup> The UCK and other Kosovo Albanian representatives repeatedly denied any involvement in the incident, however.

The attack was followed by a series of murders, both in the town and in the surrounding area. The first case concerned a 56-year-old man whose body was found by an OSCE-KVM patrol on 29 December close to the Pec-Decani road at Rausic/Raushiq. He had apparently been shot dead and "placed" only a few hundred metres from the OSCE-KVM Regional Centre building, only a week after it had begun its operations from there.<sup>7</sup> This and other killings created an atmosphere of tension and fear in the town and an effective de facto curfew after dark. (Other murders are described below in the description of events

in the respective village or area where the bodies were found).

The murders had several common features, although these did not clarify the circumstances of the killings. Typically, men were last seen on their way home from work or the market, either by bus or on a bicycle. Their bodies were found near a road, some kilometres outside Pec town, with several gunshot wounds to the head and chest. The police and Investigating Judge on the scene tended to assert that the victim had been a "loyal Kosovo Albanian" and that he had been killed by "terrorists", based on the fact that the victims had either worked in Serbian-administered institutions or had otherwise had good relations with Serbs. Generally, the victims were described as professional, reasonable and neutral. Usually, the victims' families were terrified of the police and did not trust them to carry out investigations fairly. In some cases, families denied police assertions implying a previous conflict between the victim and the UCK. The widespread lack of trust or co-operation with the Serbian police and the latter's apparent lack of enthusiasm to investigate any of these murders properly, led to a proliferation of rumours, blunt allegations, and theories.

During its presence in Pec the OSCE-KVM received many complaints of ill-treatment and harassment of Kosovo Albanian residents by police. Arrests were frequent, and usually characterized by arbitrariness and brutality.<sup>8</sup>

On 7 January 1999 at about 22:00 two Kosovo Albanians who had left a bar in Pec were stopped by two uniformed policemen, who got out of a Mercedes car and pointed an AK-47 at them, forcing them to the ground. Three Serbs in civilian clothes also got out of the car and beat the victims with baseball bats, while the uniformed officers kicked the two men. A witness, hearing the screaming, looked out of the window of his house. One of the police officers pointed his AK-47 towards him and one of the civilians smashed the small window with his bat, grabbed the witness and dragged him through the window. He was then also beaten and kicked by all five Serbs, one of whom climbed through the window and damaged other windows. The Serbs shouted, "If you want your own republic, you will have to fight!" The following day when the OSCE-KVM conducted interviews with the victims, two police officers who were friendly, but nervous, arrived, since one of the victims had reported the incident to the police that morning. They made no written note of the assault and said that many people had police uniforms but were not police officers.<sup>9</sup>

On 8 January Pec police assaulted a Kosovo Albanian citizen and destroyed his birth certificate, which he had been carrying in order to obtain a replacement for his ID.<sup>10</sup>

On 2 March the OSCE-KVM was informed that eight armed, masked men had vandalized a house and stolen DM 170 and five gold rings, but the victim did not want his case reported to the police.<sup>11</sup>

On 3 March a local Kosovo Albanian man (42) was on the bus with his family when it was stopped by police not far from the OSCE-KVM Regional Centre building.<sup>12</sup> Despite the fact that he had a valid ID, he was arrested, taken off the bus and once the bus had left was beaten, although the police stopped

when an OSCE-KVM car passed by. He was handcuffed and taken to Pec police station, where he was questioned and then released. He was ordered to report to the police station the next day and threatened with arrest if he did not do so. The man recognized one of his interrogators as a local Muslim Slav.

On 7 March a man from Pec municipality who had been reported missing in February in Donji Streoc/Strellei i Ulet (Decani/Decane) was located by the OSCE-KVM. He had been arrested in a Pec post office by two plain clothes policemen on 8 February, although he had a valid ID. He was taken to the police station, interrogated, and released the same day but was required to return the next day, when he was again held for a couple of hours. He said he was chained to the radiator on both occasions, questioned about fellow villagers arrested earlier, and then taken by police to the Investigating Judge, who ordered his release, since he had not violated the law.<sup>13</sup>

On 12 March a 19-year-old Kosovo Albanian man from Orahovac/Rrahovec was going to take a bus to Montenegro for medical treatment. He was stopped by eight uniformed policemen near the bus station, who checked his ID, saw he was from Orahovac, beat and handcuffed him and contacted the police in Orahovac. When told an hour later that he was "clean", they released him, but not before they had forced him to swallow his medical papers and remove dirt from a drain with his hands. Upon his release, the man contacted the nearby OSCE-KVM Human Rights Office and went to Montenegro the next day under OSCE-KVM surveillance.<sup>14</sup>

In late February and early March the OSCE-KVM night patrols, the permanent presence of the OSCE-KVM monitors at trials and the opening of an OSCE-KVM contact office in downtown Pec contained the violence somewhat. Direct contacts between Serb authorities and Kosovo Albanian representatives nevertheless remained elusive, trust in the legal system and the police was minimal, freedom of movement was restricted, initiatives such as joint seminars of Kosovo Albanian and Serb doctors remained highly unusual, and the "school system" provided few opportunities for the young. A week before the withdrawal of the OSCE-KVM, Yugoslav/Serb forces were seen driving tanks used in the offensive against Svrje/Sverka and Dus/Dush (described in the entry for Klina/Kline municipality) out of the Pec barracks and making their way through the town in the early dawn.

The situation deteriorated rapidly after the OSCE-KVM left early on 20 March. The following day at around 11:00 an interviewee saw paramilitaries beating Kosovo Albanian teenagers in the Edona restaurant. At nightfall police were shooting in the air and searching for Kosovo Albanians throughout the town.<sup>15</sup> On 23 and 24 March Serb paramilitaries were seen driving around town in vans terrorizing the Kosovo Albanian population, who hid in their houses. Among the numerous Serb paramilitary groups allegedly active in Pec at the time, two have been mentioned by several interviewees, the Crna Ruka ("Black Hand") and the Munja ("Thunder"). The latter group was allegedly managed by a Serbian policeman (named in reports) and reportedly "making a lot of trouble and killing Kosovo Albanians".

Inhabitants of surrounding villages who travelled to Pec by bus were harassed, and many were arrested. On 24 March for instance, villagers from Decani who went to Pec for supplies were stopped on the way back. Seven men were taken off the bus and forced to help construct a police checkpoint. One man who

refused was beaten with a stick with nails attached to it.<sup>16</sup>

On 24 March paramilitaries and civilians began burning homes and shops belonging to Kosovo Albanian residents of Pec.<sup>17</sup> An interviewee who was selling sweets in Pec market when air raid sirens sounded for the first time, in the early afternoon, was kicked and harassed by two policemen. Later in the day he saw 500 VJ soldiers occupy the shoe factory.<sup>18</sup> That evening three tanks and a white four-wheel-drive vehicle entered Kapeshnica quarter, after which machine-gun fire and single shots were heard. Mortar rounds were fired at houses of Kosovo Albanian residents.<sup>19</sup> In the centre of the town, Serbian soldiers shot from a truck into the restaurant of a Kosovo Albanian as they sped by.<sup>20</sup>

On 25 March military forces began shelling hilly areas around the town from the "Dom JNA" (a military social club) in the centre of town, where they had taken up positions. Houses near the "Dom JNA" were also shelled and the inhabitants forced out that night. Police and VJ forces spent the night in these houses, looting and burning them when they left in the morning. The shelling continued for several days. As early as 25 March armed and uniformed Serbs ordered residents of a Kosovo Albanian neighbourhood (Vishelgati Street) to leave immediately and go to Albania, although many simply moved to other quarters for a couple of days.<sup>21</sup> Some Kosovo Albanians paid money to the police in the hope that they could stay in their houses.<sup>22</sup>

One interviewee recalls a Serbian woman coming to their house and advising them to leave, as she had seen VJ and paramilitaries breaking down doors.<sup>23</sup> A group of apparently intoxicated police officers gathered in front of the only Kosovo Albanian house in Victims of Fascism Street and hurled rocks at it, breaking windows and terrorizing the inhabitants.<sup>24</sup> Also on 25 March a group of paramilitaries approached the house of an interviewee in Nexhdet Basha Street, shooting all night long, prompting him and his family to leave the next morning by car.<sup>25</sup>

On 26 March the Pantaray Café was burned down. Armed Serb civilians were positioned at the entrance to the Kapeshnica quarter at night and armed Serbs in differing camouflage uniforms drove around the town in cars without number plates.<sup>26</sup> Another witness saw how four Kosovo Albanian-owned buses were set on fire.<sup>27</sup> Zatra quarter was shelled at around 18:15 by mortars fired from a school in Karagac and the city centre, killing at least one Kosovo Albanian resident.<sup>28</sup> Also on 26 March a Kosovo Albanian man who had been wounded by a grenade near Decani was forced to leave Pec hospital and moved on to Cuska/Cyshk.<sup>29</sup> A named Serb VJ officer, who had first told his Kosovo Albanian neighbour to stay, explained that he had been ordered to kill them. He demanded DM 500 instead, which the family paid before fleeing the next morning.<sup>30</sup>

Serbian police specifically targeted former OSCE-KVM local staff and those working for humanitarian organizations for questioning and harassment.<sup>31</sup> On 26 March the house of a former OSCE-KVM

employee was surrounded by armed uniformed Serbs in masks who demanded DM 2,000 from him (supposedly DM 1,000 for each month of his employment).<sup>32</sup> Another interviewee saw a former OSCE-KVM guard beaten by police.<sup>33</sup> On the same day, an interviewee saw police and Serb civilians looting the OSCE-KVM building and observed two Serb civilians burn the house of a prominent local Kosovo Albanian. Later the same day, the bodies of Kosovo Albanians were seen in different parts of town.<sup>34</sup>

On 25 March police officers forced a guard at a Danish humanitarian NGO warehouse to open the warehouse, and looted it.<sup>35</sup> On 27 March an interviewee saw a Serb in camouflage uniform ("VJ or paramilitary") enter the ICRC house in Kajmakalanksa Street and steal everything of value. Then he set that house and four others on fire.<sup>36</sup> Shops belonging to Kosovo Albanians were looted, in one case the ICRC truck was even used for transporting the goods.<sup>37</sup>

On 27 and 28 March thousands of Kosovo Albanian residents of Pec were forced out of their houses and directed to collection points in the town centre, from where they were either taken on buses or trucks to the Albanian border, or told to walk towards Djakovica or Rozaje in Montenegro. The operation was organized by the Serbian authorities, mainly the police, assisted by paramilitaries and Serb civilians. Frequent random killings were clearly intended to intimidate Kosovo Albanians, who were robbed and harassed, and whose houses were subsequently looted and burnt.

On 27 March paramilitary units were seen looting and burning houses as early as 06:00.<sup>38</sup> Others forced Kosovo Albanian residents of the Zatra quarter to leave their homes. A 33-year-old man and three others were beaten with rifle butts for two hours by paramilitaries, some of whom were identified as local Serbs. At 13:00 about 10 police and some VJ in green uniform (some of whom were masked) forced an interviewee and his family to leave. As they left he saw about 75 people in the basement of a house in Kapesnica quarter, which was then shelled by tanks and burned down.<sup>39</sup> At 13:30, five men (aged 18-25) were separated by police, and shooting was heard soon after. The witness of the abduction was told that the men had been killed. Another witness saw how two men were separated from the group in the centre of Pec and led behind a building, after which he heard shots and the two men were never seen again.<sup>40</sup> At 17:00 paramilitaries arrived in Kongres Street, gave Kosovo Albanian residents two minutes to leave and shot a man who refused to do so.<sup>41</sup> Some paramilitaries were described as "White Eagles" or "tigers", some wore masks. Another interviewee witnessed the killing of 12 Kosovo Albanian men and women, the bodies being left unburied on the street, and heard that one child was killed near the sugar factory, allegedly by "Arkan" paramilitaries.<sup>42</sup> A 34-year-old woman witnessed the killing of 20 Kosovo Albanians as they tried to run from their burning house. Their bodies were hurriedly buried in backyards.<sup>43</sup> Paramilitaries forced another family out of their home in Proletarian Brigade Street in Zatra, lined them up against a wall and threatened to execute them, but the crying of the children saved them, according to the interviewee.

One of the paramilitaries was a local Serb who had worked in the municipal administration, while their

commander was said to have a Croatian accent.<sup>44</sup> Serbian forces systematically burned houses in the Zatra district. In the evening, a grenade was thrown into the yard of a house where 32 Kosovo Albanians had taken refuge.<sup>45</sup> About 30,000 people fled towards Decani that day with only the clothes they were wearing. Their houses were set on fire as they left.<sup>46</sup> Thousands were forced to walk to Montenegro.<sup>47</sup>

Initially, Zatra and Kapeshnica was shelled and were first to be targeted for systematic expulsion. This was now extended over other areas of the town. On the morning of 28 March tanks entered the town again and VJ, police, paramilitaries and armed Serb civilians continued to expel Kosovo Albanian inhabitants of Pec on a large scale.<sup>48</sup> A 40-year-old man describes being woken up by the shooting, seeing hundreds of Kosovo Albanians in the streets, deciding not to wait any longer and leaving.<sup>49</sup>

A group of up to 25 masked paramilitaries entered Jovan Corovic Street and used megaphones to tell all the Kosovo Albanians that they had five minutes to leave and that they were going to burn the houses.<sup>50</sup> Another group of paramilitaries with cowboy hats and with small knives secured on their shoulders entered and used the house of another interviewee as a headquarters.<sup>51</sup> Three local Serb civilians, armed with hand grenades, AK-47s and pistols and wearing black scarves, were identified when they forced their Kosovo Albanian neighbours to leave their houses immediately. The simultaneous presence of VJ, special police forces and paramilitaries in the streets and the swift manner in which the operation was carried out gave the impression that the expulsion was well planned and systematically organized.<sup>52</sup>

Police, paramilitaries and VJ entered houses expelling people from many streets in Pec<sup>53</sup> and set fire to many houses. One Kosovo Albanian's Serb neighbour asked where the young men were and ordered the Kosovo Albanian inhabitants of M. Popovic Street to leave within five minutes without taking any belongings. They told them: "There is no need to lock the doors! We will burn your houses tonight anyway!"<sup>54</sup> Another witness saw a 60-year-old man (name reported), who refused to give money to VJ soldiers, being shot in the Dardanija quarter in front of 30 people.<sup>55</sup> Kosovo Albanians who had hosted IDPs in their houses were assaulted and harassed by police. Armed Serb civilian patrols burned down Kosovo Albanian shops. Snipers were seen on several buildings, especially on the balconies of the Karagac school.<sup>56</sup>

After they were expelled from their houses the Kosovo Albanians were escorted by masked police, military and paramilitary forces to the centre of town. As they were walking there an interviewee saw three young people killed. Many people were beaten, threatened and robbed by members of the Yugoslav forces.<sup>57</sup> Kosovo Albanians were forced to walk in columns and told they would be shot if they stepped out of line.<sup>58</sup> On the road a young man and a young woman were stopped by a police patrol in a civilian car. A policeman tried to drag the man into the car, but the another officer got out and said he knew them and that they were from the city of Pec, so they were released.<sup>59</sup> Police fired into the air to scare people. One interviewee said that 11 people were killed that day in Pec.<sup>60</sup> Attempts were made to separate men from women, children and the elderly.<sup>61</sup> People who tried to walk out of Pec and head

for villages were sent back to the centre.<sup>62</sup> Many displaced who wanted to go to Montenegro were ordered by paramilitaries to go to Djakovica. A group of 10 people was arrested by two (known) local Serb policemen in the Dardanija quarter, tied together with a rope and taken to the VJ barracks in the Miljcevi/Milishevc quarter of Pec, where they were forced to stand for four days without food, as recounted by one man who managed to escape from the group.<sup>63</sup>

After Serbian forces had gathered people in the centre of the town they brought buses and trucks and ordered the Kosovo Albanians on to them. Some buses went to Montenegro and others to Albania. A 36-year-old man left at 13:00 on one of four trucks crammed with people which went to Vrbnica/Verbnica (Prizren/Prizren).<sup>64</sup> On the way they were verbally and physically abused by the Serb population.<sup>65</sup> Buses also left for Rozaje, but were then directed to Prizren. However, one of the buses broke down, and the IDPs had to walk all the way to Decani.<sup>66</sup> Some buses were apparently sent to Pristina, where Serbian military forces again harassed the IDPs and expelled them.<sup>67</sup> Some people for whom transport was not immediately provided waited two days in the centre of town and then walked to Rozaje.<sup>68</sup> Others who had been expelled from their houses were detained overnight in the sports centre.<sup>69</sup> On 29 March one interviewee who was leaving Pec saw Yugoslav tanks in the warehouses attached to the building which until the week before had been used as the OSCE-KVM Regional Centre building.<sup>70</sup>

The organized expulsion continued on 29 March,<sup>71</sup> when one interviewee heard that a group led by a former police officer had killed three IDPs from Gornji Streoc, a woman and two men, near the sugar factory just outside Pec. He was told about it by someone who had buried the bodies.<sup>72</sup> On 30 March masked police came to an interviewee's house and put a knife to his throat, forcing him to leave and join a convoy of tens of thousands which went to Albania via Prizren.<sup>73</sup> On 31 March an interviewee was separated from another group going to Rozaje and threatened with death if a ransom were not paid. DM 700 and US\$100 was paid to secure his release.<sup>74</sup>

During April those who remained in Pec were ordered to leave their houses by Yugoslav forces, who claimed that they needed houses to accommodate Yugoslav military forces, and threatened with death those who refused to leave.<sup>75</sup> In early April an interviewee was assaulted repeatedly by four or five masked police officers who told him he had one hour to vacate his home because they were going to set fire to the houses. Another Kosovo Albanian resident witnessed the execution of a 65-year-old man by "police" wearing black uniforms and masks.<sup>76</sup>

Most interviews referring to later events in and near Pec town were given by IDPs from other regions, particularly areas in northern and west-central Kosovo, who passed through Pec on their way to Montenegro or Albania. The road south from Pec towards Decani seems in particular to have been the location of frequent abuses. On or around 13 April an IDP from Mitrovica saw police shoot dead two old people on a wagon near Pec, and in Pec itself saw police undress some women and send them away

naked.<sup>77</sup> On 16 April another group of IDPs encountered a group of masked paramilitaries with "tiger" sleeve patches, who stopped them on the road south of Pec, fired in the air and robbed them.<sup>78</sup> A 39-year-old man recalled how he was singled from a group of IDPs, threatened with death and only released after a woman had pleaded for his life and said that he had children to care for.<sup>79</sup>

Interviewees reported that a baby and a young boy were both killed by paramilitaries in separate incidents mid-April on the road south from Pec to Decani. On the morning of 16 April Serb paramilitaries took a five-month-old baby from its mother's arms and asked the baby: "Do you want to come back to Kosovo?" As the baby - of course - did not answer, they said to the mother: "This baby will never go back to Kosovo!" and they threw the baby on the ground and killed it.<sup>80</sup> Late on 17 April an interviewee witnessed how a woman and her five- or six-year-old son, who were walking on the main road about 2-3 km south of Pec, were stopped by three paramilitaries in camouflage uniform. Two of them wore masks and the other was bearded. The interviewee described in detail how their sleeve patches had the Serbian cross with four Cyrillic "S"s around a cross and a white eagle. They asked where the woman's husband was and she replied that she did not know. They told her that if she wanted to save her son, her husband must "be here" and then one of them grabbed the boy. One of the other men said to the one holding the boy: "What are you talking to her for? Kill him!" At this point the bearded one cut the boy's throat, and then decapitated him.<sup>81</sup>

On or around 1 May, a 65-year-old man was pulled off a tractor and shot on the roadside between Pec and Djakovica.<sup>82</sup> An interviewee heard about the killing of two elderly relatives on 5 May in Rausic near Pec, who were found dead with many bullet wounds in their heads after the village was attacked by military and police forces. Paramilitaries were also seen with bands on their foreheads and big knives.<sup>83</sup>

At the end of May, an interviewee who worked at the graveyard in Pec saw police deliver over 50 bodies. Most had apparently been shot.<sup>84</sup>

After the transitional OSCE-Task Force for Kosovo (the OSCE-KVM's interim successor before the establishment of the OSCE-MiK) entered Pec on 22 June 1999, it documented many probable crime sites and bodies found by returning Kosovo Albanians. In many cases no circumstances of death could be established, since even the identity of the bodies often remained unknown. In Pecko Polje/Fushe e Pejës, on the plain just east of the town of Pec, in an open field about 300 metres east of the house of a police inspector, a decomposing body was found with traces of what appeared to be cuts to the throat and chest.<sup>85</sup> In Zatra quarter, in a ditch just off a track leading up to the mountain, the body of a man (aged about 45) with the hands and legs tied with wire was found, as well another, burned, body which appeared to have been there longer. Local residents also said that they had seen the decomposing head of another victim, but it was gone from the indicated location when the OSCE-TFK documented the scene.<sup>86</sup> Charred human remains were found among the rubble and burnt timber of many houses in the old town and the Kristal quarter, and in the devastated residential areas of Kapeshnica, Karagac and Zatra.

On 26 June, an OSCE-TFK team visited the Karagac elementary school, a massive school building next to the park in Karagac. In the main hall as well as in several classrooms, small stoves were found, and rings, purses and other items obviously taken from handbags scattered around them. Many of the classrooms were vandalized and aggressive Serb slogans written on the walls. Parts of uniforms were found, as well as blankets, mattresses and notebooks. Sniper positions were documented on the northern balcony of the fourth floor, overlooking large parts of Kapeshnica and Zatra, and on the attic floor.<sup>87</sup>

The Karagac hotel had been used by Serbian forces during the NATO bombing campaign and was afterwards controlled by the UCK when an OSCE-TFK team followed up rumours that this hotel facility, which was in the immediate vicinity of the school, had been used as a "rape camp". A local deputy brigade commander of the UCK only noted that when the UCK arrived they had found used condoms and women's clothes in several rooms of the hotel. Many items looted from private houses in the area were also found.

### **Villages south of Pec/Peja along the road to Decani/Decane and Djakovica/Gjakova**

#### ***Ljubenic/Lubeniq***

Ljubenic/Lubeniq, just off the main road to Decani 7 km south of Pec, is a mixed village situated at the foot of steep cliffs rising high above the plain. It was the site of a reported mass killing on 25 May 1998 in which eight people were extra-judicially executed by the Serbian police.<sup>88</sup> At that time, independent verifiers were unable to reach this area of heavy fighting. During fighting which began a few days later, about 40 houses were destroyed or severely damaged, and most of the Kosovo Albanian population moved out. As of January 1999 about 650 Kosovo Albanians and about 120 Serbs and Montenegrins were living in the village (as compared with an earlier UNHCR-estimated population of 1,600).

On 1 April 1999 Ljubenic was the site of a mass killing of 66 men (the latter figure as given by villagers who survived). Early that day men described as police or paramilitaries entered Ljubenic, some wearing bandannas, some in dark glasses. Many villagers, the men in particular, tried to flee to the mountains but soon realized that they were surrounded. An interviewee recognized one of the men as a police officer, even though he was in civilian clothes. The villagers were gathered in the centre of the village, men and women were separated, and a large group of men were stood up against a wall on the main street through the village. A man who gave a statement about this incident to the OSCE-KVM described how he managed to conceal himself among the women. Some moments later, prolonged gunfire was heard, lasting about five minutes. One survivor later recounted that one of the paramilitaries started to insult them, taunting the villagers by saying: "Your UCK killed my brother! Is what they did to my brother OK?" An old man spoke up and reminded the Serb of "last year's massacre, when police killed eight villagers". The Serb said: "The 'police'? Well, this is not the police, this is the army!" The old man was shot then and there. Another Serb came from outside the village and approached the man who had talked to the villagers, who was clearly nervous. He asked: "What are you waiting for? Get this over and done with!" All the men were ordered to lie down, and as they did so, the Serbs began shooting. After they

had gunned everyone down with machine-gun fire, they shot in the head those who were still moving. Eleven men nevertheless survived under the corpses and crawled out about two hours later after the Serbs had gone. The other villagers, mostly women and children had left the village, which had been torched. The group walked to the border via Djakovica.<sup>89</sup>

On 3 April a television crew filmed the site of the mass killing.<sup>90</sup> On 19 April the bodies were still seen lying in the same place. An OSCE-MiK team documented the traces of the killings on 1 July and conducted several interviews with survivors.<sup>91</sup> According to those interviewed, 66 villagers were killed in the mass execution. In the square where the villagers had been gathered before the men had been stood up against a wall, clothes were scattered over an area of about 60 metres and some empty casings were found at the spot from which the Serbian police had allegedly shot.

In one house in the immediate vicinity of the killing site, five locations were documented where bodies had allegedly been burned. The allegation that approximately 10 bodies were burned to ashes at each site seemed prima facie plausible, and was corroborated by the presence of parts of human spinal bones in the same yard. On a concrete surface next to a house, the decomposing remains of two more bodies were found. In a neighbouring house, returning Kosovo Albanians found the remains of at least two decomposed bodies under a haystack.<sup>92</sup> Villagers showed the OSCE-MiK team two more decomposing bodies on a dung heap next to a creek in a part of the village called Jasica/Jashice, about 500 metres from the mass killing site.<sup>93</sup> None of these bodies had been identified at the time.

### **Villages in the Barane/Baran valley**

Villages in the Barane valley south-east of Pec were in 1998 already heavily affected by fighting. In September police and VJ set fire to many houses in the area, forcing many villagers to flee to Montenegro.<sup>94</sup> Local Kosovo Albanian representatives said that from May 1998 to January 1999, 10 people had been killed, 15 wounded and 20 arrested and detained.<sup>95</sup>

In January 1999 the OSCE-KVM was requested to assist in the establishment of a clinic providing medical assistance for some 20 villages, as well as the opening of a regular bus service to Pec which was achieved within a few weeks. Freedom of movement was still considerably hampered by the presence of a permanent police checkpoint at the entrance of the valley near Rasic/Rashiq.

### ***Krusevac/Krushec, Rasic/Rashiq, Brolic/Broliq***

On 28 January 1999 a high-ranking local police officer visited the house of a Kosovo Albanian family in Krusevac/Krushec (10 km south-east of Pec) and threatened a Kosovo Albanian woman who was at home alone. He demanded DM 5,000 from her and said that he knew her husband and son were gone and that he would execute them if he did not get the money. He also said that if she told anyone, he would kill her and her daughter and burn their house down, threatening to "do it how it was done in

Racak" (for an account of the January 1999 Racak mass killing see Stimlje municipality). In 1998 the police officer had made arrangements with the family to watch and care for his home in his absence, which the family had agreed to do. However, they were unable to go to his home as a result of fighting in the area; when he returned he claimed that his furniture had been stolen and parts of the house damaged and that they should therefore pay compensation for the damage. The OSCE-KVM increased its patrols in the area as a result of the January incident, but at the family's insistence did not contact the policeman concerned.<sup>96</sup>

Also in January, a local Serb policeman was reported as harassing his Kosovo Albanian neighbours in Rasic/Rashiq (12 km south-east of Pec) and demanding compensation for his damaged house and stolen items. The damages had been inflicted during fighting in the area in summer 1998 and the police officer claimed that he knew that his Kosovo Albanian neighbours had been involved.<sup>97</sup>

On 4 April heavy artillery fire forced the population from their homes in Rasic, and they moved to Decani. A chief of police and three other local police officers (all named in the statement) were involved in the operation. In Decani the men were separated from the women and children but rejoined the convoy five hours later, after they had been beaten and robbed by the police and paramilitaries.<sup>98</sup> The following day police forced Kosovo Albanian residents to leave neighbouring Brolic/Broliq within five minutes. Six people, including two young girls, were injured by shells. Villagers fled through the mountains to avoid the security forces.<sup>99</sup> On 27 April police and paramilitaries gave the remaining villagers in Rasic five minutes to leave or else they would be killed. Some older people were reluctant to leave and police shot one man dead in his garden.<sup>100</sup>

### ***Barane/Baran, Celopek/Qallapek, Kosuric/Kosuriq, Turjak/Turjake and Vranovac/Vranoc***

These villages lie further up the Barane/Baran valley than those previously mentioned, and are between 15 and 18 km south-east of Pec. When the OSCE-KVM visited Kosuric/Kosuriq on 22 February 1999, 1,100 Kosovo Albanians including about 200 IDPs lived in the village. On 25 March Serbs arrived at the village and ordered the Kosovo Albanians to leave within 10 minutes or they would be shot. Most left immediately. On the road they were robbed of their money and valuables and beaten.<sup>101</sup>

Around 31 March Serbian forces shelled Vranovac/Vranoc and the villagers left for nearby Krusevac, where they spent three days before returning to find everything in their village burned. Several people who had died during the shelling in the village were then buried.<sup>102</sup>

On or around 4 April Serbian police and military forces shelled and attacked Celopek/Qallapek, killing 35 people. The Kosovo Albanian villagers fled into the mountains and from there towards Djakovica.<sup>103</sup>

On 5 April a paramilitary group described by an interviewee as belonging to "Arkan's Army" arrived at approximately 16:00 in Turjak/Turjake. They told Kosovo Albanian villagers, "This is Serb land. Get

out!" and began shooting at the houses, setting some of them on fire. As the Kosovo Albanian villagers were getting ready to leave, the paramilitaries began to fire over their heads to hurry them along, shouting: "Go to NATO! Go to Albania!"<sup>104</sup>

When the OSCE-TFK returned to Barane at the end of June, the killing site of three residents was documented in one house. A witness who found the burned bodies and empty casings in the room was interviewed. The circumstances indicated that the elderly victims had been surprised by the perpetrators and shot in their beds, after which they had been covered with doors and set on fire; a highly flammable agent had clearly been used, since all the items in the room were almost completely incinerated and only metal parts and small pieces of human bones were distinguishable.<sup>105</sup>

## **Villages east of Pec/Peja along the road to Klina**

### *Cuska/Qyshk*

On 5 March 1999 the OSCE-KVM visited Cuska/Qyshk, 4 km due east of Pec on Highway 9 to Klina. The village had about 130 Kosovo Albanian and three Serb houses. According to a villager, the two groups did not have any problems with each other. Some 500 IDPs also lived in the village with local Kosovo Albanian families.

On 8 March police officers checked the ID of two local Kosovo Albanian men and then beat them with rifle butts at the humanitarian aid collection point in the village. They said that some villagers had received court orders requiring them to testify as witnesses. Two IDPs were arrested and beaten in the police car as they were driven off in the direction of Pavljane/Pavlan. A villager told the OSCE-KVM about the case and a patrol followed the car and secured the release of the two IDPs. On their way back through Cuska the police patrol stopped and threatened to kill the man who had informed the OSCE-KVM, as reported by an OSCE-KVM patrol which passed through the village the following day.<sup>106</sup>

On 13 May an elderly couple was abducted from their apartment in Pec and taken to a place near Highway 9 close to Cuska, where they were shot behind a house. Their bodies lay there until the end of June. A witness who was about 20 metres away from the killing site recalled that around 22:00 an Opel Ascona arrived at the house and another vehicle had stopped by the main road. He heard Serbs insistently ask for money and insult the victims, before shooting them with automatic guns. This witness saw the bodies the next morning at 04:00.<sup>107</sup>

Early on 14 May many more people were killed in a larger assault a few hundred metres away in Cuska itself. According to witnesses, Serbian forces in mixed uniforms, including local Serbs who were recognized and some of whom spoke Albanian, came to the village. The forces were apparently after members of a family with connections high in the UCK, and they killed members of that family, as well as many members of another family. On 24 June, the OSCE-TFK documented a grave, where local witnesses said that the remains of 42 local Kosovo Albanians were buried; 38 of the bodies had been

burned. The bodies had been found in six houses in an area spread over about 200 metres. Remains of burnt ID cards and empty casings were found. [108](#)

### *Nabrdje/Nabergjan*

Nabrdje/Nabergjan, 8 km east of Pec on a minor road near Highway 9, had a small Serb population. There was a functioning school which reported a good working relationship between Serb and Kosovo Albanian teachers. Pupils came from Nabrdje and nearby Naklo/Naklle. During February, armed Serbs in uniforms and masks, who were presumed to be police officers, were seen driving a black four-wheel drive vehicle in the area at night, instilling fear among the local Kosovo Albanian population. The OSCE-KVM was urged to show its presence more openly in the area.

At night on 6 March about eight police officers (some masked) in a black four-wheel-drive vehicle without licence plates stopped two tractors near Nabrdje, jumped out of their vehicle and aimed their guns at the tractor drivers. After beating one of the tractor drivers for 20 minutes, a "policeman" put a knife to his throat, saying that it would not make any noise and would not wake people up. He then took the victim's money, watch and documents. The following morning at 06:00, the same group in the same vehicle stopped another Kosovo Albanian villager in Nabrdje on his tractor, kicked and beat him and took his money. [109](#)

On 11 March a 29-year-old man from Nabrdje was arrested in downtown Pec, and interrogated by Pec police. He was specifically questioned about shooting heard in Nabrdje the night before and the presence of UCK there. When he did not answer, he was slapped in the face, beaten with fists and sticks on his legs and back. Villagers in Nabrdje told the OSCE-KVM later that this was the third time a villager had been ill-treated during interrogation that week. [110](#)

Towards the end of March several groups of IDPs arrived from Pec after they had been forced out of their homes there, and stayed in Nabrdje for more than a month. On 29 April police in green camouflage uniforms and VJ arrived at Nabrdje in a car and asked the villagers whether they needed food and protection.

On the morning of 1 May, masked police and VJ returned in larger numbers asking the same questions. They asked the villagers to keep a low profile and when they saw several younger men there, they left. One interviewee reported that four uniformed men entered his house, demanded money and were given DM 600. [111](#) That afternoon 60-100 paramilitaries arrived at the village, accompanied by four police officers, who were recognized and named as local Serbs. A witness described them as wearing dark grey overalls, similar to one-piece flying suits. Some of these soldiers wore SAJ insignia, others those of the "Grey Wolves". Some of the paramilitaries had bandannas and camouflage uniforms. As soon as they entered the village they spread out and were heard or seen shooting people. There was no prior indication that the villagers should leave. Many people were beaten and killed and some people were burned in their houses. Men aged between 20 and 75 were especially targeted, but some young men

were able to escape and about 50 reached the border. The remaining villagers, who were mainly women and the elderly, were herded into a field where the paramilitaries stole their money, gold and valuables and harassed them. Several houses were looted and cars were destroyed or stolen.<sup>112</sup>

There is variation in the details of the witness accounts of the events at Nabradje, but reference to one group killing is made in the accounts given by several witnesses. Six paramilitaries beat three men, all aged over 60, and took them and their wives, together with another elderly couple, into one of the houses. On the ground floor, the women were beaten, robbed and released. Then the men were taken to the second floor and after 20 minutes shooting was heard by witnesses 50 metres away who saw the six paramilitaries come out afterwards. They wore camouflage uniforms, black gloves and black bandannas and, except for one, stocking masks. The latter was older than the others with dark skin and a knife scar on his left cheek. A short while later, witnesses saw two paramilitaries without gloves and carrying knives enter the house. When they came out soon afterwards, they had blood on their hands and on the knives. Before the witnesses left, they saw that the house where the four men had been shot was on fire. Other houses nearby were also set on fire.

The paramilitaries also shot a group of three men, again aged 60 or more, who were trying to escape via a nearby field. Apparently, the paramilitaries then went through the village extorting money from the villagers on pain of death. They entered the house of one interviewee, killed one man and forced the 23 other family members to go to the school yard, where the paramilitaries killed another man. Two elderly women and a 95-year-old man were also killed by the paramilitaries that day. The paramilitaries then set fire to many houses including one house where two men were hiding. The villagers were expelled via neighbouring villages to Istok/Istog, where after five days they were again moved on by police and VJ, and went through Rozaje to Albania.<sup>113</sup>

One interviewee claimed that over 50 people were killed in the attack, while another said that 17 people were reported killed, and a third that the bodies of 23 men and two women were found after the attack. One witness said that that night six men and two women were buried. Most bodies were buried in unmarked graves on a hillside nearby.

After the attack a group of 100 remaining villagers banded together to defend the area, and at the end of the day the Serbs withdrew. The next day the area was surrounded by Serbs, who attacked. A white flag was raised, and a senior VJ officer addressed the villagers, took DM 1,500 from them and then led them in a convoy to the border.

### ***Labljane/Llabjan***

On 26 February, the OSCE-KVM met with local Kosovo Albanians in Labljane/Llabjan, 9 km east of Pec off Highway 9, where the situation was calm and quiet. A local villager told an OSCE-KVM member that several UCK members were from the village. The police apparently had information that one of these members occasionally returned to the village, and sometimes came looking for him.

On 1 May 10 masked paramilitaries came to Labljane in green camouflage uniforms and wearing white or green scarves. One of them was recognized as a local Serb. They took and held 60 people from one interviewee's family (including IDPs who were staying with them). His family was targeted because one family member was reported to be the local UCK commander. The UCK had killed a member of the paramilitary group and they had come to Labljane to look for his body. Since neither the body nor the UCK were there, it became a revenge attack against the civilian villagers. Some people were able to flee but a group of 60 was held for 24 hours in a house in Labljane. They were forced to hand over all money and jewellery and the women were forced to strip "to find hidden money". One woman was taken to a different room, reportedly hit with rifle butts in the head and apparently raped while unconscious.

The next morning all the women and children were released. Ten men continued to be held and the paramilitaries asked for DM 12,000 for their release. On 3 May some of the men were released, although the interviewee reported that five (aged 15 to 55) were still unaccounted for. On 5 May the commander told the villagers that he had orders to burn the village and that everyone had to leave. The villagers first went to neighbouring villages, but after a few days VJ surrounded them and ordered them to go to Pec and then to Prizren.<sup>114</sup>

### ***Romune/Ramune, Glavicica/Gllavicice, Ljesane/Leshan, Zahac/Zahaq***

At Zahac, 8 km west of Pec on Highway 9, police on 22 December 1998 surrounded a Kosovo Albanian man in the garden of his house and, as reported by his family who witnessed it, shot him twice and stabbed him. The man had just stepped out of the house, to find the garden surrounded by police. As reported to an OSCE-KVM patrol passing through the village in January by villagers, the police officers stated that they had killed a "terrorist".

In early 1999 Glavicica/Gllavicice, 10 km east of Pec on Highway 9, had about 400 inhabitants, comprising 230 Catholic Kosovo Albanians, 90 Muslim Albanians, 60 Serbs and two "Gypsy" (*Maxhupi*) families.<sup>115</sup> In Romune/Ramune, 9 km east of Pec on Highway 9, there were about 540 Kosovo Albanians, including about 100 IDPs, and fewer than 10 Serbs. Several bodies were found in the area in early 1999 as described below.

On 2 January, the body of a 30-year-old Catholic Kosovo Albanian from Pavljane, was found between Glavicica and Romune; he had been killed by one bullet through the back of the neck. The place where the body was found was not the place of the killing, and it had most probably been thrown out of a car when it made a sharp turn on the road on its way out of Pec, before returning to the town. The victim had last been seen on 1 January, when he had left his house in Pavljane at around 17:00.<sup>116</sup>

On 10 January the body of a man from Klina was found by Highway 9 between Ljesane/Leshan (14 km east of Pec on the highway) and Glavicica. He had been shot in his car in the early morning. Another body was found a week later on 17 January, only 700 metres from the location of the first body. The second man had been shot in the head and had last been seen on 16 January, when he returned on the bus

from the market. The police said he was probably killed because he was a "loyal" Kosovo Albanian, who did not want to leave his job and join the UCK<sup>117</sup>

On 31 January the body of a 36-year-old man, last seen when he left his office at a bakery, where he had been working as an accountant, was found in Romune. He had been shot through the head. When the OSCE-KVM team arrived to record the scene at 09:00, the Investigating Judge stated that the victim was another "loyal Kosovo Albanian" killed by "terrorists", and added that he lived in a state-owned building. A 7.65mm-calibre cartridge was found 2 metres from the body, which was lying some 4 metres from the highway.<sup>118</sup>

### *Milovanac/Millovance, Vragovac/Vragovc, Pistane/Pishton and Rosulje/Rosuje*

This group of villages lies between 10 and 15 km east-south-east of Pec, south of Highway 9. On 15 February, the OSCE-KVM was told that villagers in Rosulje/Rosuje were being harassed by police. When the OSCE-KVM went there they were told that a Kosovo Albanian man had been taken out of his house, arrested and tortured by police three weeks earlier. One of the suspects was identified by the victim.<sup>119</sup>

On 29 March Serbian police told the Kosovo Albanian inhabitants of Milovanac/Millovance to leave. The forces were dressed in uniforms of solid blue or of blue or green camouflage.<sup>120</sup>

On 2 April at around 10:00, a 17-year-old girl was warned by UCK that VJ forces were approaching Rosulje/Rosuje; she was not able to leave quickly since she was with her 70-year-old grandfather, who needed a cane to walk. The village came under fire and police arrived firing small arms. A Serb police officer approached the house just as the girl and her grandfather were leaving. She explained that she did not speak Serbian, which seemed to offend the officers. One of the officers then walked to within 5 metres of her grandfather and fired three rounds of semi-automatic fire into his abdomen. The other officer struck the girl on the left shoulder as she tried to flee. After that she became disorientated and remembers little, except for running for her life. She was able to give a detailed description of the man who shot her grandfather, and of his companion.<sup>121</sup>

On 3 April police came and ordered all the villagers of **Vragovac/Vragovc** to leave before 07:00 the next morning, saying that paramilitary troops would come at 09:00 and kill them if they were still there. An interviewee left by tractor at 07:15. The Kosovo Albanian IDPs were told to follow a certain route and were warned not to divert from this route. All along the road to the border they were held up at checkpoints by paramilitaries in camouflage uniforms, some with masks, who extorted money from them. Eighty-four villagers paid a total of DM 7,000. All their documents were confiscated.<sup>122</sup>

Also on 3 April about 10 policemen arrived at 18:00 in **Pistane/Pishton** with tanks, and the local (named) chief of police told the villagers to leave by the next day at the latest. About 100 people left

with tractors for Djakovica, escorted by the 10 policemen. The Kosovo Albanians' possessions were looted and destroyed, and domestic animals were burned. The 15 local Serb families stayed. [123](#)

### ***Ljutoglava/Lutogllava and Ruhot/Ruhot***

Ljutoglava/Lutogllava and Ruhot/Ruhot lie north of Highway 9, 10 and 11 km east of Pec respectively.

In early April Ljutoglava/Lutogllava, which had already been destroyed in September 1998, was surrounded by Serb forces, who immediately began shooting and shelling. A Serb military tank moved into the yard of a 47-year-old woman and ordered all 40 Kosovo Albanians sheltering in the house to leave. They all came outside, waving a white flag. Four military men approached and one knocked down the woman's husband with his rifle-butt. When he got up and started to walk one of the soldiers shot the him in the chest, killing him. The rest of the group was forced to lie down on the ground for one-and-a-half hours. The Serbian forces then extorted money and valuables, took all the documents of the Kosovo Albanians, and then organized a tractor and a wagon, forcing all of them to leave for Albania. [124](#)

Another interviewee stayed in Ljutoglava until early May, when there were around 2,500 people in the village (including many IDPs). At 07:00 on 5 May, police, VJ and paramilitaries (some with eagles on their uniforms and others in civilian clothes) arrived in the village with tanks. An eight-hour battle followed as the villagers defended their homes. A man who was a village guard said that people were killed and wounded by mortars or bullets and one person lost 11 members of his family. After eight hours, the men, numbering 500-600, were separated from the rest and walked through the mountains to Montenegro on an eight-day journey. [125](#)

In early May paramilitaries arrived in Ruhot/Ruhot in civilian vehicles. They were all wearing masks and black headbands. They entered a house, pulled out four men and cut their throats, and then killed around 10 other civilians. A 21-year-old man who said he worked as a civilian observer for the UCK, saw four people killed from a distance of 100 metres. Many houses were burned. Afterwards the bodies of 14 civilians, mostly either elderly or aged under 15, were found. They had bullet or knife wounds. Around 70 men were separated from the other villagers and taken into a house and their further fate was not known. The villagers fled. When an OSCE-TFK team visited Ruhot in late June 1999, the remains of at least five bodies were found in a shallow mass grave. [126](#)

### **Villages north of Pec/Peja along the roads to Istok/Istog and Rozaje, Montenegro**

#### ***Ozrim/Ozdrim and Vitimirica/Vitimirice***

On 7 January, the OSCE-KVM visited Ozrim/Ozdrim, 9 km north-east of Pec, and were met by eight to 10 people, presumed to be local Kosovo Albanians, who wanted to see some identification and asked several times if there were any Serbs present. They were mostly younger local men who were armed with small arms (mostly AK-47s). There were some well-camouflaged positions around the entrance to

Ozrim. The men reported that shots were being fired in their area, but later admitted that this was just celebratory fire. They were quite antagonistic towards the OSCE-KVM when they arrived but became friendlier. They were concerned that they were surrounded by Serb villages.<sup>127</sup>

An interviewee recounted how on 27 March eight police officers (one of whom was known to the interviewee) arrived in a jeep in Vitomirica/Vitomirice, a mixed village 7 km north-east of Pec with a significant Muslim Slav population. They went to every Kosovo Albanian house, and ordered the inhabitants to go to Albania. On the evening of the next day, police shot at Kosovo Albanian houses with machine-guns, but the interviewee and his family hid nearby and went back home after the police left the village. They collected some belongings, went to the forest and walked to Rozaje.<sup>128</sup>

When the OSCE-TFK arrived in Pec in late June, several crime sites were documented in Ozrim, where about 12 people were killed during an attack in May by a Serb military group, who entered houses and shot the Kosovo Albanian inhabitants and then set the houses and bodies on fire. The bodies of two men were found near a road and in a field respectively; they had apparently been killed as they attempted to escape. Witnesses, including local Muslim Slavs, said that the Serbian forces who had attacked wore Serbian crosses; they moved from north to south, attacking the houses of Kosovo Albanians and sparing Muslim Slavs living in the area.

### *Novo Selo/Novosell, Radavac/Radavc, and Mala Jablanica/Jabllanica e Vogel*

Radavac/Radavc and Novo Selo/Novosell lie respectively 8 and 9 km north of Pec, on the main road to Rozaje, while Mala Jablanica/Jablanica e Vogel lies a few kilometres further north, off the road to Rozaje.

On 11 February, the body of a 52-year-old "Gypsy" (*Maxhup*) who had been working in the Pec brewery was found in Novo Selo. He had several injuries and bullet wounds to the head and seven 65 mm calibre casings were found nearby.<sup>129</sup>

In early April Serbian forces came to Novo Selo, intimidated the Kosovo Albanian population, and burned shops in centre of the village. The Kosovo Albanian villagers left. An interviewee joined a group of UCK fighters to defend their homes. For about a week Novo Selo was shelled by VJ and police who numbered about 1,500 men and had 30 tanks and 70-80 armoured vehicles. When the village was eventually abandoned by the UCK, these forces entered the village and were seen slaughtering livestock, looting and burning homes. Some 2,500 villagers left for the mountains, some fleeing to Albania.<sup>130</sup>

On 25 March a group of IDPs which had just escaped shelling in Pecka Banja/Baje e Pejes (Istok/Istog) was shot at by snipers near Mala Jablanica/Jabllanica e Vogel. An interviewee who had moved his family into the mountains because he was afraid of the shooting, returned to Mala Jablanica for provisions, and saw that the village was surrounded by the police and military. The Serbian forces began shooting and 10 Kosovo Albanians were killed, including two men from Istok, according to the number

of bodies villagers found in the streets when they returned two days later. A woman and two teenage boys from Mala Jablanica were also shot from a distance and seriously wounded.<sup>131</sup>

On 28 or 29 March many people who had been expelled from Pec passed through Radavac/Radave on their way to Montenegro. Shooting was heard and many local residents fled into the mountains. Police and VJ entered the village and began looting and burning the village. The Kosovo Albanian inhabitants fled into the mountains and to Rozaje.<sup>132</sup>

### **Villages in the Rugova canyon**

#### ***Drelje/Drelaj, Hajla Kece/Hajla e Keqe, Veliki Stupelj/Shtypeqi i Madh and Boge/Boga***

The UCK had a permanent presence in the inaccessible terrain of the Rugova canyon in the far west of Pec municipality, and many UCK fighters were killed in fighting in the mountains. One interviewee said that the Serbian forces positions in the area were in Veliki Stupelj/Shtypeqi i Madh (where there were tanks, mortars and trucks), Hajla Kece/Hajla e Keqe (200 infantry), Boge/Boga (150 infantry) and Stedime/Shtedime (infantry).<sup>133</sup>

On 13 April Drelje/Drelaj was shelled from the direction of a Serbian checkpoint about 5 km west of Pec, as a result of which 18 people left the village.<sup>134</sup> In mid-April masked police shot dead three Kosovo Albanian men.<sup>135</sup> On 17 April VJ and police entered Veliki Stupelj, and the UCK advised Kosovo Albanian civilians to leave. Around 400 Kosovo Albanian villagers went to the Boge mountains and crossed the border to Rozaje. On 20 April three young Kosovo Albanian men were killed by VJ shelling from the direction of Pec.<sup>136</sup>

Around 24 April Yugoslav forces shelled Hadzovici from near the border in Montenegro, and approached the village. A group of 300 Kosovo Albanian inhabitants of Hadzovici left and walked for 24 hours to Boge and then to Rozaje. On the road, Serbian soldiers stopped the column and searched for weapons. They took five men aside and told the others to go back to Rugova, but after they waited for five hours in the snow the Montenegrin police let them into Montenegro. The VJ meanwhile continued to hold the five men.<sup>137</sup>

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### **Notes**

<sup>1</sup> Pec deputy mayor to OSCE-KVM, on 4 January 1999.

<sup>2</sup> UNHCR, "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacements).

<sup>3</sup> A/1056.

<sup>4</sup> OSCE-KVM, "Meeting Report with Pec Police", 23 January 1999.

<sup>5</sup> PE/01/069/99.

<sup>6</sup> BBC World Service, "Serbian Police Make Arrests and Kill Two over Cafe Shooting", 17 December 1998.

<sup>7</sup> OSCE-KVM, RC3, "Daily Report ", 30 December 1998.

<sup>8</sup> Only selected cases are presented in detail here. Other representative cases include: PE/01/010/99, PE/01/063/99, PE/01/073/99 (beatings at Pec police station), PE/01/078/99 (beating because of residence in Novo Selo/Novosell, where police patrol had been attacked), and PE/01/087/99.

<sup>9</sup> PE/01/008/99.

<sup>10</sup> PE/01/001/99.

<sup>11</sup> PE/01/065/99.

<sup>12</sup> PE/01/066/99.

<sup>13</sup> OSCE-KVM, RC3, "Daily Report", 7 March 1999.

<sup>14</sup> PE/01/082/99.

<sup>15</sup> A/1020.

<sup>16</sup> A/1023; A/1035.

<sup>17</sup> A/0631.

<sup>18</sup> A/1018.

<sup>19</sup> A/0468.

<sup>20</sup> A/0001.

<sup>21</sup> A/1035.

<sup>22</sup> A/1003.

<sup>23</sup> A/0202.

<sup>24</sup> A/1037.

<sup>25</sup> A/0638.

<sup>26</sup> A/0001.

<sup>27</sup> A/1018.

<sup>28</sup> PE/0024/99, site visited by the OSCE-TFK on 16 June 1999.

<sup>29</sup> A/1007.

<sup>30</sup> A/0358.

<sup>31</sup> A/0110.

<sup>32</sup> A/0031.

<sup>33</sup> A/0611.

<sup>34</sup> A/1021.

<sup>35</sup> A/0469.

<sup>36</sup> A/0180.

<sup>37</sup> A/0001; A/1018.

<sup>38</sup> A/0344.

<sup>39</sup> A/0161.

<sup>40</sup> A/0060.

<sup>41</sup> A/0095.

<sup>42</sup> A/0344.

<sup>43</sup> A/0468.

<sup>44</sup> A/0613.

<sup>45</sup> A/1110.

<sup>46</sup> A/0095. The total figure is based on information provided by the refugee and is almost impossible to verify, although it appears plausible.

<sup>47</sup> A/0161.

<sup>48</sup> Interviews with 31 Kosovo Albanian residents of Pec expelled that day.

<sup>49</sup> A/0106.

<sup>50</sup> A/0113.

<sup>51</sup> A/1071.

<sup>52</sup> A/1110.

<sup>53</sup> A/0078 (Karadjordje Street); A/0261 (Partisans' Street); A/0336 (Dostirjev Street); A/0462 (Herzegovina Street); A/0469 (Petrovic Street); A/0544 (Shaban Spahija Street); A/0631 (Milos Gilic Street); A/0736 (Drvar Street); A/0967 (Ymer Basha Street); A/1018 (Medinica Street).

<sup>54</sup> A/0346.

<sup>55</sup> A/0736.

<sup>56</sup> A/0025. These positions were verified after the OSCE-TFK arrived in Pec in June.

<sup>57</sup> A/0135; A/0202; A/0462.

<sup>58</sup> A/0056.

<sup>59</sup> A/1037. These two policemen were otherwise notorious for their abusive behaviour towards Albanian residents and one of them reportedly organized the Munja paramilitary group.

<sup>60</sup> A/1054.

<sup>61</sup> A/0631.

<sup>62</sup> A/0113.

<sup>63</sup> A/0737.

<sup>64</sup> A/0025.

<sup>65</sup> A/0031.

<sup>66</sup> A/0261.

<sup>67</sup> A/1003.

<sup>68</sup> A/0436; A/0631.

<sup>69</sup> A/0064; A/0336.

<sup>70</sup> A/0001.

<sup>71</sup> A/0263; A/0949.

<sup>72</sup> A/0525.

<sup>73</sup> A/0512.

<sup>74</sup> A/1049.

<sup>75</sup> A/0116; A/0481.

<sup>76</sup> A/0488.

<sup>77</sup> A/0833.

<sup>78</sup> A/0677.

<sup>79</sup> A/0806.

<sup>80</sup> M/1507.

<sup>81</sup> A/0257.

<sup>82</sup> A/0458.

<sup>83</sup> M/1436.

<sup>84</sup> A/0512.

<sup>85</sup> PE/0009/99.

<sup>86</sup> PE/0008/99.

<sup>87</sup> The items found included chairs, empty casings, vitamin pills, soft drink cans, military blankets, coffee pots and sugar, and woollen shawls.

<sup>88</sup> Albanian news agency ARTA report available on <http://www.alb-net.com/warcrimes-img/lybeniq.htm>  
Amnesty International, *A Human Rights Crisis in Kosovo Province: Ljubenic and Poklek: A Pattern Repeated*.  
EUR 70/46/98, July 1998.

<sup>89</sup> A/0222.

<sup>90</sup> A/0749.

<sup>91</sup> PE/0011/99 (including interviews with survivors in Ljubenic on 1 July). A possible reason for this village being specifically targeted was the fact that it is the home of a local UCK commander, who had caused much

trouble to the Serbian police in the area.

<sup>92</sup> PE/0006/99.

<sup>93</sup> PE/0004/99, including sketch and photographs.

<sup>94</sup> A/0359.

<sup>95</sup> As reported to an OSCE-KVM patrol visiting the area in February 1999.

<sup>96</sup> PE/01/042/99.

<sup>97</sup> PE/01/027/99, including photograph.

<sup>98</sup> A/0248.

<sup>99</sup> A/0749.

<sup>100</sup> A/0583.

<sup>101</sup> A/0341.

<sup>102</sup> A/0923.

<sup>103</sup> A/0366.

<sup>104</sup> A/0570.

<sup>105</sup> PE/0007/99.

<sup>106</sup> PE/003/99, including photographs.

<sup>107</sup> PE/0012/99, including photographs, site documented by the OSCE-MiK on 6 July 1999, interviews conducted with family members and witnesses.

<sup>108</sup> PE/0005/99, including sketches and photographs.

<sup>109</sup> PE/01/071/99.

<sup>110</sup> PE/01/086/99.

<sup>111</sup> A/0589.

<sup>112</sup> A/0369; A/0458; A/0459; A/0477; A/0589; A/0603; A/0972; A/1071.

<sup>113</sup> The OSCE-KVM has the names of 18 people presumably killed on that date. The Council for the Defence of Human Rights and Freedoms provided a list of 20 names in Pec in May 1999.

<sup>114</sup> A/0412, who referred to the perpetrators throughout as "Arkan's" paramilitaries and was insistent that the men were paramilitaries and not regular VJ.

<sup>115</sup> As stated by a Roman Catholic priest in February 1999.

<sup>116</sup> OSCE-KVM, "Meeting Report", 2 January 1999.

<sup>117</sup> PE/01/017/99.

<sup>118</sup> PE/01/045/99.

<sup>119</sup> PE/01/058/99.

<sup>120</sup> A/0772.

<sup>121</sup> A/0239.

<sup>122</sup> A/0079.

<sup>123</sup> A/0172.

<sup>124</sup> A/1107.

<sup>125</sup> A/0974.

<sup>126</sup> A/0486; A/0476.

<sup>127</sup> As reported to an OSCE-KVM patrol which visited the village.

<sup>128</sup> A/0579.

<sup>129</sup> OSCE-KVM, "Meeting Report with Pec police", 11 February 1999.

<sup>130</sup> A/0788; A/0182.

<sup>131</sup> A/0411; A/0509.

<sup>132</sup> A/0157; A/0156.

<sup>133</sup> A/0179.

<sup>134</sup> A/0355.

<sup>135</sup> A/0179.

<sup>136</sup> A/0354.

<sup>137</sup> A/0384.

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KOSOVO / KOSOVA As Seen, As Told

OSCE ODIHR

## PODUJEVO/PODUJEVE



Podujevo/Podujeve municipality occupies the north-east corner of Kosovo. The Lap/Llap hills west of the town of Podujevo/Podujeve were a UCK stronghold. In Podujevo town Kosovo Albanians were viewed by the Serbian authorities as UCK supporters, or at least as sympathizers. Serb forces launched several offensives from late 1998 to regain control of villages, sometimes only 3 to 5 km from Podujevo town.

There was a military airfield at Dumos/Dumosh south of Podujevo, from which surrounding villages, especially Gornja Lapastica/Llapashtice e Eperme, Burince/Burice, Godisnjak/Godishnjak and Majance/Majanc, where UCK support was deemed to be particularly strong, were shelled.<sup>1</sup>

UNHCR estimated that there were 1,438 Serb inhabitants of Podujevo municipality (1.3 per cent of the total population).<sup>2</sup> In early March 1999 the mayor of Podujevo gave the number of Serbs as 1,650, of whom half were in Podujevo town, while the UCK gave a figure of 950 Serbs in the municipality. The Mother Teresa Society reported that at that time there were already 33,000 IDPs in the municipality. The organization said that most came from villages such as Perane/Peran, Donje Ljupce/Lupqi i Poshtem, Kisela Banja/Ballabaja and Godisnjak/Godishnjak, where there were VJ or police positions, while most of the women and children had left from the UCK-controlled areas of Bradas/Bradash, Gornja Lapastica, Velika Reka/Velikareke, Obrandza/Obrance and Donja Lapastica/Llapashtice e Poshtem.<sup>3</sup>

On 21 January 1999 the OSCE-KVM "the absolute absence of normal contacts between local Serb authorities and [the] Albanian population" in Podujevo as "a main reason [for unre]solved human rights and humanitarian problems in [the] Podujevo region". The report cited "the bad, even brutal behaviour of ordinary policemen", which "sometimes" looked as if it was "supported by their superiors", well-known reports of beating of those "Kosovo Albanians who [were] willing to contact policemen", and "numerous" reports of bribery. He wrote further that this situation meant that "the local population is scared to address ... complaints and even requests to the local authorities". Despite many reports of

good neighbourly relations and friendly attitudes between local Serbs and Albanians, the fact that some public non-governmental institutions or organizations (especially Serb ones) were not present in the region meant "there are no normal contacts between these two ethnic communities". A first attempt to establish such contacts failed when the Serbs refused to meet in the OSCE office and the Kosovo Albanians were afraid to visit the mayor's office or the police station as suggested by the Serbs.

The OSCE-KVM also reported that local Kosovo Albanian newspapers and Serbian television did not promote the establishment of "mutual comprehension", thus raising tensions between the two communities. He reported that they both distorted the facts or even published blatant lies much too frequently, and gave this as a reason for the "mistrust and suspicions in relations between [the] two sides of the conflict".<sup>4</sup>

### **Podujevo/Podujeve Town**

The population of Podujevo/Podujeve town was predominately Kosovo Albanian, while some 2.8 per cent were Serb and 1.4 per cent belonged to other national communities.<sup>5</sup>

Three policemen were killed or injured in Podujevo during the period of the OSCE-KVM deployment inside Kosovo. After each attack there was an increase in police action against the town's Kosovo Albanian population. Police closely controlled all exits and entrances to the town, and within the town they stopped and checked vehicles and people,<sup>6</sup> with the result that people were afraid to go out.<sup>7</sup>

The first killing of a policeman was on 21 December 1998,<sup>8</sup> after which an offensive was launched against surrounding villages. UCK soldiers killed a second Serb policeman at 18:30 hours on 3 March 1999. Half an hour after this second killing a Kosovo Albanian man was dragged from his car by police and beaten unconscious. Two others were apprehended and beaten in the early hours of 4 March: one required hospital treatment and was transported to Pristina, the other sustained lacerations on the back of his head. All three beatings took place at the junction where the killing had happened. After a third policeman was shot and seriously wounded on 12 March two Kosovo Albanians were subject to beatings, while another (initially thought to have disappeared) was arrested.<sup>9</sup>

On Saturday 13 March (market day) two bombs exploded in Podujevo, one in the market and the other 200 metres away, near the post office. Two people were killed and 26 others wounded. One of the victims was a 19-year-old man who had gone to help someone injured in the first explosion and was then wounded himself when the second bomb went off in a rubbish bin. The young man died later that day. Near the site of the second bombing the body of a 59-year-old man who had died of gunshot wounds was found.<sup>10</sup>

Almost as soon as the OSCE left on 20 March<sup>11</sup> police and other Serb forces began a week-long series of operations in Podujevo, in which many people were killed in brutal fashion. There were reports of the

summary killing of men and women at point-blank range, some in full public view; of many dead bodies seen in the streets; of the burning of bodies; of one man shot by a tank from only 20 metres away; and of a hanging. Extortion of deutschmarks and gold and expropriation of vehicles seem to have been widespread. People unable to hand over enough money were shot.

In addition to VJ and regular police, local police reservists are mentioned as perpetrators. Paramilitaries also appear to have been active with police and VJ from the start. According to refugee statements, Vojislav Seselj's "White Eagles" were among those committing these violations, and possibly also Arkan's "Tigers".<sup>12</sup>

A number of the killings in Podujevo which were seen and described in detail are outlined below. On the afternoon the OSCE left, 15 to 20 policemen wearing camouflage uniforms and black masks were observed as they lined up three men and one woman and shot them in the forehead with pistols.<sup>13</sup> On 24 March one interviewee's brother and a cousin were stopped on the street and shot by police reservists.<sup>14</sup> On 25 March masked VJ and police in green and blue camouflage respectively entered the town in tanks, Pragas and other vehicles. They expelled Kosovo Albanians, firing their weapons at the same time and killing many people.<sup>15</sup> On the same day police detained 10 young Kosovo Albanians from one apartment block and took them to the police station. Later that day some 50 young men who were trying to leave in a big truck were stopped in front of the same apartment block by paramilitaries, who abducted the men and drove off with them in the truck to an unknown location.<sup>16</sup> On 26 March one young man was seen hanged from a tree.<sup>17</sup> On 27 March four paramilitaries in a black Pajero car stopped a tractor with 11 Kosovo Albanians on board, demanded money, and finding they had none, ordered them to get off the tractor, handcuffed the seven men, tied them around a haystack and then burned them to death.<sup>18</sup> On 30 or 31 March seven or eight men in black uniforms lined six men up in the front yard of a house and shot them with automatic weapons in the presence of women and children. They then burned the upper part of the bodies.<sup>19</sup>

On 28 March, 21 members of one extended family (named in reports) were taken by police officers to the police station 70 metres from their house for interrogation. They were released later the same day, but immediately afterwards, in three successive incidents, 16 members of the family were killed by paramilitaries. First, as the family tried to go home, two men in the group were taken away by paramilitaries and killed in a cafeteria. The remaining 19 reached the yard of a neighbour's house but then encountered yet more paramilitaries, who beat, robbed and then shot one woman in the group. They then shot the other family members, who by that time were lying on the ground in the yard, killing 13 people and wounding five (aged seven to 15). The wounded were taken to hospital in Pristina.<sup>20</sup>

At 13:00 hours on 29 March one group of five paramilitaries forcibly entered an apartment where one interviewee was staying, separated the men from the women and children, demanded money and, after the interviewee gave them DM 200, finally left. Later five more paramilitaries (two of whom were recognized as local Serbs) came and again demanded money. They made the man strip but found

nothing and so threatened to rape his daughter and "make a salad" of him instead. The paramilitaries took the hi-fi and other possessions. The family waited until dark and then escaped from the second floor window, using a television cable as a rope.<sup>21</sup>

One Kosovo Albanian, expelled from **Letance/Letance** 2 km to the north of Podujevo town, describes arriving in Podujevo at 07:00 hours on 28 March. The group of IDPs he was with was immediately surrounded by VJ, police, paramilitaries and local Serbs, who had a list of Kosovo Albanian names. When his family's surname was given, four Serbs immediately said that they knew that the 75-year-old uncle of the interviewee had money, and gave him 20 minutes to find DM 30,000. One member of the family had to collect gold from the women, and when the uncle said that he only had DM 12,000 they proceeded to beat him severely with rifle butts, and kick him. When it was clear that he did not have more they took what he had, brought two trucks, looted their home in Letance, and took one Mercedes truck and three cars. This procedure was repeated in the houses of other families, and the interviewee said that more than DM 500,000 and a large quantity of gold were extorted. Afterwards the paramilitaries killed two Kosovo Albanians.<sup>22</sup>

On 20 March VJ, police and paramilitaries entered schools, hospitals and other public buildings in Podujevo, and on 22 March they started to loot and destroy private homes.<sup>23</sup> One shop owner described how about 30 local reservist police entered and looted his supermarket on 26 March and set up a base in his coffee shop for three days before coming to the family on the fourth day and threatening to put everyone in the basement and execute them. When one family member was able to provide DM 6,000 they were allowed to flee.<sup>24</sup>

This level of violence, accompanied by the extortion and forced expulsions, meant that by late March many people had left Podujevo in tractors and carts or on foot in convoys. Often they went to villages to the south and east (see below). Snipers shot at those who were fleeing in this direction, killing a number of men and women and wounding a baby boy.<sup>25</sup> Many others fled west to the Lap hills.

### **Villages in the Lap/Llap hills, and to the north of Podujevo town**

In the period of OSCE-KVM deployment inside Kosovo, there were reports of "arrests" by the UCK in the area of the Lap/Llap hills (the western part of the municipality) as well as to the north of Podujevo town. One Kosovo Albanian told the OSCE-KVM that his son had been detained in November 1998 in **Luzane/Lluzhane** and this was later confirmed by the UCK.<sup>26</sup> Another man was "arrested" by the UCK near **Gornja Lapastica/Llapashtice e Eperme** in early December "to perform services for the UCK", as was confirmed to the OSCE-KVM by the UCK in early January.<sup>27</sup> Police reported that the UCK had abducted one Kosovo Albanian for a second time on 24 February 1999 and that "UCK police" had "arrested" a Serb worker on 26 February. The local UCK commander later confirmed these "arrests", stating that the former was accused of "collaboration" and the latter, who had served in Bosnia-Herzegovina with Serb paramilitary forces, of being a war criminal. The UCK commander said that both

were being well treated.<sup>28</sup> (For comment on the arbitrary nature of UCK "arrests", see Chapter 3, The military/security context.)

Incidents of police harassment, intimidation, ill-treatment and beatings were also regularly reported to the OSCE-KVM. This was particularly so in the town of **Krpimej/Kerpimeh**, north-west of Podujevo. The OSCE-KVM was told of beatings, ill-treatment, one person who was shot at, a truck driver from whom money was extorted, shop owners who were threatened, police who refused to pay for produce in shops or food in restaurants, police who were drinking alcohol, drunk on duty and who sexually harassed a young girl. In addition VJ soldiers were seen looting houses in Krpimej at the end of February 1999.<sup>29</sup>

There was fighting in this area between government forces and the UCK in the second half of September 1998, at the end of the summer campaign (see Chapter 3, The military/security context) and in late December 1998 after the killing of a policeman in Podujevo town as mentioned above. On 27 December VJ tank fire in **Obrandza/Obrance** injured a man in his garden, who later died.<sup>30</sup> On 1 January 1999 seven mostly old, vulnerable Serbs were evacuated from Obrandza, **Velika Reka/Velikareke** and Gornja Lapastica, where they had been cut off from their families as a result of the fighting. The evacuation was co-ordinated by the OSCE-KVM with the UCK, police and local authorities.<sup>31</sup> Houses near the main road going south from Podujevo were burned and destroyed in early January 1999.<sup>32</sup> The repeated shelling, damage to buildings<sup>33</sup> and risk of injury or death from sniper fire meant that many Kosovo Albanians fled to the hills, returning when the shelling and shooting stopped.<sup>34</sup>

**Perane/Peran**, a few kilometres north-west of Podujevo on the main road out of the town, was the site of repeated clashes between the UCK and government forces. Police launched two offensives against Perane. One was in early January 1999 and the other was part of a larger offensive against other villages such as Gornja Lapastica and Bradas/Bradash which was launched on 27 January.<sup>35</sup>

During the operation in Perane in early January tank fire damaged several houses, on 9 January a boy was killed by gunfire and others were injured, while on 12 January one family was forced to pay DM 1,000 in order to leave the town.<sup>36</sup> Also on 9 January two Kosovo Albanians were arrested in Perane by people in police uniforms who spoke Serbian. Local police denied any knowledge of their arrest, but the two men's bodies were eventually found in the morgue in Pristina on 17 March.<sup>37</sup>

There were also reports that police were looting houses in Perane in January and early February.<sup>38</sup> The OSCE-KVM went to Perane to investigate and asked a police officer to stop this happening. The chief of police there asserted that police were not looting houses, but the looting continued. The verifier then went to the chief of police in Podujevo, who said that a group of criminals in the area were responsible. The verifier returned to Perane and eventually persuaded the chief of police there to take action. Twenty-five minutes later a Serb man was arrested who, after questioning in the presence of the verifier,

confessed to stealing items and selling them in Kursumlija (Serbia proper). Stolen goods were returned to six families, but the owners of other items were not immediately identified.<sup>39</sup>

From 27 January VJ and police made a concerted effort to regain full control of villages to the west of Podujevo from the UCK. Among these villages were Perane, **Kisela Banja/Ballabaja** and **Godisnjak/Godishnjak**. VJ tanks were observed firing towards Godisnjak on 27 January, the front line lying between Godisnjak on the hill and Luzane in the valley. Some houses were hit by shells while, according to police, the police station in Luzane was attacked by the UCK on that day. The villagers fled to Pristina.<sup>40</sup> VJ tanks also entered Kisela Banja on the same day. The OSCE reported: "Towards the end of January serious breaches of the cease-fire were reported in the Podujevo area. On 28 and 29 January mortar, tank and machine gun fire was reported south of Podujevo in the direction of the village of Kisela Banja. No casualties were reported, but a large number of displaced persons were observed in the area. The continued UCK and security force stand-off in the area with both sides digging trenches and preparing positions has been a particular concern throughout the period. Though the fighting has since subsided, neither the UCK nor the VJ has withdrawn as required under UN Security Council Resolutions. VJ forces in the field exceed the limits set by the NATO-FRY Agreement signed on 25 October 1998."<sup>41</sup>

As a result of the offensive villagers were forced to flee to **Ljupce**, which was also looted and where one 38-year-old man was injured. As a result the villagers fled further up the valley to **Popovo/Popove**, despite the winter weather. Around 700 villagers then fled from the mountains to Pristina.<sup>42</sup>

Although the fighting subsided during February a OSCE-KVM patrol again saw M-80 and T-55 tanks shelling houses in the hills above Luzane on 8 March. One villager told them that OSCE patrols were not welcome because of the increased shelling and burning by VJ and police which followed their patrols.<sup>43</sup> Shooting in Luzane, allegedly from the direction of the police station, was reported as damaging a house on the night of 14 March 1999.<sup>44</sup> The commander of the Podujevo police station maintained that the UCK had penetrated police defences on that night and had again attacked the police station in Luzane.<sup>45</sup> Bradas was also seen to be shelled on three separate occasions on 15 March.<sup>46</sup>

From around 21 March Serb forces began another offensive on the villages around Podujevo. Among the villages attacked at this time were **Bajcina/Bajcine**, **Bradas/Bradash**, **Dobri Do/Doberdoll**, **Dobrotin/Dobratine**, **Donja Dubnica/Dumnice e Poshtem**, **Glavnik/Gllavnik**, **Gornja Dubnica/Dumnice e Eperme**, **Lausa/Llaushe**, Letance, and **Velika Reka/Velikareke**.<sup>47</sup> Tanks and trucks are described as coming from across the border with Serbia proper, less than 10 km away.<sup>48</sup> As well as being used for shelling, the tanks were used to destroy houses by driving over them. Some houses were left untouched, however, and used to hide the tanks so that they would not be visible to NATO bombing raids.<sup>49</sup>

Generally the villages were first shelled - often for as long as a week, during which time villagers were trapped in basements.<sup>50</sup> Then, when the shelling stopped, soldiers, police, local armed Serbs<sup>51</sup> and paramilitaries entered the houses looting and destroying them and expelling the occupants.<sup>52</sup> The shelling resulted in many injuries and deaths.<sup>53</sup> Among the injured and dead were children,<sup>54</sup> women, the elderly, other unarmed civilians and occasionally people acknowledged to have been UCK fighters.<sup>55</sup> The wounded also appear to have been targeted directly. One interviewee described how when Serbian forces discovered a field hospital set up in a former school they attacked it.<sup>56</sup>

Some Kosovo Albanians fled to Krpimej, while as many as 10,000 fled to Dobrotin, on the edge of the mountains north-west of Podujevo.<sup>57</sup> However, Dobrotin itself was taken by Serb forces in late April, forcing the inhabitants and IDPs to flee further into the hills to Kacandol/Kacandoll and Bajgora/Bajgore (both in Kosovska Mitrovica).<sup>58</sup> Often villagers were warned by the UCK of an impending advance and told to move from one village to another (often at very short notice), as the fighting moved back and forth.<sup>59</sup> As one interviewee explained, "it was easier for them to fight if nobody was around".<sup>60</sup>

Villages in the Popovo and Majance valley appear to have been bombed in late March/early April, although it is not clear whether one or more bombing raids is being described by interviewees. Either one or two planes, described variously as Serbian and as MiG planes, are described as dropping bombs on the villages of the Popovo-Majance area, and on Velika Reka. The number of people given as killed ranges from 11 to 18; they were described by one interviewee as being mostly women and children, and by another as being IDPs/and or children.<sup>61</sup>

Eventually, as the UCK was beaten back, the IDPs had to come off the mountain towards Serb positions and surrender.<sup>62</sup> In addition to those who ended up passing through Donja Sudimlja/Studime e Poshtme (Vucitrn), where 90-160 people were killed in early May, or through locations in Pristina municipality (as described in greater detail in the entries for those municipalities), some came down the Popovo valley from Gornje Ljupce/Lupqi i Eperme to Donje Ljupce/Lupqi i Poshtem to join the main Podujevo-Pristina road north of Vrani Do/Vranidoll (Pristina). One 69-year-old interviewee estimated that there were as many as 120 people killed in the Ljupce area in the last two weeks of April.<sup>63</sup> Another interviewee describes how a large column of people set off towards Pristina in late April but was stopped by police and divided in two. The rear part (including the interviewee) had to return to Gornje Ljupce, while police detained 160 people from the front part of the column, who were taken to Lipljan prison.<sup>64</sup>

### **Villages east and south-east of Podujevo town**

Although this area was not, like the Lap valley, a UCK stronghold, there was military activity in the hills, especially as people were forced south towards Kolic/Koliq (Pristina) (see below). Shelling of towns south and east of Podujevo town began on 20 March as soon as the OSCE-KVM left, or even as

early as 18 March. People from Podujevo town and low-lying villages such as Balovac/Ballofc, Belo Polje/Bellopoje, Gornji Sibovac/Sibofc i Eperm, Ladovac/Lladofc and Sajkovac/Shajkofc fled to the hills.<sup>65</sup> Some went southwards to the villages of Batlava/Batlave and Trnava/Ternave, and others fled initially eastwards to Hrtica/Hertice and Turucica/Turucice. By either route, the displaced - continuously joined by others forced out of villages along the way so that they eventually numbered tens of thousands - were eventually effectively cornered by Serbian forces at Kolic (Pristina). The massacre of more than 100 people in a series of mass killings at Kolic and the further killings which took place at Grastica/Grashtice and Lukare/Llukare as the column of IDPs tried to make their way towards Pristina are described in the entry for Pristina municipality.<sup>66</sup>

A VJ/police offensive on **Trnava/Ternave** began as early as 18 or 20 March.<sup>67</sup> One person describes how a grenade thrown by VJ soldiers hit a tractor fleeing Trnava, killing two young boys and wounding four people, while another grenade was thrown which killed two more people and wounded seven others.<sup>68</sup> In a second offensive on the village in mid-April, VJ and police expelled remaining Kosovo Albanians across the hills towards Grastica (Pristina).<sup>69</sup> In late March/early April Serbian forces also started shelling **Batlava/Batlave**.<sup>70</sup>

Villagers and IDPs from both Trnava and Batlava fled further into the hills to **Duz/Dys**. One interviewee describes seeing a mother seriously injured and her daughter killed in early April when a grenade fired by police forces exploded.<sup>71</sup> He heard that 37 people were killed the same day on the road from Duz to Kolic, and helped with their burial in Duz.

Further offensives followed on 11, 18 and 30 April and on 4 May.<sup>72</sup> In the offensive on 18 April men in black masks with machine guns and automatic weapons, some of whom had beards and scarves, released those who were able to give them money and took the rest aside. An interviewee saw one man's head being cut off and nine others being shot.<sup>73</sup> A woman describes seeing 30 unidentified bodies and 40 seriously wounded people, to whom she gave first-aid assistance, in Duz on 30 April. She helped bury the bodies in the mountains. She also said that she heard from four girls aged 14 to 17 that they had been raped by paramilitaries the day before.<sup>74</sup>

One young man, who identified himself as a UCK fighter just turned 22 years of age, who gave a whole litany of people he saw killed or whom he helped to bury across Podujevo municipality over a six-week period, describes returning to the area between **Alabak/Halabak** (south of Trnava), Duz and Kolic on 24 April. That day he saw 62 dead bodies, which had been lying out in the open in the rain for four days. There were more women than men and no children. They had been killed by bullets or stabbed. Some were in two parts, and one body is described as looking like "chopped meat". Many bodies were heaped together with a wooden cross on top on which was written "These ones can take the UCK parliament to The Hague". The interviewee and his companions buried the casualties, most of whom did not have identity documents, individually at a secret location. He relates: "I was too exhausted to help and just sat

by the stream and watched the burial. I could not stand the condition of the bodies."<sup>75</sup>

A further indication of the brutality of the killings committed in this area was given when the OSCE Mission in Kosovo went with family members in July 1999 to recover two bodies which had been buried in the mountains above Alabak. When the bodies of the two males, aged 16 and 22, were exhumed it was revealed that one had been decapitated and that the top of the skull of the other body was missing. They are reported to have been killed on 19 May at 20:00 hours.<sup>76</sup>

Those who fled east rather than south of Podujevo town went to **Hrtica/Hertice**. One interviewee describes how on 2 April some 150 VJ reservists and police arrived at Hrtica with two tanks, two Pragas, two APCs, Pinzgauers and trucks, and fought against a UCK unit of some 40 soldiers. He saw how two boys, aged two and four, were killed in the fighting, as well as two men aged 50-55.<sup>77</sup> VJ, police and paramilitaries entered the village shortly afterwards, looting and burning houses, killing livestock and shooting people at close range.<sup>78</sup> In mid-April VJ, police and paramilitaries again surrounded Hrtica, re-entered the village and expelled Kosovo Albanians once again.<sup>79</sup>

During the first part of April tens of thousands of IDPs gathered in the mountains around Hrtica and **Turucica/Turicice**, and were shelled by Serbian forces. Those fleeing the area turned southwards, passing through Orlane/Orllan at the eastern end of Lake Batlava before ending up in Kolic.<sup>80</sup>

With so many IDPs sheltering in the hills, shortage of food was a serious problem. For instance, when Turucica was under siege for 10 days in April it was decided that the men should only eat every other day.<sup>81</sup> One person describes spending 12 days in the hills between Podujevo and Pristina "without food or anything", during which time "three old people and three children starved".<sup>82</sup>

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## Notes

<sup>1</sup> M/1610.

<sup>2</sup> UNHCR, "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>3</sup> OSCE-OSCE-KVM, "CC-01 Weekly Report No. 2: 5-11 March 1999".

<sup>4</sup> OSCE-KVM, Report of 21 January 1999 analysing "facts, evidence and events available in the period from 27 December 1998".

<sup>5</sup> UNHCR, "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>6</sup> OSCE-OSCE-KVM, "Report, Period Covered 3 March 1999"; OSCE-OSCE-KVM, "CC-01 Weekly Report No. 1: 30 February[sic]-4 March 1999"; OSCE-OSCE-KVM, "CC-01 Weekly Report No. 2: 5-11 March 1999.

<sup>7</sup> PR/01/0006/99.

<sup>8</sup> <http://www.mup.sr.gov.yu/>

<sup>9</sup> OSCE-OSCE-KVM, "Report, Period Covered 12 March 1999"; PR/01/0089/99 describes how six or seven masked police entered a house at 17:00 hours and immediately started beating a Kosovo Albanian in the face with rifle butts and kicking him repeatedly in front of four adult family members and small children. PR/01/0090/99 describes how police carried out another similar beating at the same time on the same day; PR/01/0097/99.

<sup>10</sup> OSCE-OSCE-KVM, "Report, Period Covered 13 and 14 March 1999"; OSCE-OSCE-KVM, "Spot Report: Bombings in Podujevo and Mitrovica, 13 March 1999"; M/0938 (a close family member who buried the young man the following day). OSCE-KVM Missing Person Report without incident number describing this incident, 15 March 1999. Another bomb exploded in Kosovska Mitrovica/Mitrovica on the same day.

<sup>11</sup> M/0034 (stated that POLICE operations began the afternoon that OSCE left); M/0909 (describes operations beginning the day after OSCE left).

<sup>12</sup> M/0310 (describes the paramilitaries as wearing masks, or with painted faces, and having white eagles on their uniforms); M/0938 (describes men in camouflage uniform with the cross and four cyrillic "C"s, long beards, some with long hair and some bald); M/1311 (describes the paramilitaries as having Seselj's "White Eagle" and possibly Arkan's insignia).

<sup>13</sup> M/0034. M/1819 describes the same incident but gives a date of 26 March.

<sup>14</sup> M/1311. Only the brother was actually killed but the interviewee heard of 10 other killings on that day.

<sup>15</sup> M/1264, who saw 36 bodies afterwards and buried five of them. M/1761 describes passing through Podujevo in early April and counting the bodies of 11 people lying in the street, some of whom had been shot and some butchered.

<sup>16</sup> M/1617.

<sup>17</sup> M/1819.

<sup>18</sup> M/0864.

<sup>19</sup> M/0186. M/1617 also describes how one man was burned alive in Donja Dubnica on 20 March, although he only saw the body being taken away by the perpetrators.

<sup>20</sup> M/1703 (who was told about the killings by the 15-year-old survivor who was a member of his family).

<sup>21</sup> M/1819.

<sup>22</sup> M/0864 (who saw both bodies). Also M/0186; M/0867; M/0938; M/1311.

<sup>23</sup> M/0981.

<sup>24</sup> M/1311.

<sup>25</sup> M/0867; M/0938.

<sup>26</sup> PR/01/0019/99.

<sup>27</sup> PR/01/0005/99.

<sup>28</sup> OSCE-OSCE-KVM, "CC-01 Weekly Report No. 1: 30 February[sic]-4 March 1999".

<sup>29</sup> OSCE-OSCE-KVM, "CC-01 Weekly Report No. 1: 30 February[sic]-4 March 1999"; OSCE-OSCE-KVM, "CC-01 Weekly Report, No. 2, 5-11 March 1999". Harassment by POLICE of a shop owner was also reported as happening on 24 February in nearby Donja Pakastica/Pakashtice e Eperm, PR/01/0088/99.

<sup>30</sup> PR/01/0001/98.

<sup>31</sup> PR/01/0002/99; OSCE-KVM Human Rights Incident Report, 1 January 1999; M/0872. Other members of the seven families affected were able to make their own way to Podujevo. One POLICE officer was released by the UCK as a result of negotiations but was badly beaten.

<sup>32</sup> PR/01/0007/99.

<sup>33</sup> OSCE-KVM Incident Report, without reference number, 17 March 1999, describing damage to house in Luzane from shelling and heavy gunfire on 6 March 1999.

<sup>34</sup> PR/01/0003/99 (on the main road south of Podujevo); PR/01/0004/99 (Podujevo); PR/01/0020/99 (Podujevo); PR/01/0039/99 (south of Podujevo); M/0859; M/1353.

<sup>35</sup> In addition to the wider 27 January offensive in the area, PR/01/0016/99 and PR/01/0018/99 report an earlier offensive launched in early January (7 and 9 January respectively), when one man's house was occupied by POLICE as their headquarters (PR/01/0017/99).

<sup>36</sup> PR/01/0010/99; PR/01/0012/99; PR/01/0015/99; PR/01/0018/99.

<sup>37</sup> OSCE-OSCE-KVM, "CC-01 Weekly Report No. 2: 5-11 March 1999" (others were also arrested in Perane on the same day but were later released, as described by M/0981); PR/01/0011/99; M/0981.

<sup>38</sup> PR/01/0014/99; MI/21/026/99.

<sup>39</sup> OSCE-OSCE-KVM, report on Perane, attached to "RC5 Weekly Report 6: 12-18 February 1999". (On the afternoon of 13 March VJ again shelled houses in Perane. PR/01/0091/99.)

<sup>40</sup> Described in PR/00/0061/99 as an attack by VJ tanks and soldiers. Also OSCE, "Monthly Report on the Situation in Kosovo Pursuant to the Requirements set out in United Nations Security Council Resolutions 1160 and 1203, mid-January 1999-mid-February 1999", 20 February 1999, p. 10 (restricted circulation).

<sup>41</sup> OSCE, "Monthly Report on the Situation in Kosovo Pursuant to the Requirements set out in United Nations Security Council Resolutions 1160 and 1203, mid-January 1999-mid-February 1999", Vienna, 20 February 1999, p. 3 (restricted circulation). M/0117 also describes fleeing Glavnik (south of Podujevo) after his house and others were burned by VJ and POLICE on 24 January.

<sup>42</sup> PR/00/0052/99.

<sup>43</sup> PR/01/0087/99.

<sup>44</sup> PR/01/0094/99.

<sup>45</sup> OSCE-OSCE-KVM, "Report, Period Covered 15 March 1999".

<sup>46</sup> OSCE-OSCE-KVM, "Report, Period Covered 15 March 1999".

<sup>47</sup> A/0627 (Bajcina); M/1416 and M/1712 (Bradas); M/1518, M/1614 and M/1780 (Dobri Do); M/0865, M/1418 and M/1777 (Dobrotin); M/0161 and M/1617 (Donja Dubnica); M/1123 (Glavnik); M/1502 (Gornja Dubnica); A/0841 (Lausa); M/0864 (Letance); M/1123 and M/1776 (Velike Reka).

<sup>48</sup> M/0581; M/1416.

<sup>49</sup> M/0865; M/0958; M/1712.

<sup>50</sup> M/0864 described spending a week in a basement under such fire in Letance. M/1502 described how Gornja Dubnica was shelled for two weeks, during which time "there was no way out".

<sup>51</sup> M/1405 lists 11 names of local Serbs allegedly involved in killings in Bajcina. M/1614 lists three men allegedly involved in the fighting in Dobri Do.

<sup>52</sup> M/0581.

<sup>53</sup> M/1405 witnessed two killings, and had heard of 13 others, in Bajcina on the day of the start of NATO bombing of FRY, two of whom he saw being killed. M/1160 described hearing that 30 people were killed in one day when Dobrotin fell in late April and seeing 10 of the bodies, while M/0130 gives the number of unarmed civilians killed when Serbian forces fired mortars into the crowd as approximately 14. Other interviews do not give such high figures for other villages, but interviewees commonly describe witnessing the killing of several people.

<sup>54</sup> M/0161; M/0310; M/0858; M/1160; M/1502; M/1508; M/1614; M/1777.

<sup>55</sup> M/1123; M/1508.

<sup>56</sup> M/0858. (It is not clear whether this is the UCK hospital described by M/1614 as being located in Potok.)

<sup>57</sup> M/1614; M/1780 (describes how about 2,000 fled from the village of Dobri Do alone and people from 30 villages gathered in Dobrotin). Dobrotin had itself been shelled and many houses burned on 24/25 March (as described in M/0858; M/1096; M/1418), so that the villagers had to improvise tents in the hills near the village. They then returned to the village to find food, as described in M/0865 (who said there were more than 20,000 people in Dobrotin in late March); M/1418 (who described paramilitaries shooting into this "tent city"); M/1777.

<sup>58</sup> M/1160. Further events there are described in the entry for Kosovska Mitrovica municipality.

<sup>59</sup> M/0858; M/0865; M/1614.

<sup>60</sup> A/1031.

<sup>61</sup> M/1008; M/1528; M/1614; M/1776. M/0775 describes a possibly later bombing on 10 April in which a bomb was dropped on a school yard by one of two planes flying overhead, killing 12 and wounding 30. (IDPs

sheltering in Bajgora (Mitrovica) were also bombed in late April, as described in the entry for Kosovska Mitrovica municipality.)

<sup>62</sup> M/1614; M/1528, who describes how a UCK patrol of eight people escorted a convoy of 1,200 IDPs down off the Lap hills in the second half of April.

<sup>63</sup> M/0859. He also described returning to his home village of Donji Ljupce on 27 April, where he was apprehended by six VJ soldiers, taken to the house where they had their quarters and positioned in front of the building with four soldiers pointing their guns at him ready to fire. Only when another soldier intervened was the old man released.

<sup>64</sup> M/1712, who came down the road two days later, only to be stopped at Vrani Do, beaten, arrested with 105 others and taken to Pristina and then Lipljan prison.

<sup>65</sup> M/1617 (Balovac at the beginning of April); M/1256, M/1802 (Belo Polje on 22 March and again on 18 April); A/1032 (Gornji Sibovac on 22 March); M/0511, M/0846, M/1391, M/1405 (Ladovac in early April, the last report describing how a woman who had fled to the hills from Ladovac gave birth to a child three hours later); M/0846, M1761 (Sajkovac in mid-April).

<sup>66</sup> A few villagers, such as those from Lug, were able to flee early on directly to Pristina before the start of NATO bombing of FRY and thus avoid the fate of those who ended up in Kolic - A/0138; A/0140.

<sup>67</sup> M/1710 and M/1711 describe the offensive as beginning on 18 March; M/1365 and M/1760 give a date of 20 March.

<sup>68</sup> M/1365 gave the boys' ages as seven and eight. M/1760 (a nurse who cared for them before they died later the same day) gave their ages as nine and 10.

<sup>69</sup> M/1365; M/1710.

<sup>70</sup> M/1220; M/1221; M/1387; M/1528; M/1610.

<sup>71</sup> M/1288. M/1722, who heard about the incident from the local UCK commander, gives the girl's age as 16.

<sup>72</sup> M/1610 (11 April); M/1264 (18 April); M/1722 (30 April); M/1206 (4 May). While it is possible that some of these statements are referring to the same offensive, it would seem fair to conclude that there was repeated fighting in the area.

<sup>73</sup> M/1264.

<sup>74</sup> M/1722.

<sup>75</sup> M/1528.

<sup>76</sup> PR/0147/99. Exhumation and reburial carried out 23 July 1999 in the presence of the OSCE Mission in Kosovo. Another brother was not well enough to be interviewed to ascertain more detailed information about how they died.

<sup>77</sup> M/0981.

<sup>78</sup> M/1391; M/1617 (who reported that approximately 50-60 people were killed by grenades, although he only saw some of the killings).

<sup>79</sup> M/1351.

<sup>80</sup> M/1235 describes how in mid-April POLICE and paramilitaries ordered an IDP convoy of 60 tractors in Medregovac/Metergofc, north-east of Orlane, to go to Kolic. This was part of a movement that funnelled all IDPs in the area to the same place.

<sup>81</sup> M/1405.

<sup>82</sup> M/0854.

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## PRISTINA/PRISHTINA CITY

Pristina/Prishtina, the province's capital, had an estimated population of 162,829 inhabitants at the beginning of 1998, of whom around 80 per cent were Kosovo Albanians. There were also 20,775 Serbs, and 12,568 belonged to other national groups.<sup>1</sup> After that, however, the Serbian offensive on the Drenica region, which began in late February 1998, and the fighting that summer between the UCK and Serbian forces caused many IDPs to flee to Pristina, thus changing the population breakdown.

Many of the Serb residents in Pristina were state officials, and police forces in particular often did not originate from Kosovo, but were posted to Pristina from Serbia proper. It is likely that some of those new police officers, along with a number of Serb refugees from the Krajina (Croatia) were competing with the Kosovo Albanian IDPs for scarce living space. Also, the increased and demonstratively visible VJ presence (with one VJ barracks in the centre of the city) and the excessive number of police patrols created tension among the population.<sup>2</sup>

Nevertheless, Pristina was relatively calm compared with some other parts of Kosovo, as it was never the theatre of fighting between Serbian forces and the UCK in the same way as other parts of Kosovo. One reason for this might be that Pristina hosted the moderate political leadership of the shadow institutions rather than the UCK, which operated in the villages. During the first three months of 1999 the security situation in the city deteriorated, however, culminating in the mass exodus of Kosovo Albanians from the end of March 1999.

The OSCE-KVM opened its headquarters in Pristina in early November 1998 and strengthened its presence by opening a Contact Office on 27 December in the centre of the city to deal with individual complaints. The OSCE-KVM's Regional Centre 5 (Pristina) opened at the beginning of February 1999, while a Co-ordination Centre opened in January.

The attitude of Serb civilians towards the OSCE-KVM presence was tolerant, although hostile acts were sometimes directed against mission members. For instance, on 20 January Serb civilians attacked a local OSCE-KVM interpreter and injured him slightly. During March a few OSCE-KVM patrols were attacked in Pristina municipality and on 12 March a vehicle was stoned in Suncani Breg/Bregu i Diellit (known to international staff in Pristina as the Sunny Hill district).<sup>3</sup>

## General situation during the OSCE-KVM presence

The numerous checkpoints in the city, where police intimidated, harassed and also extorted money under the guise of searching for weapons and terrorists, made it immediately apparent that freedom of movement for Kosovo Albanians was de facto restricted. Kosovo Albanians took long detours to avoid well-known checkpoints and most did not dare to go out after dark. The OSCE-KVM sought to negotiate the removal of checkpoints but without success: police justified the practice by stating that they were after wanted persons and that therefore the checkpoints were for the benefit of the whole population.<sup>4</sup>

Incidents such as isolated shootings, and the smashing of windows in restaurants belonging to both Kosovo Albanians and Serbs became more serious in early 1999, when in addition explosive devices began to be thrown into shops and cafes. On 29 January a Kosovo Albanian was shot outside his house at 18:00 hours, and some hours later a grenade was thrown into a Serb café, injuring seven people. On 31 January a grenade attack on a Kosovo Albanian café killed one person and injured two others.<sup>5</sup> On 5 February a hand grenade exploded at 20:30 hours in front of a Serb restaurant frequented by many police, but no-one was injured. At 22:00 hours the same day shots were fired at a Kosovo Albanian cafe, again with no injuries. On 7 February, the day the Rambouillet talks started, a bomb was thrown into a Kosovo Albanian "mini-market" shop in downtown Pristina, killing three Kosovo Albanians. A few days later a man attempted to kill a Kosovo Albanian restaurant owner. On 5 March a shooting killed one Kosovo Albanian and injured seven others.<sup>6</sup> The use of explosive devices exacerbated the climate of terror and contributed greatly to the deterioration of the security situation.<sup>7</sup> The perpetrators, however, could not be identified.

The murder of Enver Maloku, the director of the Kosovo Information Centre (a Kosovo Albanian news agency) on 11 January was clearly politically motivated. A journalist and LDK supporter, and a prominent figure, he was shot in front of his house in Suncani Breg when he returned from work. He died shortly afterwards in the hospital. The OSCE-KVM found that the police failed to investigate the crime scene properly, and when the OSCE-KVM tried to interview possible witnesses, they refused and seemed to be afraid of the police.<sup>8</sup>

The number of missing persons from the city reported to the OSCE-KVM while it was in Kosovo was relatively small compared to other areas. On 5 March a Kosovo Albanian from the Dragodan/Dragodan district of Pristina did not come back from shopping. On 12 March an IDP who lived in the Vranjevac/Kodra e Timare district disappeared on his way to school.<sup>9</sup> A number of assaults on taxi drivers led to the conclusion that they might have been a special target group.<sup>10</sup> On 21 January a Kosovo Albanian taxi driver from Pristina went missing. Reportedly his last customer was a Serb. The next morning police found the taxi driver dead in the boot of his car in Livadje/Livadh (Lipljan/Lipjan). On 15 February a "Gypsy" (*Maxhupi*) taxi driver was probably abducted from outside the Grand Hotel. The relatives received information that he was in UCK detention in Dragobilje/Dragobil (Orahovac/Rrahovec municipality). The UCK denied this, but the man was released on 5 March. A Kosovo

Albanian taxi driver from Pristina was also abducted on 5 March and then released shortly afterwards.

When the OSCE-KVM was operational in Pristina it received only two eviction reports from Pristina city. However, a lawyer specializing in these issues said that he was then dealing with 15 such cases. On 19 February four armed police and two Serb civilians allegedly broke into a socially owned apartment and moved in; the police presented a document by the "Union of the Warriors of 1990". Three armed police (reportedly "well-known" in the area) and a Serb civilian evicted a Kosovo Albanian family on 1 March from socially owned property. The policemen spent the night there and looted the flat. The family was able to return the next day.<sup>11</sup>

On 7 March, two police were killed and another wounded when they went to carry out an arrest warrant in the south-western suburb of Emshirova.

The attack on them exacerbated the already volatile security situation, and prompted the police to carry out the largest search operation in Pristina it had undertaken since the OSCE-KVM deployment. The scale of this operation and the volume of complaints received as a result indicated clearly how violent the response of the security forces could be even when under the scrutiny of the OSCE-KVM.

As a result of this attack 50-60 MUPs started an extensive and violent search operation in the surrounding houses which lasted for seven hours. The OSCE-KVM went to the area and received 50 complaints of human rights violations. Thirty-nine Kosovo Albanians (37 men and two women) showed scratches, cuts and bruises. Some said that boiling water was thrown in one man's face and that they had suspected broken bones and concussion. In each instance four to eight police officers, of whom half generally wore full-face masks, entered the apartments. Police asked few or no questions before assaulting the occupants, ripping up their ID and other documents and arbitrarily damaging property.

Many interviewees reported being hit with the butts of police weapons or with furniture.<sup>12</sup> That night three-quarters of the approximately 2,600 residents left the area for fear of further action by the police. The next day police went back to the area and continued their house-to-house search, although not on such a large scale. A high-ranking police official expressed surprise that there were a large number of complaints, since no one had come to the police station to complain, and without any official complaint the police could not launch an investigation. The residents, however, were reluctant to complain to the police.<sup>13</sup> (For other incidents see the subheading "police Station No. 92 and prison" below.)

### ***Closure of Kosovo Albanian newspapers***

A further suppression of Kosovo Albanians' rights occurred in the form of the closing down of leading Kosovo Albanian newspapers, which began on 13 March. The Minister of Information launched the process, and the Municipal Court for Misdemeanors issued the closure orders.<sup>14</sup>

The daily *Kosova Sot* and the bi-weekly *Gazeta Shqiptare* were prosecuted for violating the Law on Information by "fomenting religious and ethnic hatred" after publishing a UCK picture and an article on

the UCK respectively. Both papers were fined in absentia, and staff at *Kosova Sot* said that they only learned of the decision from the radio. Both publications could not pay the fines and so had their bank accounts frozen and expected their equipment to be confiscated, in lieu of the fines levied. A third newspaper, the weekly *Rilindija*, was also reportedly prosecuted for not having registered with the Serbian Ministry of Information. Although the scheduled confiscation of equipment on 17 March did not happen, the papers, however, stopped publishing.<sup>15</sup> (For attacks on the *Koha Ditore* newspaper and other journalists after the evacuation of the OSCE-KVM see the subheading "Specifically targeted persons" below.)

### **General situation after the OSCE-KVM evacuation**

When OSCE-KVM left Kosovo on 20 March, life in Pristina changed considerably. For the second time in a month policemen were attacked and four police were killed on 21 or 22 March in an ambush near the Hotel Dea in the Taslidze/Taslixhe district. This ambush provoked a strong reaction. The police increased controls, sealed off whole areas and positioned snipers all over the city, with the result that almost all residents stayed at home or even hid in their basements.<sup>16</sup>

The police further issued a great many summonses "inviting" Kosovo Albanians for "informative talks" (for an explanation of this practice see Chapter 9, Arbitrary arrest and detention). This alone scared Kosovo Albanians sufficiently for many to decide to leave. Serbs started to mark their names on their doors and paramilitaries - who were obviously not from the city - went around asking for the addresses of certain Kosovo Albanians.<sup>17</sup>

The first parts of the city to be shelled, as a preparation for mass expulsion, were in the south-east of Pristina, specifically the districts of Lagjja e Spitalit, near the hospital, Ulpijana, and Suncani Breg, which was shelled on 23 March.<sup>18</sup> The same day regular police and VJ entered Lagjja e Spitalit with Pinzgauers and infantry and began shooting towards the houses. The streets were full of people from the area and from the village of Maticane/Matiqan, which was also attacked that day.<sup>19</sup> There was also shooting in Suncani Breg that day, and snipers who positioned themselves on roofs and balconies killed several people. A group of 20 police officers in green/yellow uniforms shot and killed a woman and her 18-year-old son. The Ulpijana district, which adjoins Suncani Breg, was also affected; VJ and police came with Pinzgauers and shot randomly at civilians, and killing one person. Dead bodies remained for days on the streets because no one dared to remove them.<sup>20</sup>

The most visible change in the events was after NATO launched its first air strikes against FRY on 24 March. On one hand, the situation seemed to have slipped out of the control of any authorities, as lawlessness reigned in form of killings and the looting of houses. On the other, the massive expulsion of thousands of residents from the city, which mostly took place in the last week of March and in early April, followed a certain pattern and was conceivably organized well in advance. The most persistent human rights violations were the systematic expulsions, which were accompanied by numerous killings, looting and the extortion of money. Most of the Kosovo Albanians who left Pristina had to go by train,

while some others were allowed to take their cars, and some went by bus. It appears that many of the trains were brought specifically to carry out the mass expulsions, as the "normal" schedule to the former Yugoslav of Macedonia would not have had the capacity to transport so many people. Trains left in the middle of the night and interviewees described seeing several trains leave before they were able to get on a train and leave themselves.

### ***Perpetrators***

The perpetrators, as described in refugee statements, included police, VJ and various groups of paramilitaries, as well as local Serbs and, to a lesser extent, "Gypsies" (*Maxhupet*), who were described as looting shops and houses and removing dead bodies from the streets (see also Chapter 20, Kosovo "Gypsies" (*Maxhupet*)). It was police and paramilitaries who announced with megaphones that all Kosovo Albanians had to leave the city.<sup>21</sup> Some Albanians were grabbed from the streets and sent directly to the station. Some police began to wear special blue, red and yellow bands on their arms for identification, and some Serbian forces no longer moved in marked vehicles but in recently stolen cars or buses.<sup>22</sup> Throughout that period of the conflict beginning with the onset of the NATO bombing, one named Serb-"Gypsy" (*Maxhupi*) policeman was repeatedly described as being active in a particularly brutal fashion, and as being involved in killings and the severe ill-treatment of Kosovo Albanians. The names of other policemen were also given in various interviews.<sup>23</sup>

While the human rights abuses in most parts of the city followed a similar pattern, it is difficult to determine which groups acted in what part and whether or not, or to what extent, they co-ordinated their actions. One common factor is that virtually all groups of perpetrators directed the residents out of the city via the railway station and that many incidents happened as they made their way through the city.<sup>24</sup> Serbs guarded closely those they were expelling and shot those who did not follow orders. One woman and her daughter, for example, who wanted to leave the group, were shot and were presumed by the interviewee to have died. The same fate befell many other men and women in Pristina. Police separated a lot of (young) men and also pretty young girls from the crowds of people and drove them away in cars.<sup>25</sup> One group of 20 paramilitaries stayed in the basement of a building in Pristina in the Quafa complex and brought many goods to there after nightly looting activities.<sup>26</sup>

In general it appears that, looking at the actions of the Serbian forces in Pristina municipality as a whole, the extortion of money in the city was somehow carried out in a less brutal fashion than in the villages or at checkpoints on main roads. Also, although interviewees from Pristina witnessed numerous isolated killings, they did not witness mass executions as in surrounding areas.

### ***Police Station No. 92 and the adjacent prison***

Police Station No. 92 was the police headquarters in Pristina and had an adjacent prison for short-term detentions. Long-term detainees, including those in pre-trial detention were regularly brought to the prison in Lipljan/Lipjan. For reference to the mass trials that were held in Pristina District Court,

regularly accompanied by heavy security measures, and also by some access problems for OSCR-KVM, see Chapter 2, The OSCR-KVM human rights operation, and Chapter 10, Violation of the right to a fair trial. Following the deployment of the OSCE-KVM in December 1998, the mission received a considerable number of reports of alleged ill-treatment and torture carried out in both the police station and the prison.

A typical case of ill-treatment is that of a Kosovo Albanian man who was stopped on 1 March at a checkpoint in Pristina. The police accused him of being a UCK member and asked for DM 200, but the man only offered to pay DM 50. The police took the man to the police station, where they confiscated his documents and money and kicked him. After two hours the man was released but told to bring another DM 1,000 if he did not want to be "liquidated".<sup>27</sup>

More drastic is the case of a man who died, presumably in police custody. On 8 March a 20-year-old Kosovo Albanian was driving up to Suncani Breg. At a set of traffic lights police stopped the car and dragged the man out, and they then drove to Police Station No. 92. Police informed his parents that their son would be released within the next few hours. The father of the detainee reportedly spent the whole night in front of the police station and waited the next day until 15:00 hours. Then he was informed that his son's body, with 33 bullet holes, had been found near the bridge in Donje Dobrevu/Miradi e Ulet (Kosovo Polje/Fushe Kosove). The victim's car was seen on 9 March around 15:00 hours full of bullet holes near Police Station No. 92. The OSCE-KVM examined the body on 10 March, but the circumstances of the death remained unclear. The information available, however, suggests that without lawful reason the police took the man from custody and executed him.<sup>28</sup>

Although NATO bombed the police headquarters in Pristina at the end of March, it continued to function. Indeed, there was even increased activity focused on interrogating IDPs from the Podujevo region (where UCK support was presumed by the Serbian authorities to be strong and from where IDPs began to arrive during April). Around mid-April, police and the State Security Police (DBS) set up many more detention facilities in private houses to cope with the increase in arrests and detentions. Police Station No. 92, however, remained the focal point and where the police transported most of the people they arrested. One interviewee who used to work in the kitchen of Pristina prison said that when NATO bombs fell, three Serb prisoners who were serving sentences for murder were released and mobilized to "work in the prison", which also meant beating prisoners.<sup>29</sup> It seemed that many detainees were transferred between various detention and/or torture facilities. The main interrogation room was in the basement of Police Station No. 92 where "informative talks" were held while large groups of recently arrested men were waiting for the "paraffin glove test"<sup>30</sup> to be carried out.

Almost 30 interviewees recounted in great detail what happened to them while they were in police detention in Pristina. From 19 April onwards, large groups of IDPs were detained and ill-treated. The patterns of their experiences in detention were similar. Upon arrival in the police station, usually one or several men were picked out of a group and beaten up heavily. Then the police carried out the paraffin glove test and released some of the men. Those men who remained in detention were taken one by one,

and interrogated and tortured in the basement of the police station. A lot of interviewees reported that police forced them to sign self-incriminating statements. Those whom the police charged with terrorist acts were kept in the prison, where they were held in harsh conditions. Around 10 men were crammed into cells not larger than 3x3 metres, without beds and with hardly any food or water.<sup>31</sup> After three or four weeks the men were usually transferred to Lipljan prison.<sup>32</sup>

One of the largest groups arrived at the prison at the end of April, comprising more than 100 IDPs from Dobrotin/Dobratine (Podujevo/Podujeve), Bariljevo/Barileve and Prugovac/Progofc (both Pristina). Several interviewees reported that a handicapped man was brought into the police station. He was handcuffed to a radiator and beaten until he was bloody and unconscious. The rest of the group was brought down to the basement. There were 40 men were in one cell, while around 50 had to sleep in the corridor. They were all systematically beaten all over their body, including their genitals, with wire and/or wooden sticks with nails over the next 24 hours. Some detainees lost consciousness. One was brought to the hospital. For some of the men the interrogation continued in private buildings in Ulpijana or Dardanija. police forced several interviewees to sign confessions that they were involved in UCK activities. Other men were taken to a shopping centre in Novi Dom near Kosovo Polje/Fushekosove, where police had set up an office, and were interrogated and beaten one by one.<sup>33</sup>

Two inmates of Pristina prison spoke about torture during "judicial" procedures on 2 May. One said he was continuously beaten while he was interrogated about the UCK. Then a man who presented himself as a judge issued a paper stating that they would be jailed for 30 days. In a similar report an interviewee said that he was first tortured and beaten in an elementary school. Then he was moved back and forth between the isolation cell in the prison and the District Court, when he was tortured with electric shocks in front of four judges. The man was then transferred to Lipljan prison together with other inmates.<sup>34</sup>

That Police Station No. 92 was overcrowded was amply confirmed by an interviewee who reported that when he was brought there, a DBS inspector came out and said, "Do whatever you want with them. We have no space, there are already 350 people in the basement." The interviewee was sent back to another police station in the city, where a named Serb-"Gypsy" (*Maxhupi*) policeman tortured the interviewee with a cable. After two days he received a written "explanation of arrest", based on terrorist acts he had supposedly committed.<sup>35</sup>

Other irregular detention facilities where police interrogated and tortured Kosovo Albanians include a basement near the Grand Hotel, the "Army Club" (a VJ centre near the Grand Hotel), a basement in an apartment building under construction (opposite the Faculty of Philosophy on Sremska Street), the basement of the Dora restaurant (in the Quafa district near the OSCE-KVM headquarters), and also a technical school. An interviewee described how police frequently took women to the technical school. Once he observed that they brought a 20-year-old woman inside. He heard screaming and crying. On another occasion he saw a girl who left the building crying and with ripped clothes.<sup>36</sup>

However, the detention facility in the Pristina football stadium, which was widely reported in the media,

is only referred to rarely in the statements. While isolated incidents might have happened there, it is improbable that, as reported, 100,000 Kosovo Albanian were detained in the stadium.<sup>37</sup>

### ***Pristina hospital***

Human rights violations also took place in Pristina's public hospital. Apart from the inadequate conditions there, the OSCE-KVM had reason to believe, during the period of its deployment in Kosovo, that Kosovo Albanians were systematically discriminated against in attempting to exercise their right to health care. The heavy police presence both inside and outside the hospital building had an intimidating effect on Kosovo Albanians, bearing in mind that patients in a hospital are a particularly vulnerable group. Furthermore, Kosovo Albanians were mostly charged for their treatment, while Serbs did not have to pay.<sup>38</sup>

After the NATO bombing of the FRY started on 24 March, the situation in the hospital deteriorated sharply. Snipers positioned themselves on top of the hospital buildings, terrorizing the patients and killing several people.<sup>39</sup> One interviewee said that his wife and daughter were only accepted in the hospital on 27 March because he was a medical employee. Otherwise, he said, the only Kosovo Albanians to be treated were those who brought their own medicines. He observed that over the following weeks more and more VJ and police arrived and used the hospital to store ammunition. Although an interviewee who was stabbed by either paramilitaries or armed civilians was successfully operated on in Pristina hospital on 25 March, the following day treatment was refused to a girl from a village who had been shot by a sniper. Her father had brought her to the hospital with the permission of the police, but a named doctor refused to operate on her, and she died two days later at home. At the end of March/beginning of April, the VJ told the remaining Kosovo Albanian employees that they should leave and not come back. Kosovo Albanian patients were also sent out of the hospital and sometimes beaten outside. Wounded VJ and police were given priority, and the free space was also used to accommodate Serb families seeking protection from the NATO bombings.<sup>40</sup>

From 21 March the residential area near the hospital (Lagjja e Spitalit) was also seriously affected by VJ and police offensives. About 20 young men were badly beaten up, one of them being half paralysed as a result. Two elderly men were found dead, one of whose bodies was heavily mutilated. On 15 August 1999 OSCE-MiK attended the exhumation of a Kosovo Albanian who according to a family member was killed there on 28 March.<sup>41</sup>

### ***Looting***

Preferred targets for looting were shops and good cars belonging to Kosovo Albanians. Many shops were either completely looted and then burned, or else Serbs "took over" the shops, changed the lock and sold the stock. "Gypsies" (*Maxhupet*) and Serb civilians were seen looting Kosovo Albanian shops with the protection of the police. One interviewee observed that MUPs stole furniture from different apartments, placing them in an empty apartment. At night, they loaded the furniture on to a VJ truck and

drove away. Several houses or shops were destroyed with explosive devices. Sometimes Serbs accused NATO of the destruction.<sup>42</sup> According to one interviewee the same MUPs who had looted and burned shops in Vranjevac on 24 April came back the next day and put explosives into a stolen Lada car which they pushed down a hill so that it careered into a group of occupied houses. Five people were injured as a consequence.<sup>43</sup>

### ***Forced expulsion from Pristina***

The forced expulsions were carried out systematically. Megaphones and intimidation were used to force the inhabitants to leave because "of a general lack of security" or because they witnessed killings and other atrocities. Others joined the convoy of people in the streets out of fear that worse things might happen.<sup>44</sup> Expulsions increased in scale from 24 March until 31 March, continuing until approximately 4 April. After that they still took place on a regular basis, but were no longer on the same massive scale. Many reported that Serb forces expelled Kosovo Albanians by ordering them to leave within a certain length of time, or by house-to-house raids with whole neighbourhoods leaving at the same time. Interviewees also report threats and the use of violence. Expulsion was frequently combined with the extortion of money. Sometimes houses were burned afterwards. Often Serbs taunted Kosovo Albanians with statements such as: "You wanted NATO, so that's what you're getting now".<sup>45</sup>

### ***Pristina/Prishtina railway station***

Pristina was the focal point from where the Serbian forces directed IDPs from the northern part of Kosovo to the border with the former Yugoslav of Macedonia. The inhabitants of Pristina as well as those who came from outside Pristina were forced on to trains in large numbers and expelled from the province by rail. Although trains three carriages long went twice a day from Pristina to the former Yugoslav of Macedonia before the start of the NATO bombing of FRY, the large number of people leaving by train during the last week of March and early April leads to the conclusion that extra trains were organized. Interviewees reported seeing long trains with up to 25 carriages. OSCR-MiK later received information that during the period of the bombing three to four additional trains went to the border each day, all of them very long, with between nine and 21 carriages. Nevertheless, large crowds of people sometimes had to wait several hours or nights before they could squeeze on to a train, especially during the first wave of expulsions.

Police and paramilitaries directed most of the forcibly expelled inhabitants of Pristina towards the railway station. On the way, they extorted money or jewellery and beat up or shot dead individuals to scare the crowd. There are a great number of reports describing how men and some women were singled out and abducted or heavily beaten up or even raped in public. Police and paramilitaries showed a massive presence and repeatedly killed people without any apparent reason. Many interviewees saw dead bodies, including the dead body of a pregnant woman. Some women gave birth at the railway station, while waiting for the train. The police just stood around laughing. One woman was abducted with her new-born baby. A seven-year-old boy was seen lying dead near the railway.<sup>46</sup>

Ticket prices for bus and trains varied from DM 10 to DM 500.<sup>47</sup> On the trains as many Kosovo Albanians as was physically possible were crammed into a carriage. Some interviewees spoke about 30 people in a six-person compartment.<sup>48</sup> They were not allowed to eat or drink or open the windows. Many people fainted, some, especially young babies, died. Two mothers, who had placed their babies for safe keeping in the luggage rack, later found them dead for lack of air.<sup>49</sup> An interviewee saw a three- or four-year-old child which had died on the train and whose father had to get off the train to bury it. One man said that there was so little space he had to stay with five others in the toilet compartment. Another interviewee described how during the train journey police went around and extorted money. One woman reportedly died after being thrown out of the train during the journey.<sup>50</sup>

### ***Sexual assaults***

Many statements indicate that rape and other kinds of sexual violence were often perpetrated in Pristina. Even though some statements are vague in their descriptions, the mere fact that it is mentioned in so many of them implies that there is some substance to these accounts. There are also a number of statements from eye-witnesses and victims themselves who tell stories of public rapes in the streets and at the railway station. They describe how young women were raped as Serb forces entered houses or how young women would be taken away and returned some hours later. In other statements the interviewees describe meeting devastated young women in the streets who told how they had been raped or that "things have been done to them". Women were also taken from the convoys that passed through Pristina to be raped in public or to be abducted and not heard of again.<sup>51</sup>

### ***Registration***

From mid-May the Serbian authorities began to register the Kosovo Albanians in Pristina, in what appears to have been an exercise to obtain an overview of the number of Kosovo Albanians in the city (for further details see Chapter 14, Forced expulsion). Either people were told to go to the Grand Hotel in Pristina or police officers went from house to house and issued "green cards". Shortly afterwards, at the end of May, other police came and expelled those who were not from Pristina, even though some held registration cards. A Kosovo Albanian IDP from Podujevo who was asked to get a resident's permit was stopped on his way to do so by police who hit him and asked for money when they discovered that he was from Podujevo. In the queue for the resident's permit he was arrested and taken to police Station No. 92. One interviewee actually obtained a green "Certificate of announcement that the place of residence is going to change". He said such a card was normally issued when somebody was leaving Kosovo for good. The registration cards were issued on the basis of a form including census information and questions on UCK-membership and military service.<sup>52</sup>

### ***Specifically targeted persons***

A widely reported event in the first night of the NATO air strikes was the killing of the prominent

Kosovo Albanian lawyer Bajram Kelmendi. He acted as a defence lawyer in almost all the "terrorist" trials which took place in Pristina and was also active in the local human rights non-governmental organization, the Council for the Defence of Human Rights and Freedoms. The day before his abduction, he defended the Kosovo Albanian newspaper *Koha Ditore* in court (see below).

On the night of 24-25 March, two cars stopped near Bajram Kelmendi's house. Around six men in blue camouflage approached the house, of whom around five actually entered by breaking the door.<sup>53</sup> The men demanded money and weapons. Then the men took Bajram Kelmendi and his two sons with them. On 26 March the bodies of Bajram Kelmendi and his two sons were found on the road from Pristina to Kosovo Polje. Both sons had 15 bullet holes in their bodies; one had a finger cut off. The lawyer's body had 18 bullet holes. On the same day his relatives discovered a bomb under their staircase; it was later removed by friends.<sup>54</sup>

On 24 March, the widely published daily newspaper *Koha Ditore* was charged with offences of fomenting religious and ethnic hatred similar to those levelled against the above-mentioned Kosovo Albanian papers (*Kosova Sot* and *Gazeta Shqiptare*), and was fined a stiff penalty. One refugee, a lawyer and human rights activist, saw Serbian forces on 24 March attack the *Koha Ditore* offices in Pristina and kill a guard. That night the premises of the printing house burned down after an explosive device detonated inside.<sup>55</sup>

On 25 March three police arrested the editor of *Magazine Kosovare* and at a nearby construction site beat him up with rifles and boots. Three men in black masks and combat uniforms then asked him his profession and beat him with metal bars with screws attached until he was covered in blood.<sup>56</sup>

Other reports also lead to the conclusion that OSCE-KVM staff or Kosovo Albanians who were believed to be connected with the international community were specifically targeted. At the time of writing this report, in October 1999, one Kosovo Albanian OSCE-KVM employee was known still to be in prison in Serbia proper.

The only Kosovo Albanian employee of an investment company (Sluzba Drustvenog Kontabiliteta), was found dead on 24 March. A week before his death he was constantly harassed at checkpoints in Pristina, and was also asked whether he was related to the personal interpreter of Ambassador William Walker, head of the OSCE-KVM (he was his cousin). He did not come back from a night shift and his body was found on the Pristina-Kosovo Polje road.<sup>57</sup>

On 1 April VJ and a Special Anti-Terrorist Unit arrested a local OSCE-KVM employee "because he worked for Walker". They brought him to the "Army Club", the VJ centre near the Grand Hotel, where he was held in the basement and interrogated about OSCE-KVM staff, and was ordered to write a list with all local staff of international organizations still in the area. When he did not comply, the VJ beat him and drove him to Grimija district, where they subjected him to a mock execution. He was then brought to Pristina and summoned to the police station the next day. An inspector of the State Security

Police (DBS) ordered him to leave the country.<sup>58</sup>

Those who rented out houses to the OSCE-KVM were also exposed to attacks, and one landlady was allegedly killed. VJ beat a man up severely and accused him of being a "terrorist" because they found in his wallet the visiting card of an international staff member, which had been given to him when he worked as a waiter in the Hotel Dea in Pristina.<sup>59</sup>

Another target group, especially in Suncani Breg, were political activists. On 25 March police forced a student activist and spokesperson and three other people (among them a 10-year-old boy) out of a house. The interviewee heard that these people were abducted, the boy and another man being released the next day. Three police (two of them masked) broke into another student apartment and confiscated all nine students' ID. The students were beaten and accused of having created an UCK headquarters, and were ordered to leave within two hours. An LDK member was also harassed.<sup>60</sup>

## **Especially affected districts of Pristina**

### ***Vranjevac/Kodra e Trimave***

By far the worst-affected district of Pristina was Vranjevac/Kodra e Trimave, a poor area almost entirely populated by Kosovo Albanians in the north/north-west of Pristina city, adjacent to the Dragodan district. It Highway 9 from Serbia proper and Highway 25/17 from Podujevo/Podujeve both lead into Vranjevac, which explains the huge numbers of IDPs pouring into Vranjevac from those areas.

Unless the IDPs had relatives elsewhere in Pristina or went directly to the former Yugoslav of Macedonia, they moved temporarily into vacated dwellings in Vranjevac, and were therefore a special target group for the Serbian forces, who were specifically looking for IDPs. Usually police and paramilitaries forced their way into the houses and checked ID. Those who had no ID or who were not from Pristina were expelled.<sup>61</sup> The main scene of killings, expulsions, beatings and harassment was Jablanicka Street, the continuation of Highway 25/17 from Podujevo. Of some 130 incidents reported as taking place in this district, more than 100 took place between 24 March and 4 April.

Searches for IDPs usually focused on those coming from the area of Podujevo, and IDPs from there were treated with even more brutally than others.<sup>62</sup> Forced expulsion from Pristina was a widespread pattern, especially at the end of March, and was mostly a combined action carried out by VJ, police and paramilitaries. VJ shelled the area and masked police and paramilitaries, sometimes accompanied by VJs, entered the houses. In most cases they gave the inhabitants some minutes to leave, threatening to kill them if they did not.<sup>63</sup> A significant number of the perpetrators were describes as local Serbs, also a few "Gypsies" (*Maxhupet*). While a large number of expulsions were non-violent, many expulsions were accompanied by extortion of money, looting and burning of houses. Two interviewees also observed MUPs placing in a car explosives that totally destroyed six houses.<sup>64</sup> One interviewee described the

extortion:

On 31 March, six or seven masked men surrounded up to 4,000 Kosovo Albanians close to the Muslim graveyard. They checked the tractors and cars, and according to what they estimated the owner would have, they demanded between DM 2,000 and DM 3,000 per vehicle. Those who were on foot were divided into groups and had to hand over a certain amount of money. This operation lasted for six hours.<sup>65</sup>

Every day at the end of March, and to a lesser extent in April and May, people were killed by sniper fire.<sup>66</sup> A sniper was allegedly positioned on the minaret of the mosque and at the Mederse (a school for Islamic clerics). Interviewees often named police or paramilitaries as perpetrators, who in certain cases killed a person when the extortion of money was unsuccessful.<sup>67</sup> One interviewee found the bodies of three women who had been shot. On their house was written: "All Albanians who stay will receive the same [treatment]!" Street cleaners in orange clothing and blue trousers collected the bodies with trucks and tractors.<sup>68</sup> Two IDPs reported that two police forcibly entered the basement where they were hiding and put a baby's severed hand into a plate of beans lying on the stove.<sup>69</sup>

Significantly, Kosovo Albanians and UCK members fought on several occasions with the Serbian forces in the Vranjevac district. This fighting began on 25 March, when a UCK member allegedly shot dead 10 police. As a response to these killings, VJ, police and paramilitaries forcibly expelled thousands of people from the district and set on fire the house of the presumed UCK perpetrator.<sup>70</sup> On 29 March a large number of expelled residents were directed towards the railway station. At the bottom of the hill, VJ and police shot into the crowd and killed three civilians. Some UCK members shot at the Serbian forces from a house and five policemen were reportedly killed.<sup>71</sup>

A battle took place in Jablanicka Street on 30 March. Police arrived around noon and tried to enter two houses of a Kosovo Albanian family, which were being used as a school. They failed because of the heavy resistance, but came back 30 minutes later with VJ artillery and tanks and shelled the school and the neighbourhood. One of the residents was shot at by a sniper and a neighbour who tried to save him was so badly wounded that he died of his injuries. Three or four UCK members and civilians fired back. The interviewee heard that day on the news that the UCK had killed four policemen. Another interviewee said that approximately six to seven houses in the area were held by UCK.<sup>72</sup> Another interviewee still said that the same day eight paramilitaries with black masks and black uniforms killed a dog which was barking in a yard. It was alleged that neighbours thought that the shot had been directed at the inhabitants, and they fired at the paramilitaries. In the one-and-a-half-hour shoot-out that followed two paramilitaries and one Kosovo Albanian were killed.<sup>73</sup>

A number of sexual assaults were reported from Vranjevac. On 30 March paramilitaries held a female student. Her landlord handed over DM 15,000 to free her, but she said that in the meantime they had "touched" her. Meanwhile her landlord had not come out of the house after delivering the money. On 23

April four policemen entered a house and asked the inhabitants why they had not left. The family responded that they had been at the border, but had been refused passage. When the police checked their ID and found that a 15-year-old girl had a different surname from the others they took her to an empty house some 30 metres away. All four policemen raped the girl, as she recounted later to an interviewee who saw her coming out the house, crying and with scratches on her face. On 22 May one interviewee gave shelter and clothing to four naked young women (aged 16 to 19) who were walking in the street. They said that they had been raped in front of their families.<sup>74</sup>

In early May police took a 23-year-old man to a private house in Vranjevac where 14 other people, all under 30 years of age and one of whom was a woman, were being held. Police kept the detainees for three days in the cellar and beat them and forced the people to drink a thick, black, sweet liquid that was being stored in a capped dark bottle and smelled like petroleum. The detainees were made to swallow three medium-sized spoonfuls of this solution, and all of them subsequently suffered from severe health problems.<sup>75</sup>

### ***Dragodan/Dragodan***

The district of Dragodan, located on a hill west of Pristina overlooking the city, was also seriously affected by the offensives. This district was a Kosovo Albanian residential area where many residents rented out office space or apartments to international staff, including the OSCE-KVM Regional Centre 5. (The district was also called "NGO hill" by international staff.) During the NATO air campaign the media stated that landlords and Kosovo Albanians who worked for international organizations were particularly targeted. The reports corroborate this but not to the extent of the media allegations. Almost all Kosovo Albanians left during the bombing and their houses were looted. Part of the "Gypsy" (*Maxhupi*) population used to live at the foot of the hill in the Divanjoll district.

Starting from 24 March paramilitaries expelled the residents of Dragodan at gunpoint, looted and burned some houses, allegedly those used by USAID and more affluent dwellings.<sup>76</sup> A lot of Kosovo Albanians moved on to the adjacent district of Vranjevac,<sup>77</sup> while others were directed to the station. One interviewee estimated that the number of IDPs was as high as 5,000.<sup>78</sup>

From 30 March onwards Serbian forces shelled the district and snipers shot at the crowds of civilians who had been expelled from their houses and were trying to flee, wounding and killing many Kosovo Albanians, among them young children. When a tractor with around 60 people departed from the graveyard in Dragodan, paramilitaries shot at a man who was not able to climb up for lack of space. The man later died of his injuries. On 3 April one interviewee witnessed the killing of seven and the wounding of eight people near the cemetery. The perpetrators were five masked men in green camouflage uniforms. They first robbed a group of IDPs and then opened fire on the crowd. Also on 30 April VJ and paramilitaries shot at a crowd of people, killing a little boy and wounding several other people.<sup>79</sup> At the steps leading to the Dragodan district, Serbian special forces extorted money and shot dead a man who could not pay. The same day masked paramilitaries in black uniforms abducted seven

young men.<sup>80</sup>

Several interviewees reported on the mass grave site near the Muslim cemetery in Dragodan. One interviewee observed that on 29 April approximately 450 dead bodies were brought on tractor-trailers and in a truck close to the Muslim graveyard in Dragodan. Bulldozers dug a grave and "Gypsies" (*Maxhupet*) threw the bodies wrapped in plastic bags into the hole. The clothes had been removed from the bodies and were burned in the graveyard. One man was not allowed to bury his son there because the police told him that the site was to be used as a mass grave.<sup>81</sup>

The site of this mass grave was corroborated by the OSCE-MiK on 16 July 1999, when they interviewed a man who had worked in the Dragodan cemetery for many years. He lived near the entrance to the graveyard, and at the end of April saw tractors with trailers driven by workers from the Pristina municipality city maintenance department driving towards it. Two civilian vehicles which escorted the two tractors had four to five people in dark blue uniforms inside carrying long-barrelled weapons, who were described as probably being policemen. Nine "Gypsies" (*Maxhupet*) drove the tractors or sat on the backs of the trailers. They worked for the municipal city maintenance and wore orange clothing. The backs of the trailers were covered with plastic, so that he did not see any bodies. After an hour and a half the vehicles returned. The witness still did not see the bodies, but he was able to point out areas in the graveyards which had been dug during this time and which were not official graves.<sup>82</sup>

### ***Suncani Breg/Bregu i Diellit and Ulpijana/Ulpiana***

Suncani Breg/Bregu i Diellit ("Sunny Hill") was a mixed district, but with a Kosovo Albanian majority; there was a "Gypsies" (*Maxhupet*) quarter between Suncani Breg and Velanija/Velania. The part known as Suncani Breg II was more affected than Suncani Breg I, probably because it was adjacent to the suburb of Maticane/Matiqan. Suncani Breg was also the site of Pristina University, and many students and Kosovo Albanian activists lived in the area. Ulpijana/Ulpiana was a mixed middle-class district. During the conflict VJ were stationed near the medical school, and there was reportedly a dangerous checkpoint on Highway 25/17 leading out of Pristina.<sup>83</sup> In these areas Kosovo Albanian men were subjected to severe ill-treatment lasting several hours or to abduction, as Serbian forces searched for "terrorists".<sup>84</sup>

A Kosovo Albanian reported to the police that a Serb neighbour had threatened to kill him, but the police took no action when he complained. All kinds of Serb forces extorted large amounts of money and threatened to kill relatives if this was not produced. The residents were forcibly expelled from their dwellings and police stole the good cars.<sup>85</sup>

One description of the expulsions points to their systematic and planned nature, with relevant Serb elements working in concert. An interviewee said that at a meeting of all the representatives of an apartment building on 29 March, a Serb inhabitant of that building told the Kosovo Albanians that they had to leave, otherwise bad things would happen to them. The Serb tenants wrote their names on their

doors. The same day six "policemen" in green-brown camouflage uniforms, automatic rifles and grenades entered the building and expelled the tenants. Two of the perpetrators lived in the same building, one in the neighbouring house. Another tenant co-operated with the police and as early as February wrote "UCK" on the doors of Kosovo Albanians. The interviewee had never seen these people in uniforms before.<sup>86</sup>

The killing of two men in front of the new post office in the Ulpijana district of Pristina on 1 April was widely reported. The men were wanted by the police and the clerk at the post office pointed them out to police before the police shot them dead.<sup>87</sup>

In late May the forced expulsions continued, and in a major operation to expel Kosovo Albanians from Suncani Breg and another district up to 700 men were reportedly arrested. Some of them were later released, others were never heard of again.<sup>88</sup>

### ***Dardanija/Dardania***

Dardanija/Dardania is a district of middle-class apartment buildings in the south of Pristina, on the way to Kosovo Polje. There was also a private clinic known as the "Rezonanca" clinic, which was burned down on 24 or 25 March. Many Kosovo Albanian inhabitants were expelled, and on or around 24 March Kosovo Albanian shops and houses were looted and burned.<sup>89</sup> Among the perpetrators were local Serbs. Around that time civilians and policemen brought cars to the former Dardanija police station and repainted them in different colours, among them that of Bajram Kelmendi.<sup>90</sup> Local Serbs, police and paramilitaries went from apartment to apartment, extorted money and expelled the inhabitants. Police also announced by megaphone that all those who remained in their apartment would be killed. Several men were beaten, abducted or killed.

On 25 March a Kosovo Albanian lawyer was threatened by a Serb from the same apartment block, a paramilitary and a police. He was only released when he handed over DM 15,000. The same day a camouflaged jeep stopped in front of the Ismajli Company; three men with automatic weapons entered the house and shortly afterwards an interviewee heard shots. The men came out again, taking a worker with them. Later that evening an armoured vehicle arrived at the company and stole a Mercedes 250. Two days after the shooting an ambulance removed three or four bodies from the premises. Around that time, policemen shot dead the driver of a car and took the car with them. Other men were beaten up or driven away, either in the direction of Vucitrn/Vushtri or in the direction of Mramor/Mramor.<sup>91</sup>

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### **Notes**

<sup>1</sup> UNHCR, "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>2</sup> OSCE-KVM, "HQ Weekly Report 5-12 March 1999".

<sup>3</sup> OSCE-KVM, "RC 5 Weekly Report 27 February- 6 March 1999"; OSCE-KVM Headquarters, "Fusion Report Blue Book", 8 January and 13 March 1999.

<sup>4</sup> OSCE-KVM, "RC 5 Weekly Report 7-11 February 1999"; OSCE-KVM, "Checkpoint Information", 15 February 1999.

<sup>5</sup> PR/A/0028/99, Headquarters, Blue Book, 1 February 1999.

<sup>6</sup> PR/00/0028/99; PR/00/0046/99; OSCE-KVM Headquarters, Blue Book, 30 January, 6 February and 6 March 1999".

<sup>7</sup> OSCE-KVM, "HQ Weekly Report 3-9 February 1999".

<sup>8</sup> PR/00/0002/99; OSCE-KVM, "RC 5 Weekly Report 11-17 January 1999".

<sup>9</sup> PR/00/0071/99; PR/00/0078/99.

<sup>10</sup> PR/00/0043/99 and OSCE-KVM, RC 5, "Daily Sitrep" [Site Report], 6 March 1999; PR/00/0074/99; PR/00/0078/99.

<sup>11</sup> PR/00/0043/99; PR/02/0060/99; OSCE-KVM, RC 5, "Weekly Report 27 February-6 March 1999".

<sup>12</sup> PR/02/0070/99 (31 incident reports).

<sup>13</sup> OSCE-KVM, RC 5, "Special Report on Emshirova", 10 March 1999; OSCE-KVM, RC 5, "Weekly Report 6-12 March 1999".

<sup>14</sup> OSCE-KVM, RC 5, "Weekly Report 13-19 March 1999".

<sup>15</sup> OSCE-KVM, RC 5, "Incident Report 18 March 1999"; OSCE-KVM, RC 5, "Weekly Report 13-19 March 1999".

<sup>16</sup> OSCE-KVM Headquarters, "Blue Book 22 March 1999" (assumed that this was the first UCK urban attack against police); M/0015; M/0151; M/0693.

<sup>17</sup> M/0432 (Serbs wrote their names on the doors). The rumour that "Arkan's Tigers" were in the city had circulated from mid-March.

<sup>18</sup> There are some reports stating that shelling and shooting had already started on 21 or 22 March, A/0636; M/0045; M/0701; M/1312; M/1728.

<sup>19</sup> M/0445; M/1171. M/1728 had that police and VJ had arrived already, on 21 March

<sup>20</sup> A/0040; M/0153 (mutilated body); M/0445; M/0701; M/1171.

<sup>21</sup> M/0143; M/0889.

<sup>22</sup> M/0163 (most paramilitary groups had one good Albanian speaker among them); M/1034. "Gypsies" (*Maxhupet*) perpetrators: M/0331.

<sup>23</sup> Among others M/0692; M/1034; M/1130; M/1301; M/1359; M/1402; M/1610. Further indication of perpetrators in A/0216; M/0163 (a Goran); M/0179; M/1030; M/1320; M/1350; M/1353 (other named perpetrators).

<sup>24</sup> M/0098 among others.

<sup>25</sup> For example M/0041; M/0088; M/0098 (masked VJ robbed Kosovo Albanians and tore up their documents); M/0151 (killing of a 17-year-old girl); M/0407 (perpetrators); M/0573; M/1308 (400 men were arrested on the street, only 300 released).

<sup>26</sup> M/0828 (paramilitaries); M/1530 (police).

<sup>27</sup> PR/02/0059/99.

<sup>28</sup> OSCE-KVM, "Incident Report 10 March 1999" and OSCE-KVM, "Follow-up Report 10 March 1999".

<sup>29</sup> M/1768 (included names of the released prisoners and of prison guards who ill-treated prisoners in Pristina and Lipjan).

<sup>30</sup> For further details see Chapter 10, Violation of the right to a fair trial.

<sup>31</sup> M/0723; M/1353; M/1391; M/1418; M/1776; M/1780.

<sup>32</sup> For treatment of detainees in Lipjan prison see events in Lipjan municipality.

<sup>33</sup> M/0581; M/0723; M/0872; M/1353; M/1387; M/1391; M/1413; M/1480; M/1606; M/1610; M/1737; M/1776; M/1777 (said that a doctor was also involved in the beatings); M/1780 (one OSCE-KVM interpreter who worked for the OSCE-KVM in Podujevo was among the detainees in the police station); M/1814.

<sup>34</sup> M/670 and M/1413; might be the same incidents. Whether or not the torture indeed continued in the District Court remains unclear.

<sup>35</sup> M/1610.

<sup>36</sup> M/0335; M/0455; M/0942; M/0993; M/1432; M/1722; M/1806. M/1351 and M/1359 spoke of a private house on the outskirts of Pristina-north where 70 Kosovo Albanians were detained

<sup>37</sup> One interviewee saw vehicles driving into the stadium every night from 22 to 29 March. He heard three to five shots and then the vehicle left. Another said that on 26 April VJ, police and paramilitaries herded large groups of people into the stadium. The Serbian forces shot and robbed the people. M/0421; M/0529 (heard that police said on the radio that they should send IDPs to the stadium and kill them); M/1231.

<sup>38</sup> The OSCE-KVM noted how arbitrary the charging of some persons was when the mission members accompanied a Kosovo Albanian family which was asked to pay for complicated surgery. As soon as the OSCE-KVM questioned this policy, the man was allowed to leave without paying. OSCE-KVM, RC 5, "Human Rights Office", February 1999. See also Chapter 11, denial of access to health care.

<sup>39</sup> M/0499; M1204; M/1208; M/1312, M/1747 (March and April).

<sup>40</sup> A/0902; M/0006; M/0009; M/0320; M/0450; M/0499; M/1202; M/1307; M/1483 (gave the name of the Serb doctor who did not help); M/1529. One interviewee who worked in the morgue said that after the OSCE-KVM left dead bodies were only returned upon payment of DM 500. According to M/0321 two doctors allegedly falsified documents and the identities of victims.

<sup>41</sup> M/0499; M/1208; M/1312; M/1728. PR/0163/99.

<sup>42</sup> Among others M/0082; M/0083; M/0158; M/0243; M/0331 (concerning "Gypsies"(*Maxhupet*)); M/0595; M/0692 (concerning "Gypsies"(*Maxhupet*)); M/0898; M/0941; M/1030; M/1034; M/1530 (loading of furniture).

<sup>43</sup> M/1188.

<sup>44</sup> Among hundreds of reports: A/0424; M/0009; M/0030; M/0040; M/0043; M/0304; M/0379; M/0404; M/1404; M/1775.

<sup>45</sup> M/0124 (perpetrators were local armed civilians, recognized a number of them); M/0149.

<sup>46</sup> Among others A/0318; M/0053; M/0060; M/0087; M/0088; M/0100; M/0179; M/0231; M/0242; M/0327; M/0377; M/0432; M/0616; M/0816; M/0876; M/1123; M/1346.

<sup>47</sup> Among others M/864. Other Kosovo Albanians could take a bus to the former Yugoslav of Macedonia with the guarantee of not being searched or stopped, M/1818.

<sup>48</sup> M/0065.

<sup>49</sup> M/0065.

<sup>50</sup> A/0980; M/0263; M/0376; M/0395; M/0595; M/1119. (It is not clear how police could have extorted money from people on trains which were apparently so packed, but it is also possible that some trains/carriages were less crowded than others.)

<sup>51</sup> A/0534; M/0101; M/0454; M/0717; M/0745; M/0816; M/0912; M/1260; M/1278; M/1297; M/1411; M/1458; M/1759; M/1806. For further details see also Chapter 7, Rape and other forms of sexual violence.

<sup>52</sup> A/0903; M/1209 (yellow registration card); M/1256; M/1387; M/1511; M/1730 (paid DM 100 and was allowed to stay); M/1802; M/1806; M/1810.

<sup>53</sup> M/1620, a relative who was with the Kelmendis at the time of the incident, described the perpetrators as police. They were in blue camouflage uniform. Another relative saw a white eagle patch on the arm. The police also had an automatic gun with a silencer as well as a rolled-up mask.

<sup>54</sup> A/0249; A/0550; M/0139; M/0150; M/0167; M/0335; M/1222; M/1354; M/1620.

<sup>55</sup> M/0163; M/0167; M/0432; M/0525.

<sup>56</sup> M/0355 (the editor of the magazine). M/0239 heard that police had badly beaten up and robbed a journalist from the *Kosova Sot* newspaper for "doing good for the UCK".

<sup>57</sup> M/0241.

<sup>58</sup> M/0335.

<sup>59</sup> M/1050; M/1061; M/1070; M/1150; M/1315.

<sup>60</sup> M/0346 (LDK activist); M/0578; M/1101 and M/1521 (students); M/1120 (student in Vranjevac).

<sup>61</sup> M/1262.

<sup>62</sup> M/1262; M/1320; M/1351.

<sup>63</sup> Among others M/0068; M/0305 (naming a police commander as one of the perpetrators); M/0455 (identifying "Gypsies"(*Maxhupet*) and "Arkan's Tigers"); M/0632; M/0836; M/1134; M/1147; M/1349, M/1729; M/1756 (one of the perpetrators spoke fluent Albanian); M/1771. M/1146 and M/1297 (commander of a Pristina police station); M/1362 (two policemen from Vranjevac); M/1621 (a Serb neighbour); M/1722 (a police commander); M/1786 (detailed description of perpetrators).

<sup>64</sup> M/0094; M/0632.

<sup>65</sup> M/1513.

<sup>66</sup> For example: M/0038; M/0170; M/0305; M/0321; M/0484; M/0611; M/0902; M/1306; M/1334; M/1768. OSCE-MiK attended on 13 August 1999 the exhumation of two male Kosovo Albanian bodies from a rear garden at Sarajevska Street. The men were reportedly killed during a Serb offensive in the area, and were beaten up before being executed, PR/0161/99.

<sup>67</sup> Among others M/0094; M/0141; M/0163; M/0181; M/0455; M/1095; M/1146; M/1729; M/1786.

<sup>68</sup> M/1235 (collecting of bodies); M/1528.

<sup>69</sup> M/0376 (gave a date of 29 March); M/0697 (gave 31 March).

<sup>70</sup> M/1528 (only report on this incident).

<sup>71</sup> M/1120; M/1528.

<sup>72</sup> M/0100; M/0138; M/0159; M/0633.

<sup>73</sup> M/0382.

<sup>74</sup> M/0065; M/1297; M/1362.

<sup>75</sup> M/1432.

<sup>76</sup> For example A/0316; M/0058; M/0084; M/0354; M/0384; M/1019; M/1179.

<sup>77</sup> M/0028; M/0293; M/0484; M/0572; M/0585; M/1513.

<sup>78</sup> M/0062; M/0099 (described the clearing as starting from the north); M/0293; M/0421; M/0522; M/0572; M/0836; M/0911; M/1019.

<sup>79</sup> M/0062; M/0384; M/0572; M/0851; M/1019; M/1035; M/1211 (could be the same incident as M/0851, although the dates differed slightly).

<sup>80</sup> M/0039.

<sup>81</sup> M/1174 (spoke about 200 bodies in a mass grave in Vranjeva. It seemed that the interviewee was referring to the same location); M/1231; M/1299 (uncle of interviewee saw on 7 April that police came with three trucks and buried 40 bodies in a 20 metre-wide mass grave at the new Dragodan cemetery); M/1324; M/1435 (hearsay).

<sup>82</sup> OSCE-MiK, Human Rights Office, PR/0096/99 (including 25 photographs of the mass grave site), 16 July 1999.

<sup>83</sup> OSCE-MiK staff, 9 October 1999.

<sup>84</sup> A/0040; M/0092; M/0238; M/0346; M/1065 (the 70-year-old mother of a young man was also beaten up and robbed); M/1218 (perpetrator was a former police commander from Luzane/Lluzhane, (Podujevo/Podujeve)); M/1431.

<sup>85</sup> M/0025; M/0377; M/0491; M/0509; M/0682; M/0707; M/1107; M/1521.

<sup>86</sup> M/0239; M/1171.

<sup>87</sup> M/0055 (an armed civilian showed police the men); M/0078 (a civilian did the shooting, only one man died); M/0383; M/0447 (one man dead, one wounded); M/0158; M/0682 (post office clerk shot the men); M/1327 (one of the victims used to be a political activist).

<sup>88</sup> M/1256.

<sup>89</sup> A/0217; M/0080; M/0590; M/0896; M/1098; M/1105

<sup>90</sup> M/0452; M/0590 and M/0891 (local Serbs as perpetrators).

<sup>91</sup> M/0381; M/0762; M/0891; M/1105, M/1111; M/1128; M/1424.

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KOSOVO / KOSOVA As Seen, As Told

OSCE ODIHR

## PRISTINA/PRISHTINA

### The municipality excluding Pristina/Prishtina city



The municipality of Pristina/Prishtina is by population the largest in Kosovo, and is among the largest in area. The city of Pristina/Prishtina is at the western end of the municipality, and to the east the municipality borders Serbia proper. A 1998 estimate put the population of the municipality as a whole at 225,388, of which 162,829 were in Pristina city.<sup>1</sup>

Before the NATO air strikes on the FRY began on 24 March 1999, little military activity was reported to the OSCE-KVM in most of the municipality, although Serb forces attacked certain areas. In particular villages along Highway 25/17 north from the city towards Podujevo/Podujeve were targeted: in Devet Jugovica/Nente Jugoviq, for example, several civilians were randomly killed and armed Serb civilians blocked the road several times in Devet Jugovica and Donja Brnjica/Bernica e Poshteme. From as early as January 1999 the villagers of Vrani Do/Vranidoll and Tenes Do/Tenezhdoll reported VJ/police activities such as systematic shelling and looting. VJ road blocks made it difficult for the OSCE-KVM to enter the area.

In both mid-January and early March villagers reported increased tension in this area. Villagers also said that the Serb village of Gračanica/Ulpiana, south of Pristina city, was full of VJ. Kosovo Albanians in neighbouring villages were worried that the presence of the Serbian forces might prompt the UCK to come to their village, while some interviewees referred to the area north of Bariljevo/Barileve, to Rimaniste/Rimanishte, Mramor/Mramor and/or to Kolic/Koliq as the location of a UCK headquarters.<sup>2</sup> In several places the UCK and Serbian forces fought, mostly for not more than a few hours, although combatants were killed on both sides.<sup>3</sup> In general the UCK would then withdraw.

As all over Kosovo, Yugoslav and Serbian attacks on villages in Pristina municipality intensified after the launch of the NATO air strikes. A pattern was for a mixed group of VJ, police and paramilitaries to attack several villages simultaneously; this happened on several occasions. In most cases these attacks took place around the end of March, in mid-April and again at the end of April/early May. Generally the

villagers and IDPs who had settled in villages along the route of Highway 25/17 after the fighting in 1998 or who were pushed down from Podujevo municipality, from either the Lap/Llap or Golak region, fled to the mountains. When the Serbian forces left after a couple of days, some villagers would return, while others joined the giant convoys heading through the mountains towards Pristina. From the data on which this report is based it is unclear to what extent the UCK held positions in the northern part of Pristina municipality and if so, whether and when it provoked attacks.

An unknown number of civilians were killed, many with the utmost brutality. Accounts of mutilations were also widespread. One interviewee fainted while giving an interview to the OSCE-KVM when she recalled the appearance of three mutilated bodies she found in Marevce/Marefc.<sup>4</sup> It is clear that the Serbian forces were in many cases targeting specific people, mostly suspected UCK members. However, as was the case all over Kosovo, the number of indiscriminate killings seemed to be so high that they were more than a way of finding "terrorists". Rather, they represented a means of carrying out forced expulsions and of extorting money from civilians.

### **Villages north and west of Pristina**

On 20 March Serb forces, accompanied by two Serb civilians and one Kosovo Albanian, came to **Bariljevo/Barileve**, 10 km north-west of Pristina, and began searching houses, asking for LDK documents. An LDK activist who was warned of this by his nephew was able to destroy documents and flee to the hills with his family.<sup>5</sup> On 23 March VJ or police stripped naked the 73-year-old father of a human rights activist from nearby **Drenovac/Drenoc** and beat him with the butts of their weapons.<sup>6</sup> One interviewee saw on 6 April that snipers were positioned near the cemetery in Bariljevo and that trucks arrived there. He assumed that the trucks were full of dead bodies.<sup>7</sup>

On 9 April villagers from **Vrani Do/Vranidoll**, 11 km north of Pristina off Highway 25/17, attempted to flee a new police offensive. Near the main road, three police officers from Lebane/Lebane in camouflage uniforms in an APC shot with automatic weapons directly at a 52-year-old man and his daughter. The man died of his injuries; his daughter, who tried to help him, was wounded in the arms.<sup>8</sup> In response, the UCK shot at the escaping APC.<sup>9</sup>

In mid-April masked paramilitaries in black trousers, police jackets and red headbands abducted two of the brothers of the above-mentioned LDK activist from Bariljevo. The paramilitaries interrogated their hostages about the UCK and forced them to disclose the location of "UCK Headquarters 2", north of Bariljevo. The UCK opened fire from the hills and the arrested men died in the course of heavy fighting that went on for three hours.<sup>10</sup> In March and April, many more people were killed, and some of the bodies bore knife-inflicted mutilations.<sup>11</sup> The perpetrators were usually described as paramilitaries with long, black beards and black bandannas around their heads. Some of the paramilitaries were recognized as being from Babin Most/Babimoc (Obilic/Obiliq).<sup>12</sup> Tanks and armoured vehicles with VJ also seemed to be around during these events, but it is not clear to what extent they were actually involved.

In April and early May Serbian forces (among them masked paramilitary with green camouflage uniforms and armbands with double-headed white eagles and the Yugoslav flag insignia or with red headbands) attacked the UCK stronghold in **Rimaniste/Rimanishte**, 11 km north of Pristina, in the hills. They killed more than 11 people, burning three of the men alive in a house on a pile of straw and celebrating afterwards.<sup>13</sup> They looted and burned the village, and civilians fled to the mountains. The police told an IDP that they were going to kill everybody from Rimaniste, because they were all UCK suspects.<sup>14</sup>

In the village of **Besinje/Besi**, 10 km north of Pristina just off Highway 25/17, paramilitaries and VJ took four Kosovo Albanian men into a house on 21 April and beat them. They saw some 25-30 dead bodies piled up in the house.<sup>15</sup> On 1 May Serbian forces separated all men aged between 17 and 60 and took them away. An interviewee heard that some of them were later released. One of the perpetrators was identified as the mayor of Podujevo municipality.<sup>16</sup>

From 30 April to 2 May a large convoy of IDPs (up to 50,000 persons) bearing a white flag ahead of them passed along Highway 25/17 through **Vrani Do/Vranidoll** and **Prugovac/Prugofc**. Paramilitaries and police stopped the first five tractors and sent them to Bariljevo. Police then separated more than 100 Kosovo Albanian men from the rest of the group.<sup>17</sup> They beat some men on the spot with wooden sticks, others they took to a private yard where the men were checked with the "paraffin glove test".<sup>18</sup> VJ troops were present, but played no active part. Again, the mayor of Podujevo was reportedly one of the perpetrators.<sup>19</sup> Police extorted DM 19,000 from the group. Those men who were not released had to stay for more than two hours in the yard, where the police beat them until some lost consciousness. After that six paramilitaries deported the men in two buses to Police Station No. 92 in Pristina.<sup>20</sup>

Earlier, on about 20 March, up to 400 police, VJ and paramilitaries targeted particular people in Prugovac. They used a young man of 18 as a human shield to enter the house of one family, which fled, leaving behind one man whom the attackers killed and mutilated. VJ put the maimed body on top of a tank and drove with it to Pristina.<sup>21</sup> Other villagers had valuables stolen, and were beaten up and expelled to Pristina. They were not allowed to enter the city and were sent to Obilic/Obiliq or Podujevo/Podujeve.<sup>22</sup> Up to 20,000 villagers stayed in the mountains between Pristina and Podujevo, and IDPs on their way to Pristina saw a lot of bodies in the area. Police carried out or participated in executions, abductions, looting and the poisoning of wells.<sup>23</sup>

The village of **Gornja Brnjica/Bernica e Eperme** is in the mountains about 4 km north of Pristina. Kosovo Albanians made up three-quarters of the population. As in Kosovo Polje and Obilic, many of the perpetrators who attacked the village were local Serbs whom interviewees recognized by name, age and profession.<sup>24</sup> They were armed and were described as acting alongside paramilitaries from groups such as "Arkan's Tigers", "Chetniks" or those wearing patches with the "FRY coat of arms", and/or "White

Eagles-SRS".

The worst event in Gornja Brnjica was a police/VJ/paramilitary attack on 18 April in which the villagers and the IDPs were forcibly expelled. Houses were looted and burned, and between 11 and 15 people were killed.<sup>25</sup> One local Serb allegedly shouted: "I've waited ages for this day to come."<sup>26</sup> The same day paramilitaries separated out the Kosovo Albanian men of the village and brought them to the centre of the village where they had to lie face down. Money was taken from everyone and their documents were confiscated. The paramilitaries forced the women and children to get on a train to Blace/Bllace (Kacanik), and took the men by truck to Pristina. However, Police Station No. 92 in Pristina was already overcrowded, so the men were returned directly to Gornja Brnjica. They were then kept overnight in the basement of a shop. On 19 April two local Serbs brought them some food and water before paramilitaries blindfolded, interrogated and beat up to 30 of the detainees. Out of this group six men suspected of being UCK members were kept for three days.<sup>27</sup>

In the village of **Devet Jugovica/Nente Jugoviq** local Serb civilians started shooting, harassing, looting and burning houses after 24 March. On 26 March a sniper killed at least one man.<sup>28</sup> There is also a reference in a statement given by an interviewee to the OSCE-KVM to an incident on or around 22 April, when about 70 men suspected of being UCK members were allegedly transferred from an improvised police station in Pristina to Devet Jugovica, where they were killed. It must be stressed, however, that this is hearsay only, the interviewee having received this information from a man (named by the interviewee) whom he identified as having survived this mass killing.<sup>29</sup>

After 18 April in the neighbouring village of **Donja Brnjica/Bernica e Poshteme** which had an almost entirely Serb population, around 20 local Serbs put on uniforms with the "FRY coat of arms" insignia. They acted together with around 30 paramilitaries in brown uniforms, some of whom appeared to be Arkan's Tigers. Although the small Kosovo Albanian population had surrendered, the paramilitaries did not stop their shooting, and a group mainly of women and children came under fire. Six of them were killed and three wounded. The paramilitaries separated the men, and five men were held for more than three days with neither food nor water. An interviewee describing this alleged that the conditions were so bad that some of the prisoners searched for broken glass in order to commit suicide.<sup>30</sup>

IDPs from Sicevo/Siceve, in the hills 8 km north-east of Pristina, came in mid-May to Donja Brnjica. Serbs divided men and women and took them two by two into a shop. They beat and robbed the detainees, and the police commander set the hair of an interviewee on fire. Two women were kept for 20 minutes in the shop and came out with "red faces", reporting that they had been beaten. Later that day a man and a woman were blindfolded and abducted. Another woman was taken away when the police ordered the IDPs onto a truck. When she returned she reported that the police commander had ordered her to run around naked in the streets.<sup>31</sup> Serbian forces later sent this group of IDPs to Lipljan.

**Orlovic/Shkabaj**

Orlovic/Shkabaj is a village some 2 km west of Pristina on the road to Obilic. The streets of Orlovic were described at the end of March as being full of IDPs from the Vranjevac district of Pristina city. On 27 March an interviewee found 18 bodies, two of them female. Reportedly they had come under fire on a dirt road between Pristina and Orlovic. Snipers shot the fleeing people in the head, chest and backs and dumped them in a canal some 500 metres away from Orlovic. The women's bodies were found about 150 metres from the canal in the direction of Pristina. They were exhumed for reburial in the presence of OSCE-MiK on 25 July 1999.<sup>32</sup> Snipers wounded and killed several more people at around this time, including women. An interviewee also described how a woman who had survived this incident at Orlovic was brought to his house in Pristina (he lived next door to a Mother Teresa Society clinic, which was closed at that time). He described her as having knife wounds on her body and an ear cut off. She said all her five relatives had been killed.<sup>33</sup>

On 31 March 10 masked paramilitaries shot dead or wounded up to 12 people. One interviewee saw eight bodies (among them one woman) with bullet wounds in their back. Several bodies were found during April.<sup>34</sup>

### **Villages north-east of Pristina**

In **Radosevac/Radosheve**, in the hills 8 km north east of Pristina, police/VJ/paramilitary offensives only started at the end of April 1999. Paramilitaries (among them people described as Russian-speaking) discovered four IDPs hiding in destroyed houses in the hills and stabbed or shot them dead. One of the victims was a UCK member carrying an AK 47, who was wearing civilian clothes. Other victims were a woman and a 13-year-old boy. Allegedly many more bodies lay on the ground on the route from Radosevac to Pristina. Mostly they were young men, but there were also at least three females.<sup>35</sup>

It is not clear from the statements whether Serb offensives on nearby **Sicevo/Siceve** occurred several times during the month of May, or whether the interviewees basically all described the same attack. It seems, however, that Sicevo was almost empty during May, as most of the villagers were hiding in the mountains. Those who remained were a few elderly, immobile people. Police, VJ or paramilitaries killed four to six of the remaining villagers (aged between 70 and 98) around mid-May. The bodies bore bullet wounds and the faces and necks had mutilated with a knife.<sup>36</sup>

In May UCK and Serbian forces fought in the area. One woman found in Sicevo the bodies of a Kosovo Albanian and six paramilitaries, one of whom she reported as having had a Russian passport on him.<sup>37</sup>

### **Villages east of Pristina**

**Glogovica/Gllogofc** is a small Kosovo Albanian village 20 km from the eastern border with Serbia proper, which hosted about 20,000-25,000 IDPs. A woman interviewed by the OSCE-KVM recounted how on 13 April four paramilitaries entered the school. They said that two Kosovo Albanian teachers

from Pristina were on a list for execution and took the men away. Shortly afterwards the interviewee heard shots; she saw the bodies later. Subsequently all IDPs were forced to move on towards Grastica/Grashtica (see below). Thirty-three people known to the interviewee were killed. As she was travelling on a tractor trailer with other women towards Grastica and Pristina, paramilitaries apprehended them and raped her and her cousin.<sup>38</sup>

In **Kacikol/Kacikolle**, in the east of Pristina municipality, police and paramilitaries in camouflage uniform surrounded the village and expelled the population on 11 May. Paramilitaries cut the throat of a villager who came back later that day, and burned his body in a stable. Paramilitaries threw his companion down a well and shot twice down into it; the man survived, however.<sup>39</sup> The bodies of two elderly men (60 and 70 years old) were found in the village.<sup>40</sup> Also in May several other villagers were shot dead.<sup>41</sup>

**Zlas/Zlash** lies in a valley surrounded by high mountains in the far east of Pristina municipality. It appeared that it was untouched by Serbian forces until 12 May. On that day a joint police/VJ shelling attack started, followed by the usual pattern of looting, burning and forced expulsion. Some of the villagers allegedly recognized the chief of police in Pristina as giving commands. The perpetrators separated about 100 men from the group and shot at them. They threw the bodies into a river and took the 30 survivors in direction of Pristina.<sup>42</sup>

## **Kolic/Koliq**

Kolic/Koliq is a medium-sized village in an upland valley in the hills north/north-east of Pristina. The UCK reportedly had one of its headquarters there,<sup>43</sup> and from the end of March very large numbers of IDPs, who had fled the Podujevo area, sought refugee and protection in the village. It appears that mixed troops of VJ, police and paramilitaries conducted three major offensives against the village. After each attack, the Serbian forces left Kolic over the following days, but not before seizing the best cars and fuel from the tractors. They also looted and burned houses, in one of which three people were reportedly burned to death.<sup>44</sup>

Much of what has been described by interviewees as happening at Kolic is graphic and extreme, with many individual accounts that do not correspond. However, one exhumation so far conducted by international monitors has revealed bodies in a state consistent with descriptions of what was done in Kolic.

What appears to have been the "first offensive" on Kolic took place on or around 30 March. Some 60 Serbs (VJ and armed civilians with masks or in black uniforms) surrounded the village. The first killings reported were those of 20 men in UCK uniform whom Serbian forces eventually killed with knives. It is unclear whether there was fighting in the area before this time. The interviewees, however, stated that the Serbian forces opened fire first.<sup>45</sup>

Subsequently the Serbian troops singled out all men of fighting age. Panic broke out and VJ/paramilitaries shot into the crowd, killing 20 women, men and children. The men who had been separated out were taken one by one behind a house, and shots were heard. Later an interviewee saw at least 25 bodies, which had been shot in the head and stabbed.<sup>46</sup> Despite the fighting in Kolic, IDPs kept pouring into the village, partly because they were driven there by Serbian forces, partly because they were hoping for UCK protection.<sup>47</sup>

The "second offensive" on Kolic started on or around 18 April.<sup>48</sup> This attack was conducted by police, as well as by VJ and paramilitaries. As described to the OSCE-KVM their behaviour was exceptionally brutal, with widespread, indiscriminate killing of civilians. The attack started in the afternoon and came from three different directions. The Serbian forces used tanks, anti-aircraft units and infantry with mortar, grenade, and machine-gun fire, leaving a corridor open to the road to Pristina, so that about 12 tractors were able to leave.<sup>49</sup> Altogether, the perpetrators were a mix of VJ, police, reservists and paramilitaries in camouflage uniforms, with red armbands, painted faces, beards, or with Arkan's or Seselj's insignia.<sup>50</sup> As reported, after 71 UCK members were killed in the fighting, the UCK withdrew.<sup>51</sup>

The Yugoslav and Serb forces deliberately shot into the civilian convoy moving towards Grastica and then Pristina, and killed between 60 and 100 people.<sup>52</sup> A large number of IDPs was executed near the Kolic school or near the mosque. One interviewee saw a beheaded body and around 50 partly burnt bodies piled up in a ditch near the road to Mramor/Mramor. They were covered with bushes.<sup>53</sup> Near the mosque was Kosovo Albanian with a burned face and a leg missing. He begged someone to kill him.<sup>54</sup>

At the end of April the third Serbian offensive took place, in which an estimated 70 people were killed.<sup>55</sup> One interviewee described the sites of the killings after the massacre:

The Serbian troops ... started shooting at everything that was moving. At first 21 Kosovo Albanians were killed close to the elementary school. I saw the bodies. Seven had been massacred [mutilated]. One IDP woman was without legs. They cut off one of her legs and showed it to the civilians ... like a trophy to all the others. The other bodies were missing their eyes. Some of them had their throats cut. I found a man who was still alive [even though] the Serbs had cut both his legs off. After two hours he died. One of the bodies had a knife going in one ear and coming out the other. One body was missing its tongue. The tongue was completely cut off. Close to the second school in the village 30 people were murdered. All were still young (20-25 years old). Twenty-eight of them were executed with a shot in their forehead and two had shots in the heart. In [one named] street, 20 Kosovo Albanians were murdered with axes or knives. Some bodies were without eyes, heads, ears, legs, hands or the head was cut in two pieces."<sup>56</sup>

At this time, police and paramilitaries ill-treated and arrested several Kosovo Albanian males and

females. Some men were beaten and released after the "paraffin glove test". The women who were abducted were young and good-looking. Their fate is unknown.<sup>57</sup>

As described by interviewees to the OSCE-KVM, children, elderly and disabled people were also victims in these three offensives. An interviewee who buried 74 bodies stated that they were mostly children and women. A five-year-old girl was killed in the school and a boy was executed there in front of his mother. Another woman was seen holding her two dead children (aged two and four) in her arms. A pregnant woman had her body cut open with her dead baby lying next to her. A two- or three-year-old child had been impaled on a wooden stick next to the road. The following words were written on a stick: "This is Serbia. This is what we are going to do to all Albanians because I am God and NATO does not mean anything to me."<sup>58</sup> One day after the second offensive, four old women and six disabled people died from exposure. Another interviewee reported that about 20 elderly or paralysed Kosovo Albanians starved to death after being left behind.<sup>59</sup>

The OSCE-MiK went with family members in July 1999 to recover two bodies which had been buried in the mountains above Kolic. When the bodies of the two males, aged 16 and 22, were exhumed, it was revealed that one had been decapitated and that the top of the skull of the other body was missing. They are reported to have been killed on 19 May at 20:00 hours, indicating that killings continued into May in the area.<sup>60</sup>

## **Marevce/Marefc**

Marevce/Marefc, located on the eastern edge of Pristina municipality, and probably UCK-controlled, was subjected to heavy shelling and paramilitary attacks like many other villages in the area.<sup>61</sup> While most of the villagers fled to the mountains, paramilitaries shot dead in his house a 90-year-old paralysed man who had been unable to leave.<sup>62</sup>

On or around 18 April Serbian forces shelled the village again and in particular targeted the school, where many IDPs were sheltering, killing between four and six people.<sup>63</sup> A large column of tractors proceeded towards Grastica. Paramilitaries in the main stopped a convoy of IDPs and extorted as much money as possible, killing those who were unable to hand money over. Girls and women were systematically taken, threatened with rape and only given back when someone handed over money for their release.<sup>64</sup> One interviewee described the extortion of money:

On the way from Marefc to Grasztica, a young man was shot and thrown into the river because he had no money on him. Then the paramilitaries approached me. I also had no money and they were about to execute me. My wife screamed so loudly that someone else paid on my behalf and I was saved."<sup>65</sup>

At the beginning of May another Serbian offensive took place during which three UCK soldiers were killed. The remaining IDPs left the village again and went to the mountains.<sup>66</sup>

## Grastica/Grashtice

In addition to Kolic (see above), Grastica/Grashtice, 10 km west of Pristina off Highway 9, was another village in Pristina municipality where massacres occurred repeatedly over a period of time. While many of the inhabitants fled to the mountains when the village was first shelled on 25 March 1999,<sup>67</sup> large columns of IDPs passed through the area from the end of March onwards. Attacks on these convoys went on until early May, although most of the statements concentrated on events between 19 and 21 April that followed the Serb offensive on the Golak area.

The atrocities in Grastica were committed almost exclusively by paramilitaries, who behaved with a brutality that is clearly distinctive from that reported in other areas.<sup>68</sup> The interviewees described the perpetrators as wearing green-coloured camouflage uniforms, with red armbands, black or coloured bands around their heads or metal helmets. Sometimes they had masks, automatic guns, knives, or hand grenades, and wore insignia of the "RS Special Division Unit Delta" or "RS Elite Units", "Special Anti-Terrorist Unit (SAJ)" or Seselj's "White Eagles (SRS)". Some perpetrators had long knives in their boots. Descriptions given also repeatedly included mention of long beards, shaved heads and/or painted faces.<sup>69</sup> The interviewees rarely identified a local perpetrator, either because the victims were mostly IDPs and did not therefore know local Serbs, or because a large number of paramilitaries had been brought in from other parts of Serbia.

Basically all the reports on Grastica include the extortion of money. This followed a clear pattern with three variations. In each case paramilitaries took children hostage and threatened to kill them if their parents or relatives did not hand over sufficient money. Families which had enough money on them secured the release of the hostages.<sup>70</sup> Other people who could not afford large sums, ranging from 500 to several thousand deutschmarks, or who had already been robbed by other paramilitaries had to watch while the hostages were either beaten up, abducted or were killed immediately.<sup>71</sup> The most unfortunate families gave money, but their relatives were nevertheless killed.<sup>72</sup>

Besides the extortion of money, young men in particular were targeted and shot dead indiscriminately. On 30 March paramilitaries wounded a number of men with knives and shot randomly at people in the convoy.<sup>73</sup> The same day about 30 Kosovo Albanian men were held for three hours in a house and were beaten. The detainees begun to be killed when two high-ranking VJs stopped the execution, so that "only" three men died.<sup>74</sup> Sometimes the perpetrators shot randomly into the crowd and stabbed the plastic sheeting that covered the carts.

One interviewee was taken on or about 16 April together with three other Kosovo Albanian men to a

building and stood against a wall. He was subjected to a mock execution twice and lost consciousness.<sup>75</sup> On or around 18 April four masked paramilitaries separated five young Kosovo Albanian men from a convoy and shot them. One of them survived, although he was shot in the face and in the back. He escaped to Pristina and reportedly was able to pass the Serb checkpoints by saying that the UCK had inflicted the injuries.<sup>76</sup>

It is not clear whether the events described in the following paragraphs as happening from around 19 April to around 23 April are in fact describing a sequence of different events or different aspects of the same event. However, it is clear that paramilitaries (sometimes accompanied by police or VJ) extorted money from the long convoys coming down off the hills and carried out numerous killings during this time.

It appears that at least two different convoys passed Grastica during this time, one coming from the direction of Marevce/Marefc with approximately 11,000 people, another one coming from the direction of Kolic/Koliq. The latter is described as 7 km long with some 7,500 people.<sup>77</sup> The statements further indicate that some of the perpetrators arrived simultaneously with the IDPs. Interviewees described having seen three or four busloads of police, VJ and paramilitary forces arriving from the direction of Duz/Dyz (Podujevo). In addition, it seems that some more paramilitary groups had already been active for some time there and at different checkpoints in the area.<sup>78</sup>

Several statements described a mass execution next to a stream near Highway 9 at the junction of the road leading to Grastica and Mramor. An eyewitness said that within a few minutes the paramilitaries surrounded the vehicles. Each of them selected and took a victim out of a car, pushed him to the river and shot him in the back. Another interviewee stated that first those who could not hand over money were shot dead, but then suddenly all but seven men were shot dead, including those who had given money. Some men were also abducted. Another man later saw 100 young men who had been executed at this location, lying side by side.<sup>79</sup> A further witness said:

At a place called "Guri i keq" [Bad Stone, near the stream], a mixture of police and VJ started asking for money, threatening to shoot them otherwise. I witnessed from 3 metres away approximately 60 people [being] shot there. [People were] also stabbed with knives, [which were] twist[ed]. . . in the wounds. Targeted were mostly young [Kosovo] Albanian males (between 18 and 40). After being executed the bodies were just pushed in the valley beside a small branch of the river [stream]... This happened between noon and 13:00 hours ..."<sup>80</sup>

Other accounts of the killings in Grastica on around 19-23 April reported that two lorries and more than 20 tractors (in total approximately 500 people) were surrounded. VJ, police and paramilitary executed nearly all the people from the convoy between 16:00 and 21:00 hours. Some people were robbed beforehand, others not. Only 10-15 Kosovo Albanians of this group managed to escape to the hills. Many bodies, both male and female lay around on the ground. One interviewee found in a house 16

women who had been killed. Their bodies were naked and covered with blood, cuts and bullet wounds. Another interviewee saw on a slope a Golf car with Pristina licence plates in which were three dead bodies; the hands of one of the bodies were bound.<sup>81</sup> Another witness observed the following:

I saw them [the paramilitaries] go to a woman and look for her ring. She told them she could not remove it. They said don't worry and cut off her finger. They then took nine young men [aged] from 20 to 28 years ... and executed them. Next they tied a young man to an electricity mast. They used this man as target practice, beginning by shooting him in the legs, then hands, and then shot him from the head down... "<sup>82</sup>

Police removed the dead bodies from the mass killings with vehicles of the Cistoca refuse collection and street cleaning department, and brought them to a mass grave site near the "dumping site" (as described in the statement) of Pristina, close to the road to Podujevo.<sup>83</sup>

In late April UCK and paramilitaries described as "Arkan's Tigers" reportedly fought in the forests. Around two weeks later "Arkan's Tigers" killed two men, one of whom was blind, in their house. In early May an interviewee found the half-naked body of a woman.<sup>84</sup> In early May six to 12 members of the same family (both men and women, various names given in reports) from Orlane/Orllan were burned alive in their house, and two to four family members were robbed and seriously wounded.<sup>85</sup>

### **Makovac/Makofc**

IDPs coming from Kolic, Grastica and the mountains passed **Makovac/Makofc** on Highway 9 en route to Pristina. Along the road paramilitaries extorted money from the IDPs and killed several people. It also appeared that around 21 April the area was the scene of heavy fighting between the UCK and the VJ.<sup>86</sup>

There is a mass grave in this village. Unlike in Nakarada (Kosovo Polje) almost none of the villagers of Makovac reported its existence, most probably because they were all displaced, and Statements relating to the summary executions in Grastica nevertheless sometimes refer to the mass grave in Makovac. It is therefore likely that some of the people executed in Grastica were buried in Makovac.<sup>87</sup> Although all these reports were hearsay, the accounts nevertheless correspond with the finding of the OSCE/ODIHR team in Kosovo in late September-early October 1999 and ICTY, who confirmed a grave site of 16 bodies. An interviewee reported that a "Gypsy" (*Maxhup*) had told him that he had thrown 110 bodies into a mass grave. Around 27 April "Gypsies" (*Maxhupet*) were seen digging and filling in holes in the ground. Next to them was a covered truck.<sup>88</sup>

The other events are spread over the month of April. On 1 April the VJ stopped a convoy, extorted large amounts of money and took 30 young girls into a house by the road. The sister of the interviewee who recounted this was among the girls, but the interviewee handed over more money and her sister was

released. What happened to the others is unknown.<sup>89</sup>

On 15 April paramilitaries killed a young man and arrested four to five more whom they took into a house near the main road where there were already some 40 men. On 17 April two villagers were shot dead. On 21 April paramilitaries stopped the convoy coming from Grastica.<sup>90</sup>

Around the same time, at the end of April, two elderly Kosovo Albanians (a woman of 84 and a man of 82) were burned alive in their houses. A man of 41 who tried to escape was shot dead in front of the house.<sup>91</sup> On or around 26 April seven or eight young men were found dead. Another seven men were separated from the group and taken to a house where approximately 50 men were detained. VJ, police and paramilitaries destroyed private property and killed cattle.<sup>92</sup>

### **Lukare/Llukare**

The convoys of IDPs also passed Lukare/Llukare, some 3 km east of Pristina on Highway 9. Serbian military barracks are located shortly before the entrance to the town. Interviewees reported that in Lukare there were one or even two mass graves.<sup>93</sup> Some of the people executed in Grastica were reportedly buried in Lukare. On 20 April an interviewee saw a tractor from the local waste disposal company going twice from Pristina to Grastica. On the way back, the tractors had a load of 15 to 20 bodies which were covered with leaves.<sup>94</sup>

At the end of March, VJ shelled the village and looted and destroyed 10 houses.<sup>95</sup> The same day police officers killed six men who were walking along the road from Pristina to Lukare.

From mid-April until the beginning of May, paramilitaries attacked the IDP convoys. The extortion of money followed the same pattern as in Grastica. Paramilitaries executed all those who could not pay. It appeared that in Lukare "young and pretty women" were separated from the group, as well as men.<sup>96</sup> At the beginning of May, paramilitaries burned alive three people in a house where they found a UCK uniform.<sup>97</sup> On 10 May 15 paramilitaries attacked a group of IDPs who were hiding in the hills shortly before the entrance to Lukare. They shot dead two men and ordered the rest of the group to lie face down on the road. They beat them up for five or six hours. Then 20 men were transferred to the basement of a house in the village where the beatings continued. One of these men noticed bloody clothes and a bloody axe when he was taken down into the basement.<sup>98</sup>

### **Kojlovica/Kolovice**

Kojlovica/Kolovice is a small village 1 km north-east of Pristina with a mixed population. Nova Kojlovica/Kolovice e Re is a suburb to the north-east of Pristina. Many incidents took place on Nova Kojlovica Street, leading from Nova Kojlovica to the village.

VJ shelled the Kojlovica area from the military barracks of Lukare from the end of March. Police and VJ forces expelled IDPs who had settled in the area. Paramilitaries in camouflage uniforms, with red headbands and FRY insignias or with Seselj's White Eagle insignia, were also seen. Apart from forced displacement, looting and the beating of men, a significant number of killings were carried out from the end of March until the end of May.<sup>99</sup> One particular police officer, a major from the area, killed at least 16 IDPs in April. Once, when he was checking ID cards, he shot two men immediately after seeing their ID cards because these men had the same name as a well-known UCK hero.<sup>100</sup>

There were several cases of sexual assault reported from Kojlovica. On 10 April four paramilitaries took four women from one family, blindfolded them and put them in a car. While one paramilitary guarded the women, the others attempted to extort money from the family. As the family had none, the paramilitaries took the women to Kojlovica and kept them overnight. When the women came back the next morning, they were ashamed and avoided contact with the rest of the family. On 23 April police abducted two women (aged 18 and 23) and kept them in the police station in Kojlovica where allegedly a lot of other women were also being held. The father of one of the women handed over DM 8,000 in order to have his daughter released, but although the police took the money, she was not returned. On 20 May three paramilitaries raped a 19-year-old woman in front of her family. When they left they took another woman with them who was released after her relatives handed over DM 1,000. There were also sexual assaults against men. On 22 May paramilitaries entered a house and searched for valuables. When they found nothing, they stripped two men there naked and spread them against the wall. The paramilitaries hit the men in the genital area, which later caused them severe pain when urinating.<sup>101</sup>

### **Villages east and south-east of Pristina**

**Mramor/Mramor**, in the hills 9 km east of Pristina, was an area of strong UCK support and VJ and police forces reportedly harassed villagers from January 1999. From the end of March, Serbian forces also looted and burned buildings in the village, and the villagers and the IDPs left for the mountains. There were also a number of killings, abductions and reports of extortion of money.<sup>102</sup> One interviewee heard about a massacre of some 70 people at around this time.<sup>103</sup> Police officers set houses on fire and in the course of the fighting with UCK up to 25 civilians were killed.<sup>104</sup>

The Pristina suburb of **Maticane/Matiqan** had a small Serb minority. Serbian troops shelled the village from 22 March 1999.<sup>105</sup> Atrocities began shortly after the NATO bombing of FRY began. On 25 March the body of a 50-year-old man was found, with an arm and the head missing.<sup>106</sup> Over the following days several villagers witnessed police, VJ reservists and civilians execute four Kosovo Albanian men. This was followed by the exodus of the Kosovo Albanian population to the hills.<sup>107</sup> When some of the villagers returned the next day, they found another eight villagers dead in a field 100 metres from the village.<sup>108</sup> In May an interviewee found the bodies of 20 Kosovo Albanian women and men in

Maticane, all of whom had been shot.<sup>109</sup>

The shooting and shelling in Maticane increased significantly on or around 28 March. The perpetrators were described as police officers, paramilitaries (for example "Grey Wolves") or local civilians. Snipers positioned themselves on Suncani Breg/Bregu i Diellit ("Sunny Hill") in Pristina or in houses they had looted earlier. Some 10 interviewees described how the Serbs indiscriminately attacked civilian houses and they all saw many civilian victims. One interviewee found a taxi covered with bullet holes near the main road from Pristina to Maticane. The heads of two bodies which were in the boot of the car were on the bonnet, while a body which had not been decapitated was in the driver's seat. One of the men was dark-skinned (possibly a "Gypsy" (*Maxhup*)).<sup>110</sup> After this attack one interviewee buried the bodies of 23 dead villagers, both men and women, from Maticane.<sup>111</sup> Indiscriminate attacks on civilians continued when on 30 March the driver of a police car without number plates shot at a car full of IDPs driving from Pristina to Maticane. A 10-year-old boy was killed and three other people wounded.

In April, the Serb forces moved on to **Zlatare/Zllatare**. Most of the villagers fled, but several Kosovo Albanians were killed, among them four elderly people, one of whom was an invalid.<sup>112</sup>

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## Notes

<sup>1</sup> UNHCR, "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>2</sup> M/1322 (UCK stronghold in Rimaniste/Rimanishte); M/1388 (UCK stronghold in Mramor/Mramor); M/1726 (HQ north of Bariljevo/Barileve); M/1741 (UCK headquarters in Kolic/Koliq).

<sup>3</sup> A/0902 (surroundings of Prugovac/Prugofc on 20 March); M/1528 (on the Pristina-Podujevo road on 1 April); M/1750 (Vrani Do on 7 April); M/0800 and M/1437 (Kolic end of March, 20 UCK men killed); M/1726 (Kolic on or around 18 April); M/1217 (Marevce/Marefc in mid-April); M/1388 (Mramor in mid-April); M/1302 (Makovac/Makofc on around 21 April); A/0636 (mountains); M/1416 (Marevce in early May); M/1722a (Sicevo/Siceve in May). M/1528 also had that on 19 April, when he was near Kolic, the UCK received an order to bury their weapons, get out of their uniforms and "blend with the crowd".

<sup>4</sup> M/1458.

<sup>5</sup> M/1526 (the activist).

<sup>6</sup> M/1308.

<sup>7</sup> M/1840.

<sup>8</sup> M/0846; M/1370 (gave the names of two recognized perpetrators); M/1750.

<sup>9</sup> M/1528 (fighting on the Pristina-Podujevo road on 1 April); M/1750.

<sup>10</sup> M/1526 stated that before the fire started, the paramilitaries were about to abduct a woman. M/1726 did not mention this.

<sup>11</sup> M/0460; M/0503; M/0622; M/1606.

<sup>12</sup> M/0460; M/1526.

<sup>13</sup> M/1379; M/1526.

<sup>14</sup> M/1322.

<sup>15</sup> M/1209.

<sup>16</sup> M/0856; M/1123; M/1160.

<sup>17</sup> A/0759 and A/0758 (location near the bridge in Vrani Do); M/0581; M/1123; M/1508; M/1510 (Prugovac). It is most likely that the reports recounted the same event, since these two locations are very close to each other and the descriptions of the events match exactly.

<sup>18</sup> For further details see Chapter 10, Violation of the right to a fair trial.

<sup>19</sup> M/0856; M/1123; M/1160.

<sup>20</sup> A/0758; A/0759; M/0130; M/0581; M/0670; M/0852 (gave Tenes Do/Tenezhdoll); M/0872; M/1326; M/1413; M/1508; M/1510; M/1712 (spoke about being brought to a building near the old prison in Pristina and to a place called "Airban"); M/1776; M/1777; M/1780. A group of about 130 men was transferred in a civilian bus from Devet Jugovica/Nente Jugoviq, 5 km north-west of Pristina, to the police station in Pristina.

<sup>21</sup> M/0894.

<sup>22</sup> A/0902; M/0317.

<sup>23</sup> M/0854 (up to 100 men were executed); M/0894, M/1403, M/1750.

<sup>24</sup> M/0117; M/0753; M/0773.

<sup>25</sup> M/0117; M/0753; M/0878; M/0598.

<sup>26</sup> M/0878.

<sup>27</sup> M/0117; M/0598; M/0773 (has 30 detainees, four of whom were executed); M/0599 (two men did not come back to the detention); M/0753 (name of the shop owner).

<sup>28</sup> M/0165 (names of perpetrators).

<sup>29</sup> M/1388. It is possible that the victims of this mass execution, if it is confirmed, were the men who were detained in Vrani Do and Prugovac and then transferred to Pristina police station and back as described.

<sup>30</sup> M/0600. M/1302 described what was probably the same incident.

<sup>31</sup> M/1322.

<sup>32</sup> M/0618; M/0770; M/1435 (includes the name of the female victims); PR/0148/99.

<sup>33</sup> M/0713; M/1096.

<sup>34</sup> M/0172; M/0183; M/0382; M/0860; M/1230. It is possible that this incident is the same as that on 27 March.

<sup>35</sup> M/1268; M/1816.

<sup>36</sup> A/1034; M/1268 (with some indication of the perpetrators); M/1716 (dated the killing of six people to 18 May).

<sup>37</sup> M/1722a.

<sup>38</sup> M/1411.

<sup>39</sup> M/1174 (gave a date of 27 April, as the Serbian forces came to Kacikol after the offensive in Kolic); M/1298 (gave 11 April); M/1757.

<sup>40</sup> M/1250.

<sup>41</sup> M/1488.

<sup>42</sup> A/0916.

<sup>43</sup> M/1256; M/1741.

<sup>44</sup> M/1741.

<sup>45</sup> M/0800; M/1437.

<sup>46</sup> M/0800.

<sup>47</sup> The number of IDPs varies from statement to statement and gives therefore only a rough idea. The figures given range from 40,000 to 150,000.

<sup>48</sup> M/0864; M/1216; M/1235; M/1405; M/1802 all gave 18 April. M/1260; M/1370; M/1387; M/1710; M/1732; M/1757 had slightly differing dates.

<sup>49</sup> M/1370; M/1741 (also said that the tractors were able to leave with the help of a particular police officer. This police officer had reportedly earlier also helped a Kosovo Albanian man who had been tortured by paramilitaries. As a result the paramilitaries also threatened the police officer).

<sup>50</sup> M/1235; M/1387; M/1757; M/1802. Commanders had metallic badges with blue eagles, others had cloth eagle badges, M/1741. One interviewee who had served in the JNA stated that the Serb forces were 10,000-15,000 strong.

<sup>51</sup> A UCK member in M/1726 heard that the UCK men were killed because a Serb from Pec/Peja infiltrated the group. It may also be possible that the killing of the UCK soldiers was the same as described in the "first offensive".

<sup>52</sup> M/0864; M/1220; M/1232; M/1235; M/1256; M/1351; M/1370; M/1710; M/1802 all saw 20 and more bodies at once, and each was only able to estimate the total number of deaths. A number of victims were named.

<sup>53</sup> M/1433.

<sup>54</sup> M/1405.

<sup>55</sup> A/0926; M/0701; M/0981; M/1387; M/1710; M/1711; M/1761; M/1722a. There is also one hearsay report stating that 150 people were killed in Nisevce/Nishec on 11 May, M/1174. The same interviewee saw that paramilitaries cut a boy into pieces that day.

<sup>56</sup> M/1174. The date here was 27 April, so that it is likely that the interviewee was describing the "third offensive" on Kolic. It is also possible that the events happened during the "second offensive" on around 18 April, since the Kolic schools were mentioned there too by M/1235 and M/1260.

<sup>57</sup> A/0928; M/1704

<sup>58</sup> M/1256; M/1260; M/1351; M/1437; M/1710; M/1711.

<sup>59</sup> M/1174; M/1235.

<sup>60</sup> PR/0147/99. Exhumation and reburial carried out 23 July 1999 in the presence of the OSCE-MiK. Another exhumation of five dead Kosovo Albanian women and men was attended by OSCE-MiK on 30 August near Kolic. In this case five people were killed by Serbian reservists who attacked and robbed a group of 45 Kosovo Albanians hiding in the woods, PR/0150/99.

<sup>61</sup> M/1217.

<sup>62</sup> M/0739; M/1458 (hearsay).

<sup>63</sup> M/1721; M/1771. (The date of first shelling is not known.)

<sup>64</sup> M/1190; M/1458; M/1480; M/1721. The description of the perpetrators varied. They were described as paramilitaries in camouflage uniforms with "police" written on their backs, as wearing masks and/or having shaved heads, red armbands, FRY coat of arms, Arkan's Tigers or Sesejl's insignia. There were Albanian speakers among the perpetrators. Some interviewees also referred to police or VJ.

<sup>65</sup> M/1209.

<sup>66</sup> M/1416. This is the only account of an offensive in early May. It is therefore not clear whether this fighting between Serb forces and the UCK took place at that time or in mid-April to which the other reports referred. M/1217 spoke about fighting in mid-April.

<sup>67</sup> M/1237; M/1320.

<sup>68</sup> An OSCE/ODIHR delegate visiting Kosovo on 26 September-4 October 1999 was told by OSCE interpreters and locals that paramilitaries had had a permanent base in a house at the turning in the road for Mramor and had

committed numerous atrocities there.

<sup>69</sup> M/1206; M/1238; M/1256; M/1279; M/1320; M/1360; M/1388; M/1440; M/1730; M/1741; M/1815. In M/1757 the perpetrators were described as wearing light green camouflage uniforms with a Milicija sign on the back and as speaking fluent Albanian. The size of the groups that either came by private cars or were bussed in varies from 30 to 100 or 200 paramilitaries.

<sup>70</sup> M/0314; M/1256; M/1404; M/1471; M/1480; M/1730; M/1737.

<sup>71</sup> M/1238; M/1260; M/1320; M/1359; M/1440; M/1757.

<sup>72</sup> A/0636; M/1351; M/1365.

<sup>73</sup> M/1247; M/1404; M/1730.

<sup>74</sup> M/1404.

<sup>75</sup> M/1756.

<sup>76</sup> M/1320; M/1757.

<sup>77</sup> M/1263; M/1611; M/1741.

<sup>78</sup> OSCE/ODIHR delegate visit to Kosovo on 26 September-4 October 1999; A/0636; M/1440; M/1762.

<sup>79</sup> M/1263; M/1320, M/1365, M/1480 and M/1850 all stated that the men were taken to a hole filled with water; M/1440; M/1760 (the men were beaten and cut about with knives before they were killed). One interviewee dated the mass killing to 28 April. He saw more than 200 bodies himself, with eyes, ears and legs cut off. He believed that in total 400 people were killed, of whom 200 were buried in Makovac/Makofc, and 200 in the Vranjevac area of Pristina, M/1174; M/1709 (10 dead bodies in the road in May).

<sup>80</sup> M/1755.

<sup>81</sup> M/1238; M/1279; M/1320; M/1733; M/1737; M/1741. The total number of bodies varied from 12 to 30.

<sup>82</sup> M/1256.

<sup>83</sup> M/1260; M/1351. M/1722a had that on 8 May VJ and paramilitaries used a bulldozer to dump about 700 dead bodies in a mass grave which is described as being approximately 500 metres away from the last house of the

village, in the direction of Pristina, 10 metres away from the right side of the main street. This might be the same location as the execution site as described for the mass killing.

<sup>84</sup> A/0636.

<sup>85</sup> The dates of these killings varied from 20 April to 9 May. M/1206; M/1351; M/1528; M/1741 (gave the assumption that a reason for the killing could be the alleged membership of the victim's sons of the UCK).

<sup>86</sup> M/1302.

<sup>87</sup> A/0636 and M/1301 (two mass graves in Makovac); M/1733 (one mass grave close to the Muslim cemetery).

<sup>88</sup> M/1316.

<sup>89</sup> M/1458.

<sup>90</sup> M/0846; M/1370.

<sup>91</sup> M/1302; M/1438; M/1738; M/1755.

<sup>92</sup> M/1281; M/1360.

<sup>93</sup> A/0636 and M/1301 (one mass grave in Lukare); M/1733 (two mass graves, one close to the Muslim graves and one in a big warehouse). All reports were only hearsay. The accounts nevertheless correspond with the finding of the OSCE/ODIHR team in Kosovo in late September-early October 1999 and ICTY, which confirmed two separate grave sites, with 18 and 15 bodies respectively.

<sup>94</sup> M/1312.

<sup>95</sup> M/0314.

<sup>96</sup> A/0903 (6 April); M/1216; M/1235; M/1365; M/1378; M/1710; M/1737; M/1749; M/1755; M/1760; M/1761; M/1771. The perpetrators were sometimes described as paramilitaries in beige uniforms with painted faces, police officers, sometimes as Arkan's Tigers and Seselj's paramilitaries, as VJ, or as "mixed forces".

<sup>97</sup> M/1722.

<sup>98</sup> M/1241.

<sup>99</sup> M/0739; M/0981; M/1150; M/1349; M/1605; M/1806; M/1817.

<sup>100</sup> M/1349; M/1605 (both mentioned the name of the police officer).

<sup>101</sup> M/1278; M/1759; M/1806.

<sup>102</sup> M/1424; M/1194; M/1388 (dated the burning of the houses to mid-April).

<sup>103</sup> M/1437 (the only account of a massacre)

<sup>104</sup> M/1102; M/1142; M/1194; M/1360; M/1388; M/1462; M/1737.

<sup>105</sup> M/1171.

<sup>106</sup> M/1236.

<sup>107</sup> M/1194; M/1431.

<sup>108</sup> M/1770 (with some indication of the perpetrators).

<sup>109</sup> M/1422, gave names of five people who were killed.

<sup>110</sup> A/0903; M/1818.

<sup>111</sup> M/1236.

<sup>112</sup> M/1431; M/1770, included the names of the dead. A/0903 probably described the same event, although it is dated at on or around 5 April.

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## PRIZREN/PRIZREN



Prizren/Prizren municipality is located on the slopes of the Sharr Mountains in the south-western part of Kosovo, close to the Albanian border. Before the 1998 population displacements Prizren municipality had over 80 towns, villages and hamlets. Of its total population 78 per cent was Kosovo Albanian, 5 per cent Serb and 17 per cent was of other national communities. One village, Mamusa/Mamushe, was considered to be a Turkish village, since 84 per cent of its inhabitants were of Turkish origin.<sup>1</sup>

During the summer of 1998 Serbian forces undertook operations to secure the border with Albania, laying mines in the 5-km exclusion zone along the border. However, military operations appear to have been more pronounced in the municipalities of Djakovica and Decani to the north-west of Prizren. There was also fighting along the boundary between Prizren and Orahovac municipalities as Serb forces sought to regain control of the villages there. The European Community Monitoring Mission also reported that the border crossing point at Vrbnica/Verbnice with Morina in Albania had been closed for at least two weeks in the first part of June. The Serbian forces also carried out operations in the Opolje/Opoje area, immediately south of Prizren town, partly to prevent the illegal entry into the FRY of Kosovo Albanian forces from Kosovo Albanian villages west of Tetovo (The former Yugoslav Republic of Macedonia) and in early September 1998 to flush out UCK forces sheltering in villages such as Ljubicevo/Ljubiceve, Jeskovo/Jeshkove and Hoca Zagradska/Hoce e Qyteti.<sup>2</sup> Following these offensives many Kosovo Albanian men were arrested in the surrounding area, charged with acts of terrorism and taken to the court in Prizren.

During the OSCE-KVM reporting period in Prizren municipality, from December 1998 until 20 March 1999, the situation remained tense and volatile, as in most of the rest of Kosovo. Some hostility towards OSCE-KVM in Prizren was apparent.

While stationed in Prizren municipality OSCE-KVM received reports of and investigated a large number of abductions, as well as reports of missing persons. A large number of murders were also reported. While some were attributed to random killings or reprisals, others were killings by the UCK of Kosovo

Albanians who were suspected of being "collaborators" or sympathizers with the Serbian police. Serbian police and armed forces operations, which were sometimes described as routine operations, increased notably in late January 1999. These operations tended to escalate into mutual provocation between Serbian forces and the UCK. Civilians were often caught in between.

Many Kosovo Albanians reported being ill-treated or arrested at police checkpoints. For instance, it was reported to OSCE-KVM on 10 January that several police had entered the village of **Petrova/Petrove** approximately 3 km north of Prizren town with two armoured police vehicles (one containing seven police officers) and a police four-wheel-drive vehicle with 12 police officers. Three police armed with sniper rifles took up strategic positions in the village, while the others stopped passing villagers and ill-treated them. Three people alleged that they were, separately, ill-treated physically and psychologically by the police who, after stopping and questioning them, kicked and hit them. One man was also asked whether he would like to be shot in the head or the leg. When the OSCE-KVM team arrived in the village the police left, releasing the men. OSCE-KVM met the villagers three times, and held one meeting with the village council and one with the Deputy Chief of the police in Prizren. Although the three villagers were prepared to speak to OSCE-KVM about their ill-treatment, they were afraid to make an official complaint out of fear of reprisals by the police. After the incident OSCE-KVM intensified their patrols in the area and the situation calmed down.<sup>3</sup>

On 18 February, in common with all other OSCE-KVM regional centres in Kosovo, Prizren Regional Centre reported an increased movement of VJ. OSCE-KVM verifiers followed a 26-vehicle convoy from Suva Reka into Prizren. Of the convoy, which included four coaches of VJ soldiers, half went to the town barracks in Prizren and the remainder headed towards Djakovica/Gjakove (Djakovica). The VJ also used six concrete blocks to close the main road from Prizren to Albania, immediately before the Albanian border at Vrbnica. The OSCE-KVM noted that residents of Vrbnica were leaving the village. On 19 February a 27-vehicle convoy, including five tanks and two towed artillery guns, was seen leaving the town barracks and heading towards the border region near Zur/Zhur.<sup>4</sup>

The OSCE-KVM also reported on 24 February that a large convoy of VJ forces left Prizren barracks and headed north to Landovica/Landovice, just outside Prizren on the main road to Djakovica. The convoy of 53 vehicles included six tanks and 18 artillery guns and later returned to Prizren barracks in the evening accompanied by a radar-equipped vehicle. A VJ liaison officer described this as a routine exercise in the Landovica training area.<sup>5</sup>

On 9 March OSCE-KVM saw an FRY air force MiG-29 jet flying over the area to the west of Prizren. This was the OSCE-KVM's first sighting of this type of aircraft. The Regional Centre also reported seeing older MiG-21 aircraft in the same area. The MiG-21s were based at Pristina airfield and were regularly seen flying over the city.

As tensions rose, non-attributable abductions and murders continued. Most victims were Kosovo Albanian. Investigation of the abduction of a Kosovo Albanian civilian employed by the Prizren police

revealed that a centrally controlled UCK "security force" carried out the act. Eyewitness accounts described a 10-member uniformed unit wearing UCK insignia seizing the victim. Reluctantly the UCK admitted to holding the man. In the west of the province, from Pec to Prizren, several eyewitnesses gave similar descriptions of UCK units seizing Kosovo Albanians loyal to Serbs. Subsequently the bodies of the abducted were discovered. OSCE-KVM reported that previous claims that the perpetrators of these murders were rogue UCK elements seemed less satisfactory than the conclusion that some "punishment shootings" were being initiated at the highest levels of the UCK command structure.<sup>6</sup>

Teams in Prizren and Pec reported seeing VJ reservist soldiers in old-style military uniforms on duty in the second week of March. Military operations on 15 March in the areas of Prizren and the southern border areas, as well as further north in Vucitrn, provoked a heavy outflow of as many as 18,000 people. Both Serbian and UCK forces denied humanitarian aid workers access to areas of fighting and impeded the movement of IDPs trying to flee. Also of concern was the continuing harassment of international agency staff.<sup>7</sup>

On 17 March a rise in tension in the area was evident with the commencement of a combined VJ and police operation against Korisa/Korishe (just east of the Prizren-Suva Reka main road) and Kabas/Kabash (a little further into the hills south-east of Korisa). The operation obliged about 1,500 residents to flee towards the villages of Dubrava/Dubrave, Selogradza/Sellograzhde and Musostiste/Mushtishte (all in Suva Reka municipality). The operation appeared to be directed at a unit of perhaps 20 UCK soldiers who were reported to have moved into Kabas a month earlier. VJ and special combat police supported by tanks and anti-aircraft artillery were observed and intermittent large-calibre gunfire was heard throughout the day. Eight or 10 houses were seen burning. Verifiers reported a heavy police presence on the main Prizren-Suva Reka road and were denied access to either of the affected villages.<sup>8</sup>

## **Prizren/Prizren town**

Prizren town is the administrative centre of Prizren municipality and is situated on the slopes of the Sharr Mountains, on the banks of the river Bistrica. Before the 1998 population displacements Prizren had more than 80,000 inhabitants who were 69.25 per cent Kosovo Albanian, 10.30 per cent Serb and 20.45 per cent of other national communities.

The town had developed into a modern community with food processing, textile, pharmaceutical and metal processing industries, while at the same time efforts had been made to preserve its ancient architecture. The police station and the court, which were adjacent to each other, and a VJ barracks were located in Prizren town.

The trials of a number of Kosovo Albanians charged with terrorism and other related offences took place in the court in Prizren and were monitored in January 1999 by OSCE-KVM.<sup>9</sup> As bus loads of these men were taken there, the area around the court was cordoned off. Nine Kosovo Albanians from the villages of Mazrek/Mazrek and Kojus/Kojushe (both Prizren municipality) appeared in court on 28 January. A

number of combat arms and ammunition had reportedly been found in their homes. The eight defendants confessed in court to crossing the Albanian border illegally and smuggling arms in an organized manner. The ninth man pleaded not guilty and the evidence against him was inconclusive. Eight of the men were sentenced to four years' imprisonment and the ninth was found not guilty.<sup>10</sup>

A male Kosovo Albanian reported being picked up for questioning by police in Prizren in January 1999. He was taken to the police station where he was punched in the face and beaten with sticks on the palms of his hands. On 17 or 18 February, he was again questioned and beaten by police. He left Kosovo on 9 March, he said, out of fear of the Serbs.<sup>11</sup>

In mid-February 1999 at 18:00 hours two young women were waiting at a bus stop in Prizren when a car arrived with five police inside. After checking their ID one of the policemen accused the women of belonging to the UCK, which they denied. An older police officer, who was around 50 years old, ordered the women to get into the car. After resisting, the women were told, "Just be good girls. Even if you do not want to do it, you will." A younger police officer said to let the women go but the older man refused, saying, "Our people were killed by the UCK today." The group drove away from Prizren for three hours, eventually arriving in an open field near an Orthodox Church and a lake. The women were told to empty their pockets and their ID was taken and destroyed. They were then ordered to take their clothes off and were raped, more than once, by each of the men. After they had been raped and insulted they were ordered to enter the freezing cold lake and put their heads under water. One of the women was forced to perform oral sex with the men while she was threatened with a stick. They made jokes about the women and touched their breasts with the barrel of a rifle. The women were eventually freed around midnight and told that if they informed the police about what had taken place all the members of their family would be killed and their houses burned. The women were forced to walk for seven hours before they could make their way back to Prizren.<sup>12</sup>

On 18 February the bodies of two Kosovo Albanians men who had been abducted from Prizren were found together in Orahovac municipality. The two men had apparently been beaten to death and their bodies showed signs of severe torture. The wife of one of the men had earlier reported his abduction by two gunmen on 3 February. It was reported that two gunmen went to their house late at night, put a bag over her husband's head and took him away. Further details indicated that the men had been killed by the UCK for suspected "collaboration" with the police.<sup>13</sup>

On 19 February, a day of increased Serbian operations within the municipality as a whole as described above, the security forces conducted an unannounced evacuation exercise in Prizren itself. The focal point was the area around the OSCE-KVM Regional Centre headquarters, where armoured vehicles including tanks controlled the main roads across the town. The security forces displayed overtly unfriendly behaviour towards the OSCE-KVM and the teams were prevented at gunpoint from leaving the town. One verifier observing a convoy was forced at gunpoint to leave his vehicle and was then body searched. It was noted that the route that would be used in case of an OSCE-KVM evacuation was left open, suggesting that despite the posture adopted during the exercises the aim was not the prevention of

any departure by the OSCE-KVM.<sup>14</sup>

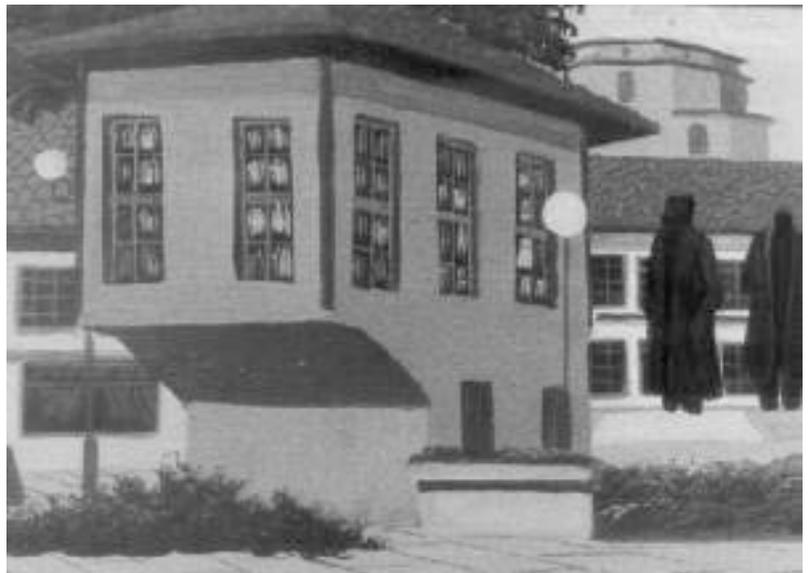
Two OSCE-KVM verifiers were assaulted in Prizren on 28 February. They were walking back from the old fortress in the town when about 20 Serb youngsters started to throw rocks. Later, adult locals grabbed a camera from one of the verifiers and tried to pull out the film. The verifiers asked for the camera back and five or six Serb men punched them in the face and upper body and beat them to the ground before the verifiers finally managed to get away.<sup>15</sup>

Stones thrown by Serb youths hit an OSCE vehicle travelling through Prizren on 11 March. Windows were broken but no one was hurt. The police were present at the time but took no action.<sup>16</sup>

By the time the OSCE-KVM evacuated Kosovo on 20 March, the Kosovo Albanian population was in a high state of anxiety. The situation was extremely tense and people were afraid to go out of their homes, especially at night. Descriptions by refugees who fled suggest that a combination of Serb forces along with local police and armed civilians were present and active in and around the area.

Soon after the start of the NATO bombing of FRY on 24 March, tension and fear were heightened further as VJ and police smashed the windows of Kosovo Albanian shops and homes. A furniture shop was set alight and looted by the police on 24 March.<sup>17</sup>

At the same time police also began shooting at houses and the UCK in the town. Some people went into hiding or left for other areas where they thought they would be safer. Police, VJ and armed Serb civilians were shooting in the streets, looting shops and throwing grenades at Kosovo Albanian houses in an apparent effort to make the occupants leave. The scene as it was described by refugees was chaotic. As a result some inhabitants did begin to leave, although others remained in their homes.<sup>18</sup>



On 28 March at 15:40 hours, as VJ and police entered and shelled Prizren town, houses were surrounded and groups of occupants were gathered together and told to leave or they would be forced out. After ID was

confiscated along with the "better cars", they were forced to drive directly to the border.<sup>19</sup> On or around 28 March, police also burned the building of the "League of Prizren".<sup>20</sup> The building was completely destroyed and flattened by a tracked vehicle, as verified by a delegate of the OSCE/ODIHR who visited Prizren on 30 September 1999.



**Photograph of a painting of the "League of Prizren" building (above [\[zoom\]](#)) and after its destruction by police in March 1999 (below [\[zoom\]](#))**

From 28 March over a period of several weeks Serbian forces stepped up their operations and began systematically to clear whole streets of Kosovo Albanian residents, threatening to kill them if they did not leave immediately.<sup>21</sup> Harassment continued even as they were departing. As elsewhere in Kosovo at that time, looting and extortion of money and valuables, as well as confiscation and destruction of documents, was widespread.

On 28 March thousands of people who had been ordered to leave or were leaving out of fear were in the streets. One man saw police (some of whom wore black masks) and VJ separate the men in a group from the women. About 50 men were taken by the police to a school yard. Nearby was an armoured vehicle with a heavy machine-gun on it with about 30 police standing around it. A police officer was heard saying, "Separate them and kill them." One Kosovo Albanian man who was walking past with the crowd heard the sound of heavy firing from behind. Looking in the direction of the sound he saw the men in the schoolyard falling down. He was too afraid to keep looking since VJ and police were on both sides of the road.<sup>22</sup>

Refugees' accounts indicate that, despite the apparent chaos, the town was cleared systematically, as was the case in Pristina and other towns. All Kosovo Albanian inhabitants were not expelled at the same time. Rather streets were systematically cleared of Kosovo Albanian inhabitants over a period of days and weeks. Residents who had been expelled from their homes often went from one area to the next looking for refuge and were expelled from areas more than once. Some of the inhabitants of Prizren and the villages returned to their homes after being expelled, only to be expelled again.

Many refugees reported that people in high-profile positions, intellectuals and wealthy people, as well as former local employees of OSCE-KVM, were especially targeted. Rumours went round of abductions of OSCE-KVM local employees. Many people hearing of such rumours either went into hiding or left out of fear of reprisals. The houses of OSCE-KVM and three prominent Kosovo Albanians were bombed on

28 March, probably by grenade, while another man stated that his life was threatened because he was the owner of a building used by OSCE-KVM.<sup>23</sup>

As people were leaving they were stopped along the way, harassed and robbed, sometimes more than once, before they were able to reach the border crossings. A group of people travelling in three cars on 28 March took the road going eastwards out of Prizren through the mountains to Stimlje/Shtime and Kacanik/Kacanik. They said that the whole road was full of cars, tractors and people on foot. People were frightened since many of them did not have passports or identity documents. As the convoy reached the village of Sredska/Sredske, a Serb village 12 km east of Prizren town, they were stopped. VJ, paramilitaries, police and armed civilians surrounded the convoy. They were asked for their identification cards and each person had to pay DM 100 in order to be able to continue on their way. As they drove along the road they were again stopped by 10 paramilitaries wearing old JNA uniforms and armed with rifles and knives. They were drunk and one of the men was reported as having a Russian accent. They demanded DM 300 per car. A few minutes later the group was again stopped by paramilitaries and this time they had to pay DM 100. Finally the group had open passage to the border with The former Yugoslav Republic of Macedonia at Djeneral Jankovic/Hani i Elezi.<sup>24</sup>

On 31 March a group of people was attending the funeral of a young child when mixed Serbian forces on foot surrounded the area. One man identified them as soldiers in regular uniform. There were also special police and paramilitaries wearing black scarves and armed with hand grenades, automatic weapons and knives, identified as SAJ. When the people saw them they started to flee towards the mountains. Using megaphones the forces shouted, "Where is the UCK? Where are the people who believe NATO will liberate Kosovo?" The people were then ordered back to their houses and a short time later ordered to leave. One refugee stated that they were robbed of DM 500 and threatened with a Kalashnikov gun by a masked policeman. He also said that there were about 90 households of Catholic Kosovo Albanians who were allowed to stay.<sup>25</sup>

At the beginning of April refugee statements indicate that young Kosovo Albanian males who were still in or around the town were rounded up and abducted. While some interviewees stated that they did not know what had happened to the men who were abducted, one man looking for his cousin who had been abducted saw 300 young men held in the "Sports Hall" in Prizren.<sup>26</sup> Others say that around mid-April as they were making their way to the border, they saw young Kosovo Albanian men digging trenches and laying mines while guarded by 30 or 40 VJ soldiers.<sup>27</sup> Another man said that Serbian forces gathered a group of young men, gave them uniforms and used them as human shields around VJ trucks and other equipment.<sup>28</sup>

At this time in April Serbian forces were firing sporadically and rounding up the people who were left. Some were ordered to leave and given 20 minutes to do so or be killed, while others were told to leave immediately. Both police and paramilitary units wearing masks began to separate the men from the women and children, demanding money in return for sparing the young men. One interviewee stated that

it was the paramilitaries, rather than the police, who extorted money from them.<sup>29</sup>

A large number of displaced persons from the surrounding area gathered in and around Prizren. The town also acted as a main transit point for refugees from other areas who were either fleeing or were systematically forced out of Kosovo. Often they were forced along a particular route or were bussed out towards the Albanian border. OSCE-KVM staff could observe from Albania how the town would fill up with IDPs and was then emptied as Kosovo Albanians were told to leave for Albania, thus creating huge influxes at Kukes (Albania) for several days, after which only a handful of people would be able to make their way through.

### **Dusanovo/Dushanove and Landovica/Landovice**

The two villages of Dusanovo/Dushanove and Landovica/Landovice lie a few kilometres north-west of Prizren town, along the main road to Djakovica, and were cleared in much the same way as Prizren town.

In Landovica Serbian forces entered the village on 26 March and began shelling and shooting everywhere.<sup>30</sup> On 27 March Dusanovo was surrounded and shelled by Serbian forces. VJ and police entered the village, kicking in doors belonging to the homes of Kosovo Albanians and ordering everyone to leave. At the same time the tanks in Dusanovo were shelling the neighbouring village of Landovica.<sup>31</sup> The father of one family trying to escape the shelling describes the situation as follows:

On 26 March at 11:30 hours my family and I were having lunch at our house ... [We] heard shooting. We thought was coming from the mountains. I went out and saw two VJ soldiers at the gate. We moved away from the windows. We tried to leave the house but were not allowed. The soldiers were in the streets. My family and I were walking in the streets and the military was shooting towards us. I went to my neighbour's house ... The military started shooting everywhere at the houses. I saw inside a house across the street from my neighbour's at least 10 dead people. I was trying to help the survivors escape. The military were shooting from everywhere with machine guns, grenades ... We were trying to escape. I was carrying my son in my arms and holding another son and my daughter just ahead of me. Then there was a grenade which exploded near us and killed three of us: my daughter who was 15 years old and two other children aged five and seven ... At that moment, my son whom I was holding by the hand was hit by bullets. He called me twice, "Father! Father!" and he died there. He got a bullet near his right temple. He was nine years old ... I laid him there on the side of the road. We had to leave because of all the shooting. My five-year-old son, whom I was holding, was also injured by the grenade. He still has a scar on his right thigh. We all went towards the mountains in a group of about 200 people. The military kept shooting all that time. The police was also there, shelling with grenades, burning etc. They kept shooting until 18:30 hours that day ... Then we walked to a village called Petrove. The next day, we all went to Prizren to some relatives. We stayed one week there. I wanted to return to bury my two children but

it was impossible. I was told that all the bodies had been removed.<sup>32</sup>

On 28 March police and VJ stood in the middle of the street in Dusanovo, yelling "Leave your homes and go to Albania!" People were afraid they might be killed so they left their homes and went outside. After they were outside another policeman ordered them to go back inside their houses and fired his weapon in the air. As they started to go back, the first policeman again ordered them out. A long line of people who had also been ordered to leave was passing by. When there was a gap in the line they were ordered to fill it and walk to Albania. As they were leaving they were stopped by a policeman who held up a UCK patch and asked, "Is this what you want? This is why you are leaving for Albania?"<sup>33</sup> A police officer shot at the feet on one young man, kicked and punched him and then ordered him to take his tractor and leave his car behind.<sup>34</sup>

Some days later Serb forces wearing green uniforms and black masks were in the area and told the remaining inhabitants to leave and that, if they did not, "others" would come and kill them. The remaining people began to leave on foot and tractors.<sup>35</sup>

### **Villages along the boundary with Orahovac municipality**

The villages of **Mamusa/Mamushe, Zojic/Zojiq, Pirane/Pirane**, and **Randubrava/Randobrave** lie along the north-western edge of Prizren municipality, on the boundary with Orahovac municipality. **Krajk/Krajk** lies further south just across the Beli Drim river on the other side of the Prizren-Djakovica road. After the NATO bombing of FRY began on 24 March it was these rural areas in the north-west of the municipality and near southern boundary of Orahovac municipality that were the hardest hit and were among the first to be shelled and cleared of Kosovo Albanians by Serbian forces. Many of these areas were on UCK transit routes or were largely under the influence of the UCK. These villages and towns experienced heavy shelling, destruction, mass expulsions of Kosovo Albanian inhabitants and in some cases the rounding up and execution of large numbers of men.

**Mala Krusa/Krushe e Vogel** is also situated near these villages, on the road from Prizren to Djakovica. Although Mala Krusa is in Prizren municipality, events there are covered under Orahovac municipality together with those in nearby Velika Krusa/Kruse e Madhe (Orahovac). The International Criminal Tribunal for the former Yugoslavia (ICTY) cites events that occurred in both villages together in the indictment of Milosevic and others.<sup>36</sup> Events are therefore covered together under Orahovac municipality where a number of other events cited in the Indictment are also found.

Before the 1998 population displacements the village of Mamusa was 14 per cent Kosovo Albanian, 84 per cent other national communities, mainly Turkish, and 2 per cent Serb. The village of Zojic was 79 per cent Kosovo Albanian and 21 per cent Serb. The villages of Pirane and Randubrava were 100 per cent Kosovo Albanian.<sup>37</sup> All of these villages were near each other at the northern tip of Prizren municipality and the southern tip of Orahovac municipality.

On 26 February two male bodies were found in the village of Randubrava following a shooting incident between the police and the UCK. One woman was also wounded in the legs.<sup>38</sup>

On 9 March 10 masked men wearing black uniforms with UCK insignia abducted a Kosovo Albanian from Pirane. The UCK indirectly confirmed their involvement and the OSCE-KVM negotiated to secure his release. The police said that the Kosovo Albanian was a civil servant working as the document chief in the Prizren police station.<sup>39</sup>

In the second week of March the OSCE observed new trenches being dug by the UCK near **Mamusa**.<sup>40</sup> The local UCK commander told OSCE-KVM that he had been instructed by higher UCK command to build defensive positions.<sup>41</sup> Later during the fighting which was taking place between the Serbian forces and the UCK in that region, thousands of people from the surrounding areas had fled to Mamusa, which had a pre-1998 population of about 3,500 largely Kosovo Turkish inhabitants.

On 26 March the VJ arrived to attack the UCK positions, which were 200 metres away, according to the testimony of a man from **Zojic**. They told the villagers of **Zojic** that they did not wish to pick a fight with them but with the UCK.<sup>42</sup> The villagers nevertheless left and went to Mamusa and the VJ moved on to Pirane, another village close by which was also attacked and burned on the same date, along with Randubrava. Police, VJ and paramilitary forces surrounded and shelled Pirane. As masked police entered and began burning and destroying the houses many people began to leave while others were killed in the village or burned in their homes.<sup>43</sup> Some of the villagers of Pirane left and went onto Krajk.

On 27 or 28 March a truck filled with people, including women and children, arrived in **Krajk** escorted by two police cars. The truck and the police cars stopped. With the people still inside, the police opened fire on the truck, then set it on fire and dropped it into the river. Anyone who went out to see what had happened was shot at. The police ordered all of the villagers to leave, telling them that what they saw happen to the people in the truck would happen to them if they did not leave. The villagers left, many of them making their way to the border where the police there subsequently robbed them of their IDs, money and jewellery.<sup>44</sup>

Police entered **Randubrava** at 06:00 hours on 27 March and proceeded to force the population out and shell the village.<sup>45</sup> Many of the inhabitants began to make their way to Mamusa, but some were forced back to their own village on orders of the police in Mamusa. One woman in the group said that a police commander put her in with a group of men who had been separated from the women and children. He put a gun in her back and proceeded to touch her breasts and make sexual gestures. During the night soldiers went to her house, assaulted her uncle and proceeded to search the house for money. In the morning the family were put on a bus and sent to the border.<sup>46</sup>

As some of the groups were making their way to Mamusa under heavy shelling, a grenade killed seven

people, six of whom were women and children. One group arrived in Mamusa and had been there for two days when the UCK who were in the village told them to leave. One man left in a group of 24 but could not move freely since the police were all around and shooting everywhere. Twenty members of the group were killed during the offensives and the rest went back to Mamusa.<sup>47</sup>

On 27 March police and military, some described as wearing masks and green uniforms and some with eagle insignias, entered Mamusa on 27 March and began shooting at houses in an effort to convince the Kosovo Albanians to leave. They were forced out of their homes and threatened with bayonets and knives. One man stated that the population was forced to congregate in the centre of the village and was held there for 12 hours. During this time, masked men in VJ uniforms took his father and two brothers out of the crowd. They were asked why they had sheltered people from other villages and were then shot and killed.<sup>48</sup>

At the same time a man who was held with a group of people after the women and children had been separated out and directed to walk to Albania, said that the VJ were shouting at them, "Where is NATO? Where is the OSCE for you now"? The elder men who wore the traditional round white hats or *plis* had to throw them to the ground and trample on them. The VJ gathered some of the men from the group who were held, and marched them at gunpoint into a side street. A short time later only the VJ emerged. About two hours later the remaining men were eventually released.<sup>49</sup>

The Turkish population of Mamusa was separated from the Kosovo Albanians and was allowed to remain.<sup>50</sup>

Many villagers left, travelling by night on tractors through Prizren towards the border. Along their route they saw many *plis* belonging to the older Kosovo Albanians with bloodstains and Second World War Chetnik symbols scrawled on them. Five traffic police stopped one group and advised them to keep travelling to the border via the periphery road and not through the centre of the town. At the Albanian border Yugoslav border police confiscated all documentation and extorted money from them.<sup>51</sup>

## **Korisa/Korishe**

Korisa/Korishe is situated north-east of Prizren town and close to the boundary of Suva Reka municipality. Before the forced expulsions of March 1999 it was a predominantly Kosovo Albanian village with a small number of Serbs living there. Korisa experienced fighting as early as 15 March when the shelling of the village began.<sup>52</sup> Villagers appear to have moved in and out of the village over a period of weeks, as shelling was ongoing sporadically through March until the end of April. On 17 March 2000 VJ allegedly went to Korisa which was then empty, since people had fled from the shelling of the previous few days, among other things hiding in the woods nearby. On 24 March police entered the village shooting and the occupants fled. A police officer (name recorded) shot at a car, which overturned; police removed the body of the driver.<sup>53</sup> Another interview recounted: "On 2 April Serbian

forces entered houses and told us to put on our shoes and leave. We left on foot and walked to the border. As we left our houses police were burning them."<sup>54</sup> Between 12 and 25 April the village came under attack several times. As Serbian forces burned their houses, the villagers fled. In one man's account he said that on 12 April police and VJ entered the village shooting in the air; people escaped to the mountains but many old people were left behind. The village was shelled and houses destroyed and burned. After 22:00 the villagers returned. Upon returning to his house, which was burning, he found the dead bodies of his father and mother severely burned.<sup>55</sup> On 27 April a villager and two of his family members who returned to Korisa said that he found paramilitaries together with a local Serb (name recorded). Later his mother found the mutilated bodies of three of their relatives.<sup>56</sup>

### **The border with Albania - Ljubizda Has/Hasi i Lubizhdes and Djonaj/Gjonaj villages**

During 1998 and into 1999 Serbian forces undertook repeated operations to secure the mountainous area along the border with Albania from UCK incursions from Albania. During the third week of January VJ forces carried out two night incursions into the village of Planeja/Planeje, 5 km from the Albanian border. The VJ reportedly first shelled the village and subsequently stole property. The VJ also proposed to "escort" the population to the Kosovo-Albanian border. It was reported that a number of villagers had already left and moved to safer areas.

A number of incidents occurred in the border region between Djakovica/Gjakove and Prizren as the UCK attempted to infiltrate into Kosovo from Albania near the village of Damjane/Damjan, south of Djakovica; this is described in greater detail in the entry for Djakovica municipality. After fighting in that region on 27 January a large number of IDPs were seen leaving the nearby village of **Romaja/Romaje**, between the main Prizren-Djakovica road and the border with Albania.<sup>57</sup>

Serbian forces also maintained checkpoints along the main road between Prizren and Djakovica to secure this route. In late January SAJ special forces were seen controlling two checkpoints 200 metres apart on this road. In one incident a man claimed that he was asked for a bribe of DM 40 as a fine for travelling with an expired ID. As he was not able to pay the money he was allegedly taken into the SAJ vehicle where he was threatened and harassed by the SAJ officers who tore up his expired ID, thus making it difficult for him to travel back to his place of residence in Prizren.<sup>58</sup>

On 28 January it was reported that state security forces arrested several villagers when fighting broke out in Romaja. The villagers were allegedly severely beaten and one of them was wounded with a knife. When one man tried to escape he was arrested and taken away towards Romaja by the forces. The family members had asked the police about his whereabouts but got no reply and asked the OSCE-KVM if they could help in obtaining information regarding this matter. However, no further information was available on the files evacuated from Kosovo.<sup>59</sup>

In early February OSCE-KVM patrols in Prizren, as in other municipalities, were informed that VJ

liaison officers should accompany OSCE-KVM patrols within 5 km of the border.<sup>60</sup> A few days later, on 20 February, police officers went to the Prizren field offices in Zur/Zhur, south-west of Prizren, and Dragas/Dragash (Gora/Dragash) to the south and gave the OSCE-KVM a 24-hour deadline to leave the offices.<sup>61</sup>

A VJ liaison officer accompanied verifiers to an area close to the Albanian border, where VJ sentries were allegedly fired at one evening in mid-March. The verifiers saw evidence of strike marks and villagers confirmed hearing firing. The VJ believed that UCK personnel were attempting to cross the border and that other UCK fighters were trying to create a diversion. The VJ warned the villagers against further provocation.<sup>62</sup>

The area around the villages of **Ljubizda Has/Hasi i Lubizhde**<sup>63</sup> and **Djonaj/Gjonaj**,<sup>64</sup> between the Prizren-Djakovica road and the border with Albania, was surrounded and shelled on or around the 25 March and over the following days. During this time a combination of different Serbian forces were seen in and around the area. VJ border units were present in Djonaj, as well as other groups wearing VJ uniforms with a mixture of black and red headbands. At the same time, VJ and paramilitary units moved from the nearby **Kojus/Kojushe** area and started to burn Djonaj and Ljubizda Has. Shops and houses belonging to Kosovo Albanians were robbed and their owners beaten before being told to leave immediately.<sup>65</sup>

People started to flee into the mountains and forests, where they joined others from the area who were also escaping the shelling of their own villages. There were thousands of people on the mountains at this time. There was also a group of about 25 UCK soldiers who were observing the VJ and paramilitaries and reporting back to their HQ and protecting some of the groups. Trucks carrying about 150 VJ moved into vicinity of Djonaj on 27 March and people in the villages were told that the old men, women and children had to leave, while the younger men were told to remain. Some of them managed flee to the mountains and forest area.<sup>66</sup>

Some time between late March and mid-April one group was surrounded in the forest between Ljubizda Has and Djonaj. The group, who stated that they were all civilians, was then questioned about the UCK. Men between the ages of 15 and 60 were separated from the main group and between 10 and 16 of them were placed in a line. One of the VJ placed his weapon on a tripod and positioned himself in front of the men. Another soldier pleaded with him not to shoot and sat down and started to cry, but the first soldier proceeded to open fire and shot at the men while their families were forced to look on. At least eight of the men died while others escaped with injuries. Police then forced villagers to hide the bodies in various places.<sup>67</sup>

The VJ then ordered a group of 30 men back to the village of Ljubizda Has. They were beaten and forced to sing Serbian songs and shout, "Long live Serbia and Milosevic!" When they reached the village they were split into two groups and taken to a farmhouse where altogether there were 100 people.

While the men were in the barn, a group of women were kept in a house and forced to cook for the VJ. The younger men were taken from the barn to the forest, stripped and made to stand naked in the rain for two hours while their clothing was searched. After the men were beaten, they were told to dress and were taken back to the farmhouse. After four days some of the younger men were taken away with their hands tied behind their backs. The rest were put on a bus and taken to the Albanian border. At the border they were stripped of their identification documents.<sup>68</sup>

The VJ and paramilitaries shot at people in the mountains. A 16-year-old girl was killed and her 10-year-old brother injured. A doctor, who had had been sheltering on the mountains since the start of the shelling in March and treating the injured he found, said that from his position he observed about 150 people moving into Djonaj around 4 April. Most were in uniform but others were civilians. After looting some of the houses in the village, they set fire to them. An old man who had remained in the village was killed in his garden. The doctor returned at night and buried him.<sup>69</sup>

### **The Prizren-Kukes road and area south of Prizren**

The road running south-west from Prizren to Kukes (Albania) from late March 1999 came to be one of the main exit routes for Kosovo Albanians fleeing or expelled from across Kosovo. Villages near the road were also the site of several incidents shortly before the OSCE-KVM evacuation on 20 March 1999.

On 13 March the OSCE-KVM Regional Centre in Prizren responded to reports from the "OSCE Presence" in Albania and the VJ in Prizren relating to a border incident near **Goruzup/Gorozhup** (north of the Prizren-Kukes road, very close to the Albanian border). The OSCE-KVM was shown the scene of the incident and saw a large quantity of equipment including ammunition, grenades, sniper rifles, rocket-propelled grenades, military clothing and 13 rucksacks. The VJ said that they had intercepted a group of between 10 and 20 members of the UCK crossing from Albania and there was an exchange of fire, during which the UCK withdrew, leaving their equipment. The VJ did not claim that any UCK were killed. The OSCE-KVM observations were consistent with the VJ account of events but could not confirm them.

Acting on information from locals that a VJ operation was under way in the village of **Muradem/Muradem**, just off the Prizren-Kukes road, the OSCE-KVM attempted to reach the area in mid-March. The verification team found the road to the village blocked by a group of VJ soldiers and a vehicle, allegedly broken down. About one hour later the roadblock was removed and the VJ moved out of the area. Villagers in Muradem told the OSCE-KVM team that VJ soldiers had searched the village for three hours, looking for weapons. The villagers said they turned over three hunting rifles.

In early March there was fighting in the area around **Hoca Zagradaska/Hoce e Qyteti**, south-west of Prizren. On 11 March about 200 people left and headed north towards Prizren when the police stopped them. During a lull in activities the IDPs returned towards their village, but then fighting was renewed and about 100 people moved once more out of Hoca Zagradaska to the north.

During the security force operations on 11 March residents from the village of **Jeskovo/Jeshkove**, which lies south-east of Hoca Zagradska further into the mountains, and the surrounding areas left their homes, returning a few hours later. Houses were seen burning after a heavy bombardment by Serbian security forces which used tanks with armoured personnel carriers, artillery and mortars in a joint operation against the UCK in the area. The UCK were reported to have responded by mounting an attack in the area of Zociste/Zocishte, some distance away just off the Suva Reka-Orahovac road in Orahovac municipality, using mortars and heavy machine-guns. For the majority of the operations OSCE-KVM patrols were denied access to the area. The OSCE-KVM Regional Centre in Prizren commented that the UCK had infiltrated into Jeskovo, a previously deserted village, about one week earlier. Residents in Hoca Zagradska had informed the OSCE-KVM of their concern at the UCK move. The UCK were made aware by the OSCE-KVM that both locals and the security forces saw their presence in the area as a provocation. Additionally OSCE-KVM in Prizren noted that during this operation the Serbian security forces confined fighting to Jeskovo/Jeshkove (south of Prizren); other villages were occupied but not damaged.<sup>70</sup>

On 12 March OSCE-KVM teams were invited by the police to visit Jeskovo, the village at the centre of the police operation on 11 March. The verifiers saw the bodies of seven armed men in black UCK uniforms. According to the police all had been killed by small arms fire during the security force operation. The teams were not able to conclude that the UCK members had died in the locations where they lay. The OSCE-KVM were also shown a small-calibre mortar weapon with some primed ammunition and other ammunition stored in boxes. It was assessed that the mortar had been fired recently. During the investigation OSCE-KVM verifiers reported seeing about 20-25 members of the specialist police combat force, the Special Police Force (*Posebne Jedinice Policije - PJP*).

### **Zur/Zhur and Vrbnica/Verbnice**

Zur/Zhur lies on the Prizren-Kukes road and had an all-Kosovo Albanian population of just over 6,000 before 1998 population displacements.<sup>71</sup> On the evening of 7 March OSCE-KVM verifiers observed a shooting incident. The following day they met with the VJ liaison officer at the Zur police station, who informed OSCE-KVM officers that three separate shooting incidents had occurred in alleged UCK attacks against the VJ in Zur. There were no casualties reported. In the case of the incident that the OSCE-KVM witnessed, the VJ was apologetic about the proximity of the shooting to the OSCE-KVM team. The VJ account of the other two incidents could not be confirmed.

During the mass expulsions of Kosovo Albanians in March 1999 many IDPs were directed through Prizren and Zur, in the west of the municipality, and on to Vrbnica/Verbnice, the border crossing point to Morine (Albania). There was no border crossing point between Prizren and The former Yugoslav Republic of Macedonia, since the high mountain range to the south-east made it very difficult to cross, although some reports did indicate that IDPs from the Prizren area did cross at The former Yugoslav Republic of Macedonia either on foot or by car.

Villagers expelled from Dusanovo/Dushanove and Landovica/Landovice, a few kilometres north-west of Prizren, passed through Zur in late March, crossing the border with Albania at Vrbnica. In Zur, they saw police taking people's cars and also the bodies of two Kosovo Albanian men lying near a new car that was covered in bullet holes and had the windows shot out.<sup>72</sup> By the time displaced Kosovo Albanians reached the borders of Kosovo the majority of them had been relieved of their IDs, which had been destroyed either en route or at the borders. For further details see Chapter 14, Forced expulsion.

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## Notes

<sup>1</sup> UNHCR, "Kosovo Village List", 9 March 1999 (1998 estimate excluding forced displacement).

<sup>2</sup> ECMM, "Daily Kosovo Report", 15 and 23 June 1998, 20, 24 and 28 July, 2, 3, and 14 September 1998. In the last of these reports the three villages mentioned are described respectively as almost totally destroyed, approximately 50 per cent destroyed and lightly damaged.

<sup>3</sup> PZ/00/0005/99.

<sup>4</sup> OSCE-KVM, "Report", 18 and 19 February 1999.

<sup>5</sup> OSCE-KVM, "Report", 20, 21 and 24 February 1999.

<sup>6</sup> OSCE-KVM, "Report", 5-12 March 1999.

<sup>7</sup> OSCE-KVM, "Report", 13, 14 and 15 March 1999.

<sup>8</sup> OSCE-KVM, "Report", 17 March 1999.

<sup>9</sup> OSCE-KVM, "Monthly Report", mid-January-mid-February 1999.

<sup>10</sup> OSCE-KVM, "Daily Report", 28 January 1999.

<sup>11</sup> M/0010 (stated that he was picked up by police who were wearing battle-dress and was questioned by police in ordinary uniform; he did not say who beat him).

<sup>12</sup> M/1736 (does not state how many police she had to perform oral sex with).

<sup>13</sup> PZ/00/0053/99.

<sup>14</sup> OSCE-KVM, "Report", 19 February 1999.

<sup>15</sup> OSCE-KVM, "Report", 28 February 1999.

<sup>16</sup> OSCE-KVM, "Report", 11 March 1999.

<sup>17</sup> A/0033 (stated that he saw Serbian forces wearing shoulder badges with a white eagle).

<sup>18</sup> A/0017; M/0005; M/1455.

<sup>19</sup> A/0017.

<sup>20</sup> A/0033. (The "League of Prizren", formed in 1878, was an assembly of representatives of all Albanian-inhabited regions that demanded autonomy from the Ottoman Empire. This event was the starting point of the Albanian liberation movement that eventually led to the declaration of independence by Albania in 1912. The building archived many of the documents relating to the League.)

<sup>21</sup> A/0024; A/0414; A/0780; A/0947; A/1004; M/0495.

<sup>22</sup> A/0024.

<sup>23</sup> A/0031 (said police started a round-up operation of OSCE-KVM local staff); A/0033 (said OSCE-KVM houses were bombed); A/0439; A/0947 (owner of building used by OSCE-KVM); M/0001; M/0005 (heard that 16 OSCE-KVM local staff were arrested on 22 March); M/0008.

<sup>24</sup> M/0005.

<sup>25</sup> A/1076.

<sup>26</sup> A/0449; A/0587 (who saw about 300 young men held in the "Sports Hall" in Prizren).

<sup>27</sup> A/0439; A/0523; A/0587; A/0713 (said the men were told they would have to give blood to the Serbians); A/0943 ( said the men were forced to give blood at the police station); A/0948; M/005.

<sup>28</sup> A/1038.

<sup>29</sup> A/1038.

<sup>30</sup> A/0530; A/0867.

<sup>31</sup> A/0274; A/0694; A/0695.

<sup>32</sup> A/0530. In addition to the names of his children and the two other children who were killed by the grenade, interviewee gives the names of the 10 people he saw dead in the house. They comprised men, women and children. The youngest was three and the oldest was 80 years old. One of the women was pregnant.

<sup>33</sup> A0274.

<sup>34</sup> A/0694; A/0695.

<sup>35</sup> A/0695; M/1332.

<sup>36</sup> ICTY, "Indictment Milosevic & Others ("Kosovo")", IT-99-37, 24 May 1999, paragraph 98.c.

<sup>37</sup> UNHCR, "Kosovo Village List", 9 March 1999 (excluding 1998 forced displacement). Figures for Krajk are not available.

<sup>38</sup> PZ/00/0057/99.

<sup>39</sup> OSCE-KVM, "Report", 9 March 1999.

<sup>40</sup> UCK had entered Mamusa in June 1998, ill-treated the inhabitants and seized several cars, with the result that more than 150 inhabitants fled. ECMM, "Daily Kosovo Report (No. 54)", 22 June 1998.

<sup>41</sup> OSCE-KVM, "Report", 12 March 1999.

<sup>42</sup> A0993.

<sup>43</sup> A0107; A/0944; A/0984; A/1011.

<sup>44</sup> A/0107.

<sup>45</sup> A/0919; A/0922; A/1010; A/1092.

<sup>46</sup> A/0922.

<sup>47</sup> A/0052.

<sup>48</sup> A/0034.

<sup>49</sup> A/0114 (named the commander involved).

<sup>50</sup> A/0034; A/0035; A/0114; A/0993.

<sup>51</sup> A/0034; A/0035.

<sup>52</sup> M/0939.

<sup>53</sup> A/0953.

<sup>54</sup> A/0260.

<sup>55</sup> A/0406. Names were given of other people who were killed during this offensive.

<sup>56</sup> A/0894.

<sup>57</sup> OSCE-KVM, "Daily Reports", 22 and 27 January 1999.

<sup>58</sup> OSCE-KVM, "Daily Report", 28 January 1999. <sup>59</sup> OSCE-KVM, "Daily Report", 28 January 1999.

<sup>60</sup> OSCE-KVM, "Daily Reports", 6 and 7 February 1999.

<sup>61</sup> OSCE-KVM, "Daily Reports", 10 to 21 February 1999.

<sup>62</sup> OSCE-KVM, "Daily Report", 15 March 1999.

<sup>63</sup> Ljubizda Has lies only 6 km from the border with Albania.

<sup>64</sup> Djonaj, which lies 10 km from the border with Albania, was 100 per cent Kosovo Albanian before 1998 population displacements.

<sup>65</sup> A/1115.

<sup>66</sup> A/1115.

<sup>67</sup> A/0243; A/0372; A/0909; A/1091 (who said that the villagers were forced to drink the bloody water of the stream where the bodies had been put). Another villager contacted the OSCE-MiK on 16 July 1999 and gave a similar account, although it is not clear whether he was actually an eye-witness. He also gave the names of 13 of the 14 people he said had been killed. In general these tally with the names of the dead and injured given in two of the original statements. The majority of the victims came from two families, although there are some differences in the last few names at the end of the list. OSCE-MiK contacted ICTY the following day; they said that they had been to the site and documented it (PZ/0013). ICTY confirmed the finding of 13 bodies, "Mass graves and exposed body sites", 1 October 1999.

<sup>68</sup> A/0243; A/0909.

<sup>69</sup> A/1115.

<sup>70</sup> OSCE-KVM, "Report", 11 March 1999.

<sup>71</sup> UNHCR, "Kosovo Village List", 9 March 1999 (excluding 1998 forced displacement).

<sup>72</sup> A/0695; M/1332.

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KOSOVO / KOSOVA As Seen, As Told

OSCE ODIHR

## SRBICA/SKENDERAJ



Srbica/Skenderaj municipality is located in north-central Kosovo, south of Kosovska Mitrovica municipality. The territory of the municipality is mostly a high, rolling plateau running westwards from the foothills of the Cicavica mountains. Prior to the 1998-99 displacements the municipality's population of about 65,000 was 98 per cent Kosovo Albanian.<sup>1</sup> The OSCE-KVM had a Co-ordinating Centre in Srbica village.

Srbica is in the Drenica region, a place with a long history of Kosovo Albanian defiance of Serbian rule,<sup>2</sup> and has been a heartland of UCK activity from that organization's inception. It includes the villages of Donji Prekaze/Prekazi i Poshtem and Cirez/Qirez, locations (with nearby Likosane/Likoshan, in Glogovac/Gllogoc) of police operations resulting in armed confrontation and the mass killing of civilians in February and March 1998.<sup>3</sup> Those events can be said to represent a defining episode in the escalation of armed conflict in Kosovo. Srbica was thereafter badly affected by the Serbian police offensive throughout the summer of 1998. As that offensive unfolded across Drenica there was systematic destruction of many villages by police, forcing thousands of people to flee. Some of the worst atrocities occurred in late September in and near the neighbouring villages of Donje Obrinje/Obri e Ulet (in the far south of Srbica) and Gornje Obrinje/Obri e Eperme (in Glogovac) with three separate mass killings by police reportedly taking place in the space of one day, and numerous other human rights violations.<sup>4</sup> Despite the summer offensive, at the time of the OSCE-KVM's deployment into Srbica municipality the UCK was still either in control of, or a significant presence in, a substantial part of the municipality.

Yugoslav military "winter exercises" in neighbouring Vucitrn municipality (see the relevant municipality entry) sent many displaced people over the Cicavica mountains into Srbica in late February and March 1999.<sup>5</sup> On 4 March, the police announced that they had postponed an intended convoy between Srbica and Glogovac.<sup>6</sup> The UCK had stated that they would not accept a police presence in the territory they controlled, and would attack the convoy if it attempted to pass. UCK reinforcements were

observed along the road.<sup>7</sup> Also as of 4 March 1999, OSCE-KVM confirmed that police special forces were present in Srbica.<sup>8</sup>

On about 18 February, a member of the European Union Attaché Group (EUAG) visited the UCK "military police" station and a "prison" in the Drenica area. They interviewed four Albanian-speaking detainees, arrested for having allegedly committed theft.<sup>9</sup>

### **Srbica/Skenderaj town**

Srbica/Skenderaj town is located in roughly the centre of the municipality, south of the road from Kosovska Mitrovica/Mitrovica to Pec/Peja, on a road leading south to Glogovac. The town's population of about 4,000 was 91 per cent Kosovo Albanian, with some 200 Serb residents.<sup>10</sup>

Immediately after the OSCE-KVM withdrew from Kosovo on 20 March, Serb forces who had been stationed at a munitions factory near Gornje Prekaze/Prekazi i Eperme targeted Kosovo Albanians for expulsion from the town. Some reported that the Serb forces were dressed in white winter camouflage uniforms, others reported them as wearing dark uniforms and having painted faces.<sup>11</sup> On 21 March they went from house to house, ordering Kosovo Albanians to hand over their valuables and to leave their houses.<sup>12</sup> Some interviewees reported that houses and businesses were targeted for destruction.<sup>13</sup> One interviewee was at her parent's house when troops in dark blue camouflage with painted faces and black headbands came in. They ordered everybody out, threatening to cut off their ears and make necklaces out of them if they did not comply. When the interviewee reached the street she heard screaming from all around the quarter. She saw a middle-aged Kosovo Albanian man randomly selected by a member of the Serb forces who hit him with the handle of the knife, which left a large bleeding wound on his right cheek. The perpetrator then kicked the man in his genitals and he fell to the ground screaming. The perpetrator took from a colleague an automatic rifle which had a bayonet and moved it quickly down towards the screaming man's chest, possibly stabbing him. After that he shot the man with the automatic rifle, and the interviewee described the man's body "trembling". The interviewee then fled, eventually to Pristina.<sup>14</sup>

Others were rounded up and taken to the local munitions factory.<sup>15</sup> There, men were separated from women. One interviewee was among the men separated and taken to the police station, where they were beaten. They were then transferred in army trucks to the police station in Kosovska Mitrovica. After being beaten again, photographed and fingerprinted, the men were released, albeit their IDs were not returned to them.<sup>16</sup>

According to two refugee sisters interviewed separately by the OSCE-KVM, early on the morning of 20 March, shortly after shooting had begun in their neighbourhood, armed men broke in to their house and took the men into the kitchen.<sup>17</sup> From another part of the house the others could hear the sounds of

beating and screaming coming from the kitchen. A soldier came upstairs and ordered one 26-year-old woman to take off her clothes, or else be killed. She replied that he could kill her then, and he left when her mother intervened.<sup>18</sup> At least seven men in the household were then reportedly taken outside, one whose name is mentioned in several refugee statements, and another who was an LDK activist and who had worked for the OSCE-KVM.<sup>19</sup> Shortly afterwards one of the two sisters interviewed heard single shots followed by automatic gunfire. Both sisters reported that the bodies of at least two men were found dead in a wooded area nearby and were photographed by police wearing white uniforms, then taken to the Kosovska Mitrovica morgue.<sup>20</sup> One of these interviewees viewed the bodies there and retrieved some personal items from the victims. Her brother, one of the men taken away, had been stabbed under his chin and had been shot in the side. Her brother-in-law had been shot in the forehead. Some of the bodies had been mutilated.<sup>21</sup> The bodies were later buried by their relatives.<sup>22</sup> Other killings reportedly took place at this time, although the OSCE-KVM did not interview direct witnesses to these.<sup>23</sup>

Since the end of the OSCE-KVM reporting period, international investigators have exhumed 27 bodies from one grave site east of Srbica town.<sup>24</sup>

On 28 March and again on about 10 April, men rounded up from villages in Srbica municipality including Tusilje/Tushile, Kladernica/Klodernice, and Cirez (see below), were taken to the Srbica police station, where they were held in the station or in nearby buildings, including a warehouse used by the police.<sup>25</sup> One interviewee recounted that her cousin, apprehended in Klina (Srbica) on 28 March after fleeing Cirez, had been severely beaten, sustaining broken bones; he was then taken to Kosovska Mitrovica and released.<sup>26</sup> Most others also report that they were questioned about the UCK, beaten, and after their release returned to their home villages.<sup>27</sup>

From late April and into early May the secondary school in Srbica was used as a detention facility for Kosovo Albanian men.<sup>28</sup> About 190 men were taken there on or around 25 April after being separated in Lausa/Llaushe (on the outskirts of Srbica town) from a convoy of IDPs coming from Klina municipality towards Kosovska Mitrovica.<sup>29</sup> The men reported that after their arrest, they were not given food for three days, and after that they only received bread in small amounts.<sup>30</sup> About another 50 men were transferred to this school from a Kosovska Mitrovica detention centre (see entry for Kosovska Mitrovica municipality) on about 29 April.<sup>31</sup> They too were not given food for the first 72 hours in detention.<sup>32</sup> One prisoner noted that "sometimes [the police] would come in drunk and beat the men in front of the others, kicking them, punching them and beating them with wooden sticks".<sup>33</sup> Other prisoners also mentioned that they were beaten with the butts of rifles.<sup>34</sup> One mentioned that the beatings occurred particularly when there were NATO flights over Srbica or when the guards were drunk.<sup>35</sup> Two men recognized a local police officer from Kosovska Mitrovica among those who beat them.<sup>36</sup>

On about 2 May a group of some 60 prisoners at the secondary school was removed by VJ truck to Trnavce/Trnoc, north of Srbica town, where the UCK and the VJ were reportedly fighting.<sup>37</sup> One interviewee said he was put between the positions of the belligerent sides, and it was announced that "if one Serb soldier is killed we will kill all the men". They were also made to walk across a field to see if it was mined.<sup>38</sup> Another interviewee reported that after being used as human shields they were forced to set fire to Trnavce village.<sup>39</sup> They were returned the same day to the secondary school (see also the entry for Kosovska Mitrovica municipality). On about 10 May, the prisoners in the school were transferred to Smrekovnica/Smrekonice prison, for which see the entry for Vucitrn municipality.)

## Villages in the Izbica area

The area around **Izbica/Izbice** village, west of Srbica town, was primarily controlled by the UCK, and almost all the villages in the area were entirely or primarily Kosovo Albanian (only Banja/Baje, in the north, had a Serb majority).<sup>40</sup> The Serb population of Leocina/Lecine village had fled in 1998, and the disappearance from that village of five members of one Serb family, including two elderly women and an elderly man, remained an issue of continuing concern to local Serbs remaining in the area.<sup>41</sup>

In early February 1999, the OSCE-KVM was informed by police that a robbery had occurred at the Serbian Orthodox Devic monastery, near Lausa/Llaushe. When an OSCE-KVM patrol went to the monastery on 5 February, they saw about 40 police with combat equipment and eight armoured vehicles. The police patrol went to Lausa and the OSCE-KVM heard a heavy exchange of small arms fire. Later the vehicles returned to Srbica, where the patrol saw evidence of bullet strikes on two of them. One policeman was slightly hurt. The OSCE-KVM interceded and the police agreed that they would not try to return to the monastery until an agreement had been brokered with the UCK.<sup>42</sup> When the UCK refused to give the police access, the police threatened to initiate a police action in Lausa village.<sup>43</sup>

Events in the Izbica area from the period immediately following the OSCE-KVM's withdrawal from Kosovo displaced thousands of people. Judging by statements taken by the OSCE-KVM - and others - among refugees, these IDPs were scattered in clusters all over the Izbica area. There are many accounts of incidents affecting different groups of IDPs.

The wanton destruction of and forcible expulsion from villages in the Izbica area from late March 1999, as well as a mass killing of about 130 men at Izbica village itself, are cited in the indictment against Milosevic and others issued by the International Criminal Tribunal for the former Yugoslavia (ICTY) as examples of the means and methods used to carry out a campaign of persecution against Kosovo Albanians.<sup>44</sup> The killings at Izbica were among the most widely reported incidents during the conflict. A grave site at Izbica was filmed by satellite and first made public at a NATO press briefing on 17 April 1999.<sup>45</sup> Information about killings in the Izbica area was spread by the Kosovo and Albanian media, as well as by non-governmental organizations.<sup>46</sup>

As operations began in the Izbica area, many local residents displaced from their homes went to Tusilje/Tushile, an isolated village set back from the road, because they felt they would be safe in this remote location. However, on about 28 March thousands of IDPs were rounded up in Tusilje. Men were separated and forced to march to Srbica town, where they were detained in a warehouse and other buildings used by the police.<sup>47</sup>

Immediately after the OSCE-KVM left on 20 March, police in white snow uniforms entered **Vocnjak/Vojnike** village, to the south of Izbica, breaking windows and telling the inhabitants to get out.<sup>48</sup> When they came to one house of one interviewee, they ordered the men, who were holding the children, to give them to the women and ordered the women to get out of the house, beating them when they insisted on staying. The interviewee heard shooting, and when she returned to the house two hours later, found two of her male relatives shot dead. She described the backs of their heads as having been completely blown off. The women then fled to the mountains and eventually went to Izbica.<sup>49</sup>

Attacks on the villages in the Izbica area intensified after 24 March. As Yugoslav forces shelled villages including Vocnjak, **Kladernica/Klodernice**, and **Leocina/Lecine**, many of the civilian inhabitants fled to safer areas.<sup>50</sup> Kladernica was torched, and VJ fired towards a group of IDPs in the hills, killing three.<sup>51</sup> Some of the men of military age fled to the hills; UCK fighters may have been among them.<sup>52</sup> Others, however, were camped with their families and tractors loaded with belongings. Clusters of IDPs were also gathered to the east in **Turicevac/Turiceve** and at Izbica. One interviewee who was near **Brocna/Buroje** reported that when he and two other men went to the village to look for food, they failed to notice a police checkpoint and his two companions were shot dead.<sup>53</sup>

On 27 March, Kladernica and a nearby forested hilltop where many IDPs were hiding were surrounded by Serb forces in blue and green camouflage, some of whom were wearing black masks and gloves.<sup>54</sup> One villager brought out a white flag, but then police in green camouflage separated him from his family. Although the family offered money for his release, he was shot dead.<sup>55</sup> Other individuals were also killed in Kladernica at this time.<sup>56</sup> One interviewee's report corroborates other organizations' accounts that after their valuables had been confiscated, about 30 men were separated from a group of IDPs and were executed.<sup>57</sup> The Serb forces also set ablaze the tractors loaded with the IDPs; two interviewees recounted that one elderly and paralysed man was not able to get out of the tractor and died.<sup>58</sup> Afterwards, the soldiers departed. The IDPs were unable to return to the village for several days, however, because of continuing fighting in the area.<sup>59</sup> The next day, similar events were reported to have occurred at Vocnjak after police and VJ entered the village with armoured vehicles and tanks.<sup>60</sup> Villagers there also reported that tractors were set on fire and some people, including elderly, who were not able to get off the tractors in time were burned.<sup>61</sup> Others were reportedly executed at this time.<sup>62</sup> The villagers were then escorted out of the village.

By 28 March thousands of displaced people from villages in the Drenica region had collected in **Izbica/Izbice**. Serb forces in green camouflage collected villagers and IDPs who were sheltering in the hills and brought them to a field.<sup>63</sup> About 150 men were separated from this group, including one interviewee's 12-year-old son, who was only released after the villagers gave money for him.<sup>64</sup> The women, elderly and children were then told to walk towards Djakovica/Gjakova. As they were walking away some said they heard shooting.<sup>65</sup> One 23-year-old man was among the villagers, and when the separating began he asked his father what they should do. His father said "Run!" and the interviewee fled into the forest. He later heard shooting. Several days later, he was among men who came down from the hills and discovered the bodies of the men who had been separated; he identified his father among those who had been killed.<sup>66</sup> Interviewees describe the bodies of the men as lying in two or three groups.<sup>67</sup> They also found the bodies of some women and others who had been killed with knives; some said the bodies were mutilated.<sup>68</sup>

Many of the men who had been in the hills assisted in the identification and burial of the victims.<sup>69</sup> They identified and buried not only those killed in Izbica, but also in other villages in the area; the bodies of some of them were brought to Izbica and buried at the same grave site.<sup>70</sup> The burial was videotaped by a Kosovo Albanian who was later able to smuggle the videotape out of Kosovo.<sup>71</sup>

Displaced people, including those separated and expelled from Izbica, were near Turicevac when a shell fell into the column of refugees on or around 28 March. Several people were killed, including two girls (names given). In the chaos some families were separated. After the shelling, the convoy was broken apart; some went to Tusilje/Tushile and others went on towards Klina, but were eventually able to return to their homes or to locations where IDPs had taken shelter in the Izbica area, many in Kladernica.<sup>72</sup> At another point, possibly near Brocna, the IDPs were stopped near a river, where they were told to sit down. Serb forces threatened to run over them with a tank if they did not hand over money and valuables.<sup>73</sup>

On about 10 April Serb forces again entered Kladernica. One family was in a school together with hundreds of other IDPs when soldiers came in and separated the men from the women. They took valuables from the women, and released older men on payment of a ransom. Those released were expelled from the area, and many joined a large column of IDPs that went towards Klina and Djakovica and eventually to Albania. Younger men were kept behind and were taken to Srbica town, and beaten the entire time before being reportedly released one week later.<sup>74</sup> One interviewee who said that he was arrested at this time, but in Izbica, said that men were separated and taken to Srbica, where they were severely beaten.<sup>75</sup> His group was held for one day and then transferred to Turicevac. They were held there for two days before being expelled towards Djakovica.<sup>76</sup> Another interviewee said that on 19 April he was in a group of IDPs in the woods near Vocnjak when Serb forces surrounded them. Men were beaten and money and valuables were extorted. The interviewee was then arrested with other men and taken to Tutine (in the Sandjak region of Serbia proper), where they were held for one day in a school,

interrogated and ill-treated, and then on 20 April transported to the Albanian border crossing near Shkoder.<sup>77</sup>

In the early hours of 12 May, shelling began again in the Izbica area. Serb forces came into Kladernica and gathered together the Kosovo Albanians they found there; some of the men, including one interviewee and his male relatives, were beaten before being expelled towards Albania. A group of young men were also reportedly killed at this time.<sup>78</sup> In Vocnjak and Izbica village Kosovo Albanians were also rounded up and expelled at this time. Those expelled from the area were sent towards Djakovica and then on towards Albania; some were detained overnight in a brick factory near Landovica/Landovice (see the entry for Prizren municipality), and the following day were bussed to the border with Albania.<sup>79</sup>

Since the end of the reporting period of the OSCE-KVM, international investigators in Kosovo have examined sites in Izbica and Brocna/Buroje where execution victims were reportedly buried.<sup>80</sup> In Izbica, the Serbian forces had tampered with the grave site. Villagers report that between 29 May and 5 June (thus, after information about the grave site had been made public), Serbian forces with excavators came and removed the bodies, taking them to an unknown location. They reported that when the site itself was exhumed by international investigators, only clothing and some body parts were found. Villagers, desperate for a place to mourn the dead, had replaced the markers on the empty graves.<sup>81</sup>

### **Villages in the Marina-Makrmalj area, south of Srbica town**

The area south of Srbica, west of the main road from Srbica to Glogovac, had been the scene of fierce fighting in 1998. Many villages, including Marina/Morine, Rezala/Rezalle, Makrmalj/Makermal, Likovac/Likofc, Tica/Tice, Pluzina/Plluzhine, Ovcarevo/Acareve, Donje Obrinje/Obri e Ulet, and Murga/Murge had been destroyed, and as a result there were very few civilians living there. Marina, where there is an airfield, was reportedly used as a base for VJ conducting activities in the Drenica region.<sup>82</sup>

On 13 January 1999 OSCE-KVM intervention led to the release of eight VJ soldiers from Kosovska Mitrovica who had been taken captive by the UCK and detained in **Likovac/Likofc**. While talks were ongoing concerning the release of the soldiers, four Serb journalists who were trying to cover the story were threatened at gunpoint and told to leave the area; the OSCE-KVM intervened to prevent the UCK from taking them captive, and escorted them as they left the area.<sup>83</sup>

In another abduction episode at Likovac, a Kosovo Albanian working for the Vucitrn municipal authorities went missing after he had been detained by the UCK and taken to Likovac on 17 December 1998. Although his relatives visited him there once on 20 December, when they attempted to visit him on 31 January 1999 they were told that he had been released the previous day. The man failed to return home. Although the UCK admitted to the OSCE-KVM that they had arrested this man, the Drenica zone commander informed the OSCE-KVM on 8 March that he was not in detention in Drenica, but failed to

provide information on when he was transferred or released from their custody. The man remained missing at the time of the OSCE-KVM withdrawal.<sup>84</sup>

Very few refugees from villages in the Marina and Makrmalj area were interviewed by the OSCE-KVM. One interviewee reported that she was repeatedly harassed in **Makrmalj/Makermal**, a village adjacent to Marina/Morine. On 18 April her husband warned her that suspicious forces were heading in their direction; he said that they were wearing UCK uniforms but had long hair. The interviewee was shot in the leg. Three days later, the interviewee was molested by soldiers she described as "paramilitaries", who wore earrings, one also with a beard, another with a scarf on his head. They came to her house and made lewd gestures, and one started to unzip his trousers. He then left after demanding gold from the women in the room. Two days later, police came into the house and took the men of the house into the yard where they beat them. The men were then taken away by the police but were released the next night. They recounted that they had been taken to a factory where the humiliating treatment they had been subjected to had included having to immerse themselves in latrines.<sup>85</sup>

Villages in the Marina-Makrmalj area where VJ were based were used as detention centres for men rounded up from the Srbica and Glogovac area; they were reportedly forced to undertake dangerous work such as digging trenches and building bunkers for the forces.<sup>86</sup> Although none had first-hand knowledge, interviewees reported killings in Rezala village.<sup>87</sup> International investigators in Kosovo have examined sites in Marina where bodies were reportedly buried.<sup>88</sup>

On 12 May, an interviewee reported seeing Serb forces in black uniforms with red armbands and camouflage vests come into **Donje Obrinje/Obri e Ulet** village and shoot dead four men, then mutilate the bodies.<sup>89</sup>

### **Villages in the Cirez/Qirez area**

**Cirez/Qirez** is a village in the high, hilly plains approaching the Cicavica mountains bordering Glogovac municipality, approximately 10 km north of Glogovac and approximately 12 km south-east of Srbica town. The village is spread over several kilometres along a minor road leading from Glogovac to Vucitrn. Cirez is a focal village for several nearby villages, including Baks/Baks, Krasalic/Krasaliq, Kozica/Kozhice and Krasmirovac/Krasmiroc, as well as Likosane/Likoshan and Stutica/Shtutice (Glogovac municipality), and Becic/Beqiq and Bencuk/Bequk (Vucitrn municipality). The area has few natural boundaries distinguishing the municipality boundaries. For the duration of the time OSCE-KVM was in Kosovo, this area was controlled by the UCK.

As noted above, Cirez was one of the locations of the well-documented extra-judicial execution of civilians by Serbian police on 28 February and 1 March 1998.

Cirez was visited in December 1998 by OSCE-KVM monitors who were attempting to mediate between

the local electric company and the UCK over access by the electrical company to the area in order to maintain high voltage transmission lines which ran through the area. The UCK had been denying access, setting the condition that low voltage lines be repaired to provide electricity to local (Kosovo Albanian) villages, and insisting that the work be done by crews composed solely of Kosovo Albanians. Although an agreement had been reached whereby power would be delivered to the area, the UCK liaison also complained that it was only for two or three hours a day to the villagers at this time.<sup>90</sup>

On 10 March 1999, UNHCR reported that 200 IDPs, primarily women and children, had arrived in **Krasmirovac/Krasmiroc**.<sup>91</sup> On 17 March the OSCE-KVM observed IDPs on the move in the Cirez and Prelovac/Prelovc area.<sup>92</sup> Some people interviewed by the OSCE-KVM after fleeing or being expelled to the former Yugoslav Republic of Macedonia or to Albania reported that VJ troops had established themselves in Prelovac village, near Krasalic, by 16 March; however, this was not confirmed by the OSCE-KVM.<sup>93</sup>

The "winter exercises" centred on Vucitrn municipality (see the relevant municipality entry, and also above) meant that significant numbers of VJ troops were out of barracks and in the Cirez area at the time of the OSCE-KVM's departure. Immediately after the OSCE-KVM left Kosovo, villages surrounding Cirez were shelled, including Baks, Krasmirovac, Kozica and Krasalic, as well as villages in the north of Glogovac. Thousands of villagers, expelled or fleeing from shelling, came to Cirez and were gathered near the mosque and school there.<sup>94</sup> On 23 March the VJ, with tanks, came to Cirez from the direction of Srbica town.<sup>95</sup> They shot into the air and came to the school, where thousands of IDPs were sheltering.<sup>96</sup> Serb forces, including the VJ but also others, came into the school and separated out the men. As the men were taken into the yard, women inside the school were searched and valuables were confiscated. The men were ordered to take off their trousers and lie in the snow, and were beaten for about an hour before being released.<sup>97</sup> Other groups described as "paramilitaries", with long hair, earrings and a mixture of uniforms, searched private houses, expelling the residents and setting their homes on fire. The Serb forces ordered those who had come from villages in Srbica municipality to return to their homes, but the other IDPs were confined to the school for several days.<sup>98</sup>

On 25 March a different group of Serbian police in mixed blue camouflage accompanied by soldiers in green camouflage driving tanks arrived in Cirez from the direction of Glogovac.<sup>99</sup> At this time, the remaining inhabitants of Cirez were ordered to go to the school and mosque. The police then entered the school and ordered everyone to get out. Males over the age of 10 were separated, and forced to shout pro-Serbian slogans. The police insulted the elderly men, throwing their skullcaps (*plis*) to the ground and trampling on them.<sup>100</sup> They set fire to houses and to tractors loaded with the IDPs' belongings.<sup>101</sup> The Kosovo Albanians were then ordered on a five-hour march along back roads to Stutica via Likosane.<sup>102</sup> They were told that they were being used as human shields, and were accompanied by military vehicles.<sup>103</sup> One interviewee recounted that the column was led by the men, who were forced to walk with hands behind their heads and were followed by the women and children.<sup>104</sup> During the trek

about 20 men were forced to line up and lie on the ground; one who tried to escape was shot dead.<sup>105</sup> Some interviewees, however, reported that the soldiers in the tanks took pity at the sight of these hungry and exhausted people and gave them food and water.<sup>106</sup> Nevertheless, one woman reported that her baby had died from the hardship.<sup>107</sup>

In Stutica (Glogovac), the IDPs were again searched for valuables, and about 100 men were ordered outside, where they were kept for the entire night and beaten. On 27 March, these IDPs were again separated. About 200 men were reportedly forced to accompany tanks to Glogovac.<sup>108</sup> The other interviewees were released, although some were ordered back to Srbica municipality, to Kozica, Krasmirovac, and Krasalic.<sup>109</sup> Many again ended up in Cirez.<sup>110</sup> After their return, villagers were able to stay for about one or two weeks, although many reported incidents of harassment and some reported killings.<sup>111</sup> Sometime before mid-April most of the population was expelled from the area, most heading towards Glogovac town or villages near there.<sup>112</sup> (Some of the key incidents in villages in this part of Srbica municipality at the time of these expulsions are described below; incidents in villages in Glogovac municipality are described in that municipality's entry.)<sup>113</sup>

Villagers who had returned to Baks village were only there for a couple of days before several groups of Serb forces again entered the town, coming from the north. One group, described as wearing cowboy hats, entered a yard where a group of about 300 people had put out a white cloth to indicate their surrender. The Serbs separated three men, and beat them in front of the others. Another interviewee described how another group of Serbs with long hair and wearing green baseball caps came and, after giving themselves injections, went into a house and took out an elderly woman; they then set the house on fire. While it was burning, they shot dead the three men who had been beaten and the elderly woman. The other villagers were then forced to enter the mosque, which had also been set on fire, and were forced to stay there for half an hour until they were choking from the smoke.<sup>114</sup>

When expelled from Baks to Glogovac around the same time, one interviewee said her father-in-law was taken away by Serb forces with three other elderly men.<sup>115</sup> Another apparently unrelated interviewee whose route out of Kosovo was different said that she had seen that man among five others who were shot dead.<sup>116</sup>

More than 1,000 IDPs had gathered in Krasmirovac. In early April the village was shelled, and afterwards mixed groups of Serb forces entered. Villagers had gathered in a field. Four elderly men were separated from the group and shot dead; one of the perpetrators was described as having exceptionally long hair.<sup>117</sup> A teenage girl was also shot dead.<sup>118</sup> The group was then robbed of their valuables and expelled towards Cirez and on to Glogovac.

One interviewee said that a second attack on Kozica village began on 6 April 1999 (the first had been on 20 March). During this second attack a shell fell on a house, killing three people inside. One member of

the Serb forces, who was described as bald and wearing a cowboy hat, took a mentally retarded man from the crowd and shot him dead. All the women and elderly people were taken into a yard, but one interviewee who was confined to a wheelchair was left behind. She asked one VJ, whom the others called "Kapetan" to fetch her mother and sister, which he did. Although the disabled woman's sisters were eventually expelled, the soldier then arranged transport to Cirez for her and for the elderly and wounded. There, they were cared for and protected from other Serb forces by VJ soldiers for about one week, before the soldiers took them to Krasalic, saying that it was for their own safety as "many shit people have got hold of arms now".<sup>119</sup>

In the first part of April, women were kept in the Cirez mosque by a group of Serb forces described as being tall and bald.<sup>120</sup> They forced the women to strip, and the women were then paraded in front of many other soldiers who groped them. Some women may have been raped at this time. Three women were reportedly raped daily for three days and then expelled to Staro Cikatovo (Glogovac), where they met other rape victims (see also the Glogovac municipality entry).<sup>121</sup>

After this wave of expulsions, the population remaining in the area was predominantly men who had fled into the hills, including those who went to join the UCK.<sup>122</sup> During this time, killings continued, for example one interviewee reported that four men who attempted to return to their home village from Krasmirovac were shot dead when spotted by Serb forces.<sup>123</sup> One man said that he was taken, along with 175 other men, from the Cirez mosque to Glogovac police station, to be transferred eventually to Lipljan prison.<sup>124</sup>

After NATO bombed the Feronikel factory in Glogovac (see Glogovac municipality entry), increased military activities in the entire area increased. More than 250 people were reported as being killed in Stutica and Vrbovac (see entry in Glogovac municipality). The OSCE-KVM did not interview anyone who had remained in the Cirez area at this time.

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## Notes

<sup>1</sup> UNHCR, "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement). Banja/Baje was the only village with a Serb majority, although significant numbers of Serbs also lived in the village of Suvo Grlo/Suhogerlle; both are in the north-west corner of the municipality.

<sup>2</sup> Noel Malcolm, *Kosovo - A Short History*, 2nd edn (London: Macmillan, 1998), pp. 274-275.

<sup>3</sup> Amnesty International: *Violence in Drenica, February-April 1998*. EUR 70/33/98, June 1998

<sup>4</sup> Human Rights Watch: *A Week of Terror in Drenica, Humanitarian Law Violations in Kosovo*. 1999.

<sup>5</sup> See RC Mitrovica Human Rights Office Weekly Report No 13, 12 -18 March 1999.

<sup>6</sup> OSCE-KVM Daily Activity Report, CC3 Srbica, 04 March 1999.

<sup>7</sup> OSCE-KVM Report, Period covering 4 March 1999.

<sup>8</sup> OSCE-KVM Daily Activity Report, CC3 Srbica, 04 March 1999.

<sup>9</sup> OSCE-KVM Report, Period covering 18 February 1999. The UCK Zone Spokesperson was angry that the detention centre had been visited.

<sup>10</sup> UNHCR, "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>11</sup> A/0497; A/0810; M/0473; M/1380; M/1439 (also interviewed as M/1700); all described men in white uniforms with black boots and, in some cases, black flak jackets. M/0065 and M/0494 described soldiers in dark camouflage uniforms with painted faces.

<sup>12</sup> A/0473; A/0497; M/0065; M/1380; M1439 (also interviewed as M/1700).

<sup>13</sup> M/0025; M/1439 (also interviewed as M/1700). Confirmed by a visit of an OSCE/ODIHR delegate to Srbica, 29 September and 2 October 1999.

<sup>14</sup> M/0065.

<sup>15</sup> A/0497.

<sup>16</sup> A/0497.

<sup>17</sup> A/0494 was interviewed in Vlora, Albania. A/0810 was interviewed in Fier, Albania. A/0494 said that the perpetrators were wearing green camouflage and had painted faces and came on 21 March. A/0810 said that the perpetrators were wearing white uniforms and came on 20 March. Villagers in Srbica who knew about this incident said it took place on 20 March.

<sup>18</sup> A/0810. She knows the name of this man.

<sup>19</sup> According to a local resident who spoke to an OSCE/ODIHR delegate on 29 September 1999, eight men from the household were taken into the wooded area and shot dead. The sisters gave a total of seven names of men

taken from the house. Other interviewees had heard of the killing of one of the individuals, who was reported to be an intellectual - M/1380, and a man interviewed twice (M/1439 and M/1700). The interviewer who interviewed the OSCE-KVM employee's wife (A/0494) noted that that the victim's association with the OSCE-KVM was not believed to have motivated the killing.

<sup>20</sup> On 29 September 1999, an OSCE/ODIHR delegate and OSCE-MiK visited the wooded area where the men were reportedly killed. The team was approached by a local resident who said he had seen white-uniformed men take the eight men into a small gully and shoot them; they then photographed the bodies and removed them by truck.

<sup>21</sup> A/0810.

<sup>22</sup> A/0494, the location of the grave is unclear.

<sup>23</sup> Three Kosovo Albanian men, one 15 years old, were shot dead in the yard of a local resident's house on 20 March and were later in the day removed by men wearing white uniforms (villager interviewed by OSCE/ODIHR delegate on 29 September 1999). A/0473; M/0025; M/1439 (also interviewed as M/1700). A/0497 saw dead bodies on the road, two of them people he recognized; M/1380 heard of the killing of five people in Poljance, a suburb of Srbica. None of the names or circumstances cited by these interviewees was corroborate.

<sup>24</sup> ICTY, "Mass Grave and Exposed Body Sites", 1 October 1999.

<sup>25</sup> A/1080 was arrested in Tusilje on 28 March; a relative of M/1118 was arrested in Klina on 28 March; A/1095 was arrested in Josanica on 8 April; A/1193 was arrested on 10 April; A/0541 was arrested on 10 April in Kladernica; A/0564 was also arrested in Kladernica but did not provide a date, and it was not possible to tell from the detail provided whether it was from the group rounded up on 28 March or on approximately 10 April. On 29 September, OSCE-ODIHR met an individual who was arrested on 28 March in Tusilje, released, and then was arrested again on approximately 10 April in Kladernica.

<sup>26</sup> M/1118.

<sup>27</sup> A/0541; A/0564; A/1080; A/1095; M/1193. A/1095 said he was held for one day, while none of the other former detainees specified the length of time they were held or how many other people were detained with them, but from the context they appeared to have been released after one or two days. Some men, however, were transferred to other detention centres: an OSCE-ODIHR delegate met one man in Srbica who was detained from Kladernica on 10 April and who was transferred to a detention centre in Marina, and only released as Serb forces withdrew from Kosovo.

<sup>28</sup> A/0585; A/0681; A/0766; A/0781; A/0782; A/0786; A/0787; A/0804; A/0852; A/0978; A/1058 were all detainees.

<sup>29</sup> A/0681; A/0766; A/0781; A/0782; A/0852; A/0978; A/1058. A/1022 saw men being separated from the refugee convoy in Lausa.

<sup>30</sup> A/0781; A/0782.

<sup>31</sup> A/0585; A/0787; A/0804; A/0978.

<sup>32</sup> A/0585; A/0787 reported that after three days, prisoners could "buy" goulash from their guards.

<sup>33</sup> A/0781.

<sup>34</sup> Others who mentioned beatings were A/0782; A/0786; A/0804. A0787 noted that he was not beaten severely, and only when the guards were drunk.

<sup>35</sup> A/0681.

<sup>36</sup> A/0782 and A/0978 supply the man's first name.

<sup>37</sup> A/0766 and A/1058 were among those taken. A/0681; A/0786; A/0852 were told about what happened by other prisoners.

<sup>38</sup> A/0766.

<sup>39</sup> A/1058.

<sup>40</sup> MI/3/0018/99, Democratization/Human Rights Activity Report, 3-7 March 1999, interview with Albanian language teacher at school in Kladernica.

<sup>41</sup> As recounted to OSCE-KVM by a village spokesman in Suvo Grlo, OSCE-KVM Daily Activity Report, CC3 Srbica, 4 March 1999.

<sup>42</sup> OSCE-KVM Report, Period covering 4 February 1999.

<sup>43</sup> OSCE-KVM Report, Period covering 5 February 1999.

<sup>44</sup> ICTY, "Indictment Milosevic & Others ('Kosovo')", IT-99-37, 24 May 1999.

<sup>45</sup> NATO Press Conference, NATO HQ, Brussels, 17 April 1999. See <http://www.nato.int/kosovo/>

press>[www.nato.int/kosovo/press](http://www.nato.int/kosovo/press)

<sup>46</sup> For example, on 6 April 1999 the Kosovapress news agency published a list of people who had been killed and buried in Izbica, Kladernica, Rudnik/Runik, Turicevac and other villages in the area, see [www.kosovapress.com](http://www.kosovapress.com). Most of the names mentioned by interviewees are on that list. Other reports include Amnesty International *Federal Republic of Yugoslavia: Killings in the Izbica area*, May 1999 (AI index: EUR:70/79/99); and *Kosovo Human Rights Flash #39: Witness to Izbice Killings Speaks, possibly the largest Massacre of Kosovo War*; Human Rights Watch, 19 May 1999.

<sup>47</sup> A/1080. An OSCE/ODIHR delegate who visited Tusilje on 29 September 1999 was told that Serb forces had burned houses at that time; the delegate observed many burnt and abandoned vehicles along the road to the isolated village.

<sup>48</sup> A/0568 and A/1080 describe perpetrators with these uniforms on 19 and 20 March respectively. Other interviewees described artillery attacks on the village as occurring after the air strikes had begun (A/1078; A/0183; A/1070; A/0171; A/0705). The statements are not necessarily contradictory.

<sup>49</sup> A/0568.

<sup>50</sup> A/1078, A/1083 (Vocnjak); A/1024, M/1099, A/0386, A/0541, A/0725, A/0802, A/0825 (Kladernica); A/0195, A/1103 (Leocina). According to one interviewee (A/0722) Kostrc/Kastriot was also shelled at this time.

<sup>51</sup> M/1099, A/0541. An OSCE/ODIHR delegate visiting on 29 September 1999 confirmed destruction in the area.

<sup>52</sup> For example A/0825.

<sup>53</sup> A/0803.

<sup>54</sup> Description of uniforms comes from A/0802, A/1099 and A/0825.

<sup>55</sup> M/1099, the wife of the victim, witnessed the killing, as did his cousin A/0825. Other villagers knew about this incident through hearsay or from identifying the body when it was buried several days later (A/0725; A/0802). The incident is also described in Amnesty International, *Killings in the Izbica area*, May 1999.

<sup>56</sup> Most interviewees who witnessed killings in Kladernica saw the killing of individuals or small groups, although their accounts do not always corroborate - A/0802; A/0773; M/1099; A/0791. Others knew about the killings because they later returned to the village and helped bury the bodies - A/1024; A/0725; A/1039. Many of the interviewees report the number of people killed in Kladernica as 35, but it was not possible to ascertain whether this number refers to the total number of people killed in Kladernica or the mass execution described by A/0825.

<sup>57</sup> A/0825 said that she was 100 metres away when a group of about 20 soldiers shot a group of about 30 men who had been separated. See also Amnesty International: *Killings in the Izbica Area*, May 1999.

<sup>58</sup> A/0802; M/1099. An OSCE/ODIHR delegate on 29 September 1999 was shown burnt patches on the ground and other debris where the tractor had been set on fire.

<sup>59</sup> M/1099.

<sup>60</sup> A/1070, A/0171.

<sup>61</sup> A/0717, A/1078; the names of those burned on tractors in this location are different from the victims named in Kladernica.

<sup>62</sup> A/1070, reported that the bodies of two of five people executed were taken and buried in Izbica; A/0580 and A/0773 helped bury bodies at Izbica and mentions the names of two of the five; they also appear in ICTY, "Indictment Milosevic & Others ('Kosovo')", IT-99-37, 24 May 1999.

<sup>63</sup> A/0128; A/0145; A/0386; A/0455; A/0568; A/0635; A/0687; and A/0808 were all present when the separation took place. Some interviewees said the perpetrators were wearing black bandannas. Some interviewees who escaped into the hills said that they could see what was taking place in the village, see A/0195; A/0821; A/1095.

<sup>64</sup> A/0808 recognized the man, a local Serb, who took her son. A/0809, likely a relative of A/0808, reported seeing the same man leading Serb forces into the area on that day A/0809. A/0195 also witnessed children being threatened or held for ransom.

<sup>65</sup> A/0128; A/0455; A/0687 heard shooting. A/0145 and A/0635 turned and saw some bodies fall.

<sup>66</sup> A/0386.

<sup>67</sup> A/0184; A/0717; A/0809; A/1095.

<sup>68</sup> A/0455; A/1103.

<sup>69</sup> A/0170; A/0183; A/0184; A/0337 (the date of these interviews predate the showing of the video on TV); and also A/0363; A/0541; A/0580; A/0717; A/0773; A/0809; A/0821; A/0887; A/1024; A/1078; A/1095; and A/1103. All report assisting in the burial of bodies.

<sup>70</sup> A/0580 and A/0773 named two people whom A/1070 said had been killed in Vocnjak; A/0676 said he found the same two men with four others in the yard of a house in Izbica covered with greenery. A/0580 and A/1070 named others listed in ICTY, "Indictment Milosevic & Others ('Kosovo')", IT-99-37, 24 May 1999, Schedule F,

"Persons known by name killed at Izbica".

<sup>71</sup> Some interviewees mentioned that the burial had been videotaped - A/0377, A/0363, A/0809. Excerpts from the videotape were widely broadcast on television in mid-May 1999, the videotape is also available on the Internet: [www.usia.gov/kosovo/izbica.htm](http://www.usia.gov/kosovo/izbica.htm)

<sup>72</sup> A/0128; A/0145; A/0171; A/0568; A/1078; A/0145 was separated from her one-year-old baby and two sons.

<sup>73</sup> A/0145; A/0568; A/0635.

<sup>74</sup> A/0564 recognized two local Serbs among those conducting the beatings; the son of A/0725 and A/0802 (husband and wife) was also taken at this time. An OSCE/ODIHR delegate in Kosovo in late September and early October 1999 met one man who had been separated in Kladernica at this time and was detained for a longer period of time in Marina.

<sup>75</sup> A/0791 was also arrested in Kladernica and detained in Srbica in mid-April. A/0541 said he was separated from his family in a school in Izbica. He said there were 297 detainees.

<sup>76</sup> A/0541.

<sup>77</sup> A/0821. A/0825 also speaks of being arrested and detained with other men after being rounded up in the mountains, although the dates and location are unclear. All the above accounts of detention lack detail and so it is difficult to establish whether there are any links between them.

<sup>78</sup> A/0791, the interviewee who was beaten and expelled, said he saw seven young men being shot in Kladernica. It is not clear whether other reports of killings at this time corroborate that report. A/0779 heard shooting and had heard that a group of young men with displaced people had been captured and shot dead in the hills near Izbica. This may be the same incident.

<sup>79</sup> A/0779, A/0940.

<sup>80</sup> ICTY, "Mass Grave and Exposed Body Sites", 1 October 1999.

<sup>81</sup> As conveyed to an OSCE/ODIHR delegate, 29 September 1999.

<sup>82</sup> M/0830.

<sup>83</sup> OSCE-KVM Mission report, Period covered 13 January 1999.

<sup>84</sup> Missing Person Report MI/02/0022/99 (undated); Follow-up Report MI/02/0027/99 17 February 1999; Memo from RC2 CC2 Vucitrn to RC2 Human Rights (undated) and attachments.

<sup>85</sup> M/1167.

<sup>86</sup> As related to an OSCE-ODIHR delegate who visited the areas from 29 September-2 October 1999. One of the reported detention centres were in Marina.

<sup>87</sup> A/0377 reported 85 people were killed; his testimony about other corroborated killings, however, differs substantially from eyewitness accounts. A/0281; M/1141 and M/1512 heard about killings in Rezala but provided no detail.

<sup>88</sup> ICTY, "Mass Grave and Exposed Body Sites", 1 October 1999.

<sup>89</sup> M/1141.

<sup>90</sup> Meeting Report, 28 December 1998, Village of Terez [*sic*].

<sup>91</sup> OSCE-KVM Report, Period covering 10 March 1999.

<sup>92</sup> OSCE-KVM Report, Period covering 17 March 1999 .

<sup>93</sup> M/1788.

<sup>94</sup> For example, M/937; M/1294; M/1619.

<sup>95</sup> Dates are based on the interview with M/1619, who had reportedly kept a diary of the events.

<sup>96</sup> M/1619 says there were 12,000 people in the school.

<sup>97</sup> M/1460; M/1619.

<sup>98</sup> M/1619. Although some interviewees reported that they indeed went home during this time, other IDPs also arrived in Cirez.

<sup>99</sup> M/1460; M/1619.

<sup>100</sup> M/1033; M/1294; M/1789. M/1619 dates the incident involving the insults as 23 March.

<sup>101</sup> M/0519; M/1619.

<sup>102</sup> M/1619. Likosane is to the south-east of Cirez, whereas Baks is to the north-west. The most direct route between Cirez and Stutica is about 4 km.

<sup>103</sup> M/0937; M/0940 (also interviewed as M/1380); M/1033; M/1193; M/1460; M/1619. M/1294 described the column as having 18 armoured vehicles consisting of BRDM 2s, BOVs and M60Ps (wheeled reconnaissance vehicles and armoured personnel carriers).

<sup>104</sup> M/1294.

<sup>105</sup> M/1789; M/1619.

<sup>106</sup> A/1033.

<sup>107</sup> M/0937. M/1460 also heard that a child had died of exhaustion.

<sup>108</sup> In Glogovac some were released after being detained at the police station for three days (M/1193).

<sup>109</sup> M/1619. However, once in Kozica she was again ordered to go to Cirez.

<sup>110</sup> M/1267; M/1396; M/1619.

<sup>111</sup> Most of the reports of killings, torture, sexual assault, and harassment are uncorroborated. In Srbica municipality, while other second-hand or otherwise uncorroborated accounts were of killings in Krasmirovac (M/1015; M/1193), Kozica (M/1016; M/1267, although both heard that four people were killed the circumstances are significantly different), and Cirez (M/1460 witnessed the killing of 20 people, uncorroborated)

<sup>112</sup> Most interviewees could not remember the exact dates, and dates given or reconstructed from other reference points vary as much as by two weeks, including for incidents which appear otherwise to corroborate.

<sup>113</sup> See in particular incidents including killings and sexual assault in Gladno Selo and Staro Cikatovo (Glogovac). M/1033; M/0937; M/1033; M/1193; M/1292; M/1294; M/1390; M/1619.

<sup>114</sup> M/0940 (also interviewed as M/1380).

<sup>115</sup> A/0828.

<sup>116</sup> M/1292; she gave the name of one of the perpetrators of the killing. The interviewee also described and gave the names of others who were killed in the area.

<sup>117</sup> A/0827; M/1788 were eyewitnesses. A/0826 may also have witnessed the incident. M/1193 had heard about the incident. Other villagers said that an additional group of seven men were executed, however it is not clear whether the interviewees were eyewitnesses, or whether they were referring to the same incident (A/0826; A/0826; M/1193; M/1390).

<sup>118</sup> A/0827; M/1193; M/1788; M/1390 may also have witnessed this incident.

<sup>119</sup> Entire account according to M/1267, three sisters interviewed together. The interviewees spoke positively about the VJ who had cared for them, whom they named.

<sup>120</sup> Although the dates of these incidents are unclear, neither the disabled interviewee nor the woman who was sexually assaulted noted that there were other groups of IDPs or the different perpetrator types in the mosque itself. It is possible that the women were brought to the mosque after the disabled interviewee had been evacuated to Krasalic.

<sup>121</sup> M/1016 had been transferred from Dubovac (Vucitrn), where she and other women had been held for one week, threatened with rape and forced to serve their captors. Also M/1292.

<sup>122</sup> For example, the two sisters who stayed in the hills to care for their disabled sister said that at this time they were the only women among many men (M/1267). M/1390 also said that there was a corridor to Glogovac which only men were "supposed" to use.

<sup>123</sup> M/1267. The women heard the shooting, and heard that the men had been killed from another villager who saw the bodies.

<sup>124</sup> M/1390. It is not clear when this took place, but from the context of the interview it is likely to have taken place after the others were expelled from the area. An OSCE/ODIHR delegate met another man who was detained in Cirez mosque and who knew of three other places where men had been detained after being transferred to Glogovac (see Glogovac municipality).

## STIMLJE / SHTIME



The municipality of Stimlje/Shtime consists of 26 villages and hamlets centred on Stimlje/Shtime town. According to a 1998 population estimate there were 27,222 inhabitants of whom 93.1 per cent were Kosovo Albanians.<sup>1</sup> The municipality is some 30 km south of Pristina/Prishtina and some 15 km north-west of Urosevac/Ferizaj. It is transected east-west by the main road from Pristina to Prizren/Prizren (Highway 25/17). The UCK's brigade 161 was in the west part of the municipality, partially controlling up to the south side of the road. Control of the road had been heavily contested between the UCK and Serbian security forces in 1998.

In July 1998 there was heavy fighting in the western part of the municipality. A report made available to the OSCE-KVM in February 1999 gave a casualty and damage assessment of 12 villages.<sup>2</sup> The report listed that, from all these villages, five individuals and a family had been killed, 15 individuals tortured, 10 wounded and one person was missing. Out of a total of some 1,000 houses, around 60 per cent had been burned down, and stables, barns and shops had been looted, damaged or destroyed. A number of Kosovo Serbs were kidnapped in the Stimlje region, mostly during the summer of 1998.<sup>3</sup>

During the period of the OSCE-KVM deployment inside Kosovo there were ambushes and killings along Highway 25/17, culminating in the Racak mass killing of 15 January 1999. After this incident, and the funeral of the victims on 11 February, the situation in the municipality stabilized somewhat, albeit remaining tense throughout the rest of the period of the OSCE-KVM's presence, before drastically deteriorating in later March.

### Racak/Recak

On 15 January 1999, in the village of Racak/Recak, 45 Kosovo Albanian civilians were killed. Among the victims were an 18-year-old woman and a 12-year-old child. Events and facts as verified by the OSCE-KVM indicated evidence of arbitrary detentions, extra-judicial killings and the mutilation of

unarmed civilians by the security forces of the FRY.<sup>4</sup>

The Racak massacre provoked an international outcry, and altered the perspective of the international community towards the FRY and Serbian authorities in Belgrade. The killings were seen as a turning-point regarding efforts peacefully to resolve the Kosovo conflict, since the international community then recognized that human rights violations were at the conflict's core. The Office of the Prosecutor of the International Criminal Tribunal for the former Yugoslavia (ICTY) was called upon to commence an immediate investigation into the crimes committed in Racak, but they were denied entry into Kosovo by the Yugoslav authorities in Belgrade. For the OSCE-KVM, the killings and their aftermath had a major impact on the mission, in that they brought human rights violations firmly to the foreground, necessitating a shift in focus towards the OSCE-KVM Human Rights Division.

Racak is half a kilometre south of Stimlje town, and had a population of some 2,000 inhabitants prior to the 1998-99 population displacements.<sup>5</sup> After the Serbian crackdown on the villages in the area in July 1998, during which houses and shops were looted and burnt, most villagers had left to live with family members located mostly in Stimlje and Urosevac. In January 1999 some 350 villagers remained in Racak.<sup>6</sup> The UCK was there, with a base near the power plant. The OSCE-KVM reported the following events leading up to the mass killing:

On 8 January, the police informed the OSCE-KVM of a UCK attack on police vehicles near Dulje/Duhel, in Suva Reka municipality (west of Stimlje). An OSCE-KVM patrol already in the area heard the shooting and on going to investigate found that police vehicles had been ambushed. Two policemen were dead and another two were wounded - one of them died later in hospital. In the attack three Kosovo Albanian civilians travelling in a taxi which had inadvertently been driven into the ambush were also wounded. The ambush was well prepared: there was a camouflaged firing position for up to 15 men, which had been occupied for several days, and small arms, heavy machine-guns and rocket-propelled grenades were fired at the police convoy.<sup>7</sup>

On 10 January, another ambush was reported in Slivovo/Slivove, south of Stimlje, in Urosevac municipality, in which one policeman was injured and died later in hospital. The OSCE-KVM found evidence of an exchange of small-arms fire, but could not confirm whether there had been an ambush. Some 100 civilians had fled to the mountains and returned only after the 50-strong Serbian police force had left the scene.<sup>8</sup>

From 12 to 15 January there was a build up of Serbian and Yugoslav forces around Stimlje, and there was increased movement on the road by VJ armoured vehicles, including tanks and towed artillery. The VJ constructed permanent positions at Dulje, close to the ambush site, and near Crnojebvo/Carraleve (west of Stimlje town). The police were reported to be in a high state of readiness. On 14 January, the OSCE-KVM reported tank, mortar, heavy machine-gun and small-arms fire near the villages of Javor/Javor and Luznica/Luzhnice, both in Suva Reka municipality west of Stimlje. However, the OSCE-KVM was denied access to the area. A VJ liaison officer stated that there had been a confrontation with

the UCK, but that neither side had sustained casualties.<sup>9</sup>

On 15 January the OSCE-KVM reported a serious deterioration of the situation in the Stimlje area. The villages of Racak, Malopoljce/Mallopole, Petrovo/Petrove and Belince/Belince (south and west of Stimlje town) were all affected. Verifiers saw houses burning in Racak and Malopoljce, and witnessed VJ tanks and armoured vehicles firing directly into houses near Malopoljce and Petrovo. Later in the day, when verifiers managed to get to Racak, they saw one dead Kosovo Albanian man and five other injured civilians with gunshot wounds, including a woman and a boy. They also received reports of other deaths. Residents of Racak claimed that 20 men had been separated from women and children, arrested and taken away, where the OSCE-KVM was denied access to interview the survivors. Access was later given to the human rights division after the Head of Mission filed a protest with the FRY authorities in Pristina.<sup>10</sup>

On 16 January, OSCE-KVM verifiers and EU KDOM observers went back to investigate the reports of the killing of civilians. According to the accounts of surviving residents, on the previous day, following VJ and police attacks, security forces had entered Racak at approximately 07:00. Some were dressed in police uniform, others in black uniforms and ski masks. The survivors claimed that these forces had executed some residents and detained others. Additionally, the survivors reported that they recognized some of the policemen as being from Stimlje, and others assailants as Serb civilians from Stimlje dressed in police uniforms. The OSCE-KVM verifiers altogether found 40 bodies at different locations, with more than 20 found together in a gully. Another five victims had been removed from the killing sites by family members. Many victims had multiple gunshot wounds. The victims included the 20 men who had been reported arrested the day before. Others appeared to have been shot while running away. There were bodies with their heads missing or decapitated. The bodies of five other men who had been killed in Racak had already been moved to Malopoljce by family members.<sup>11</sup>

OSCE-KVM human rights officers investigated the crime site, gathering evidence, taking statements from witnesses and survivors and fully documented the site with sketches, maps, photographs and videotapes. Thereafter the villagers took the bodies to the mosque in Racak. The OSCE-KVM Head of Mission, Ambassador William Walker, visited the crime site. He condemned the mass killing, and called on the ICTY to investigate the atrocity. He also contacted the FRY Government and asked them to produce the names of all those involved in the police and VJ operations around Stimlje, in order to find out who gave the orders for the killing and who executed those orders. The FRY authorities denied all the allegations of having killed civilians and stated that only UCK fighters had been killed.<sup>12</sup>

On 18 January, the Chief Prosecutor of the ICTY, Justice Louise Arbour, attempted to enter Kosovo through the former Yugoslav Republic of Macedonia in order to "investigate the reported atrocities in Racak". She was refused entry by the Yugoslave authorities in Belgrade, and stated later that she would investigate the mass killing in Racak "with or without access to the territory". On the same day, heavily armed Serbian police entered Racak and removed the bodies from the mosques by force, taking them to the morgue in Pristina. The OSCE-KVM was again denied access to Racak when the bodies were being

removed from the mosque.<sup>13</sup>

In the morgue, Serb pathologists began post mortems of the 40 bodies, despite requests by the OSCE-KVM that these be delayed pending the arrival of international pathologists. In the absence of international forensic experts, OSCE-KVM human rights officers documented the post mortem examinations until the arrival of a Finnish forensic team. An initial forensics report, at the end of January, released by the Serbian and Belarussian team, was not supported by the Finnish team according to whom it was premature, and histological, toxicological and DNA analysis still had to be performed in Helsinki. The OSCE-KVM was not given a full copy of the report prepared by the Finnish forensic team.

At the time of writing this report it is still too early to give a final and definitive account of the actual events in Racak on 15 January 1999. The case is under investigation by the Office of the Prosecutor of ICTY, which has indicted top FRY authorities, including Slobodan Milosevic, for directing, encouraging or supporting forces of the FRY and Serbia to commit a mass killing in Racak.<sup>14</sup>

At the conclusion of the autopsies, the local authorities refused to release the bodies to the families. Conditions were placed on the release of the bodies which included the location of burial sites, identification procedures and the manner of release. The OSCE-KVM negotiated for more than nine days with local authorities before the bodies were finally released to family members on 10 February. On 11 February a crowd of thousands of Kosovo Albanians gathered at the funeral site in Racak. The OSCE-KVM Head of Mission and representatives of other organizations and international and national press were in attendance. It was agreed that Serbian police could implement heightened security measures, as long as they stayed out of sight of where the funeral was taking place. They took up positions all around Racak and were closely monitored by OSCE-KVM verifiers. The UCK agreed not to wear uniforms or carry arms at the funeral. However, they broke this agreement to the extent that they abducted and "arrested" nine people attending the funeral, either at the funeral itself or on the way home. The OSCE-KVM put pressure on the UCK leadership to release these people, all of whom were released the next day, 12 February.<sup>15</sup>

OSCE-KVM human rights officers interviewed these abductees later. Two of them denied ever having been arrested by the UCK. For the others, the "arrest" scenario followed a similar pattern. They had been arrested in Racak at around 12.00 hours, or on their way back to Stimlje around 14.30 hours, by young men who were armed and dressed in black civilian clothes. Two of them were taken to a house with 30 other people, then put in a Zastava truck and driven to Petrovo. Only these two persons were asked to get out of the truck, whereas the others were sent back to Racak. The other arrested persons were put directly in a private car and driven to Petrovo. All of them stayed in a stable for the day and the next night. Two of them were ill-treated. All but one were interrogated by the Petrovo UCK commandant. The apparent reasons for their "arrest" were various (having a brother working with the police; being suspected of having weapons; drinking with Serbs; having Serb friends; or having a Serb police officer as a friend). They were all released on the afternoon and evening of 12 February, but most of them stayed the night in Petrovo because they were afraid to go back home so late. All of them were later

taken by the Serbian police to give testimony on what happened, and two of them went on Serbian state television.<sup>16</sup>

Besides the mass killing at Racak and the events at the funeral, the OSCE-KVM received 26 complaints of human rights violations in Stimlje municipality. In 15 of these cases the UCK was indicated as the perpetrator. Nine cases related to a UCK abduction on 12 December in the village of Dramnjak/Dramnjake, just south of Malopoljce, on the fringes of UCK-controlled territory. The OSCE-KVM held a meeting with the UCK on 22 February to inquire into the fate of the kidnapped people. The UCK confirmed having "arrested" those nine people, reporting that they were alive and were being treated well, and had been "arrested" for various reasons, such as "prostitution", "friendly relations with Serbs" and "spying". They were accordingly waiting to be sentenced. "The families," the UCK said, "can send them letters and clothes through the UCK Petrovo HQ."<sup>17</sup> In addition, some six people went missing, and informants related that they might have been kidnapped by the UCK. However, follow-up investigations did not lead to confirmation of those claims.<sup>18</sup> Another two people went missing, but there was no lead to suggest either side as perpetrators.<sup>19</sup> There were nine cases in which the Serbian police in Stimlje made arbitrary arrests; in six of these cases this claim was accompanied by an allegation of ill-treatment.<sup>20</sup> (See also Chapter 9, Arbitrary arrest and detention.)

### **Stimlje/Shtime town**

On the day the OSCE-KVM evacuated Kosovo, 20 March 1999, the local police and VJ positioned themselves in the centre of Stimlje/Shtime town. In the evening of 23 March they started shooting, using two tanks and one BOV armoured vehicle. According to the interviewee who recounted this to the OSCE-KVM, VJ soldiers and policemen were drunk.<sup>21</sup>

On the night of the start of the NATO air campaign against the FRY, 24 March, VJ and police started shelling the Kosovo Albanian quarters of Stimlje. One tank fired from a road junction and a Pinzgauer blocked the road to Pristina. Then the police went in and started smashing windows, looting, and burning Kosovo Albanian houses, shops, and offices, including the LDK office and the warehouse of the Mother Teresa Society.<sup>22</sup> This continued the next day. VJ, police, paramilitary and civilians surrounded houses. The inhabitants, if they had not fled by then, were forced to leave and threatened with death if they did not.<sup>23</sup>

There were killings, notably the killing and burning of three family members and a visitor in one house.

In the week after the NATO bombing started I returned to Shtime to find food. Around [10:00 hours] I saw VJ soldiers in green camouflage uniforms going from house to house looting. Half an hour after they had left the quarter where I lived, I found four of my neighbours dead on their balcony [names mentioned]. All four bodies had been set on fire and that of [name] was still burning. A son had escaped and might be a witness. I heard

from a neighbour that a VJ officer wearing sunglasses had come to the house the day before and that he had told the neighbours that they would be killed if they would refuse to leave.<sup>24</sup>

A man was killed after being asked to hand over the keys of a car that was not his; "since the victim was not the owner of the car he was not in possession of the key. VJ searched for the key without result and shot the victim finally in front of his house".<sup>25</sup>

Accounts of the above killings, plus the killing of a man found carrying a receipt for flour and therefore suspected of bringing food to the UCK,<sup>26</sup> reappeared in several statements with inconsistencies only as to the date of incident. All reports refer to the incidents happening between 25 March and 5 April.<sup>27</sup>

People were shot at and wounded,<sup>28</sup> they were beaten or arrested.<sup>29</sup> The story of the owner of the OSCE-KVM office and residence in the town is illustrative. On 25 or 26 March, the house where the OSCE-KVM had had offices and living quarters was raided by between 30 and 50 police officers, VJ and Serb civilians. They came in and looted anything that the verifiers had left, then they took the owner of the house to Urosevac police station, saying as they were taking him away that that he had to put on his jacket "because Walker was waiting for him". He was beaten and kicked, and was then released the same day. One to two weeks after that, the house was totally reduced to rubble.<sup>30</sup>

After the start of the NATO bombing, the VJ moved their tanks into the yards of Kosovo Albanian houses, and in some cases even right into the houses.<sup>31</sup> After looting them the VJ started shelling or shooting into houses to burn them.<sup>32</sup> Many houses were destroyed in this way.<sup>33</sup>

Most of the Kosovo Albanian inhabitants of the town fled in the direction of Vojinovce/Vojnoc, Rasince/Rashince, and Donje Godance/Godanci i Ulte.<sup>34</sup> Serb forces had reportedly blocked off some of the roads leading out of the town, leaving a corridor in that direction.<sup>35</sup> By mid-April most of the inhabitants seem to have left Stimlje town. In the statements covering the period after mid-April, there are a few accounts of individuals being ill-treated and harassed, and one expulsion.<sup>36</sup> Nevertheless, IDPs were still passing through Stimlje: on 15 April a convoy of thousands of IDPs from Lipljan municipality passed through, escorted to the Albanian border by Serbian police.<sup>37</sup>

### **The villages of Stimlje/Shtime municipality**

Outside Stimlje town the municipality was de facto divided into Serbian-controlled and UCK-controlled areas. Roughly, the area south of Highway 25/17 and south-west of the town was dominated by the UCK.

From the time the OSCE-KVM left until mid-April Yugoslav and Serbian forces apparently did not start a major attack, or make an expulsion effort, in the villages in the part of the municipality they controlled, with the one exception of Belince/Belince, 2 km west of Stimlje and right beside Highway 25/17. According to one refugee statement this village was raided by VJ and police on 4 April.

At 11:30 in Belince a lot of police and VJ came to our street. Ten policemen, wearing black uniforms with black masks and blue vests, automatic rifles and knives, came into the yard. They kicked the door in and told us to stand up against the wall. They searched us all for money and took what they found. One said he would kill us if he found any extra money on us. They pointed their guns at my father and one told him "There is no place for you in Kosovo - go to Macedonia!" Then they threw us out of the house. The street was filled with Albanians, and there were VJ and police with armoured cars. We went out of the town and stayed out in the open. The next day we left on a bus to Macedonia.<sup>38</sup>

The other villages in this area were on occasion visited by different groups of VJ, police, paramilitaries or civilians. There are accounts of various incidents of human rights violations during this time. There was a case of sexual harassment reported in Muzicane/Muziqine,<sup>39</sup> and beatings and harassment were reported in Davidovce/Davidofc<sup>40</sup> and in Djurkovce/Gjurkoc.<sup>41</sup> On 1 April, in Petrastica/Pjetershtice, there were two instances of severe ill-treatment allegedly carried out by police, both of them reported in the same statement.

Police entered the village and separated me and two friends from my family and started to beat us with their rifle butts. The policemen were wearing masks, green camouflage uniforms, automatic weapons, knives, and pistols. One of them kept kicking us in the face. After robbing us they pushed us to the river and made us go into the river up to our necks. The whole time they pushed our heads under the water. One policemen shot my friend [name mentioned], who did not have money to give, twice in his right leg. [...] We had to stay in the river for 30 minutes. Then we were released, and I went back to my home at five o'clock in the afternoon." When I came back from the river my 65-year-old neighbour [name mentioned] told me that policemen burned his car because he had no money to give them. I saw the burnt car and that his face was burnt. He said that after they had set his car alight they had pushed his head through a window of the burning car."<sup>42</sup>

There were only a few statements that give accounts of people being expelled,<sup>43</sup> shelled out of the village,<sup>44</sup> or where the villagers fled when they saw the VJ and police moving in their direction.<sup>45</sup>

Between 9 and 12 May, a group of IDPs who came on tractors out of the forest in the vicinity of Crnojjevo/Carraleve were stopped by armed forces variously described as police or paramilitaries. As recounted to the OSCE-KVM, people were taken out of the convoy and killed or beaten and robbed.<sup>46</sup> One witness gives the following account.

On leaving the forest, in the vicinity of Carraleve, the convoy was stopped by Serb forces, wearing green camouflage, some with coloured berets, long hair and masks. I was assaulted and robbed of DM 400. The Serbs detained the driver of a tractor in the convoy, and ordered a 10-year-old boy to drive it instead. There were 20 people on the tractor, the boy lost control and it rolled over, killing the boy, his mother and a baby, another five were injured. The Serbs laughed at this and did nothing to help. As the convoy continued, I saw many bodies in ditches, some with their throats cut.<sup>47</sup>

Villages in UCK-held territory were under attack in the second week of May. Thousands of IDPs had fled from Suva Reka and Urosevac municipalities and other parts of Stimlje to villages such as Topilo/Topille and Petrovo/Petrove in the UCK-controlled area south of Stimlje town. At the beginning of May, the Serbs started an offensive in that area and, around 12 May, attacked Topilo and Petrovo. The villagers and IDPs (one account mentions 20,000, another 50,000) subsequently fled into the neighbouring hills, where VJ and police surrounded them. They separated the men from women and children, and brought them to Stimlje. One statement mentions that young men were detained and taken to an unknown location.<sup>48</sup> In another statement it is mentioned that some five girls were sexually abused.<sup>49</sup> On the way to Stimlje the people had money and gold extorted from them. The women were told to go to Prizren. The men were reportedly brought to the primary school, where they were severely abused. Several groups were brought to this location. After that they were brought to the makeshift Urosevac police station where they were questioned.<sup>50</sup> One victim gives the following statement.

During this time, the policemen chose about 250 from the men, and detained them in the school. VJ and [police] made us lie down, and asked to one next group of men to step on the men lying down, and then to lie down also. One man had his face beaten on the floor. From the school yard they were sent into the building, where they were beaten up with wooden sticks. One man was asked to put on a helmet, then one policeman beat him on his head. During three hours, my brother and me were beaten up, on our heads and our backs. Ten men were unable to move, when the group was ordered to enter into trucks. In the police station of Ferizaj, a private house because the real one was burned, we were questioned about UCK activities. Forty men were detained."<sup>51</sup>

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## Notes

<sup>1</sup> UNHCR, "Kosovo Village List" (1998 population estimate excluding forced displacement).

<sup>2</sup> OSCE-KVM/RC5/CC Urosevac, Meeting Report "Stimlje district villages' situation after the July 1998 events",

22 February 1999. The list included Petrovo/Petrove, Belince/Belince, Racak/Racak, Petrastica/Pjetershtice, Karacica/Karacice, Duga/Duge, Laniste/Llanishte, Topilo/Topille and Malopoljce/Mollopolc.

<sup>3</sup> Human Rights Watch, *Yugoslav Forces Guilty of War Crimes in Racak, Kosovo*, 29 January 1999.

<sup>4</sup> OSCE-KVM/HQ, Special Report "Massacre of Civilians in Racak", 17 January 1998.

<sup>5</sup> UNHCR, "Kosovo Village List" (1998 population estimate excluding forced displacement).

<sup>6</sup> OSCE-KVM/HQ, Special Report "Massacre of Civilians in Racak", 17 January 1998.

<sup>7</sup> OSCE-KVM/HQ, Special Report "Massacre of Civilians in Racak", 17 January 1998.

<sup>8</sup> OSCE-KVM/HQ, Special Report "Massacre of Civilians in Racak", 17 January 1998.

<sup>9</sup> OSCE-KVM/HQ, Special Report "Massacre of Civilians in Racak", 17 January 1998.

<sup>10</sup> OSCE-KVM/HQ, Special Report "Massacre of Civilians in Racak", 17 January 1998.

<sup>11</sup> OSCE-KVM/HQ, Special Report "Massacre of Civilians in Racak", 17 January 1998.

<sup>12</sup> OSCE-KVM/HQ, Special Report "Massacre of Civilians in Racak", 17 January 1998.

<sup>13</sup> Human Rights Watch, *Yugoslav Forces Guilty of War Crimes in Racak, Kosovo*, 29 January 1999.

<sup>14</sup> ICTY, "Indictment Milosevic & Others ('Kosovo')", IT-99-37, 24 May 1999

<sup>15</sup> OSCE-KVM/RC5/CC Urosevac, Daily Report, 11 February

1999.

<sup>16</sup> OSCE-KVM/RC5/CC Urosevac, Weekly Report, 25 February 1999; PR/03/0017/99; PR/03/0035/99; PR/03/0036/99; PR/03/0047/99; PR/03/0048/99; PR/03/0049/99; PR/03/0050/99; PR/03/0051/99; PR/03/0052/99.

<sup>17</sup> OSCE-KVM/RC5/CC Urosevac, Weekly Report, 25 February 1999; PR/03/0023/99; PR/03/0024/99; PR/03/0025/99; PR/03/0026/99; PR/03/0027/99; PR/03/0028/99; PR/03/0029/99; PR/03/0030/99; PR/03/0031/99.

<sup>18</sup> PR/03/0018/99; PR/03/0019/99; PR/03/0039/99; PR/03/0040/99; PR/03/0070/99; PR/03/0101/99.

<sup>19</sup> PR/03/0056/99; PR/03/0057/99.

<sup>20</sup> PR/03/0011/99; PR/03/0012/99; PR/03/0013/99; PR/03/0022/99; PR/03/0058/99; PR/03/0061/99; PR/03/0071/99; PR/03/0078/99; PR/03/0090/99.

<sup>21</sup> M/0108.

<sup>22</sup> M/0108; M/0112; M/0325; M/0426; M/0471; M/0731; M/1025; M/0953; M/1608.

<sup>23</sup> M/0108; M/0721.

<sup>24</sup> M/0108.

<sup>25</sup> M/0731; M/1022.

<sup>26</sup> M/0108; M/0113.

<sup>27</sup> M/0108; M/0112; M/0113; M/0325; M/0349; M/0721; M/0731; M/0861; M/0862; M/0951; M/0952; M/0975; M1022.

<sup>28</sup> M/0104; M/0118; M/0863.

<sup>29</sup> M/0108; M/0672; M/0956.

<sup>30</sup> M/0104; M/0112; M/0114; M/0861; M/0935; M/1022.

<sup>31</sup> M/0721; M/0862.

<sup>32</sup> M/0426; M/0438.

<sup>33</sup> M/0674; M/0975.

<sup>34</sup> M/0104; M/0108; M/0112; M/0349; M/0426; M/0471; M/1025.

<sup>35</sup> M/0104.

<sup>36</sup> M/0672; M/0674.

<sup>37</sup> M/0118; M/1265.

<sup>38</sup> M/0882.

<sup>39</sup> M/0113.

<sup>40</sup> M/0369.

<sup>41</sup> M/1265.

<sup>42</sup> M/0280.

<sup>43</sup> M/0113, "On 15 April 1999, I was expelled from my house by uniformed men with eagle badges. Near the new bus station I saw two dead bodies lying on the ground, a man of about 60 years old, and a man of between 20 and 30 years old. Civilian Serbs and paramilitaries were going around burning houses. I saw flames and smoke coming out of the windows, the walls and roofs were destroyed. There was shelling and I could hear explosions. I saw "Gypsies" (*Maxhupet*) looting houses."

<sup>44</sup> M/0271, "VJ and police started shelling the village with heavy artillery from the village of Babljak and Kosare on 19 or 20 April. Other villages were also shelled."

<sup>45</sup> M/0951, On 25 April 1999 in Godance/Godanci.

<sup>46</sup> A/0467; A/0698; A/1077.

<sup>47</sup> A/0698.

<sup>48</sup> A/0417.

<sup>49</sup> M/1395.

<sup>50</sup> A/0417; A/0467; A/0578; A/0697; A/0711; M/1153; M/1395.

<sup>51</sup> M/1395.

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KOSOVO / KOSOVA As Seen, As Told

OSCE ODIHR

## STRPCE/SHTERPCE



The municipality of Strpce/Shterpce lies in a mountainous area in the south of Kosovo, between Kacanik/Kacanik and Prizren/Prizren municipalities, bordering the former Yugoslav Republic of Macedonia. It was a majority Serb area: in a population estimate for 1998 the municipality's 13,455 inhabitants were 60.6 per cent Serb and 37.4 per cent Kosovo Albanian.<sup>1</sup> The majority of the Kosovo Albanians lived in the remote villages in the mountains, and there were larger concentrations of Kosovo Albanians in villages such as Brod/Brod and Firaja/Firaje in the east of the municipality. The economy featured a winter sports leisure industry, chromium mining, and subsistence farming.

The demographic breakdown is unlike the general situation in Kosovo and could be part of the explanation as to why there were few human rights violations reported to the OSCE-KVM from this municipality, which consists of 29 small villages and hamlets. Another possible factor is that it is not crossed by any major roads, and there is no official border crossing point there. Nevertheless, the violations that are on record are consistent with patterns seen elsewhere in Kosovo.

There was some UCK presence, albeit inactive, in the north-east part of the municipality, as can be deduced from some statements to the OSCE-KVM.<sup>2</sup> Consequently there were suspicions about the local Kosovo Albanians. One interviewee claimed that, in September 1998 in **Strpce/Shterpce** town, 22 Kosovo Albanians were rounded up and taken to the police station for questioning. They were allegedly beaten for two hours by some 70 to 80 policemen, after which they were released.<sup>3</sup>

When the OSCE-KVM was deployed in Strpce it verified substantial military and police movement on the mountain road between Kacanik and Prizren, but received only four complaints. Two cases involved the shooting and smashing of windows,<sup>4</sup> one case mentions the attempted arson of a complainant's house,<sup>5</sup> and there is one case of arbitrary arrest and ill-treatment by the police.<sup>6</sup>

From the time that the OSCE-KVM evacuated Kosovo, on 20 March 1999, there were two incidents

reported from Strpce town. One Kosovo Albanian interviewee stated that on 2 April, "I got out of the bus in Shterpce, two policemen grabbed me and took me to the police station. There I was questioned on why I would come to Shterpce. The police beat me with fists and kicked me with their boots. After that I was set free."<sup>7</sup> Another Kosovo Albanian man recounted how his calf was stolen by Serb police on the way to Strpce market.<sup>8</sup>

From the villages in the municipality there are similarly few reports of incidents involving serious human rights violations after 20 March 1999.

In **Firaja/Firaje**, according to one statement, a group of some 15 paramilitaries in black uniforms, some of them masked, set three houses on fire on 20 March. The witness says that these paramilitaries returned every evening until 28 March, and continued to loot and set fire to houses.<sup>9</sup> On 28 March the Serb police commander from Strpce came to the village to tell the people to leave within two hours, threatening death to anyone who refused to leave. All the villagers left.<sup>10</sup> Another witness stated that on 1 April he saw that "the village was burning".<sup>11</sup>

In **Brod/Brod** on 28 March two policemen approached a local store owner.

Two policemen from Shterpce came to the store of [name mentioned] and gave him a deadline to leave within three hours, until 13:00. He was ordered to inform all other Albanian inhabitants of the village to leave as well. The policemen wore blue uniforms and masks. ... The police said that the border to Macedonia was open, so the villagers packed all their stuff and left on tractors and other vehicles. In Baice [Serbian: Banjica (Kacanik)], the convoy was stopped by police and ordered back to their village, but the villagers remained there.<sup>12</sup>

The account is corroborated by another interviewee.<sup>13</sup> Then on 5 April Brod was shelled by mortars and tank fire; thereafter VJ went to the village and burned houses.<sup>14</sup> A witness states that between 4 and 6 April the villages of Firaja and Brod, as well as **Donja Bitinja/Biti e Ulte, Vica/Vice, Car Mahala/Caraj, and Ogusaj/Ogusaj** were shelled and houses were looted and burned.<sup>15</sup> In **Haidor/Haidor** VJ forced the inhabitants to leave on 8 April.

There were no accounts of killings from Strpce municipality.

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## Notes

<sup>1</sup> UNHCR, "Kosovo Village List", 9 March 1999 (1998 population estimate, excluding forced displacement).

<sup>2</sup> M/0197; M/1466.

<sup>3</sup> M/0440.

<sup>4</sup> PR/03/0034/99; PR/03/0060/99.

<sup>5</sup> PR/03/0088/99.

<sup>6</sup> PR/03/0033/99.

<sup>7</sup> M/0197.

<sup>8</sup> M/0197.

<sup>9</sup> M/1186.

<sup>10</sup> M/1186.

<sup>11</sup> A/0471.

<sup>12</sup> M/0936.

<sup>13</sup> M/0961.

<sup>14</sup> M/1466.

<sup>15</sup> M/0197.

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KOSOVO / KOSOVA As Seen, As Told

OSCE ODIHR

## SUVA REKA/SUHAREKE



Suva Reka/Suhareke is a large municipality in a mountainous part of south central Kosovo. Its population of almost 87,000 was 96 per cent Kosovo Albanian, most villages being exclusively Kosovo Albanian-inhabited.<sup>1</sup> Highway 17, the main road through western and southern Kosovo, runs through the municipality and through Suva Reka town, linking the major towns of Urosevac/Ferizaj to the east with Prizren/Prizren to the south-west. The north-west of the municipality is close to the small town of Malisevo/Maliseve (Orahovac/Rrahovec), the location in the summer of 1998 of a UCK headquarters, and the scene of heavy fighting between the UCK and Yugoslav/Serbian forces (see the entry for Orahovac municipality). To the east, across the boundary in Stimlje/Shtime municipality, the UCK was also heavily concentrated in the Petrovo area.

During the fighting between Serbian security forces and the UCK in the summer of 1998, especially during the period August-October, Suva Reka municipality was affected considerably. Many reports collected by the OSCE-KVM refer to villages which were attacked at that time and whose populations were forced to flee, mostly to the hillside or neighbouring towns and villages, including Slapuzane/Slapuzhan,<sup>2</sup> Grejcevice/Grejcefc,<sup>3</sup> Vranic/Vraniq<sup>4</sup> and Savrovo.<sup>5</sup> Many persons were reported missing during the fighting in July,<sup>6</sup> August<sup>7</sup> and September 1998. Many Kosovo Albanian men were arrested during that offensive in villages north and east of Suva Reka town, such as Vranic, Musutiste, and Blace, and were put on trial during the OSCE-KVM's deployment.

### Suva Reka/Suhareke town

Suva Reka/Suhareke town had a population before the conflict of almost 10,000, over 90 per cent of whom were Kosovo Albanian. Although there were rising tensions throughout Suva Reka municipality in the period of OSCE-KVM deployment there, and security incidents were being reported from locations very close to the town (see below), human rights violations reported by the OSCE-KVM in this period in the town itself generally concerned complaints of harassment.<sup>8</sup>

The situation was transformed drastically after the OSCE-KVM evacuation. On 22 March shooting began and people started fleeing the town. Word went around that a Serb had been killed and that Serbian forces were taking retaliatory action against residents. A number of Kosovo Albanians were also reportedly killed on this day.<sup>9</sup>

On 22 March "special police" entered our quarter. They were shooting in the air and causing damage. About 15 police officers entered my house. They had white scarves over their faces and were wearing special police uniforms. They had green-coloured cars and were carrying AKs, pistols and hand grenades. One of them beat my mother-in-law in the face with a gun. They checked the house for UCK soldiers and weapons. Then they left. It was reported that seven people from our quarter were killed. Five of the persons killed were our neighbours.<sup>10</sup>

Tension exploded, and the mass expulsion of Kosovo Albanian residents of Suva Reka town took place in a swift operation by Serbian forces beginning around 24 March. The main offensive, involving the killing of large numbers of civilians, lasted for just a few days. Numerous accounts were given to the OSCE-KVM by refugees of what could be described as a wide-scale killing spree by Serbian forces, with a large number of victims over a period of just a few days. Similar occurrences were happening all over the town as residents were expelled from their homes. By the end of March and over the next few weeks the majority of statements no longer referred to large-scale killings, although killings were still reported.

According to statements Serb forces and paramilitaries surrounded the town and took up a number of positions. Residents fled in panic as shooting started. Serbian forces were apparently deliberately shooting at the fleeing civilians. Using a megaphone the Serbian forces ordered people to leave the area within five minutes.<sup>11</sup> According to one resident:

At about 06:20 Serbian forces surrounded the town. Police moved their weapons out of the police station and depots and put them into two schools (the Skender Luarasi and primary school Shkendija). Police then started to enter the houses on the right side of the road that runs from Suva Reka to [Rastane] and began to evict entire families from their homes and set fire to the houses around the OSCE building, as well as the OSCE building itself.<sup>12</sup>

From the many statements gathered concerning events in the town, various descriptions were given of the various Yugoslav and Serbian forces involved in the operations. In many instances perpetrators were named. Some were described as paramilitaries - both local and from Serbia proper - wearing black uniforms (no insignia) as well as VJ uniforms. They were wearing balaclava masks. Others were described as police, local and Serbian reservists from Nis (Serbia proper) as well as armed Serbian civilians in civilian clothes with patches on their arms. "White Eagles" and "Arkan's Tigers" were also

cited as being present in the town, as well as a variety of paramilitaries otherwise described. It appears that Serbian forces heavily armed with Kalashnikovs, hand grenades, knives, mortars and pistols entered the town, and spread out, and the attacks began and continued in several different locations. Widespread panic ensued and many people were killed in the mayhem that followed.

On 25 March a fight between the UCK and police broke out in an area of the town. As the UCK withdrew police began to enter the houses of residents. Four police wearing black/green camouflage uniforms with the Serbian flag at the shoulders entered one house, and as the male head of the house tried to leave he was shot. His 13-year-old son gave an account:

The police arrived and kicked into our house. My sister, my father and I were on the ground floor. My mother was upstairs and saw them coming in. She shouted for my dad to leave the house. As my dad opened the door to leave, they shot him. Then the four policemen entered our house. They hit my sister with the big part of the automatic weapon. They turned and pointed the gun at me. I fainted. The police did not shoot me. They were looking for money or they'd kill us. Ten minutes later, I became conscious again. My dad was lying dead on the floor just outside. I shook my dad three times. No reaction. He was not dead yet because he is strong. His arms were destroyed, he was full of blood. I was scared and ran away. I heard two shots at my father. The policemen were going into houses and killing people ... I went to my neighbour's house. My sister joined me in the afternoon. We went later to my house and my father's body was gone. There was blood on the stairs like he was pulled. I have not seen him since. My mother is also gone. I don't know where she is. <sup>13</sup>

One of the most significant and brutal incidents that happened in the town was the rounding up and summary execution of a family who owned property that the OSCE-KVM had rented in Suva Reka. The killings feature in the statements of many interviewees, the most compelling being the statement given by the wife of the owner of the OSCE-KVM's office accommodation. She was the only survivor of the arbitrary killing of her husband and extended family that included many young children.

The OSCE-KVM verifiers lived in the house of her husband's uncle and used part of the interviewee's house as an office. On 21 March her husband was followed back to their house and questioned by the police as to why the OSCE-KVM were allowed to live in the house. The entire family was afraid, especially given the fact that in January police had beaten up her father, and in fact on the same day that her husband was questioned her father's car was shot at after he had dropped his daughter off at her home. Her father escaped this incident without injury and hid his car in a nearby village then proceeded on foot back to his home. Upon arriving home he phoned his daughter to inform her of what happened to him. She told him not to return to Suva Reka because the Serbian police had surrounded her home. <sup>14</sup> As she looked out of the window one of the OSCE-KVM guards told her not to worry because the police were probably just checking the house to ensure that no UCK were there. There was no sign of police around her house in the following days. However, on 25 March at about 05:00 she heard a knock at the door (they were at the home of a cousin nearby); she opened it and found three policemen standing

there. One held a rifle to her neck saying, "Where is the OSCE, your friend now?" They ordered her to bring her husband upstairs where they insulted him and ordered him to come with them to his house. She was told to stay where she was or they would kill her. They checked all the rooms and proceeded to ransack them. Then they started beating her husband, to the point of unconsciousness. They brought a truck to the house and removed all items belonging to the OSCE-KVM and the interviewee. She was asked if there were any more men in either house and was informed that a tank outside would shell the house if they didn't produce any money. She gave them DM 4,000 and the police left. The families wanted to leave but were afraid to because of the shooting during the night.

Around midday on 26 March the police came again. A policeman she knew (and named in the interview) called her brother-in-law's son outside and shot him dead. The police screamed at them and when the families ran outside they found their house "under siege" from police, Serb civilians and "Gypsies" (*Maxhupet*). Some of the family were shot dead immediately. The interviewee was among a group of other family members who were chased to a different part of the town, apprehended and pushed into a café. She saw the police shoot every person in the room with machine-guns and rifles. She had her four children - two girls aged 16 and 14 and two sons aged 10 and two years old - gathered around her. They were all killed. She was trying to protect her two-year-old son with her legs but he was shot and died. She was also hit in the abdomen with a bullet that had passed through her elder son's body. She encouraged him to pretend he was dead but as the perpetrators collected the bodies and took them outside they saw that her eldest son was still breathing and shot him again. She heard him cry out once. At least 12 children under 17 were killed and 10 adults including a pregnant woman. The interviewee pretended to be dead as the police removed all valuables from their bodies. She saw them cutting off fingers from bodies to remove rings. She was placed in a truck on top of other bodies including the children. On the way towards Prizren she jumped from the truck and was found by people who took her to UCK-held territory where her wounds were treated. She then spent some time moving around Kosovo avoiding the shelling. She left Kosovo on 9 May.<sup>15</sup>



**Suva Reka town: burnt-out interior of the café where the killing of the family of an OSCE-KVM landlord took place** [\[zoom\]](#)

Also on 26 March in the town centre Serbian police wearing blue uniforms with police patches went into an apartment near the shopping centre and took five men into the yard. The women were ordered to leave. Money and IDs were confiscated from the men. The men were then beaten and lined up to be

executed. As the shooting started one man survived by running away. Returning later to the scene of the execution he saw the bodies of the four other men, together with the bodies nearby of another two men who had also been shot.<sup>16</sup>

On about 26 March three trucks with bodies of men, women and children covered with plastic sheets were seen to go into the garden of the high school. The bodies were covered with old tyres. Petrol was poured on them, then they were burned. Serbs (names recorded), who appeared to be under the influence of drugs or alcohol, were seen unloading the bodies.<sup>17</sup>

On 28 March VJ and police forces destroyed the minaret of the mosque. A local policeman told one family to leave their house otherwise they could not guarantee their lives. On the street there was a lot of gunfire as Serbian forces with machine-guns pushed them out and told them to go only one way. They were told "Go to Albania and best regards to Bill Clinton."<sup>18</sup> At a checkpoint in the town (no specific location given) police and army units were demanding money and many people were assaulted. One man said that over 100 people were injured at this location.<sup>19</sup>

On 29 March, as one man and his family were leaving after being forcibly evicted by two police officers (names recorded) who then burned his house, he saw an injured man in the street begging for help. Since everyone was so terrified, no one stopped to help him. Further along the road a truck full of bodies arrived and collected a body that was lying on the street. The truck was driven by a police officer in a black uniform with an "Arkan's Tigers" insignia. There were several "Gypsies" (*Maxhupet*) loading bodies. Later the interviewee saw an excavator digging near the graveyard and he observed the truck that he had seen previously. It was now empty of bodies.<sup>20</sup>

The incidents occurring after 30 March relate mostly to the expulsion of residents and the burning of their homes. As was the usual pattern all over Kosovo, civilians were robbed of money and jewellery as they were forced to leave sometimes within just minutes under threat of death.

One probable reason for the heavy-handed offensive on the town by Serbian forces was the presence of the UCK in and around the town and in surrounding areas. Many refugee statements refer to injured civilians making their way to UCK "territory" where they were taken care of, while others referred to skirmishes between Serbian forces and the UCK occurring in various areas around the town. One man explained that sometime around 27 March Serbian forces separated Suva Reka into two parts. The interviewee was in the north and it was reported to him that Serbian forces in the south were shooting indiscriminately in order to cause a mass exodus. A corridor was opened to the north and most of the population fled to Bukos/Bukosh, which was a UCK "protected" area. (It is not clear what route was taken to get to Bukos, which is actually south-east of Suva Reka. One of the roads exiting the north side of Suva Reka runs east towards Recane/Reqan, which is 3 km from Bukos. This may have been the route taken.) The exodus took three to four hours. During this time Serbian forces in the south were shooting at those who were leaving. The UCK had apparently tried to protect the civilian population and gave them a list of UCK-protected villages. These villages included: Budakovo/Budakove, Djinovce/

Gjinofc, Dubrava/Dubrave, Grejkovce/Grejkoc, Musutiste/Mushtishte, Papaz/Papaz, Savrovo/Savrove, Selograzde/Sellograzde and Sopina/Sopine.<sup>21</sup> All of these villages lay in close proximity to each other east and south of Suva Reka town.

### **Villages south and south-east of Suva Reka town**

**Bukos/Bukosh** village, about 6 km south-east of Suva Reka, appears to have been attacked at least three times: in March, April and early May. On about 24 March the village underwent the first attack. At this time many of the surrounding villages where there were UCK fighters were also under attack, and people were moving around from one area to another. Villagers split up and, as stated by one interviewee, many of the children died of cold and hunger during this time. The shelling of the area went on for about five weeks and many bodies were seen in various locations.<sup>22</sup> Some of the villagers left and went to Albania. On 10 April VJ forces surrounded the village and told the remaining villagers to leave. Shelling started again. The UCK at this time also warned people to leave because of advancing Serbian forces. Many of the IDPs went into the forest and remained there for about three weeks. On leaving the forest one man said that about 300 to 400 Serb soldiers with armoured vehicles surrounded them.

Members of the UCK were present and fought with the Serbian forces.<sup>23</sup> Between 2 and 7 May the village was again shelled when Serbian forces attacked the UCK defences with tanks, armoured vehicles and infantry. One man who had fled with his family and hid in a nearby stream bed for four or five hours said that upon returning to the village he found the bodies of several men and women. The remaining villagers subsequently fled.<sup>24</sup>

**Budakovo/Budakove**, 4 km east of Bukos, was shelled on 25 March. Paramilitaries and VJ surrounded the village with infantry forces that had been in the neighbouring village of Donja Krusica/Kruschice e Ulet. Civilians from Budakovo left for the mountains and were not allowed to take anything with them. About five people were reportedly killed in the shelling. In the mountains Serbs surrounded a large number of IDPs. One group of men was separated from the rest of the group and was loaded onto trucks, which took them to Suva Reka.<sup>25</sup> Much later, on 20 April, police, VJ and paramilitaries arrived at the village and shooting and shelling began. There were UCK forces in the village and about 100 people were killed.<sup>26</sup> On 15 May a VJ offensive with tanks and APCs concentrated on Budakovo, coming from four directions. By this time villagers were already deep in the mountains, where some had been staying for the past few weeks. When some of the villagers returned they found about 15 bodies, grouped in one location in the village. Some of the bodies had bullet holes in their legs and their chests had knife cuts.<sup>27</sup> On 16 May a number of IDPs fled to Budakovo (which, as stated, was defended by the UCK). The village was subsequently shelled and the UCK withdrew. On the same day VJ and police (paramilitaries wearing "Arkan's Tigers" shoulder patches were also reported to be present) captured a group of IDPs, and the police took them to Suva Reka.<sup>28</sup> **Papaz/Papaz**, 2 km north of Budakovo, was shelled on 11 April and more than half the villagers fled to the mountains.<sup>29</sup>

On 28 March 1999 VJ and police surrounded **Vranic/Vraniq**, 3 km south of Budakovo and the

surrounding areas. Using a megaphone they told the villagers to leave for Albania and that "their fight was with the UCK not civilians". Many of the villagers chose to go to UCK-controlled territory instead.<sup>30</sup> On 2 April the village was again surrounded and shelled. People who were still in the village at this time fled in different directions. One man and his family said they remained in the forest for two days under UCK protection. Police threatened the villagers and told them to go to Albania. Police also reportedly killed some people to encourage others to leave, and made death threats in the course of extortion.<sup>31</sup>

Vranic was bombed by Serb forces on 15 April so the villagers went into the forest to hide for two weeks. Then the bombing got closer to where people were sheltering so they left and went on the road with their tractors. On the road between Vranic and Bukos the police stopped people and told them to give them all their money and jewellery or they would kill the babies.<sup>32</sup>

**Djinovce/Gjinofc**, about 5 km south of Suva Reka, was surrounded on 27 March by paramilitaries, who began burning houses. Many IDPs had arrived in the village, which, unlike the surrounding villages, apparently had not been shelled before this date. The UCK suggested that IDPs should leave for other areas closer to Prizren. About 8,000 people left, but when they reached the road to Prizren there were groups of Serbian police who robbed them and took their vehicles. Some of the men were taken away on trucks.<sup>33</sup> In the village shelling and burning of the houses was continuing. People remaining in the village were still moving out. Some of them were held up by paramilitaries who robbed them of their money and jewellery and made death threats.<sup>34</sup> On 3 and 4 April VJ and police were still present. Finally the whole village left. Paramilitaries blocked all of the exit routes except for one. On leaving, villagers had to hand over all of their money and jewellery under threat of death. The traditional white hats (*plis*) were taken from the elderly men and thrown on the ground. Convoys of about 3,000 people travelled for four days and three nights before reaching the Albanian border.<sup>35</sup>

**Geljance/Gelac**, about 4 km south of Djinovce, was not attacked until 28 March. The village came under Serb mortar attack from the neighbouring Serb village of Novake (Prizren). Residents fled to the villages of Grejkovce and Selograzde, but these were also under attack. Many of the villagers fled before the Serbs entered but others who had remained behind were forced to hand over money in order to leave. People were then herded towards the Albanian border.<sup>36</sup> On 5 May, according to one interviewee who stated that at that time he was still in the village, police arrived and informed a few remaining old people that if anyone was still in the village after 06:00 the next day they would kill them all. As he left the village along the road he saw three bodies covered with blood. They had tyre snow chains and barbed wire wrapped around their necks.<sup>37</sup> Later, on 21 May, one IDP travelling from Suva Reka town said that in the village of Geljance he and others travelling with him were threatened by police who extorted money and valuables from them. Their IDs were also confiscated at this point. Police threatened to strip the women naked and people were also beaten. At the Albanian border each person had to hand over DM200, while a relative of the man was threatened with having his hand cut off unless he handed over

his wristwatch.<sup>38</sup>

**Grejkovce/Grejkoc** is 4 km east of Geljance. Because of the shelling by Serbian forces on the 28 March the entire village population left. Some villagers stayed in the mountains for about two weeks. The situation in the mountains was so bad that two children and an old man reportedly died from cold and lack of food. As the Serbian forces began shelling into the mountains the group of IDPs that had congregated there kept moving on from one burned out village to another.<sup>39</sup>

**Sopina/Sopine** and **Savrovo/Savrove** are, respectively, about 3 and 6 km south-east of Suva Reka. What happened in these two villages followed the same pattern of many of the other villages in the area. Most of the documentation, however, is concentrated on the period from early April to early May. Shelling was ongoing as UCK were in the area, and IDPs were moving around. On about 2 April Sopina, a mixed village, was shelled and villagers fled into the forest. One man named five people whom he knew had been killed and mentioned others who were beaten and injured. Some of the IDPs fled into the forest but were forced back by the shelling. Passing through the village they saw many bodies. Some of the perpetrators, he claimed, were his Serb neighbours.<sup>40</sup> On 16 April police and VJ surrounded Savrovo, and on 20 April the village was shelled. One 17-year-old boy was killed and another was wounded. IDPs from other villages were in Savrovo and made their way to the mountains, but the mountains were also shelled, so that they all started to leave the area.<sup>41</sup> Separately, a group of 40 people was travelling towards Savrovo. As they got close to the village police opened fire on them, killing two people and injuring others.<sup>42</sup>

**Musutiste/Mushtishte** was a large mixed village in the south-west corner of the municipality.

On 19 February two Serb brothers were shot dead in their vehicle on the eastern edge of the village. When approaching the scene for investigation, OSCE-KVM patrols were met by a hostile crowd of Serb civilians who tried to stop the vehicle and threw stones at it. The police did very little to help the patrol and refused to give them any information regarding the incident. After negotiations with police superiors, arrangements were made for the patrol to go to the scene of the homicide with a police escort. It appeared that the men had been ambushed with automatic weapons while they were in their car. One of the men had been shot many times in the head and body while in the car and the second man had been shot several times in the body while trying to get out. Both victims were armed with .45-calibre revolvers.<sup>43</sup>

On 22 February a 15-year-old boy was picked up by two police officers who released him one hour later. While he was held he was asked to tell the police who had killed the two Serbs on 19 February. The boy claimed that he was struck on the head with a stick and kicked on the legs, and that the Chief of Police showed a knife and threatened to cut his fingers. The boy stated that 10 police officers allegedly took part in the interrogation and his father claimed that the police had taken him from the centre of town without the father's knowledge. He said that after the interrogation the boy was ill and having nightmares

and was afraid to go outside.<sup>44</sup>

When police surrounded the village of Musutiste on 29 March the villagers fled, leaving some old men behind who were subsequently killed in their houses as they were burned down. The villagers were forced to flee among their burning houses. As the villagers were leaving, VJ, paramilitaries and police stopped them. Addressing a Kosovo Albanian man, one of the paramilitaries wearing a mask said, "Your children are beautiful, you should not have any more." He then shot the man dead with an automatic weapon in front of his wife and the rest of his family.<sup>45</sup> Over the next few days families were forced out of their homes that were subsequently burned. As people were leaving they were robbed of money and jewellery with threats to "Leave or be killed." Those who did not have money were beaten.<sup>46</sup>

### **West of Suva Reka: Studencane/Studencan and Rastane/Rashtan**

Studencane/Studencan is a large village about 5 km west of Suva Reka town, located beside an important junction where three roads into the town from the north, central and southern part of Orahovac municipality converge. Halfway between Studencane and Suva Reka, the smaller village of Rastane, which had been partially burned in 1998 during Serbian security offensives, was the location of a police checkpoint. Limited freedom of movement and other problems arising from the presence of this checkpoint became a major preoccupation of OSCE-KVM verifiers in Suva Reka. In a period of just 10 days in early February 1999 over 300 vehicles were stopped and the passengers from 13 of those vehicles reportedly harassed.<sup>47</sup>

On 20 February Studencane was the location of a serious cease-fire breach for which the VJ and the UK blamed each other. Studencane was shelled by the VJ during the incident.

On 16 March 1999 Studencane was shelled and the entire village fled south to the next village, Neprebiste/Neprebishte, returning a few days later. After the OSCE-KVM left, Serbian forces began shooting at the village again, so that the villagers then went back to Neprebiste.<sup>49</sup> On 21 March 1999, Rastane was shelled and the OSCE-KVM field office there was allegedly destroyed.

### **South-west of Suva Reka: Trnje/Terrnje and Lesane/Leshane**

Trnje/Terrnje, about 6 km south west of Suva Reka town, is close to Novake/Malesi e Re (across the boundary in Prizren municipality), a majority Serb village.

On 25 March 1999, between 05:00 and 06:00 , a group of police officers arrived at Trnje. One account also mentions that the village was shelled while police surrounded it, and that one elderly person was killed when the roof of a house was hit by a shell and collapsed.<sup>50</sup>

Police entered the first two houses they came to, and immediately killed a number of people inside.<sup>51</sup>

The houses were set on fire. General panic appears to have ensued. People fleeing their houses were shot at: police fired at one family group trying to escape as they fled in the direction of a stream, and seven of them were killed. At the stream the survivors were surrounded, and the men separated from the women and children. Four men were shot. The rest were ordered back to their home, which had been set on fire. They stayed there for three days, hearing `shooting all the time". [52](#)

One young man who hid in the attic of his uncle's house reported witnessing policemen with camouflaged faces order four young women, aged somewhere between 15 and 24, into the first floor of the house. Soon after he heard screams. When he emerged from hiding after three days, he found the bodies of these women in one room. All had stab wounds. [53](#)

It appears that police were intermittently present in or around Trnje for at least three days after the 25 March killings. On 26 March police burned more houses. One man who witnessed the arrival of police in Trnje on 25 March but was able to flee immediately afterwards gave an account of returning to Trnje, with others from the neighbouring village of Lesane, in the early evening of 25 March, when police were absent. He described how he and his companions found 17 bodies in one house, and three children still alive there. He reported that it appeared that hand grenades had been detonated inside the house. There were also bodies in the street, and one elderly man lying wounded. [54](#)

All witness and hearsay statements relating to Trnje put the death toll at around 40. [55](#) The witness who reported finding the bodies in Trnje on the evening of 25 March also recounted an allegation that the dead had been buried in a mass grave near Ljubidza, as well as a garbage disposal site off the road on the Suva Reka-Prizren road. [56](#)

**Lesane/Leshane**, is just 1 km east of Trnje, and had a mixed population of Kosovo Albanians and Serbs. On 22 March Serbian forces began harassing villagers. They went to the school, where they started to frighten the children by smashing furniture and beating the teachers. After that many of the villagers stayed indoors. [57](#) Also around this time Serbs in the village started wearing paramilitary uniforms. [58](#)

On 25 March civilians from Novake as well as from Lesane, wearing masks and supported by VJ (who did not appear to take an active role at this point), forced the Kosovo Albanian villagers out of their houses. Serbian civilians began to fire in the air with their machine-guns. Kosovo Albanians started to leave and some buildings were set on fire. Snipers started to shoot randomly at people who had run into the open and three people were shot dead. It was believed that another four people were also killed this way. [59](#)

On 28 March many IDPs from Trnje congregated in Lesane in an effort to escape the ongoing offensives in other villages. It appears that Serbian civilians along with a mixture of police and paramilitaries with VJ troops arrived in Lesane and began burning houses. They gave everyone 15 minutes to leave. Half of

the population ran away via the river and the other half hid in the school. Serbian forces arrived at the schoolhouse and separated the men from the women and children. A group of 500 men was ordered to make the three-fingered Serbian salute and shout "Serbia, Serbia." Those who did not shout loudly enough were hit with rifle butts. Then the men were lined up against a wall and Serbs began taking aim at them in a mock execution. Women began crying and shouting out for their husbands and sons. The women and children were ordered to leave and told to walk to Prizren. The men were then ordered to sit down. A large police vehicle approached with a machine-gun mounted on top, which was rotated towards the sitting men. Then one man was picked out, kicked, punched and hit with the butt of a gun. According to one of the interviewees Serbs were taking this man to be killed when another police said that it was not necessary, he had been beaten enough. The men were then gathered in rows, searched for valuables and robbed. After about five hours they were released and under armed guard were escorted to the road towards Prizren. When they reached the next village, Toplicane/Topiqan (1.5 km to the east) the escort ended, but there were still many police and VJ vehicles on the road to ensure compliance with their orders. About 3km from Lesane a large truck arrived with VJ on board and drove the interviewee and other men to Zur/Zhur, from where they walked to the border with Albania. <sup>60</sup>

During the police assault on Lesane one Kosovo Albanian woman heard the Serbian forces breaking into her family's shop; she heard firing and her father-in-law screaming. She took her nine-month-old baby and fled the house to join other family members nearby, and then walked with 21 other people to Prizren, where she stayed for five weeks. She returned to Lesane to find her father-in-law's bloodstained clothes lying on the shop floor. She heard that her father-in-law had been killed, and had been buried by a "Gypsy" (*Maxhup*) neighbour. The woman stated that only Serbs and "Gypsies" (*Maxhupet*) were in Lesane at that time. <sup>61</sup>

### **North-west of Suva Reka: Belanica and neighbouring villages**

Some of the villages had experienced fighting even before March 1999. Slapuzane was a UCK stronghold fought over in 1998, and in January 1999 Serbian forces were occupying the surrounding hills just 2km away from the village. The village was shelled on 8 January 1999 at about 07:00. <sup>62</sup> Some of the villagers were killed and many others, some who were injured by the shelling, fled at this time.

The offensives that began in the area on or around 26 March proceeded until about 1 May.

On 26 March police and VJ forces surrounded Belanica, and repeatedly attacked it over several days. It appears that the village was used as a collection centre or staging post for IDPs, being left relatively untouched for a day or two while it filled up with the displaced from nearby villages before a police and military action would expel some of their number. Reports are inconsistent as to the degree to which the UCK were present in the village and were putting up a fight against the police and VJ.

On the first day the police and VJ forces reportedly started to fire on the village, and young men ran to the mountains. In the centre of the village VJ forces wearing black masks surrounded people and

demanded money and other valuables. A soldier was seen to put a knife to the body of a baby; demanded money from the mother or she would get the baby back dead. After people were robbed they were put on trucks and taken to Zur/Zhur (Prizren).<sup>63</sup> The next day, a man in a convoy making its way to Belanica said that he saw 10 men forced to kneel, with guns pointed at them. Those who could not hand over money were led away. He did not know their fate.<sup>64</sup> In another, similar, incident one man was allegedly shot because he only had DM 300 instead of the DM 500 asked for in return for his life. The same man who witnessed the shooting said that from a convoy that left Belanica that day making its way to the Albanian border village of Zrze/Xerxe at least 50 people were killed, either because they had no money to hand over when it was demanded or they were caught whilst sheltering in buildings from the heavy rain that day.<sup>65</sup> Similar patterns went on over the next few days. On 29 March the UCK warned all men between the ages of 17 and 50 to go to the mountains or the police would kill them. The men left. Police and military apparently arrived again in the village the next morning. They demanded money; those who had none had their houses burned while others were shot. A two-year-old boy allegedly had his throat cut in front of the villagers who were told that if they did not give them [Serbian forces] money they would do the same to them. The villagers were then ordered to leave for Albania.<sup>66</sup>

In another harrowing incident on 29 March it was alleged that the people in the village at that time were divided into groups. A group of about 20,000 people were allowed to leave. The group that was made to remain (numbers unknown) was told that they would be held as hostages because the UCK still held one end of the village. A Serb with a megaphone shouted to the UCK, "You have to leave or we will kill the hostages." The hostages also made an appeal to the UCK, who apparently left. But the Serbs did not believe that they had done so, and started to grenade the tractors with women and children on them. Elders and religious leaders with a white flag told the Serbs that the UCK had left. Masked paramilitaries then seized money from the remaining group; grenades were held to the heads of children in order to extort money from their parents. Three men were killed, one shot in the mouth because he did not have DM 1,000. (One witness named the perpetrators involved in this incident).<sup>67</sup>

Belanica came under shell fire again at around 13:00 on 1 April. After the clashes that had occurred between the UCK and Serbian forces in the vicinity, the village the village was again said to be sheltering over 30,000 people at this time.<sup>68</sup> One man recounted:

When the shooting stopped I went to the tractor to leave towards the Albanian border. Serb forces with SAJ patches came and began demanding money and jewellery from the civilians. When a man and woman refused to give them their money, they were taken into a yard and the man was shot. His body was left in the yard. About 20 minutes later a middle-aged man was taken out in front of the crowd, placed against a wall and shot dead. The entire group was forced to the Albanian border and along the route we were threatened and beaten.<sup>69</sup>

Numerous other accounts for the period 1-4 April show similar patterns of extortion of money, beatings

and individual killings that were reportedly ongoing, as well as the burning of houses in the village.<sup>70</sup> Some of the Serb forces allegedly came from the neighbouring Serbian village of Tumericina, and were masked. People were ordered out of their homes by megaphone and told to leave in the direction of Albania; the people in the village had already prepared vehicles for this eventuality and set off in convoy. En route there were various incidents, especially at checkpoints, where the people in the convoy had money extorted from them by various police. One man said two police officers were demanding money from him as well as holding up a shirt with UCK markings and demanded that he declare his support for the UCK. When he did not hand over any money he was beaten until he produced DM 100. Another person ahead of him in the convoy was taken from his tractor and police shot close to his feet and in the air to threaten him.<sup>71</sup>

### **North-east of Suva Reka**

The villages mentioned here are close to the boundary with Stimlje/Shtime municipality. Security incidents in January in this area, particularly around Dulje/Duhel near Highway 17, are described in the entry for that municipality.

In March 1999 the area around **Dragacina/Dragaqine**, a remote village 7 km north-east of Suva Reka, experienced fighting and many of the villagers left, staying in the mountains while some of the men had left for UCK areas. On 6 April many of the villagers returned, staying in makeshift shelters or the ruins of their houses. Members of the village mounted a guard in the area in anticipation of the return of Serbian forces, which happened on 21 April. Although many accounts were given, one man best described events surrounding that day:

On 21 April Serbs surrounded Dragaqine again. They came with armoured vehicles and trucks and green APCs. The young men fled to the mountains. Policemen [were] wearing blue uniforms with yellow-, green-, red-coloured strips and blue bands around their heads. Some had beards and were carrying automatic weapons. They took nine men from Draqaqine and two men from Duhel and sent them to a house. They were never seen again. I heard later the policemen say to each other; "We killed and massacred old men and dropped them into a well." I saw later the clothes of the old men beside the well. I did not dare to look inside the well...<sup>72</sup>

The village of **Luznica/Luzhnice**, at the northern edge of the municipality on the Lipljan/Lipjan municipality boundary, was shelled and the population fled at the end of March. It had previously been an area of ongoing clashes between the UCK and Serbian forces.<sup>73</sup>

Multiple rapes, sexual violence and the holding of women used as forced labour also occurred in areas of Suva Reka municipality. Due to the nature of these crimes, the locations where they are reported to have occurred are not being disclosed, in the interests of protecting the identities of the women concerned and their families. Incidents from Suva Reka municipality are mentioned in Chapter 7, Rape

and other forms of sexual violence, so will not be covered here.

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## Notes

<sup>1</sup> UNHCR, "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement). Only two small villages in the south-east corner of the municipality, Dvorane/Dvoran and Popovljane/Popovlan, had Serb majorities.

<sup>2</sup> A Kosovo Albanian complainant stated that as a result of the VJ and police offensive of August 1998 he had to abandon Slapuzane, in the hills north of Suva Reka. When he finally returned to the village he discovered that his house had been blown up (many other houses were also destroyed), all his personal property burned and his farm animals killed. PZ/03/066/99.

<sup>3</sup> A Kosovo Albanian complainant stated that on 28 August 1998 VJ and police officers dressed in various uniforms shelled Grejcevece with artillery and grenades, forcing all people to flee for their lives. One old man (73) had stayed behind and was found four days after the Serbian forces left. His body reportedly showed signs of torture and was partly dismembered. PZ/03/028/99.

<sup>4</sup> There is an account from one Kosovo Albanian woman of serious human rights violations committed when Vranic was attacked in late September 1998 by Serbian security forces, including the killing, mutilation and burning of two men from an (unspecified) neighbouring village. Men, including the complainant's sons, had also been separated from women and children, and since one could not understand Serbian he had not understood instructions being given and had been beaten severely as a consequence. Woman and children were threatened before being allowed to leave, and the village was looted and ransacked. The complainant's sons had been taken to Prizren for questioning, and one was held for trial in Prizren District Court DM 935-860, PZ/03/062/99.

<sup>5</sup> As reported to the OSCE-KVM, on 29 September 1998 villagers in Savrovo came running out of their homes when they heard gunfire shot at them by Serbian forces. As they stood by the river, Serbian forces gathered all the men at gunpoint in front of their families, loaded them on to two trucks and transported them to the Suva Reka police station. Several men were released there, but many were arrested and taken to Prizren and tried in early 1999. PZ/03/022/99, PZ/03/024/99, PZ/03/026/99, PZ/03/062/99.

<sup>6</sup> PZ/03/052/99.

<sup>7</sup> PZ/03/029A/99.

<sup>8</sup> PZ/03/055/99; PZ/03/065/99.

<sup>9</sup> A/0014; A/0278; A/0448; A/0638; A/1053; A/1077; A/1100.

<sup>10</sup> A/1077.

<sup>11</sup> A/0041; A/1012; A/1027; A/1077; A/1100.

<sup>12</sup> M/0700

<sup>13</sup> A/0221.

<sup>14</sup> A/0371 (father of the female survivor); A/0501.

<sup>15</sup> A/0501; M/1159 (this interviewee said that he saw soldiers in camouflage uniforms wearing the RS unit sleeve patches and a red headband in Suva Reka. Some had long hair and beards and were carrying knives, bayonets and automatic weapons. He saw Serbian forces enter the house of interviewee A/0501, and heard shooting but did not see the actual killing. He said that he later saw a truck full of at least 20 bodies in the vicinity where the killing happened. He also said that later his brother found the injured woman from that incident who had jumped from the truck); A/0212 (found the injured woman with several gunshot and stab wounds to her body - it is unclear whether this is the brother of M/1159, however).

<sup>16</sup> A/0771.

<sup>17</sup> A/0041; A/0105.

<sup>18</sup> A/0103.

<sup>19</sup> A/0041.

<sup>20</sup> A/0328.

<sup>21</sup> A/0134

<sup>22</sup> A/0939.

<sup>23</sup> M/0939; A/0697; A/0698; A/0710; A/0711.

<sup>24</sup> A/0599.

<sup>25</sup> A/0738.

<sup>26</sup> A/0710.

<sup>27</sup> M/1393.

<sup>28</sup> A/0599.

<sup>29</sup> A/0452.

<sup>30</sup> M/1187.

<sup>31</sup> A/0296 (named those who were killed by the police).

<sup>32</sup> A/0556.

<sup>33</sup> A/0291.

<sup>34</sup> A/1027.

<sup>35</sup> A/0044; A/0641; A/1072.

<sup>36</sup> A/0012.

<sup>37</sup> A/0829.

<sup>38</sup> A/1062.

<sup>39</sup> A/0829.

<sup>40</sup> A/0295.

<sup>41</sup> M/0480.

<sup>42</sup> A/0444.

<sup>43</sup> Police investigators and an Investigating Judge from Prizren were in charge of the crime scene. No further details were recorded. PZ/03/037/99.

<sup>44</sup> PZ/03/045/99.

<sup>45</sup> A/0305.

<sup>46</sup> A/0020; A/0149; A/0342.

<sup>47</sup> OSCE-KVM Weekly Report for the week of 6-12 February.

<sup>48</sup> OSCE-KVM Daily Report for 20 February, 1999.

<sup>49</sup> A/0823; A/0865; A/0866.

<sup>50</sup> A/0047.

<sup>51</sup> A/0118 (hearsay); A/0294, A/0300; A/0453; A/0998 (hearsay). Victims are named in statements

<sup>52</sup> A/0453.

<sup>53</sup> A/0210.

<sup>54</sup> A/0294.

<sup>55</sup> A/0047; A/0118 (hearsay); A/0294; A/0371 (hearsay, claiming that the perpetrators were also those who had killed the family of the OSCE-KVM's landlord in Suva Reka town); A/0998 (hearsay).

<sup>56</sup> A/0294.

<sup>57</sup> A/0644.

<sup>58</sup> A/0645.

<sup>59</sup> A/0268; A/0644.

<sup>60</sup> A/0294; A/0673; A/0979; A/0998; A/0192. (Descriptions were given in citations as a mixture of Serbian civilians wearing camouflaged uniforms along with a mixture of police, paramilitaries wearing green camouflage uniforms with white and yellow armbands and masks alongside VJ troops wearing red headbands. Other descriptions were of Serbian forces wearing "greenish" camouflage uniforms with police lettering on the back and two white stripes on the upper arms about 2cm wide each and dropping down to the elbow.)

<sup>61</sup> A/0692.

<sup>62</sup> A/0789; A/0790.

<sup>63</sup> A/0345.

<sup>64</sup> A/0139.

<sup>65</sup> A/0658.

<sup>66</sup> A/0920.

<sup>67</sup> A/0278; A/0865.

<sup>68</sup> A/1075.

<sup>69</sup> A/0830.

<sup>70</sup> A/0104; A/0119; A/0196; A/0203; A/0244; A/0282; A/0373; A/0491; A/0492; A/0495.

<sup>71</sup> A/1075.

<sup>72</sup> A/1124.

<sup>73</sup> A/0349.

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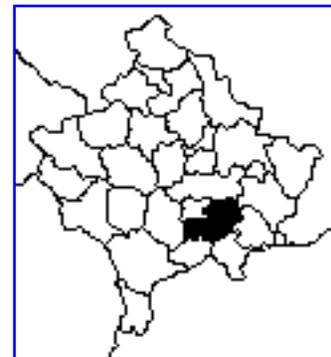
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## UROSEVAC/FERIZAJ



Urosevac/Ferizaj municipality consists of some 87 towns, villages and hamlets situated around the main town of Urosevac/Ferizaj. UNHCR estimated that the municipality had a population of 127,333 inhabitants in 1998, of whom 90.2 per cent were of Kosovo Albanian, 6.5 per cent of Serb, and 3.3 per cent of other national community origin.<sup>1</sup>

The municipality was not very much affected by the 1998 hostilities, although there were reports of isolated fighting and of human rights violations. In that period there were sporadic killings, abductions and arrests. Notably, in June 1998 there was a mass arrest of some 11 human rights activists and LDK politicians, mostly the higher ranking in these organizations. The Serb authorities were looking to arrest 28 people, but could only find 11. Two of the latter died in pre-trial detention - one in an escape attempt and the other as a result of torture in detention. The trial of the remaining 26 (11 human rights activists and 15 LDK politicians, 17 of whom were tried in absentia) started on 23 December 1998 and lasted until 5 February 1999, when all were convicted of having formed a terrorist group and having committed acts of terrorism, and received lengthy prison sentences.<sup>2</sup>

In November 1998, at the start of US-KDOM's activities in the region, some reports of arbitray and unlawful arrests and abductions by both parties to the conflict were received. A notable incident was the abduction of two Serb policemen from Gornje Nerodimlje/Nerodime e Eperme, on 19 July 1998, by three members of the UCK from Jezerce/Jezerce.<sup>3</sup> Gornje Nerodimlje was located on the edge of UCK-controlled territory and had a significant Serb population. US-KDOM, and later the OSCE-KVM, tried to investigate this, but never received information from the UCK on the whereabouts of these two men. The Serb population in Gornje Nerodimlje protested against the abduction by blocking relief convoys through their village to UCK-held areas, and by harassing OSCE-KVM verifiers who went there. At a meeting in February 1999, the police commander in Urosevac said that "... OSCE-KVM should take this kind of information [i.e. the Gornje Nerodimlje kidnap] very seriously, because of what happened in Racak". The commander attributed the Racak/Racak killings of 15 January 1999 (for which see the entry

for Stimlje municipality) to the abduction of a Serb policeman from Stimlje/Shtime in early December 1998, and the consequent build-up of tensions in Racak leading to a furious reaction by the colleagues of the abducted man. "The same anger," the commander said, "is prevalent in the village of Nerodimlje."<sup>4</sup>

There was ongoing fighting and tension in and around the village of Jezerce, in a mountainous area east of Gornje Nerodimlje. Jezerce was a UCK stronghold, and since 1998 had been shelled on a regular basis. It is reported that a combined VJ, police and paramilitary force attacked Jezerce in September 1998. This force went into the village on 27, 28 and 29 September 1998, when there were shelling, killing, and looting and burning of houses. From March 1998 onwards there had been many displaced people in and around the village. Many civilians went deep into the mountains, but even there they were sometimes targeted by snipers, Pragas and shelling.<sup>5</sup> VJ, police and paramilitaries would kill or maltreat Kosovo Albanians who happened to run into them in the area. One witness stated:

...I saw on 10 December 1998 how 12 policemen were standing around a Pinzgauer holding a man and a woman [Kosovo Albanian]. They tied them by one leg to the Pinzgauer. Then they drove off, dragging the two victims along.<sup>6</sup>

The rest of the municipality was comparatively calm. From January 1999 until 20 March the OSCE-KVM recorded 29 complaints of human rights violations there. These comprised two killings, three allegations of torture in the police station, two allegations of ill-treatment by the police, 16 alleged arbitrary arrests, and six people who went missing.<sup>7</sup>

During the whole period of the OSCE-KVM's deployment in Urosevac the situation in the municipality can be characterized as tense, however, with the situation getting steadily worse after the reconvening of the Paris talks on 15 March 1999. The situation was also strongly influenced by violence and tension in the neighbouring Kacanik/Kacanik and Stimlje/Shtime municipalities. During the last week of the OSCE-KVM's presence the human rights situation deteriorated quickly. There was a continuous build-up of troops. Fighting had already broken out in Kacanik municipality to the south, starting on 26 February, and IDPs from Kacanik found shelter in Urosevac, adding to the tension. The large number of police and VJ movements, sporadic shelling and shooting, the large numbers of people taken by police, and the mere presence of so many men in uniform, whether VJ or police, had the civilian population in a high state of anxiety.

Numerous Kosovo Albanians were brought to the police stations in Urosevac (as well as in Kacanik) for "informative talks" (for a description of this practice see Chapter 9, Arbitrary arrest and detention). Such "arrests" were made in the villages of Bicevac/Bicec, Reka/Reke, Palivodenica/Palaj, Ramun Mala/Ramun Mala (all in Kacanik municipality), as well as in Urosevac and Stimlje. Brutal interrogations were carried out by the police in order to collect information on UCK members, sympathizers, and military intelligence: by this time torture with electric shocks was regularly reported, in addition to beatings, as a way of extracting information. Some victims of these "informative talks" came to report to the OSCE-KVM office in Urosevac town (see also below). For the first time some names of perpetrators

were mentioned.<sup>8</sup>

At the end of February in Kacanik municipality the VJ began emptying villages. North of Urosevac, the local police heightened the pressure by making threats towards villages in Stimlje municipality, where the UCK had their "zone" headquarters. The police warned that, if the UCK did not release some "abducted" people from the Kacanik area, they would start clearing the Petrovo villages (southern Stimlje), in the same way as they had cleared Racak and the villages of Kacanik.<sup>9</sup>

After the OSCE-KVM withdrawal, on 20 March, the fighting soon spread north into Urosevac.

### **Urosevac/Ferizaj town**

Urosevac/Ferizaj town lies some 33 km south of Pristina/Prishtina on the main route between Pristina and Skopje, the former Yugoslav Republic of Macedonia. The town served as a regional administrative (executive and judiciary) centre for the municipalities of Stimlje/Shtime, Urosevac/Ferizaj, Kacanik/Kacanik and Strpce/Shterpe, and it hosted the regional headquarters for VJ and police. It includes a pipe factory, a small oil factory, and some smaller trade businesses for the region. The town had 57,421 inhabitants, of whom 82.1 per cent were Kosovo Albanian, 9.4 per cent Serb, and the remainder from various other national communities (including most of the "Gypsy" (*Maxhupi*) population in the municipality).<sup>10</sup>

Throughout the period of OSCE-KVM deployment the situation in the town was calm, although tensions increased gradually. In the daytime the situation was such that Kosovo Albanians could freely move around and could open their shops and businesses. After dark, however, the streets were virtually empty, and only Serb bars and restaurants were open. During this time small gangs of young, drunk Serbs would roam the streets shouting Serb nationalistic slogans and using abusive language. No Kosovo Albanian dared to go out at night.<sup>11</sup>

However, during this seemingly relatively quiet period there were two incidents involving bombs. On 13 February 1999, a market day, a bomb exploded in the main street of Urosevac. Twelve people were injured. The police secured the street, collected ID cards, and rounded up Kosovo Albanians for questioning. Investigations by the police were inconclusive. Both parties to the conflict accused the other of being the culprit.<sup>12</sup>

The following week, on 17 February, the OSCE-KVM was notified that a Kosovo Albanian civilian had found a 2-kg bomb in a sack of potatoes which he had taken home earlier, on 6 February, and had only opened on 16 February. That same evening he reported his find to the Urosevac LDK chairman, and asked him for advice; he did not go to the police because he was afraid. The LDK chairman reported the bomb to the OSCE-KVM. On 17 February the OSCE-KVM sent a team of explosives experts from Pristina, but it was unable to defuse the complicated mechanism of the bomb, determining that the bomb, set to detonate on 6 February, the day multilateral negotiations in Rambouillet first started, was a

"Yugoslav"-style device. The bomb that exploded on 13 February was of similar construction.

Since the second bomb had become a highly volatile unexploded ordnance, the OSCE-KVM alerted the local police; they immediately sent a team to the site and the mechanism was defused. After that the Kosovo Albanian man who had found the bomb was taken to the police station for questioning. At first, the OSCE-KVM was told that this was only to get some general information. The next day, 18 February, the police explained that the man had given conflicting statements and that he might be linked to an attempted terrorist attack on Urosevac. The man was not allowed access to legal representation, nor was the OSCE-KVM allowed to visit him. On 19 February the OSCE-KVM had contact with the chief investigator, who said that the man would only be charged with illegal possession of explosives, an offence carrying a minimum prison sentence of three years. The same day, he was brought to the investigative prison in Pristina, but the OSCE-KVM later learnt that he was not questioned at all in Pristina and had been released the next day.<sup>13</sup>

The OSCE-KVM office in Urosevac received in total 21 complaints of intimidation at public offices in the town, and of arrests/"informative talks" by the police. However, the OSCE-KVM estimated that the real number was much higher. People who came to the OSCE-KVM office stated that they saw "many others" in the police station, and that they were warned not to talk to the OSCE-KVM or to journalists about what happened during their detention. During "informative talks" intimidation and severe beatings generally accompanied the questioning. In the statements given to the OSCE-KVM torture with electric shocks was also mentioned.<sup>14</sup>

During the period when the OSCE-KVM was present, six Kosovo Albanians were abducted, allegedly by Serbs in civilian clothes. The scenario was that after dark a civilian car, red or white, sometimes with Gnjilane/Gjilan number-plates, sometimes without number-plates, would drive up to a Kosovo Albanian on the street and abduct him. In one case, the person was brought to a basement of an apartment building where he was beaten up and his money taken. In this case, the victim was left in the basement and escaped through a window.<sup>15</sup> In other cases the victim was later found dead on the side of the road<sup>16</sup> or under a bridge,<sup>17</sup> or could not be found at all.<sup>18</sup> Witnesses recounted that they recognized policemen in a civilian car driving with the victim, or that the perpetrators were Serbs, but were not from Urosevac.<sup>19</sup>

The OSCE-KVM follow-up with the police found that none of these cases was given serious attention.<sup>20</sup> Another example of inaction of police was in the case where, on 23 February 1999, a Kosovo Albanian man was found murdered on the main road to Pristina, some 5 km north of Urosevac. The body was taken to the hospital morgue in Pristina for forensic investigation. Thereafter the police notified the family and closed the "investigation".<sup>21</sup>

The Serb population in Urosevac did not oppose the presence of the OSCE-KVM outright. Relations with the authorities remained generally courteous until the last day of the OSCE-KVM presence.

Immediately after 20 March 1999, when the OSCE-KVM evacuated, the situation deteriorated rapidly.

The VJ and police immediately made a show of force. On 22 or 23 March, at the funeral of a well-known Kosovo Albanian actress, Adrianna Abdullahu, who had been shot dead in a cafe in Pristina, the VJ dispersed the large gathering of between 5,000 and 6,000 people, mostly Kosovo Albanians. They were so heavy-handed that people fled in panic.<sup>22</sup>

The police increased its presence in the town, and, according to one witness, "every Serb civilian who could handle a gun was given one".<sup>23</sup> At first there was a lot of intimidation on the streets, accompanied by verbal abuse and shooting in the air. Soon thereafter, windows were broken and Kosovo Albanian-owned shops were looted and burned.<sup>24</sup> The alleged perpetrators, especially in these first days between 21 and 24 March, were identified as police, in uniform or in civilian clothes, VJ reservists and Serb and "Gypsy" (*Maxhupi*) civilians (it is unclear when paramilitary groups arrived in the town).<sup>25</sup> During these days there was a street killing<sup>26</sup> and there were individual expulsions.<sup>27</sup> People moved to houses of family or friends where they felt less unsafe.

Following the start of the NATO air campaign, on 24 March, there was a lot of VJ and police movement in and around the town. A mixed force of VJ, police, paramilitaries, and armed civilian Serbs and some "Gypsies" (*Maxhupet*)<sup>28</sup> started to target former OSCE-KVM-rented houses, houses of locally hired OSCE-KVM personnel, and houses of LDK activists, journalists, and other prominent or rich Kosovo Albanians. These houses were systematically looted and the interiors burnt or destroyed, and some were blown up. The Serbs targeted those Kosovo Albanians who were politically, or otherwise, active in the community.<sup>29</sup> Sometime between 25 and 27 March the warehouse of the Mother Teresa Society was blown up,<sup>30</sup> and at the end of March or beginning of April the former OSCE-KVM office building, together with the house of its owner, on the opposite side of the street, were mined and blown up.<sup>31</sup>

By the end of March VJ, police, paramilitaries and armed civilians were terrorizing the whole Kosovo Albanian population of Urosevac town. They were ordering everybody to leave.

... Police and army blocked the road with tanks. They told everybody to leave for [the former Yugoslav Republic of Macedonia]. ... We were afraid that someone would kill us, therefore we left our home and went to the railway station. However, the train did not stop in Ferizaj, because it was already full of people. After some time the police arranged 10 buses, but they were filled up in no time, so we still could not leave. Then the police ordered us to start walking along the railway track to the border. They warned us not to go from the track because of the danger of mines. At the border it was raining and cold. . . <sup>32</sup>

Whole areas in the town were by then systematically being emptied, street by street.<sup>33</sup> Police and paramilitary elements went through the streets shooting into the houses and ordering people to leave or otherwise be killed. In some cases, the VJ supported the action by shelling from the barracks. They would target certain quarters of Urosevac, after which police and paramilitaries would go in. The people

were threatened and forced to hand over money, jewellery and other valuables in the house. All over the town and at checkpoints men were ill-treated, beaten up, kicked, stabbed and shot and either wounded or killed.<sup>34</sup> Either this happened in front of their families, or they would be separated and taken into the yard or on to the street.<sup>35</sup> On many occasions, men would be taken to the police station to be interrogated. Houses were being looted and set on fire. In one instance, the inhabitant was burned inside his house, because he refused to be expelled.<sup>36</sup>

One Kosovo Albanian woman describes the situation as follows.

... Ferizaj towards the end of March was deteriorating dramatically. I saw houses burning, and, close by, there were several explosions of houses being blown up. The explosions also destroyed the windows in the house I was staying in. On the street there were VJ in the morning, police during the day, and paramilitaries in the evening. The paramilitaries had jeeps and black cars, black uniform, long beards, hats and automatic weapons. They started to mark the Serb houses, probably with the intention not to harm them if they started burning or destroying Albanian houses.<sup>37</sup>

In various locations women were sexually abused.<sup>38</sup> In one interview with the OSCE-KVM, a mother told how her daughter was groped by two paramilitaries, then taken out of her house and killed.<sup>39</sup> In another statement it is described how a woman was sexually maltreated at a checkpoint by three paramilitaries, her necklace was taken and her hand smashed with a stone.<sup>40</sup> In yet another incident a VJ is mentioned as the culprit of a rape in front of a line of tanks on the road.<sup>41</sup>

VJ and police moved into vacated houses to hide from the NATO bombing. They placed their military vehicles close to the houses and camouflaged them. Later reports mention that they just drove them into the houses to hide them altogether.



**Urosevac: the former OSCE-KVM office building, which was mined and blown up** [\[zoom\]](#)

... In Ferizaj from about 8 April 1999, Serb forces moved into the town. They broke down house walls and placed tanks in houses and garages. Security forces occupied houses.

They placed small artillery pieces in Albanian shops, breaking the windows and pointing the weapons to the sky. In the evening when NATO planes flew over they fired these weapons.<sup>42</sup>

The situation deteriorated even further when NATO hit the VJ "Milan Zecar" Barracks in early April, killing a dozen VJ soldiers.<sup>43</sup> It was hit some 20 minutes after VJ started shelling an area in Urosevac.<sup>44</sup> Immediately after the bombing, VJ and police went into the town and indiscriminately started shooting at Kosovo Albanian houses, killing and beating up people and evicting them from their houses.<sup>45</sup>

... I saw four policemen get out off a car and shoot two men, a woman and a child with machine guns. Then they started beating up a man of 25 to 30 years old. They were shooting their guns in the air. After that they left.<sup>46</sup>

... I saw many people going to the train station. They were escorted by shouting police, paramilitaries, and civilian Serbs.<sup>47</sup>

The VJ moved their command centre to a local ambulance and health centre.<sup>48</sup> VJ and police also moved weapons and ammunition to the health centre.<sup>49</sup> According to one account, the police station was also hit by the bombing.<sup>50</sup> Police operations were transferred to the PTT (post and telecommunications) building, and the police also made use of a basement in the "Pranvera" restaurant for interrogations and torture.<sup>51</sup> One witness states that he was brought to the "Pranvera" Restaurant, where he was tortured with electric shocks. Before he was released he was told to go and spy on the UCK and return to the police with information. On his way out he received a note with the date and place for his return meeting, "III-59"; this appears to refer to the former police headquarters, where on the third floor in room 59 people used to be interrogated and tortured.<sup>52</sup>

By the first week of April whole areas in Urosevac had been emptied. In the first days the people had moved from one house to another within the town. During the following weeks, however, they fled to various villages in the municipality, or were expelled to the former Yugoslav Republic of Macedonia.<sup>53</sup> Every day crowds of people were waiting at the railway station to go by train, bus or truck to the former Yugoslav Republic of Macedonia. All along the way to and at the station police, paramilitaries and Serb civilians were shouting, shooting in the air, abusing the people verbally and physically, and extorting money and valuables from them.<sup>54</sup> People were also stripped of their identification documentation.<sup>55</sup> Men were sometimes taken off the train or bus, or out of the crowd. They were taken to be beaten up, interrogated or driven away to an unknown destination.<sup>56</sup> A Kosovo Albanian man gives an account of the harsh treatment some men received:

... I was trying to reach the [the former Yugoslav Republic of Macedonia] border, but for

being from Racak and one of the witnesses of the mass killing in January, I was reversed by police and taken to a Serb restaurant in Ferizaj. There I was intimidated and beaten. After that they brought me to the police station. My arms were tied on my back and they stripped me naked. I was completely submerged into a water-tank with a rope tied around my neck. I was beaten and kicked in my genitals, and they kept me in solitary confinement deprived of food and water and with my arms tied for two days. At night I received electric shocks. I was released on 10 April.<sup>57</sup>

It often happened that people who had fled went from one village to the next until, finding no place of safety, they were eventually forced to go back to Urosevac. One Kosovo Albanian woman said the following:

After the police forced me to leave Ferizaj, it was the end of March, me and my family went to Greben [Serbian: Grebno]<sup>58</sup> where we stayed for a week. In Ferizaj police and paramilitaries were looting and destroying houses. From Greben we went to Komogllave [Serbian: Kamena Glava].<sup>59</sup> On 7 April 1999, when we arrived, we saw a young boy being hit and killed by a shell. VJ was around and the villagers in Komogllave had all been told to leave within five minutes. We went with a large group to Sojeve [Serbian: Sojevo].<sup>60</sup> There we stayed three nights and then returned. We stayed in Komogllave for three weeks, and then police and VJ attacked again. The shelling started, so we left to go back to Ferizaj.<sup>61</sup>

By mid-April the Serbs had total control over the movement of Kosovo Albanians in Urosevac town. From then onwards the accounts are mostly about people maltreated while fleeing or hiding. On some occasions, after having reached the border, the people were sent back to Urosevac,<sup>62</sup> or to another village. A witness reported that Serbs had started to use the people as human shields close to military installations,<sup>63</sup> and they also used them to do forced labour, such as digging trenches and tank fortifications.<sup>64</sup> By this point a state of total lawlessness existed in the town. There were still a few Kosovo Albanians left in town, people who had been able to stay or who had come from other places. The accounts of extortion, especially by paramilitary groups, and expulsion continue up until the end of April.

In the second half of May the police started to register IDPs in Urosevac.<sup>65</sup>

There were three reports of mass graves in Urosevac. The reports are witness testimonies on the arrival and subsequent unloading and burying of bodies. One report mentions the arrival of a truck with approximately 20 bodies 30 to 50 metres east of the graveyard in Urosevac around 2 April 1999.

... The bodies were mutilated with their internal organs hanging out. About 20 "Gypsies" (*Maxhupet*) were engaged in taking the bodies off the truck. The bodies were

wearing civilian clothes. A bulldozer dug a big hole by the truck and the "Gypsies" (*Maxhupet*) threw the bodies in the hole. The bulldozer then filled the grave with dirt. The "Gypsies" (*Maxhupet*) did not have weapons.<sup>66</sup>

The other reports mention the burial of respectively six and five bodies. Both of them mention the "new" cemetery in Urosevac as the burial site. Both also mention that "Gypsies" (*Maxhupet*) were doing the work.<sup>67</sup>

### **Villages in Urosevac/Ferizaj municipality**

With the exception of Jezerce/Jezerce, as mentioned above, prior to 20 March 1999 no village in Urosevac/Ferizaj municipality was the scene of open armed confrontation, unlike in neighbouring Stimlje/Shtime and Kacanik/Kacanik. In the week before the OSCE-KVM was evacuated there was nevertheless heightened VJ and police activity, including the arrival and movement of troops and the arrests of Kosovo Albanian men. The reasons for this became clear from accounts of villagers after the evacuation. The Serbian military operation in Kacanik municipality to the south, which had started as early as 26 February 1999, expanded north into Urosevac municipality. Serb armed civilians in the villages joined the mixed force of VJ, police and paramilitaries. Yet there were almost no UCK-controlled areas in Urosevac.

From the accounts given by refugees to the OSCE-KVM after its evacuation, it is possible to clarify a particular sequence and pattern of events in the Serb operations and expulsions of the Kosovo Albanians from the villages.

On the day that the OSCE-KVM evacuated, 20 March 1999, VJ and police forces attacked two small villages 2 km east of Urosevac town, Biba/Bibe and Staro Selo/Staro Selo, which were strategically located on either side of a power sub-station and on the road connecting Urosevac town and Gnjilane/Gjilan town. Four days later, after the first NATO air-strike on FRY on 24 March, four villages encircling Urosevac town were targeted. These were Muhadzer Talinovac/Talinoc i Muhaxher, to the north, Sojevo/Sojeve to the east, Grebno/Greben to the south and Donje Nerodimlje/Nerodime e Poshte to the west. After that, in the same week, a series of 10 villages came under attack. These villages are on a diagonal through the municipality from Kosare/Koshare in the north-west to Kamena Glava/Komogllave in the south-east, and are along the road from Stimlje to Kacanik. In the following two weeks, up to 11 April, many other villages throughout the municipality were attacked in one way or another and their inhabitants expelled. A last wave of expulsions occurred in the week after 11 April, mostly on the fringes of the municipality, and it seemed that by mid-April the whole municipality was under Serb control and a large part of its population had fled either to the former Yugoslav Republic of Macedonia or to other areas in Kosovo. Villages were often targeted more than once and villagers who had returned - or people who had been displaced there from other villages - were again expelled.

The most common pattern in which the Serb forces operated was as follows:

The first step was that the VJ surrounded a village and would give the people a warning to leave. This was done either by a mere threatening presence<sup>68</sup> or by targeting the village with grenades, thereby indiscriminately killing a number of people.<sup>69</sup> In other cases the VJ,<sup>70</sup> police,<sup>71</sup> paramilitary,<sup>72</sup> reservists, armed Serb civilians,<sup>73</sup> or a combination thereof,<sup>74</sup> gave the villagers a warning to leave, often while creating mayhem by shooting in the air. Sometimes the Kosovo Albanians would be ordered out "immediately", at other times they were given up to five days to get out.<sup>75</sup> In other cases there was no warning to leave and Serb forces would immediately attack the village.<sup>76</sup>

In a few instances Serb forces would enter the village and, without immediately expelling the population, would create a stronghold. They used these villages to control the area and to launch attacks on other villages, or, as in Kosare/Koshare, Slivovo/Slivove, and Lojze/Lojze, to launch attacks in UCK-held areas.<sup>77</sup> The presence of these Serb forces, especially if they were paramilitaries, would create an atmosphere of anxiety and fear in the village.<sup>78</sup> VJ, police or paramilitaries reportedly moved their tanks and vehicles into the yards of civilian houses and camouflaged them; in some cases they drove the tanks inside the houses.<sup>79</sup> Reportedly, in Staro Selo/Staro Selo the "White Eagles" paramilitary group, also referred to as "Seselj's men", stayed for 10 to 12 days, up to mid-April, terrorizing the inhabitants by numerous killings, ill-treatment of and assaults on men and women, extortion, robbery, forced labour, and looting and burning of houses. After that, the people were expelled from the village. In other villages where Serb forces dug in, Kosovo Albanians were also killed or beaten up and robbed and intimidated, and in some cases women were sexually abused. In some of these villages young men had to do forced labour.<sup>80</sup> The villagers would be expelled at a later stage, their houses looted and burned.

In instances when Serb forces did not establish a base in a village, after what might be termed the "warning and intimidation" phase, and mostly before the people had gone, VJ, police and paramilitaries (in varying combinations) would go into the village, divide into small units and force people out of their houses. Sometimes local Serbs would give directions.<sup>81</sup> The assailants would shoot machine gun bursts in the air and into the houses.<sup>82</sup> They would take and kill one or more Kosovo Albanians while entering the village to instil panic and fear. The behaviour of these smaller groups could vary from intimidating to extremely cruel, with police and paramilitaries being described as particularly harsh in their behaviour.<sup>83</sup> Most of the time they first went from house to house to get money, jewellery and valuables: people were threatened with death, maltreated or raped unless they handed these over, then they were told to leave. Sometimes an example was set, and one or more family members would be killed, maltreated, beaten up or wounded with knives or gunshots.<sup>84</sup> On the way out, houses were looted and burned. Cars and tractors were stolen, and sometimes livestock was killed or taken.<sup>85</sup> Following are two examples.

... Three VJ soldiers came to my house, they pointed a gun at me, and grabbed me in the neck. They told me that I should go with them. Outside the house there were three more

Kosovo Albanians with 10 VJs. We were taken in the woods nearby, where we were joined by another Kosovo Albanian and one more soldier. The soldiers started to beat a woman of 50 years old, and a man of 65 years old. These two persons had to lie down on the ground. Then there came another VJ soldier and shot the man. The woman started to scream and wanted to get up, the same soldier shot her in the chest. Another soldier started to beat a person who was standing close to me. After the beating he fell down on his stomach and I saw blood coming out of his mouth. The VJ told me and another man to lie down near the person who was bleeding. As I was lying I heard some noises coming from the throat of the man who was bleeding. He died. Then another soldier came and asked us for money. I had DM 150 and the other person had no money. The soldiers took this man and pulled him aside for two minutes. I heard some shots from an automatic gun. I was still lying on my stomach. One soldier started to kick me with his boots and hit me with his weapon. The soldier told me that he was waiting for the money. I took out the money and put it in the shoes of the soldier who had beaten me. He grabbed my hair and told me that I should go back to tell the other Albanians that they should better leave otherwise they would all be killed.<sup>86</sup>

... Around 10 April 1999, at [06:00 hours], new forces came to the village. There were approximately 100, they were dressed in camouflage green uniforms, red and yellow bands on their arms, scarves with colours similar to the Serb flag, some had beards, most had long hair, they seemed aged between 30 and 40. They carried knives, automatic weapons and hand grenades on their belts. Many had painted (yellow, white, red, black) faces. This group started by stealing all valuable items as well as cars and tractors. All these items were transported to the house of a local Serb [name mentioned]. After this they started burning houses. The villagers were given two hours to leave the village and almost everyone did.<sup>87</sup>

During these raids the Serbs would sometimes leave a corridor to enable villagers to flee in a particular direction,<sup>88</sup> villagers would be escorted in a certain direction, or they would simply be told to go to a certain village, the former Yugoslav Republic of Macedonia, or Albania.<sup>89</sup> In some cases people were not given time to flee in an orderly way, but were rather chased away. A Kosovo Albanian woman recounts the following:

...On 29 April 1999, at [16:00 hours], in Rake, police, VJ and paramilitaries entered the village as well as my house. They were dressed in green camouflage uniforms, some had masks (whom I believe were local Serbs), berets, long hair, or shaved heads. Those that had long hair were wearing red bands around their heads. Some of them had red painted faces. They were armed with automatic weapons. We were ordered to leave, so we went to direction of Ferizaj. We were running when we heard the shots. Three of my children were shot dead [she gives the names of her children, and their ages - 10 years, seven years, and two months]. Another six or seven people were killed by this [indiscriminate] fire. When they opened fire on us, we were only 20 metres away. There were 2,000 people

trying to escape and there were about 300 Serbs.<sup>90</sup>

Sometimes villagers would flee to the mountains surrounding the village. They stayed for periods ranging from a few days to several weeks, sometimes coming down to collect food or feed their animals (if they were still there). When they did go back to their villages, they were vulnerable to being killed.<sup>91</sup>

Kosovo Albanians hiding in the hills would be driven out of their hiding places and ordered to leave. They were shelled<sup>92</sup> or shot at by the VJ, police or paramilitaries, who would drive them further away, or round them up.<sup>93</sup> Many times, on these occasions, individuals would be shot or killed, or they would be threatened with it.<sup>94</sup> Men would be separated from women and children, killed, wounded, taken away, or harassed.<sup>95</sup>

... Together with all the villagers we fled to the mountains where we ran into more Serb troops, they separated the women and children from the men. We were with around 150 women and children, we were surrounded by police and paramilitaries, who told us not to move. They took the men to another location. From that location came the sound of automatic fire. After six hours I managed to reach that location and heard my husband calling for help. He was among 12 dead bodies. He had eight bullets in his body. He died from his wounds the following day. [The interviewee and her daughter also saw the dead body of a 16-year-old boy in the river in Caka Mahala and heard from her cousin that two men had been killed there.]<sup>96</sup>

"... 30-35 VJ soldiers entered the wood and began shooting. Some refugees managed to run away, others, including myself, were surrounded. They separated 32 men from the rest of the group. Men were ordered to line up in a row, in front of them. The VJ also lined up. Then women and children were told to leave. [Thereafter] we heard the VJ commander order to shoot. When we came back, we found the mutilated bodies. The following day we left for [the former Yugoslav Republic of Macedonia].<sup>97</sup>

Not all the people fled immediately from their villages. Elderly people especially stayed behind or they would return soon after an attack. In many cases they were later found killed in their house or yard.<sup>98</sup>

... On 6 April the VJ surrounded the village. The villagers left the village soon after the VJ started shelling... Some old people did not want to go. The VJ had caught five elderly persons. An officer had ordered the soldiers to shoot at them from a distance of 6 metres. Four persons had been killed and one could escape. [The following day, the interviewee went to the village in order to bury the four dead persons. The four killed were 65, 70, 42 [sic] and 70 years old [names given in statement].<sup>99</sup>

By mid-April most of the villages had been raided in one way or another. From the accounts of refugees to the OSCE-KVM one can conclude that the majority of the Kosovo Albanian population had fled, either to the former Yugoslav Republic of Macedonia or Albania, or to "safer" areas within Kosovo. The destruction in the villages in Urosevac municipality was reportedly widespread and extreme. The accounts given about incidents after mid-April were mostly about individual expulsions, killings, beatings and arrests.<sup>100</sup>

In May 1999, two locations were named as dumping grounds of bodies. One was a bunker used as a mass grave at a place called, in Albanian, Te Kalasa (Serbian name not known).<sup>101</sup> The other was in the valley between Jezerce, Topilo/Topille and Petrovo/Petrove (the latter two villages are in Stimlje/Shtime municipality) at a place called Reka e Topilles (Serbian name not known), where at least 16 bodies were lying unburied.<sup>102</sup>

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## Notes

<sup>1</sup> UNHCR, "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>2</sup> OSCE-KVM/RC5/CC Urosevac, Meeting Report UR-CDHRFF 24-02/99; OSCE-KVM/RC5 Trial Monitoring Reports on the Urosevac Group trials. For the relevant constitutional articles under which they were tried, see Chapter 10, The violation of the right to a fair trial.

<sup>3</sup> PR/03/0045/99; PR/03/0046/99; US-KDOM incident report, 19 December 1998; OSCE-KVM/RC5/CC Urosevac, Meeting Report, 15 February 1999. This was the only incidence of human rights violations in Urosevac municipality brought to the OSCE-KVM's attention that involved Serb victims.

<sup>4</sup> US-KDOM incident report, 19 December 1998; OSCE-KVM/RC5/CC Urosevac, Meeting Report, 15 February 1999.

<sup>5</sup> M/0724; M/1618.

<sup>6</sup> M/1618.

<sup>7</sup> OSCE-KVM/RC5/CC Urosevac, Case Register.

<sup>8</sup> OSCE-KVM/RC5/CC Urosevac, Weekly Report, 18 March 1999; PR/03/0091/99; PR/03/0093/99; PR/03/0094/99; PR/03/0095/99; PR/03/0096/99.

<sup>9</sup> OSCE-KVM/RC5/CC Urosevac, Daily Report, 15 March 1999.

<sup>10</sup> UNHCR, "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>11</sup> Account from OSCE-KVM Human Rights Officer. The alleged perpetrators of human rights abuses in Urosevac town during the period of the OSCE-KVM's deployment were, according to statements received from Kosovo Albanians, all Serbs. This was in contrast to findings in places where the UCK had an active presence, such as Stimlje, where Kosovo Albanians opposing the UCK were abducted or ill-treated by the UCK.

<sup>12</sup> OSCE-KVM/RC5/CC Urosevac, Special Reports, Urosevac Bomb Report.

<sup>13</sup> OSCE-KVM/RC5/CC Urosevac Special Reports, Urosevac Bomb Report.

<sup>14</sup> OSCE-KVM/RC5/CC Urosevac, Case Register.

<sup>15</sup> PR/03/0002/99.

<sup>16</sup> PR/03/0053/99; PR/03/0054/99.

<sup>17</sup> PR/03/0001/99; PR/03/0008/99.

<sup>18</sup> PR/03/0006/99; PR/03/0020/99; PR/03/0073/99.

<sup>19</sup> PR/03/0001/99; PR/03/0002/99; PR/03/0008/99; PR/03/0054/99.

<sup>20</sup> PR/03/0054/99; M/0601.

<sup>21</sup> PR/03/0054/99.

<sup>22</sup> M/0466; M/0729.

<sup>23</sup> M/0267.

<sup>24</sup> M0659; M/0931.

<sup>25</sup> M/0659, who states that they arrived as early as 21 March. Also M/0298, in which the arrival of two buses with "chetniks" on 4 April 1999 is mentioned. In statements on incidents that followed in March and April, paramilitaries are mentioned as the perpetrators.

<sup>26</sup> M/0931.

<sup>27</sup> M/0307, who recounts that on 23 March "VJ and police, all wearing camouflage green uniforms, some masked, FRY coat of arms insignia, evicted a family of seven from Urosevac. I saw also "many" T-72 and T-55 tanks. Other families were also evicted."

<sup>28</sup> M/0042.

<sup>29</sup> M/0168; M/0435; M/0597; M/0646 refer to a local politician who "disappeared" and was later found dead. M/0237; M/0325; M/0417; M/0597; M/1100 describe the destruction of the homes of a former mayor of the town, of a member of the Kosovo parliament, of a local LDK leader, of a minister in the Rugova government, of a local politician and human rights activists, and of 10 houses belonging to a family with known UCK sympathies. M/0168; M/0237; M/0417; M/0818; M/920; M/1255 describe the "disappearance" of a journalist and local LDK activist. M/0260 describes the blowing up of a house of a bodyguard of Ibrahim Rugova, killing three people inside.

<sup>30</sup> M/0514; M/1100; and M/1127.

<sup>31</sup> M/0233; M/0322; M/0400; M/0843; M/1079; M/1192; M/1607.

<sup>32</sup> M/0056.

<sup>33</sup> M/1345; M/0871; M/0436.

<sup>34</sup> M/0389, killing of two Kosovo Albanians by policemen. M/0260; M/0400; M/0655; M/821, killing of Kosovo Albanian in front of motel "Gimi" by policemen and armed civilians. M/0673, killing of Kosovo Albanian by VJ in front of his family. M/0855, abduction and killing of Kosovo Albanian by four paramilitaries. M/0931 killing of Kosovo Albanian by group of VJ soldiers, policemen and armed civilians. M/0436, killing of three elderly Kosovo Albanians by VJ and paramilitaries. M/0946, drive-by shooting of Kosovo Albanian on his bicycle by four armed civilians in a jeep. M/1192, killing of two elderly Kosovo Albanians by masked armed men wearing civilian clothes and police flak-jackets.

<sup>35</sup> M/1290.

<sup>36</sup> M/0031.

<sup>37</sup> M/0042; M/0646, on the marking of houses.

<sup>38</sup> M/0454, M/0547, M/0606, M/0651, M/0970, M/1445.

<sup>39</sup> M/1445.

<sup>40</sup> M/0970.

<sup>41</sup> M/0454.

<sup>42</sup> M/0298; M/0211; M/0337.

<sup>43</sup> M/0120; M/0233; M/0260; M/0931.

<sup>44</sup> M/0260.

<sup>45</sup> M/0120; M0655; M/0788.

<sup>46</sup> M/0120.

<sup>47</sup> M/0031.

<sup>48</sup> M/1127.

<sup>49</sup> M/0417.

<sup>50</sup> M/0931.

<sup>51</sup> M/0855, M/1048, M/1496.

<sup>52</sup> M/1496.

<sup>53</sup> M/0056.

<sup>54</sup> M/0056; M/0516, M/657, M/0666: in this respect see also M/0244.

<sup>55</sup> M/0136.

<sup>56</sup> M/0516, M/0545; M/1608, M/1265; M/1399.

<sup>57</sup> M/0704.

<sup>58</sup> Grebno/Greben.

<sup>59</sup> Kamena Glava/Komogllave.

<sup>60</sup> Sojevo/Sojeve.

<sup>61</sup> M/0545; also M/0667.

<sup>62</sup> It is also reported that later, in May, people were brought to Urosevac when they were turned back from the border, and temporarily occupied empty houses - M/1615.

<sup>63</sup> M/0370. "...50 young men were abducted and brought to a factory. They were used as human shields by the paramilitaries. [...] I do not have information about the fate of these hostages."

<sup>64</sup> M/1100.

<sup>65</sup> M/1453.

<sup>66</sup> M/0187.

<sup>67</sup> M/0748; M1140.

<sup>68</sup> M/0316, Grlica/Gerlice.

<sup>69</sup> M/0664, Biba/Bibe; M/1751, Burnik/Burnik; M/0188, Crnilo/Cernille; Donje Nerodimlje/Nerodime e Poshte; M/0119, M/0560, M/1175, Kamena Glava/Komogllave; M/0313, Mirosavlje/Mirosale; M/0689, M/1166, Muhazer Prelez/Prelez i Muhaxhere; A/0952, M/0470, Slivovo; M/1269; M/1313, Stari Miras/Mirash; M/1165, M/1392, Tankosic/Tankosiq; M/0446, M/0517, Varos Selo/Varosh; M/1083; M/1165, M/1392, Zlatare/Zllatare.

<sup>70</sup> M/0607, Kamena Glava/Komogllave; M/0620 Lojze/Lojze; M/1465, Muhadzer Talinovac/Talinoc i Muhaxher; M/0240, Raka/Rake.

<sup>71</sup> M/0266, Doganjevo/Doganjevo; M/0605, Nekodim/Nekodim.

<sup>72</sup> M/1725, Balic/Balic; M/1309, Jerli Talinovac/Jerli Talinovac; M/0818, Sojevo/Sojeve; M/0699, M/1472, Staro Selo/Staro Selo.

<sup>73</sup> M/1010, Kosin; M/1225, Tankosic/Tankosiq.

<sup>74</sup> M/0652, M/0868, Manastirce/Manastirice; M/0180, M/0584, Papaz/Papaz; M/0551, Sojevo/Sojeve.

<sup>75</sup> M/0115, Biba/Bibe; M/0324, Grebno/Greben, M/0584, Papaz/Papaz; M/1275, Staro Selo/Staro Selo.

<sup>76</sup> M/0429; M/0656, Biba/Bibe; M0399, Caka Mahala/Caka Mahala; M/1811, Dubrava/Lisnaje; M/0840 Gatnje/Gatnje; M/0111, M/0686, M/1612, M1520, Grebno/Greben; M/0180, M/

1207, M/0703, Pojatiste/Pojatishme; M/0660, M/0666, Rahovica/Rahovica.

<sup>77</sup> M/0620, M/1009.

<sup>78</sup> M/0115, M/1270, Biba/Bibe; M0295, M/0550, M/0699, M/1168, M1472, Staro Selo/Staro Selo.

<sup>79</sup> M/0119, Kamena Glava/Komogllave; M/0501, Kosare/Koshare; M/0673, close to Grlica/Grlica.

<sup>80</sup> M/0866, Gornje Nerodimlje/Nerodime e Eperme; M/1713 Plesina/Pleshine; M/0295, M/0550, M/1472, Staro Selo/Staro Selo.

<sup>81</sup> M/0675, M/1011, Balic/Balic.

<sup>82</sup> M/0078, Grlica/Grlica.

<sup>83</sup> M/0428, Biba/Bibe; M/1112, Varos Selo/Varosh.

<sup>84</sup> M/1464, Grebno/Greben; M/1168, Staro Selo/Staro Selo.

<sup>85</sup> M/1309, Jerli Talinovac/Talinoc; M/1496.

<sup>86</sup> M/0659, describing events at Pojatiste/Pojatishme, 12 April 1999.

<sup>87</sup> M/0945, describing events at Donje Nerodimlje/Nerodime e Eperme.

<sup>88</sup> M/1409. "... Serbs surrounded the village [Kamena Glava/Komogllave] leaving a corridor to Grlica [south-east of Kamena Glava]."

<sup>89</sup> M/0337, Sojevo/Sojeve, 8 April 1999.

<sup>90</sup> M/1227, Raka/Rake.

<sup>91</sup> M/0652, Manastirce/Manastirice; M/1195, Mirosavlje/Mirosale; M/1086, Pojatiste/Pojatishme, M/1165, M/1367, Tankosic/Tankosiq.

<sup>92</sup> M/0313, Mirosavlje/Mirosale.

<sup>93</sup> M/0963, Raka/Rake.

<sup>94</sup> M/0551, Sojevo/Sojeve.

<sup>95</sup> M/0818, Sojevo/Sojeve.

<sup>96</sup> M/0399, describing events in Caka Mahala/Caka Mahala, 13 April 1999.

<sup>97</sup> M/0927, describing events in Pojatiste/Pojatishme, 21 April 1999.

<sup>98</sup> M/0313, Mirosavlje/Mirosale; M/0173, M.0952, M/1464, Grebno/Greben; M/0521, M/792, M/1207, Pojatiste/Pojatishme; M/1213, Zlatare/Zllatare.

<sup>99</sup> M/0313, Mirosavlje/Mirosale.

<sup>100</sup> An exception appears to have been the village of Plesina/Pleshine, where as late as 6 May, paramilitaries - "they looked older than regular VJ and wore all kind of uniforms (one even wore a UCK uniform)" - entered the village to systematically loot and burn down houses. M/1735.

<sup>101</sup> M/1618; the bunker has reportedly been covered with sand and rocks since.

<sup>102</sup> M/1618; 16 Kosovo Albanians, including women and children, were found there on 16 May 1999.

## VITINA/VITI



Vitina/Viti municipality lies south of Pristina/Prishtina, and borders the former Yugoslav Republic of Macedonia. It contained villages which were purely Kosovo Albanian or purely Serb, as well as some with mixed populations. In the town of Vitina/Viti, up to March 1999 Serb inhabitants outnumbered Kosovo Albanians by roughly two to one.<sup>1</sup> The municipality also contains the villages of Binac/Binaq and Gornja Stubla/Stubell e Eperme, mainly inhabited by Catholic Kosovo Albanians; there was also a Croat population in four neighbouring villages in the far east of the municipality.<sup>2</sup> There was a large number of IDPs, coming mainly from the Drenica region of western Kosovo, and from Kacanik municipality.

Some weeks before the OSCE-KVM evacuated from Kosovo, a 5-km zone adjacent to the former Yugoslav Republic of Macedonia border was closed to OSCE-KVM patrols. Considerable numbers of troops, including reservists, were moved into the area. During the week preceding the evacuation the OSCE-KVM reported military activities in Debelde/Debuilde, Mijak/Mijak, Buzovik/Buzovik, Binac/Binaq, Ljubiste/Lubishte and Vrbovac/Vrbofc. Debelde village was more or less deserted by its exclusively Kosovo Albanian inhabitants before the evacuation of the OSCE-KVM: reportedly the VJ forces had tried to calm the population by stating that the military activities were not directed against the population but against the prospect of NATO invasion, but this did not convince the villagers to stay.<sup>3</sup>

During the time that the OSCE-KVM was deployed there were several allegations of ill-treatment by the Vitina police. Of note is the fact that the police chief in Vitina was a Kosovo Albanian.

### Vitina/Viti town

On 21 March - the day after the evacuation of the OSCE-KVM - VJ and police appeared in great numbers in Vitina/Viti town. They deployed in strategic positions and started shooting in the air, causing panic among the local population. Also, paramilitaries wearing camouflage uniforms entered the town

and started looting Kosovo Albanian-owned shops. It appears that many of the inhabitants of Vitina left at this time.<sup>4</sup>

## **Drobes/Drobesh**

As in Vitina town, Serb forces reportedly arrived in the village of Drobes/Drobesh, about 2 km to the west, shortly after 20 March and started robbing and looting.<sup>5</sup> VJ, police and paramilitaries were all involved in the attack on Drobes/Drobesh and the forced expulsion of its population. Refugees from the village reported to OSCE-KVM interviewers incidents of forced entry into their houses, looting, destruction, beatings, harassment and forced expulsion.<sup>6</sup> For example, one interviewee reported that a mixed group of around 15 VJ and police entered his house and asked for the head of the family. The interviewee identified himself as such and immediately received a heavy blow to the chest, fainting as a result. His family told him later that his mother and his wife and children were screaming and were brutally pushed out of the house. VJ and police started to break the windows and the furniture. When the man regained consciousness the perpetrators were throwing out all the family's clothes, and asked him if he had any weapons hidden. The family was forced to hand over all their personal belongings including IDs, which were destroyed on the spot.<sup>7</sup> The same interviewee reported that the head of the LDK in the village was severely beaten by police at his home in front of his wife and children; the interviewee had heard that this man was later killed (no further details of this alleged killing were reported).<sup>8</sup>

Some interviewees reported that police, VJ or paramilitaries who had arrived in civilian cars went into the house of one family, killed a man (aged about 30) and wounded his father in the shoulder.<sup>9</sup>

It was alleged that about 200 villagers were gathered in the school yard; the men were separated from the women, and were threatened with death. VJ and police then told people to sit down, and the VJ and police started drinking. After an hour, a bus arrived and 60 people were allowed to get on board, including the interviewee reporting this, who consequently had no knowledge of what happened to the rest of the villagers.<sup>10</sup>

## **Djelekare/Gjylekare**

On or around 10 April VJ forces came to Djelekare/Gjylekare, around 7 km north-east of Vitina town, and told the villagers, under threat of death, to give them DM 10,000 as protection money.<sup>11</sup> It is not clear from any of the interviews whether the villagers actually paid the money, but in any case, they were attacked around 15 April. The attack followed the common pattern whereby VJ shelled the village and paramilitaries subsequently entered.<sup>12</sup> Reportedly, two young girls were taken to a neighbouring village and were raped there.<sup>13</sup> People started fleeing to the nearby hills; during their flight, six people, including three children, were reportedly shot dead and around 18 people were wounded.<sup>14</sup> The villagers put the dead bodies on a truck, took them to the vicinity of **Donja Stubla/Stubell e Poshtme** (about 2

km east of Djelekare) and buried them there.<sup>15</sup> Much later, around 20 May, VJ and police came to Djelekare to inquire about the grave of the six people who were killed during the attack. One man led them to the grave, where they exhumed the bodies, took photographs and documented the wounds. Then they re-buried them. They did not explain the reason for the exhumation to the villagers.<sup>16</sup>

### **Ljubiste/Lupishte**

Around 5 April VJ, police and paramilitaries reportedly attacked Ljubiste/Lupishte, 5 km south-east of Vitina town. In the afternoon, police officers went to the house of two young men, at least one of whom was an LDK member. They pulled them out of the house and started beating them with rifle butts while walking them towards the bus station. The perpetrators then took the two men to a stream where they shot them dead at close range.<sup>17</sup> Various reports indicate that the perpetrators either tortured the two men severely before they shot them or that they mutilated their dead bodies. Villagers found the two bodies in a large pool of blood, their heads smashed and eyes cut out. They were possibly accused of illegal possession of weapons.<sup>18</sup>

Also on 5 April, eight police officers dressed in military uniform entered the house of one family in the afternoon. They were apparently searching for weapons. They threatened the family that if they found even one bullet in the house, they would kill all of them. The police proceeded to search all the rooms in the house but found nothing. Then they told the family to leave the house. They took a son of the family, a young man, put him against the outside wall and shot him dead at close range with a machine-gun.<sup>19</sup>

### **Smira/Smire**

Smira/Smire, a large, wholly Kosovo Albanian village 4 km south-west of Vitina town, was repeatedly attacked from late March and throughout April. It is not entirely clear from the interviews conducted by the OSCE-KVM exactly who attacked the village. It appears initially to have been VJ forces, and at a later time mostly paramilitaries and armed Serb civilians. After an attack on 5 April, villagers left for **Grmovo/Germove**, 2 km to the north. The police in that village told the Smira villagers that they should go back because Smira had been attacked without orders and that it would now be safe.<sup>20</sup>

During one of the attacks (the date is not clear) four young men were killed. One interviewee reported witnessing how police officers wearing masks singled out a young man who had tried, with others, to escape from the village. The officers beat him severely; he fell to the ground and a police officer shot him dead.<sup>21</sup> Another interviewee reported how, while hiding in a basement, he had seen soldiers chase and catch three young men. They killed two of them instantly, and tied the third to a tree with a grenade attached to his body. The grenade exploded and the young man was killed.<sup>22</sup>

## Notes

<sup>1</sup> UNHCR "Kosovo Village List", 9 March 1999, gives the 1998 population estimate for Vitina town, excluding forced displacement, as 1,980 Serbs, 1,040 Kosovo Albanians and 351 inhabitants from national communities.

<sup>2</sup> Sasare/Shashare, Vrnez/Vernez, Vrnavokolo/Vrnakolle and Letnica/Letnice.

<sup>3</sup> OSCR-KVM, "Weekly Report", CC Vitina, 18 March.

<sup>4</sup> M/0411; M/0011.

<sup>5</sup> M/1039.

<sup>6</sup> M/1039; M/1812; M/0954.

<sup>7</sup> M/1063.

<sup>8</sup> M/1063.

<sup>9</sup> M/1063; M/1039; M/0954; M/1708; M/0837: the details of the testimonies vary.

<sup>10</sup> M/1063.

<sup>11</sup> M/1145; M/0131.

<sup>12</sup> M/1428; M/1232.

<sup>13</sup> M/0131; M/1809; M/1807; M/1498.

<sup>14</sup> M/1232; M/1428; M/0990; M/1191.

<sup>15</sup> M/1232; M/1145; M/1428.

<sup>16</sup> M/1232.

<sup>17</sup> M/1707; M/1442; M/0978; M/0841; M/0767; M/1492; M/0820; M/1475; M/0330; M/0557; M/0556; M/0839; M/1246; M/0972; M/0795.

<sup>18</sup> M/1707; M/1246; M/1475.

<sup>19</sup> M/0978.

<sup>20</sup> M/1479.

<sup>21</sup> M/0439.

<sup>22</sup> M/1254; M/1126; M/1039.

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KOSOVO / KOSOVA As Seen, As Told

OSCE ODIHR

## VUCITRN/VUSHTRRI



Vucitrn/Vushtrri municipality is in north central Kosovo. The population of over 89,000 was approximately 91 per cent Kosovo Albanian; the municipality's Serbs were mainly located in Vucitrn/Vushtrri town and the predominantly Serb villages of Gojbulja/Gojbuje, Grace/Grace and Priluzje/Prilluzhe.<sup>1</sup> The OSCE-KVM had human rights officers in its co-ordination centre in Vucitrn from January 1999.<sup>2</sup>

The defining features of the security and human rights situation in Vucitrn in the period immediately prior to and during OSCE-KVM deployment in the municipality were the UCK's control of the Cicavica mountains and the Shala region, and Yugoslav winter military exercises in the area. (The Cicavica mountains and the portion of the Shala region that is in Vucitrn are respectively south-west and north-east of the Sitnica river and the main road - Highway 2 - and railway line which follow the general line of the river, transecting the municipality and linking Kosovska Mitrovica/Mitrovice with Obilic/Obiliq, Kosovo Polje/Fushe Kosove and Pristina/Prishtina.) The UCK held positions close to Highway 2, and during the period of OSCE-KVM deployment in the municipality there were numerous incidents of killings and shootings attributed to the UCK on this road. The military exercises in the Vucitrn area began in late February 1999.

The OSCE-KVM had been notified by the Yugoslav authorities that there would be troop rotations on 22 February 1999.<sup>3</sup> That day, an incident in Bukos/Bukosh in which one Serb was injured and two others seriously wounded was followed by police activities supported by VJ, using heavy weapons (see reference to Bukos under the entry for north-west Vucitrn, below). Initially, the police and VJ activities in the area, which led to the displacement of some 6,000 local villagers, appeared to be a response to that shooting. However, on 25 February troops from Kosovska Mitrovica barracks and Pristina converged in the Vucitrn area for "exercises".<sup>4</sup> The VJ commander in the area told the OSCE-KVM that the VJ intended to keep a large force deployed in the area for "a long time".<sup>5</sup> These "exercises" did not formally end before the OSCE-KVM withdrew from Vucitrn municipality on 19 March (preparatory to the

mission's complete evacuation on 20 March). As armed engagements between Yugoslav/Serbian forces and the UCK continued in areas of the "exercises", it became clear that these "exercises" had a strategic aim: for the VJ to secure the main road and rail routes between Kosovska Mitrovica and Pristina by pushing the UCK back into their strongholds in the Cicavica mountains.<sup>6</sup> The "exercises" affected villages along the approximately 15-km stretch of road and railway to the north-west and south of Vucitrn town; VJ forces initially deployed in the Vaganica/Vaganice area of Kosovska Mitrovica at the north end of this stretch, and in Nevoljane/Novolan and Bukos/Bukosh in roughly the centre of the stretch. The VJ extended its activities into areas south of Vucitrn on approximately 10 March, towards Mijalic/Mihaliq and Drvare/Dervare along the main road, and in the mountains at Strovce/Strofc.<sup>7</sup>

Although the VJ qualified their activities as "winter exercises", exchanges occurred between the UCK and the VJ on numerous occasions, and at times UCK positions were directly targeted.<sup>8</sup> As VJ took control of the area, they succeeded in pushing the UCK back into the mountains, and on 17 March the UCK informed the OSCE-KVM that it had moved its local headquarters from Pantina/Pantine further back into the mountains.<sup>9</sup> Thousands of local villagers became displaced, most reporting that they had fled in fear when they heard the shelling commence.<sup>10</sup> Some of those who did not leave their homes were expelled (see, for example, the description of events at Brusnik/Brusnik, below, as well as the entry for Kosovska Mitrovica municipality, Vaganica village). In some areas villagers who were initially expelled were later able to return.<sup>11</sup> OSCE-KVM verifiers who were given access to some of the villages did not always confirm reports that houses had been targeted or destroyed.<sup>12</sup> However, in many cases the OSCE-KVM, prior to its withdrawal, did document looting and the destruction of houses: in Kolo/Kolle, Doljak/Dolak and Stitarica/Stitarice houses had been looted, and in Brusnik, Donje Stanovce/Stanofc i Poshtem, Mijalic, Glavotina/Gllavotin, Osljane/Oshlan, Hercegovce/Hergove and Salce/Shalle houses had been burned; in two of these villages the schools had also been burned.<sup>13</sup> On 16 March an OSCE-KVM patrol saw a T55 tank drive into the Vucitrn barracks with looted household items loaded on the rear deck, including a refrigerator and chairs.<sup>14</sup>

Events in individual locations during the period of the winter exercises, as well as after the OSCE-KVM's withdrawal and the start of the NATO air campaign against the FRY, are described in more detail under the relevant location headings below.

### **Vucitrn/Vushtrri town**

The town of Vucitrn/Vushtrri had 30,500 inhabitants, 85 per cent of whom were Kosovo Albanian.<sup>15</sup>

During its deployment in the town the OSCE-KVM noted a pattern of arrests followed by short periods of detention, usually for 48 hours, in Vucitrn police station. This pattern increased in frequency in February 1999.<sup>16</sup> In some cases arrests were made by plainclothes officers. Arrests were also frequent at checkpoints along Highway 2. For example, on 7 February 1999 three Kosovo Albanian men were

stopped in a car at a checkpoint near Vucitrn. The police searched the car, and after finding over DM 100,000, brought the men to the police station on suspicion of illegally importing foreign currency (one of the men ran a travel agency in Pristina). Two of the three detained men were released the same day, the third being transferred, however, to Kosovska Mitrovica. The Vucitrn police refused to acknowledge to the OSCE-KVM that the man had been arrested. In Kosovska Mitrovica, while the deputy commander of police confirmed the arrest and said the OSCE-KVM could make contact with the detainee, and while a relative was able to bring him some food, the police denied the man access to his lawyer for three days. The OSCE-KVM was also unable to visit the detained man. The lawyer appealed against the detention, citing violations of Yugoslav criminal procedure relating to the detained man's right of access to a lawyer, his right to challenge the grounds for his detention, and his right to be informed of the charges against him. The court failed to address these violations when it rejected the lawyer's appeal. The man was eventually released on bail on 17 March 1999, after significant OSCE-KVM intervention.<sup>17</sup>



**The burnt-out shell of the OSCE-KVM Co-ordination Centre, Vucitrn** [\[zoom\]](#)

After the OSCE-KVM withdrew, one interviewee described the town as being in a climate of fear. Shelling of Vucitrn town began on 24 March.<sup>18</sup> According to one interviewee Serb civilians were donning reservist uniforms, and the level of violence in the town increased. One Serb reservist, a former police officer whom the interviewee recognized, on 28 March told all the Kosovo Albanians in his quarter to leave their homes within 15 minutes.<sup>19</sup> That day, thousands of people were expelled from Vucitrn and its suburb of Novo Selo Begovo/Novoselle e Begut; most described the perpetrators as police, VJ or armed civilians.<sup>20</sup> Others fled in fear at this time, for example one interviewee describes fleeing when he saw his neighbourhood in flames.<sup>21</sup> Some residents reported that when police came to their houses to expel them, they warned that it would be better to leave now because paramilitaries were coming who would kill them.<sup>22</sup> Some were rounded up at the town cemetery before being sent in a large convoy on foot towards Pristina.<sup>23</sup> Others fled to nearby villages.

During this time, Serb and "Gypsy" (*Maxhupi*) houses were painted with the Serbian cross.<sup>24</sup> A police officer advised one Kosovo Albanian to do the same with his house in order to spare it from being burned by paramilitaries.<sup>25</sup>

The expulsions intensified on 1 April and continued over several days.<sup>26</sup> On 3 April buses were organized which transported some interviewees to the former Yugoslav Republic of Macedonia border.<sup>27</sup> One woman, whose brother had worked for the OSCE-KVM and who had had OSCE-KVM international employees as tenants in her house, reported that when they received the order to depart, her neighbour checked with municipality officials whether it was legal. At the municipal offices he was told that Kosovo was no longer "theirs" and that they should leave. As the woman departed her house, she saw people she identified in the interview as "Gypsies" (*Maxhupet*) setting it on fire.<sup>28</sup>

One woman hid in her house, which is located in a mixed settlement, from the time the shelling of the town commenced on 24 March until she was discovered on 11 April by police. They gave the family 15 minutes to leave, and then confiscated the family's car before they left the town. She described the town as being virtually deserted by that time.<sup>29</sup>

Many people in Vucitrn reported that they saw people who had been killed.<sup>30</sup> One interviewee reported that on 28 March she heard the sound of shooting coming from the vicinity of the sports hall and went to her window to see what was happening. She saw two men running, IDPs who had come to Vucitrn five days earlier. One was shot in the stomach and the other escaped. The wounded man tried to escape and the woman's family went to his aid, but he died from his wounds minutes later. His family later buried the body.<sup>31</sup> Another woman reported that on 29 March masked men came into the house and ordered the family members to leave within five minutes:

"We asked for extra time but they said no. They were swearing and shouting at us. My husband said he would not leave. He was 78 years old. Inside the house we had a shop. They started to burn the shop ... Next they started to cut my husband with knives. He was screaming with pain. Then I heard a shot. My husband was dead. They took me by the arms and grabbed me. They continued to swear. I ran away to the mountains where I met relatives."<sup>32</sup>

Another woman said that in mid-May three members of a family had been killed, and that "Gypsies" (*Maxhupet*) buried the bodies; people in Vucitrn later reported that orange-clad employees of the local sanitation department, many of whom were "Gypsies" (*Maxhupet*), were responsible for collecting and burying bodies of the deceased.<sup>33</sup>

Some Kosovo Albanians were left in the town, however, either because they had hidden during the initial wave of expulsions, had been ordered to return, or on their own volition had come back to the town after fleeing to other areas. The next large wave of expulsions occurred on 15 and 16 April, at the same time as another large wave of expulsions in other areas of northern Kosovo. One interviewee said that police came to his street on 15 April and expelled the inhabitants of 15 homes; they returned on 16 April and expelled the remaining 45 households.<sup>34</sup> Some of the expelled joined a convoy of IDPs which

went towards Kosovska Mitrovica; there the convoy joined a large mass of IDPs (see also the entry under Kosovska Mitrovica municipality for Kosovska Mitrovica town).<sup>35</sup>

On 21 May, police and VJ blocked the exits from Vucitrn town, and began to burn houses and let off gunfire.<sup>36</sup> On 22 May thousands of Kosovo Albanians were again rounded up in Vucitrn, according to some interviewees in a field at the far end of the cemetery.<sup>37</sup> At this time Serbian forces were firing anti-aircraft weapons at NATO flights which were targeting the Vaganica/Vaganice area (Kosovska Mitrovica), north of the town.<sup>38</sup> One interviewee reported that word had spread that humanitarian aid was to be distributed at that time.<sup>39</sup>

An interviewee described the forces who rounded up the townspeople and brought them to the cemetery as armed civilians and uniformed men who spoke a language that had "Serbian-like" words but was not Serbian.<sup>40</sup> He was taken out of his house and forced to kiss the Serbian emblem engraved on the handle of one of the men's knives. He was then forced to hand over valuables and then taken to another building, where he recognized a local police officer (this man's first name and nickname are in the interview report). This officer told another man, who the police officer hinted was "very wild" and "freshly arrived from the border", to "finish the job" with the interviewee. They put the interviewee through a mock execution, and then beat and kicked him and told him to go to the field where the other IDPs were.<sup>41</sup> While they were in the field, police came and took over from the armed civilians and other forces who had brought the villagers there.<sup>42</sup> The police separated able-bodied men aged 16 to 60 from the others, and took their IDs.<sup>43</sup> The men were then put in trucks and taken to an unfinished sports hall in Vucitrn.<sup>44</sup> They were beaten as they entered the sports hall, and beatings continued during the approximately 24 hours the men were there, during which time they were given no food.<sup>45</sup> One interviewee reported that some men had to be assisted in walking to and from the toilet because they had been beaten so badly.<sup>46</sup> During their detention in the sports hall, some were taken for questioning by men in civilian clothes.<sup>47</sup> All the men interviewed by the OSCE-KVM who were detained in the Vucitrn sports hall were then transferred to Smrekovnica prison.

### **North-west Vucitrn: between the Sitnica river and the Cicavica mountains**

In the north-western corner of the municipality, at the time the OSCE-KVM deployed into Kosovo, the UCK held areas extending south into Vucitrn from the Vaganica/Vaganice area of Kosovska Mitrovica along the Cicavica mountain ranges, west of the Sitnica river and Highway 2.

On 22 December 1998, the UCK came to the house of an Albanian couple in **Bukos/Bukosh** (a mixed village 4 km west of Vucitrn town) and forced the husband and wife to "go for a walk". They were taken 3 km away, when the man was told he was free to go; his wife was kept behind. She had previously been taken to the UCK headquarters in **Pantina/Pantine** and released the same day; the UCK accused her of

collaborating with the police.<sup>48</sup> She was still missing at the time of the OSCE-KVM's departure from Kosovo.

As noted above, violence flared in and around Bukos in February 1999, in a series of events set in train by the abduction of two Serb residents by the UCK on 22 February, as notified to the OSCE-KVM by police. After being seized, the hostages were allegedly then taken by eight members of the UCK back to their homes in Bukos. One of the hostages was made to call for his father, who went to meet with the UCK and took his oldest son with him. During the meeting the two hostages made an attempt to escape; in the mêlée they were wounded, and the oldest brother was killed. Another was seriously injured and was taken to Belgrade to be treated; the other brother was hospitalized in Kosovska Mitrovica. The father emerged unharmed from the incident.<sup>49</sup> In a meeting with the UCK zone commander, verifiers were told that the abductions were carried out by "uncontrolled elements" in the Vucitrn area.<sup>50</sup>

Villagers fled Bukos. A group of 150 to 200 were reportedly apprehended by police on 22 February at the junction of the small road leading from Bukos to the main road, at the railway crossing. Six people were separated, and one reported that he was beaten by the police with the butt of a rifle on the legs, knees, stomach and midriff. He was reportedly released after 45 hours.<sup>51</sup>

The next day, the police and press went to Bukos (the OSCE-KVM was also in attendance). Near the village an exchange of fire occurred and a Serbian television journalist working for Associated Press was slightly wounded in the leg.<sup>52</sup> VJ - with a tank, anti-aircraft artillery and mortars - reinforced the police during the morning. Exchanges of fire lasted until early afternoon. Five police were reportedly slightly wounded when a rocket-propelled grenade hit their vehicle.<sup>53</sup> During these clashes approximately 6,000 Kosovo Albanians fled a dozen villages, including **Okrastica/Okrashtice**, **Stitarica/Shtitarice**, **Jezero/Liqejt** and **Doljak/Dolak**, as well as Bukos.<sup>54</sup> UNHCR also reported that 13 Serbian households evacuated Pantina, nearby, on 22 February during the clashes.<sup>55</sup>

On 25 February the VJ began "winter exercises" in the region, their southernmost deployment being then at Nevoljane/Novolan (just opposite Bukos on the other side of the Vucitrn-Srbica road), and their northernmost point being at Sipolje/Shipol (Kosovska Mitrovica). The area west from the Sitnica river up to the Cicavica mountains was thus virtually surrounded, and most local villagers again fled in fear of the shelling which ensued.<sup>56</sup> Shelling and fighting lasted until a short lull on 4 March, then commenced again after a few days. OSCE-KVM documented burning buildings in the area, including in Doljak as well as deeper towards the Cicavica mountains in **Osljane/Oshlan** and **Hercegovu/Hergove**.<sup>57</sup> On 8 March, after Stitarica villagers had complained that their houses were being looted, OSCE-KVM documented that windows and entry doors of 10 houses had been broken, and the houses had been ransacked; two dogs had been killed. In one house, "*Docu cemo opet* [We'll come again]" and other graffiti were painted in Serbian on walls and doors.<sup>58</sup> The OSCE-KVM saw VJ in camouflage uniforms looting and removing furniture from houses in Pantina on 10 March.<sup>59</sup> On 12 March, access to other

villages in the area, including Brusnik and Bukos, was denied to the OSCE-KVM.<sup>60</sup>

One strategic aim the VJ achieved during the "exercises" was to gain control of Pantina village, site of a UCK zone.<sup>61</sup>

By the time of the OSCE-KVM withdrawal from the municipality on 19 March, most villagers had already left the area west of the Sitnica river, although some returned to tend their fields and cattle during the day. Some villagers remained behind, and others returned, but were expelled from the area when Serbian forces found them. For example, on 25 March, **Balince/Balince** village, which still had a UCK presence, was shelled. This continued for two days before armoured vehicles and tanks entered the village; as the villagers fled they saw their houses being looted and burned.<sup>62</sup>

### **Smrekovnica/Smrekonice prison**

Smrekovnica/Smrekonice prison, along the main road from Kosovska Mitrovica/Mitrovica to Pristina/Prishtina near Smrekovnica village (Vucitrn municipality) served as a minimum security prison for convicted prisoners since it was built in the early 1970s. From at least 2 May 1999 the prison was used as a detention centre for thousands of men from northern Kosovo.<sup>138</sup> More than 3,000 men released from Smrekovnica prison crossed the Albanian border between 22 May and 8 June; it is likely that all of them were expelled from the country after being bussed to Zur/Zhur (Prizren) and then forced to walk to the border.<sup>139</sup>

The following account of events in Smrekovnica prison is derived from interviews with more than 125 former detainees.

Virtually all of the former Smrekovnica detainees interviewed by the OSCR-KVM had been arrested or transferred to the prison in one of several large waves:

- on 2 May when separated from villagers and internally displaced people in Smrekovnica and adjacent Veliki Kicic/Kqiqi i Madh (Kosovska Mitrovica) villages,<sup>140</sup> or detained in Gojbulja/Gojbuje village (Vucitrn);<sup>141</sup>
- on 3 May when villagers fleeing and expelled from the Bajgora/Bajgore region reached Donje Sudimlja/Studime e Poshtem village (Vucitrn);<sup>142</sup>
- on 16 May when men were rounded up in Kosovska Mitrovica city and transported to the prison;<sup>143</sup>
- on 22 May when men were rounded up in Vucitrn/Vushtrri town, detained at a

sports hall overnight, and then brought to the prison.<sup>144</sup>

- on about 10 May, when Kosovo Albanians were transferred from Srbica/Skenderaj town high school (Srbica).<sup>145</sup>

- on about 2 June, when Kosovo Albanians were detained in at least two locations, Gornje Prekaze/Prekez i Eperme (Srbica) and Stitarica/Shtitarice (Vucitrn).<sup>146</sup>

Most detainees had been separated from groups of IDPs or rounded up with large groups of other men from their homes. They indicated that the criteria for their arrest appeared to be their age, sex and in some cases, their residence (if it was in a UCK area). Some interviewees reported that men as old as 75 and boys as young as 12 were detained in Smrekovnica, but of the detainees interviewed, 90 per cent were between the ages of 18 and 55.<sup>147</sup> Men arrested together were not released together.<sup>148</sup> However, it is clear that at least a partial reason for the release of detainees was to make way for new inmates; more than 900 men were released during the first two days (22 and 23 May), coinciding with the round-up and transfer of probably a similar number of men from Vucitrn. Several interviewees noted that as groups were released other detainees were brought in.<sup>149</sup>

Although it was not possible to ascertain from interviewees' statements who administered the prison, the normal prison guards (who wore one-colour light blue uniforms) were augmented by police or police reservists. The former seemed to be in control of official cells in the main prison building, whereas the police controlled other buildings within the complex which had been transformed into makeshift cells, such as one building described by many as a "warehouse", which may have been a converted recreation area. Several interviewees who were in the main prison building cells said that the treatment they received there was favourable as compared with the treatment of those detained in the other buildings.<sup>150</sup>

For all detainees, conditions at the prison were cruel and inhumane. One interviewee gives this account, typical of many:

They sent us to a room, 73 people, no water, no food, only cement and rubbish. They told us, don't look out of the window, if we hear anyone scream or talk loud, we will execute him - *it's a war and you don't have any rights* [emphasis added]. It was terrible there, one corner of the room was used as a toilet. We had to stay there three days.<sup>151</sup>

All were held in cramped and overcrowded conditions. One interviewee said that even in the main building prison cells furniture had been removed, so as to be able to fit in more detainees.<sup>152</sup> Many detainees reported that they had to sleep on the concrete floor - when there was enough space to do

so - while others slept in shifts or while sitting upright.<sup>153</sup> Food and water was denied to detainees for the first several days of their detention, and after that was given in meagre quantities; some said that they were usually only given bread with sometimes a hard boiled egg. Others said they were taken to the kitchen once a day and given meagre portions of very hot soup, which they were forced to eat within only a couple minutes, burning their mouths, or else be forced to leave it behind.<sup>154</sup> Some who were held in the large "warehouse" said that there were no toilets or washing facilities available, and detainees had to use plastic bottles for human waste, which were then emptied out of the window.<sup>155</sup>

The vast majority of interviewees describe being beaten daily and/or severely.<sup>156</sup> One 51-year-old interviewee had his teeth knocked out when struck with the butt of a rifle during one beating.<sup>157</sup> On arrival detainees generally had to run a gauntlet of two rows of police who beat them as they ran from the bus. Later, beatings were carried out with plastic and wooden batons, lead pipes, gun butts, broomsticks and other instruments. Fellow detainees were forced to fight each other, sometimes family members.<sup>158</sup> Detainees were taken into the yard and brutally beaten while loud Serbian music was played from a car stereo, possibly to drown out the sounds. One former administrative official from the Vucitrn area was named by many interviewees as carrying out particularly brutal beatings; other perpetrators of beatings were also named by numerous interviewees.<sup>159</sup>

One day between 16 and 22 May, a man brought from the group of people rounded up from Kosovska Mitrovica was put in a cell by himself in the main prison building, near a cell where another single interviewee was held. One of the police officers, known by the interviewee, then entered the cell, and an interviewee heard the sound of screams, which continued for about 40 minutes. One hour later, the police officer left. A guard came with food and left it in front of the cell, but it remained untouched. The next morning, the body of the man was carried out - he had died.<sup>160</sup> At some time between 10 and 18 May, a man of about 24 who was held with some 450 other men in one room was taken into the prison yard and severely kicked and beaten with broomsticks by three men. The man lost consciousness and was carried away.<sup>161</sup> Another interviewee who described a man of the same age being beaten with broomsticks at around the same time said that the victim was brought back to the cell and was still alive, but died four days later from his injuries.<sup>162</sup> A man released on 5 June reported that at the time he was released he saw the bodies of four men inside the prison complex, near a wall.<sup>163</sup>

Until mid-May, at least some interrogation of detainees occurred within the prison grounds.<sup>164</sup> Later, however, many detainees were interrogated off-premises in school buildings in Kosovska Mitrovica.<sup>165</sup> The detainees were taken by truck to the school and then held, often in uncomfortable positions, until being called in small groups or one by one for questioning. Most of those interrogated said that they were beaten before, during and/or after their interrogation, which was aimed at obtaining information about or forcing them to confess to membership of the UCK.<sup>166</sup>

Some said they were forced to sign documents, often blank.<sup>167</sup> This interviewee's account is typical of those interrogated, whether at the medical or technical school:

The prisoners had to get down on their knees and face the wall. They were taken five at a time into the classrooms. [Interviewee] was in the classroom for an hour and a half and asked questions by civilians dressed as police. If I didn't give them the answers they wanted, they beat me on the palms of my hands and my back. They let me rest for 10 minutes then beat me again. When I said I was about to faint they took me to the hallway.<sup>168</sup>

One man was taken repeatedly over three days for interrogation in the technical school, from 19 to 21 May. He was first beaten in the basement with truncheons, and then sent to the first floor, where his interrogators demanded he give them names of UCK members. They tied his arms and legs and beat him for an hour and a half, and then he was brought out for water and returned again, when his hands were beaten. After beating him on his palms, they started to beat him on the backs of his hands, at which point he lost consciousness. When he came to, he was strapped to a table, and the interrogators again demanded he supply them with names. When he failed to comply, he was beaten all over his body, and when he fell to the floor he was struck with the butts of rifles.<sup>169</sup> Interviewees also said that civilians were invited to beat the detainees.<sup>170</sup>

Some described the process in the schools as a sort of "trial", where they were found guilty of "terrorism"; one said that he was found guilty of terrorism and sentenced to six years' imprisonment.<sup>171</sup> None said that they were offered or provided legal representation; one interviewee specifically objected to the denial of this right and was told to "make a complaint".<sup>172</sup>

The release procedure involved guards calling out names and bringing the detainees to the yard, where many say they were forced to sign a piece of paper.<sup>173</sup> They were then put on buses and taken to Prizren and Zur/Zhur, before being told to walk the last 6 km to the Albanian border, where police confiscated their ID (if they still had them) and sometimes demanded money. On the route to or at the border, interviewees describe brutal treatment; one interviewee released on 22 May said all the clothes he was wearing were taken except his underpants.<sup>174</sup> Two brothers released on 22 May said that on the walk to the border they were harassed by two VJ on a tractor, who tried to run into them. One of them was hit and fell; the VJ then tied his hands with a rope and attached it to the back of the tractor; he was dragged along the road for 30 to 40 metres, before he was released and the two brothers were able to run to the border post.<sup>175</sup>

None of the more than 125 interviewees who had been released and deported from Smrekovnica prison said that there were women detained with them. None provided any information about convicted prisoners who were serving sentences in Smrekovnica prison before May 1999, but from the contexts of their statements, those detained in May and June 1999 do not seem to have been held

together with convicted prisoners already there.<sup>176</sup> An interviewee who was among the last released and deported from the prison on 8 June reported that at the time of his release, there were still some detainees, albeit very few, remaining behind (he estimated them to number fewer than 10).<sup>177</sup>

The notes to this section follow those to the main Vucitrn entry.

On 29 March, one family returned to their home in Bukos after being expelled from Vucitrn town, and remained for four weeks. They reported that during this time VJ were positioned 1 km from the interviewee's home and that armed civilians passed through daily, looting houses and burning objects. Approximately 200 villagers decided to leave at the end of April, some going to Veliki Kicic/Kqiqi i Madh (Kosovska Mitrovica).<sup>63</sup> Villagers also reported killings in the area at the time. At some point in April, five masked police who were expelling villagers in Bukos confronted an interviewee's neighbour (named in reports); when he refused to leave the village he was shot and killed.<sup>64</sup> One Kosovo Albanian man from a family that had fled from Doljak during the "winter exercises" to Vucitrn returned to Doljak on 4 April to check on the family homes. When he had not returned by 8 April, his brother went to look for him, and heard he had been killed. His body was found in the yard of a house, shot and with the throat cut. It was brought to Vucitrn and buried in the town cemetery.<sup>65</sup>

### **South-west Vucitrn: between the Sitnica river and the Cicavica mountains**

At **Nevoljane/Novolan** village, west of the river and the highway, and about 5 km south-west of Vucitrn town, on the morning of 22 January 1999 the UCK abducted six elderly Serb civilians. One subsequently escaped.<sup>66</sup> The OSCE-KVM was told by the UCK that the hostages would be released to the OSCE-KVM as long as the police did not carry out operations in the Vucitrn area.<sup>67</sup> They also said that they would hold their hostages until nine UCK members, detained by the VJ when caught illegally crossing the border from Albania on 13 December 1998, were released.<sup>68</sup> OSCE-KVM liaison officers carried out the negotiations and facilitated the release of the hostages on 24 January; the nine UCK members were released the same day.<sup>69</sup>

Several dozen Serb families had fled the mixed village.<sup>70</sup> However, the increase in police activity subsequent to the abduction and death of a Kosovo Albanian male, led many Kosovo Albanians also to leave the village.<sup>71</sup>

On 10 February an 18-year-old Kosovo Albanian was on his way to school when his bus was stopped at Nevoljane. According to him, the police held a machine-gun to his throat, hit him about the head, and told him not to go to school any more.<sup>72</sup>

Two Serbs were shot and killed by the UCK at a UCK checkpoint in **Mijalic/Mihaliq**, 7 km south of

Vucitrn town, on 3 March. The UCK told an OSCE-KVM patrol arriving shortly after the incident that when the UCK tried to stop the men's car as it approached the checkpoint the two men started firing on them. The UCK fired back and the car stopped, the two men emerging to try to escape, shooting towards the UCK position. The men were then shot dead.<sup>73</sup> The two Serbs, one of whom was carrying identification, were presumed to be related to each other and were believed to be searching for a third family member, a young soldier who had deserted from his unit in Pristina and who had been detained by the UCK earlier in the day.<sup>74</sup> Weapons were found with the two Serbs who had been killed but it was not confirmed whether they had been in the men's possession or had been placed with them after the event. The UCK zone commander told the OSCE-KVM that this incident was not planned by his command. He apologized for the deaths and said he had ordered an immediate investigation by his staff.<sup>75</sup> On 4 March the UCK withdrew from the village to allow the police (with a 21-vehicle convoy) to conduct its own investigation. The police stated that they would remain in the area until the Serb soldier captured by the UCK was released. He was visited by the OSCE-KVM on 10 March, but the UCK zone commander in the Shala area imposed conditions on his release during negotiations with the OSCE-KVM.<sup>76</sup>

On 25 February VJ deployed in Nevoljane as part of "winter exercises". The village was in a strategically valuable position just south of the junction of a road leading towards **Brusnik**, 2 km to the south-west, and on into the Cicavica mountains.<sup>77</sup> As described above, initially the VJ directed its activities towards the villages north of that road, but on 8 March they started to extend the "exercises" south of Nevoljane, still concentrating on areas west of the Sitnica river. At this time, they began to shell Brusnik, which lies at the base of the Cicavica mountains near a pass leading towards the Drenica region and Srbica/Skenderaj municipality. UNHCR reported seeing 100-150 IDPs displaced on the main road from Srbica to Kosovska Mitrovica (accessible had the villagers fled east away from Vucitrn deeper into UCK-held territory).<sup>78</sup> On 9 March, an OSCE-KVM patrol on the road between Srbica and Vucitrn met villagers from Brusnik, who said that VJ were occupying their village.<sup>79</sup>

With the "winter exercises" continuing, on 15 March at 10:00 hours two armed policemen entered a house in Brusnik and ordered the occupants to leave, while also questioning the men about UCK presence in the village. The police then entered another individual's house and threatened to burn a 46-year-old epileptic woman inside it if she did not leave. The police continued to search a further four houses and returned to assault the victims severely, including conducting a mock execution. The victims were forced to release their animals and leave the village; the epileptic woman was left behind. At the time a report on the incident was compiled, attempts by the ICRC to evacuate her had been thwarted because the VJ denied access to the area.<sup>80</sup>

On 9 March, OSCE teams said that 40 police reinforcements arrived in the village of **Drvare/Dervare**, 1.5 km west of Mijalic, reportedly for a future operation on Mijalic.<sup>81</sup> On 11 March, these operations began, and **Salce/Shalle**, **Kolo/Kolle** (respectively 3 and 4.5 km to the west of Drvare) and Mijalic were shelled. The OSCE-KVM verified that houses were set ablaze on that and following days in Drvare,

Salce and Kolo, and that shops were looted in Mijalic.<sup>82</sup> On 14 March, the OSCE-KVM reported a VJ liaison officer as saying that the houses were being burned in Mijalic because of booby-traps left by the UCK. He claimed that on 12 March a VJ soldier was killed and three others were wounded by such devices in the village.<sup>83</sup>

On 17 March an OSCE-KVM patrol discovered a pool of blood on the road in Drvare and recently disturbed earth 50 metres away.<sup>84</sup> The site, a suspected recent grave site, was not formally investigated before the OSCE-KVM withdrew.<sup>85</sup>

By the time the OSCE-KVM departed, most villagers in the areas west of the Sitnica river had fled to safer villages. Some returned to their home villages, however, where the shelling and destruction of houses continued. On occasion, troops finding residents in the villages expelled them from their homes.<sup>86</sup> Armed Serb civilians were also active near Highway 2, harassing and intimidating Kosovo Albanian residents and IDPs in the area. Some people were killed in such incidents. For example, one woman reported that three police in camouflage came to the house of one of her relatives, a woman whose husband was a UCK guard, in **Vrnica/Vernice**, 2 km east of Nevoljane, on the morning of 27 March. They took her and the other family members into the yard and set the house on fire. She was then taken into the nearby house of the interviewee, and later automatic gunfire was heard from there. Afterwards, the interviewee found her body in a bedroom; she had knife wounds to her back and right kidney area, and had been shot.<sup>87</sup>

In late March or early April, a 48-year-old Kosovo Albanian man was found dead in his house with four bullet wounds to the chest.<sup>88</sup>

### **South-east Vucitrn: east of the Sitnica river**

Although much less affected during the time of the OSCE-KVM deployment by the problems arising from the "winter exercises", the area east of the Sitnica river was still troubled by violent incidents in that period. Most villages in the area were predominantly Kosovo Albanian, but Priluzje/Prilluzhe, a village on the Obilic/Obiliq municipality boundary and on the main railway line from Kosovska Mitrovica to Obilic town, was predominantly Serb.<sup>89</sup>

By 1 October 1999, grave sites in Brusnik (containing 28 bodies) and Nevoljane (containing 17 bodies) were exhumed.<sup>90</sup>

A Serbian police officer told the OSCE-KVM that he was stopped in his car in **Novo Selo Madjunsko/Novoselle e Maxhune**, 5 km south of Vucitrn town, by five masked men in UCK uniform on 9 February 1999. After confiscating his ID and some of his personal effects, they forced him into the boot of another car, in which there was already one other abductee. He said that after having been driven for

about an hour, he managed to escape.<sup>91</sup> He identified the other person in the boot of the car also as being a police officer, but the UCK denied the abduction and detention of any police officers.

By 7 March approximately 40 security force personnel were deployed to **Ropica/Ropice**, a village 5 km south-east of Vucitrn and apparently close to a pocket of UCK-controlled territory. The numbers of UCK in the area were subsequently believed to have increased.<sup>92</sup>

The body of a Kosovo Albanian man, who died from gunshot wounds and was identified by the press as an LDK activist, was found on 11 March in **Velika Reka/Velikoreke**, 3 km south of Novo Selo Madjunsko and just off Highway 2. The perpetrators and motive were unknown.<sup>93</sup> Shots had been heard at a shop in the village at 08:00 and two unidentified men left in a vehicle with Kosovska Mitrovica licence plates; the body was found on the floor inside the shop.<sup>94</sup>

Many people affected by what was happening in the area of the "winter exercises" fled across the river, and the area to the east of the river became crowded with IDPs. However, from approximately 20 March this area was also shelled.<sup>95</sup> Expulsion from the villages in the area occurred in mid-April: on 15 April Kosovo Albanian residents of **Priluzje/Prilluzhe** and nearby villages were ordered to leave; one refugee interviewed by the OSCE-KVM and who owned a travel company reported organizing cars, tractors and buses, helping people evacuate from villages including **Stanovce/Stanofc**, **Velika Reka** and **Pestovo/Pestove**. However, they were turned back on the way to Pristina and told to return to Priluzje; when they got there they found that the local VJ commander (named in the statement) had taken over houses for his troops.<sup>96</sup>

On 20 April the Kosovo Albanian villagers were expelled from **Donje Stanovce/Stanofc I Poshtem**.<sup>97</sup> One interviewee gave this account of the expulsion:

On 19 April a Serbian man from Priluzje [name omitted] entered the village, asked for me and found me. He was dressed in a police uniform (he was an electrician) but was not part of a normal unit. He told me that because I'm Albanian I have 12 hours to leave Serbia. The next day, 20 April, he came again but now accompanied by two Serbian men, one dressed in police uniform ... He shot into my house twice, and yelled for the house lights to be turned on or he would throw bombs in the house. My family and I awoke; he entered the house forcibly. He shot twice at the walls and ceiling and told us to be quiet. He asked for money and my wife gave him about DM 3,600. He then shot at my wife's feet and asked for more money and told me that he would kill me and burn the village down. The man then hit my eight-year-old daughter with the butt of his rifle, cursed at us, and demanded more money. We fled the house and saw a lot of VJs and MUPs around the village. When I turned around I saw my house and others going up in flames.<sup>98</sup>

Another interviewee said that the same Serb man had threatened to rape his daughter when extorting

money from him. This interviewee stated:

They used me as a shield by making me go into Albanian houses first, followed by the Serbians who shot inside the houses. I saw them set fire to houses. In one, I saw seven people inside, and the Serbians were dissatisfied that they had no money, so they spread fire through the house and locked the doors. The house burned down and I don't know if the people inside lived."<sup>99</sup>

Villagers who were expelled or tried to flee were often sent back to the area by Serbian forces in other areas. For example, a convoy of villagers expelled from Pestovo on 26 April went towards Pristina, but police stopped them on the way and turned them back to go to Albania via Pec/Peja (Pec). However, when they got to Sipolje (Kosovska Mitrovica) they were again turned around; the villagers were sent to Veliki Kicic/Kqiqi i Madh (Kosovska Mitrovica), where they stayed until they were finally expelled on 2 May.<sup>100</sup>

Four men were shot dead in a house in or near **Novo Selo Madjunsko** on 23 April, and were buried by relatives the following day.<sup>101</sup>

### **Northern Vucitrn: the edge of the Shala region**

In the north of the municipality, east of the Sitnica river, the UCK held territory down as far as Cecelija/Ceceli village. In this area most villages were predominantly Kosovo Albanian, although Gojbulja/Gojbuje and the nearby hamlet Miroce/Mirace, around 4 km north-east of Vucitrn town, were exclusively Serb.<sup>102</sup> In late January 1999, leaflets were distributed in Gojbulja and Miroce threatening the residents with violence if they did not leave immediately. The UCK, confirming knowledge of the leaflets, denied that they were official.<sup>103</sup>

During the period of OSCE-KVM reporting, compared with what was going on at the same time across the river towards the Cicavica mountains and also to the south, this corner of Vucitrn municipality was relatively calm until April and May 1999. A notable exception to this was the area up on the boundary with Kosovska Mitrovica municipality at **Smrekovnica/Smrekonice** village (in Vucitrn) and the neighbouring village of **Velika Kicic/Kqiqi i Madh** (in Kosovska Mitrovica, but covered here for methodological reasons relating to the inter-related events at the two villages). Smrekovnica is the location of a minimum-security penitentiary facility built in the early 1970s (see section in this entry).

The first report by the OSCE-KVM about human rights concerns at these two villages relates to an incident on the afternoon of 28 February, when 30 police, in two armoured Pinzgauers, an armoured four-wheel-drive vehicle and a van, surrounded several houses in a field in Veliki Kicic. They surrounded the villagers and separated from them two men, one of whom was an internally displaced person from Pantina/Pantine (as noted above, the site of a UCK headquarters). One was released the

same day and the other several days later.<sup>104</sup>

On approximately 28 March, heavily armed, masked police forces shot dead a man whose brother was a UCK commander in Veliki Kicic. The police, whom a witness describes as speaking Albanian with Serbian accents, took the man into the garden and shot him in the head, numerous times, with a machine-gun. Police also fired at the man's seven-year-old son who witnessed the murder. A witness said that the police said that their action was in retaliation for an attack on their police station. Relatives were not allowed to retrieve the body for three days, but on the fourth night she and other relatives buried the man in a shallow grave in the garden.<sup>105</sup>

By the end of April, a large number of internally displaced people, possibly tens of thousands, had gathered in Veliki Kicic and Smrekovnica village; many were confined by the military to the local school, and had been for as long as six weeks.<sup>106</sup> Some said that they were taken or told to go to this village.<sup>107</sup> According to one interviewee the IDPs were not allowed to leave the school, and were threatened or ill-treated if they tried to do so.<sup>108</sup> One interviewee, however, said they were not able to move because of NATO activity.<sup>109</sup> Nonetheless, local villagers were still able to use routes from the village into the Shala area in order to give food and supplies to the UCK.<sup>110</sup>

On the afternoon of 2 May 1999 armed Serbian forces came to Veliki Kicic and Smrekovnica villages. Some people tried to flee across the road towards Pantina as they saw the forces coming, but they were shot at from the direction of Pantina and had to turn back.<sup>111</sup> The villagers and internally displaced people were then expelled from the village, in different groups. The forces threatened the villagers and demanded valuables from them. One interviewee said that they took his young daughter and threw her onto the ground; when they approached his pregnant wife and wanted to take her jewellery, she fainted.<sup>112</sup>

One group was told to go to Kosovska Mitrovica and were sent to Highway 2, which runs nearby, but here the convoy was stopped.<sup>113</sup> Police were waiting at various points for the groups and men were taken from the convoy and lined up along the roadside.<sup>114</sup> According to one interviewee, possibly from this group, men were separated from women but some men were allowed to go with the women in order to drive the tractors; this group was directed towards Srbica.<sup>115</sup> Many interviewees recognized local policemen among those who stopped the group; however, the names they gave in statements do not always coincide.

Many interviewees were ordered to the area near Smrekovnica prison.<sup>116</sup> The men's IDs were taken from them at this time.<sup>117</sup> They were also beaten in the field; one interviewee said that a deaf man who did not hear the order to stand was brutally kicked and beaten with rifle butts.<sup>118</sup> From about 19:00 hours until midnight that day, the men from one of the fields, who were primarily on foot, were sent in

groups of approximately 100 into Smrekovnica prison.<sup>119</sup> One man described the mixed forces as coming into the crowd with torches, which they shone into the faces of the men, some of whom they selected; this particular interviewee was not taken, but was told the following morning to go to Albania.<sup>120</sup>

At the end of April and in early May a Yugoslav army offensive took control of the Shala region (see also the entries for Podujevo and Kosovska Mitrovica municipalities), and Kosovo Albanians who were resident or had been sheltering fled south. Some went along the Popovo valley towards Podujevo, and others fled down the Slakovce river valley to villages north-east of Vucitrn, most to Cecelija/Ceceli, Slakovce/Sllakofc and Gornja Sudimlja/Studime e Eperme. This area was already crowded with internally displaced people from other areas of Vucitrn municipality.

One road leading from the mountains to the Vucitrn area passes through Gojbulja and Mirace and also **Karace/Karace**, a Kosovo Albanian village further up the road. Some of those fleeing advancing VJ forces came to Karace.<sup>121</sup> On 2 May Serbian forces dressed in blue camouflage came to Karace village from Gojbulja. Young men fled to the mountains, and approximately 170 villagers were expelled. One interviewee recounted that they were forced to march to Gojbulje, and a chain of about 10 men with their right hands tied together were forced to lead the convoy.<sup>122</sup> When they reached Gojbulje, approximately 35 men were separated out, including the 10 already detained, and were held in a schoolhouse, where they were handcuffed and severely beaten by police, who kicked them, punched them and beat them with the butts of rifles.<sup>123</sup> They were held there for two or three hours and then were sent to Smrekovnica prison.

One of the most serious incidents in the region was the killing and mass arrests when a convoy of Kosovo Albanian IDPs was attacked between the twin villages of **Gornja Sudimlja/Studime e Eperme** and **Donja Sudimlja/Studime e Poshtem**, respectively 5 and 2 km east of Vucitrn town, on 2 and 3 May.<sup>124</sup> As the Serbian forces followed in the wake of the Kosovo Albanian IDPs fleeing down towards Gornja Sudimlja, different forces also attacked the area from the south, from the area on the outskirts of Vucitrn town.<sup>125</sup> A large convoy from Slakovce came to Gornja Sudimlja in the late afternoon of 2 May. One man who joined the convoy there, near the front, described it as being led by Kosovo Albanian political leaders from the area, carrying a white flag. According to this interviewee, they stopped to rest at approximately 20:00 hours, but soon news came from the back of the column that villages behind were being burned and people killed, and that the convoy should move in order to escape the same fate. The convoy began to move again, but the interviewee could hear the sounds of shells exploding behind them. Serbian forces came to the front of the column, and told the interviewee to keep moving to the asphalt road further along.<sup>126</sup> When they reached the VJ positions at the front line, they were initially met with anger, as it was late at night and movement during this time was restricted. The VJ troops were surprised to hear that it was Serbian forces who had ordered the convoy to keep moving.<sup>127</sup> The VJ then indicated that the convoy should move on, threatening to kill the passengers of any tractor that veered out of line. During this time, some Serbian forces came to tractors, shone lights in the faces and

separated some men, holding them for ransom; the soldier who separated the interviewee in this manner was described as wearing a uniform similar to the police, but was bald or shaven-headed. At 01:00 hours the convoy finally stopped, in a field. Other interviewees identified this as a former agricultural collective near the Elan Vicianum motel.<sup>128</sup>

An interviewee who, by his description of events, appears to have been at the rear of the column leaving Gornja Sudimlja, said that the column was very long, and he was still in Gornja Sudimlja when the head of the convoy reached Donja Sudimlja. He had not yet left Gornja Sudimlja when Serbian forces started shelling. Kosovo Albanians lay down on the road in order not to be hit by bullets which were flying just above their heads. When the shelling stopped, police and VJ came among the column and began to beat and rob them. At about 22:00 hours the convoy began to move again, surrounded on both sides by VJ, police, and "paramilitaries". These forces pulled men off the tractors, holding them for ransom.

Some interviewees witnessed Serbian forces pull people off the tractors and shoot them;<sup>129</sup> some reported that between 90 and 160 people were killed in this way on the night of 2 May.<sup>130</sup> One interviewee said that men wearing green camouflage uniforms and red scarves, of various ages and some with beards or long hair, went to the driver of her tractor (aged about 38), and pulled him off, hitting him on the head. They asked him for DM 500, but as he pulled the money out of his pocket they shot him in the chest, killing him. The interviewee recounted also that at one point they had to abandon their tractors and as she walked down past other abandoned tractors, she passed approximately 40 bodies. As they were walking down, different forces, described as wearing police uniforms with blue and yellow stripes on their arms, led them to the agricultural collective near the Elan Vicianum motel.<sup>131</sup>

The following morning, 3 May, police forces came to the collective. They turned away a Red Cross vehicle which had reportedly come to treat the injured.<sup>132</sup> Men were separated from women; some 200 were released to drive the tractors.<sup>133</sup> The same day, those men who had been separated out, estimated as aged between 15 and 50 and numbering approximately 600, were transported in trucks to Smrekovnica prison.<sup>134</sup> The others were all registered and most were sent towards Kosovska Mitrovica and on to Albania.<sup>135</sup>

Local villagers were later able to collect and bury the victims of those separated from the convoy and killed between Gornja and Donja Sudimlja.<sup>136</sup> By 1 October 1999, two grave sites in Gornja and Donja Sudimlja, containing 98 and 12 bodies respectively, had been exhumed.<sup>137</sup>

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## Notes

<sup>1</sup> UNHCR, "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement).

Mixed villages included also Banjska/Banjske, Bukos/Bukosh, Nevoljane/Novolan and Slatina/Sllatine.

<sup>2</sup> The co-ordination centre was burned down in period after the OSCE-KVM's evacuation.

<sup>3</sup> OSCE-KVM RC2 Mitrovica, "Weekly Report", No. 10, 19-25 February 1999.

<sup>4</sup> From Pristina, the convoy comprised 41 vehicles including 11 tanks, 10 armoured personnel carriers and three anti-aircraft weapons. From Kosovska Mitrovica the convoy comprised 23 vehicles including six artillery guns.

<sup>5</sup> OSCE-KVM Report, Period covered 26 February 1999.

<sup>6</sup> OSCE-KVM Report, Period covered 10 March 1999.

<sup>7</sup> Analysis taken from OSCE-KVM Reports from the period.

<sup>8</sup> For example OSCE-KVM Report, Period Covered 26 February 1999; OSCE-KVM Report, Period Covered 1 March 1999.

<sup>9</sup> OSCE-KVM Report, Period covered, 17 March 1999.

<sup>10</sup> Untitled and undated document, Democratization/Human Rights CC3 Srbica, on patrol 23 February 1999; OSCE-KVM Daily Activity Report CC3, 9 March 1999.

<sup>11</sup> See also entry for Kosovska Mitrovica, Pirce/Piricq village.

<sup>12</sup> See for example Pirce/Piricq, where an OSCE-KVM patrol on 10 March saw four or five haystacks burning but no sign of looting or pillage and no sign of house destruction. OSCE-KVM Daily Report, CC1 Human Rights, 10 March 1999.

<sup>13</sup> "Looting of Albanian houses in the area south of Mitrovica and west of Vucitrn by VS and police", 11 March 1999, and as per OSCE-KVM RC2 Human Rights Office Weekly Report No 13, 12-18 March 1999.

<sup>14</sup> All as per OSCE-KVM RC2 Human Rights Office Weekly Report No 13, 12-18 March 1999.

<sup>15</sup> UNHCR, "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>16</sup> OSCE-KVM, Human Rights Office Weekly Report No 11, 26 February-4 March 1999.

<sup>17</sup> Incident Report MI/00/0049/99.

<sup>18</sup> A/0544; A/0775; A/0776; M/0202; M/0236; M/1295; M/1356; M/1527.

<sup>19</sup> A/0656.

<sup>20</sup> A/0081; A/0577; A/0656; A/0776; A/0862; A/0908; A/0957; M/0226; M/0336; M/0943; M/1361; M/1502; M/1505; M/0483. A/0602 and A/1065 were expelled from Novo Selo Begovo at this time. Many interviewees named the local police commander and another local Serb among the perpetrators.

<sup>21</sup> A/0081. Also: A/0851; M/0564

<sup>22</sup> M/0336. M/1295 was told the same when expelled on 1 April.

<sup>23</sup> A/0577 said the convoy had 10,000 people. See also A/0554; A/0908; A/0775; A/0776.

<sup>24</sup> M/0947. Also A/0797.

<sup>25</sup> M/0201. The interviewee stated that he was thankful for the advice.

<sup>26</sup> A/0141; A/0797; M/0177; M/0194; M/0195; M/0199; M/0201; M/0202; M/0328; M/0420; M/0564; M/0908; M/0947; M/1114; M/1295; M/1527.

<sup>27</sup> M/0097.

<sup>28</sup> M/1114. An OSCE/ODIHR delegate on 30 September 1999 confirmed that large areas of the town were burned.

<sup>29</sup> M/0236. During the time she and her family were hiding in the house, they had to crawl on the floor in order to avoid being

revealed by spotlights shining in the town. The interviewee was pregnant at the time and her baby was stillborn; the interviewee thought that it might have been a result of having had to crawl continuously.

<sup>30</sup> Most reports contain few details or are hearsay. A/0885; A/0981; M/0140; M/0194; M/0202; M/0303; M/0328; M/0336; M/0420; M/0676; M/1114; M/1295; M/1502.

<sup>31</sup> M/0908.

<sup>32</sup> M/1361.

<sup>33</sup> M/1502. As conveyed to an OSCE-ODIHR delegate in Vucitrn, 30 September 1999.

<sup>34</sup> A/0186, A/0360, A/0418 and A/0707 were also expelled at this time.

<sup>35</sup> A/0186; A/0360; A/0707. A/0418 drove in his own vehicle, and although he wanted to go to the former Yugoslav Republic of Macedonia, he was redirected to Prizren, where his car was confiscated.

<sup>36</sup> A/0981. The interviewee reported that two Kosovo Albanians were shot dead at this time.

<sup>37</sup> A/0785; A/0860; A/0981; A/1081 were gathered in the cemetery or a field. A/0778; A/0857; A/0960; A/0961; A/1051; A/1081 were also rounded up at this time. M/1502 said she left Kosovska Mitrovica by bus on this day, but did not describe the circumstances of her departure; it is possible that she was among the women.

<sup>38</sup> A/0785

<sup>39</sup> A/0960. The interviewee did not specify the location where they were told to go.

<sup>40</sup> A/0785.

<sup>41</sup> A/0785.

<sup>42</sup> A/0811.

<sup>43</sup> A/0857 said that approximately 100 men were detained. A/0785 said that 1,000-1,200 men were separated; A/0981 said that it took the trucks four trips to transport the men.

<sup>44</sup> A/0960; A/0981 and A/1081. Men detained in other villages were also brought to the Vucitrn sports hall; see A/0811 (from Mijalic); A/0754 (from Drvare) and A/0953 (from Bukos).

<sup>45</sup> A/0778; A/0785; A/0857; A/0860; A/0960; A/0961; A/0981; A/1051; A/1081 all said they were beaten in the sports hall. Interviewees were inconsistent as to the amount of time they were held there; most said they were held for 24 hours; however some said 36 or 48 hours. Yet all who gave details about the transfer to Smrekovnica implied that all the detainees were transferred at the same time.

<sup>46</sup> A/0785.

<sup>47</sup> A/0860; A/0953.

<sup>48</sup> MI/02/0025/99.

<sup>49</sup> This account is as reported to an OSCE-KVM verifier by relatives at the funeral of the man shot dead. OSCE-KVM Memo, "Subject: Patrol in Bukos, Glavotina and Svinjare", 24 February 1999. Also OSCE-KVM RC2 Mitrovica, Weekly Report No. 10, 19-25 February 1999 and OSCE-KVM Report, Period covering 23 February 1999. Also, incident report (missing).

<sup>50</sup> OSCE-KVM Report, Period covering 23 February 1999.

<sup>51</sup> OSCE-KVM RC2 Mitrovica, Weekly Report No. 10, 19-25 February 1999. Also, incident report (missing).

<sup>52</sup> OSCE-KVM verifiers were not able to determine who fired first.

<sup>53</sup> OSCE-KVM Report, Period covering 23 February 1999.

<sup>54</sup> According to the UNHCR, OSCE-KVM Report, Period covering 24 February 1999.

<sup>55</sup> OSCE-KVM Report, Period covering 23 February 1999. Some returned on 24 January, but VJ exercises conducted on 25 February caused most to leave again.

<sup>56</sup> On 26 February, an OSCE-KVM patrol visited many villages in the area, where they noticed no signs of police or VJ presence, and where local residents said that they had heard the shelling and were frightened but had not been targeted. The patrol visited Sipolje, Ljubovac, Kodra Ljubovac, Galica, Osljane, Hercegovu, Panitina, Okrastica and Stitarica. OSCE-KVM RC2 Daily Activity Report 26.02.99, Democratization Human Rights (possibly Srbica CC).

<sup>57</sup> See OSCE-KVM Reports, Period covering 11 March 1999 and Period covering 13 and 14 March 1999.

<sup>58</sup> OSCE-KVM RC2 Memorandum, "Looting of Albanian houses in the area south of Mitrovica and west of Vucitn by VJ and MUP", 11 March 1999.

<sup>59</sup> OSCE-KVM RC2, Weekly Human Rights Report, 5-11 March 1999.

<sup>60</sup> OSCE-KVM RC2, Weekly Human Rights Report, 26 February-4 March 1999.

<sup>61</sup> OSCE-KVM Report, Period covering 17 March 1999.

<sup>62</sup> A/0353. Other accounts of expulsions from villages in the area are in A/0456 (Okrastica), A/0953 (Bukos,

separated on 22 May and taken to the Vucitrn sports hall and later Smrekovnica).

<sup>63</sup> A/0656.

<sup>64</sup> A/1005 (paper copy of interview form missing); A/1047 also knew of the killing of this man, but reported it happening in Nevoljane, an adjacent village.

<sup>65</sup> M/1527, who names the victim.

<sup>66</sup> OSCE-KVM Human Rights Report, 18-23 January 1999 (possibly a draft). Excerpts from an OSCE-KVM document state that the individuals were allegedly apprehended while trying to smuggle weapons into the village (RC2, extant document missing). Also incident report (missing). Also Blue Book, 23 January 1999.

<sup>67</sup> OSCE-KVM, "Monthly Report on the situation in Kosovo pursuant to the requirements set out in United Nations Security Council Resolutions 1160 and 1203", 20 February 1999, OSCE CIO.GAL/10/99, 2 March 1999. Also incident report (missing).

<sup>68</sup> OSCE-KVM, Blue Book, 23 January 1999.

<sup>69</sup> OSCE-KVM, "Monthly Report on the situation in Kosovo pursuant to the requirements set out in United Nations Security Council Resolutions 1160 and 1203", 20 February 1999, OSCE CIO.GAL/10/99, 2 March 1999. Also Blue Book, 24 January 1999.

<sup>70</sup> As reported to OSCE-KVM by UNHCR, OSCE-KVM Mission Report, Period covered 3 February 1999.

<sup>71</sup> OSCE-KVM Mission Report, Period covering 3 February 1999. On 27 January, an OSCE-KVM patrol escorting Kosovo Albanians to their homes where they wanted to remove personal effects was threatened by police officers with sniper rifles and an anti-tank weapon; OSCE-KVM, "Monthly Report on the situation in Kosovo pursuant to the requirements set out in United Nations Security Council Resolutions 1160 and 1203", 20 February 1999, OSCE CIO.GAL/10/99, 2 March 1999.

<sup>72</sup> OSCE-KVM RC2 Weekly Human Rights Report, 5-11 February 1999. OSCE-KVM did not see any visible traces of the ill-treatment on the man. On 6 March 1999, another individual was stopped and ill-treated in Nevoljane. OSCE-KVM RC2, Weekly Human Rights Report, 5-11 March 1999.

<sup>73</sup> Incident Report MI-02-34-99, 4 March 1999.

<sup>74</sup> The deserter was interviewed by the OSCE-KVM staff on 3 March 1999 in Mijalic; there was no evidence that he had been ill-treated. Incident Report MI-02-34-99, 4 March 1999. The man's continued detention became a matter of significance to

Serbs in the region; on 8 March approximately 800 Serb students and teachers demonstrated against his continued detention outside the OSCE Regional Centre in Kosovska Mitrovica. Eggs and stones were also thrown at OSCE-KVM patrol vehicles the same day in Zvecan, Leposavic and Zubin Potok. (See OSCE-KVM Report, Period covering 8 March 1999.)

<sup>75</sup> OSCE-KVM Report, Period covering March 1999.

<sup>76</sup> He had been photographed and was allowed to make a telephone call to his family. OSCE-KVM Report, Period covering 10 March 1999.

<sup>77</sup> OSCE-KVM Report, Period covering 25 February 1999.

<sup>78</sup> OSCE-KVM Report, Period covering 8 March 1999.

<sup>79</sup> OSCE-KVM Daily Activity Report, CC3 Srbica, 9 March 1999.

<sup>80</sup> OSCE-KVM RC2 Human Rights Office Weekly Report No 13, 12-18 March 1999. Also incident report (missing).

<sup>81</sup> OSCE-KVM Report, Period covering 9 March 1999.

<sup>82</sup> See OSCE-KVM Report, Period covering 10 March 1999, OSCE-KVM Report, Period covering 11 March 1999.

<sup>83</sup> OSCE-KVM Report, Period covering 13 and 14 March 1999.

<sup>84</sup> OSCE-KVM RC2 Human Rights Office Weekly Report No 13, 12-18 March 1999.

<sup>85</sup> The site may be related to a report given by one refugee interviewed by the OSCE-KVM in the former Yugoslav Republic of Macedonia. As recounted, one evening some time in the second half of March, the interviewee saw five men in camouflage escort seven men, "stripped from the waist down" and who were tied together with a rope, to a big pit dug near Vucitrn. The interviewee heard automatic gunfire and saw the seven men fall one by one into the hole. Afterwards, a group of men came and filled the hole. M/0171; the interviewee did not specify where this took place in Vucitrn, but was from Mijalic, adjacent to Drvare. His account was not corroborated by other sources.

<sup>86</sup> For example A/0754, M/1034; (Drvare); A/0811, M/1336 (Mijalic); A/0856, A/1047 (Nevoljane); M/0140, M/0160, M/0806 (Vrnica); M/0947 (Salce).

<sup>87</sup> M/0806. M/0140 and M/0947 had heard that a woman had been killed at approximately the same time in Vrnica in similar circumstances.

<sup>88</sup> M/0797; M/0476; M/0807; M/0850; M/1336 had also heard about this killing.

<sup>89</sup> UNHCR, "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>90</sup> ICTY, "Mass Grave and Exposed Body Sites," 1 October 1999. OSCE-ODIHR does not know whether the victims mentioned above were buried in those graves.

<sup>91</sup> Incident report (missing).

<sup>92</sup> OSCE-KVM Report, Period covering 6 and 7 March 1999.

<sup>93</sup> OSCE-KVM Report, Period covering 11 March 1999.

<sup>94</sup> OSCE-KVM RC2 Human Rights Office Weekly Report No 13, 12-18 March 1999. The specific license plate number was reported.

<sup>95</sup> M/0303. Other interviewees also reported incidents in the context of shelling and fighting.

<sup>96</sup> M/0807.

<sup>97</sup> M/0476; M/0498; M/0668; M/0797 (although he gave a different date, his account is similar to others who fled Donje Stanovce at that time); M/0802.

<sup>98</sup> M/0668

<sup>99</sup> M/0498. This Serb man was named by many people from the area as taking part in acts of harassment or expulsions.

<sup>100</sup> A/0734; A/0739

<sup>101</sup> A/0783; A/0739; A/0797; A/1066 had also heard about these killings.

<sup>102</sup> UNHCR, "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>103</sup> OSCE-KVM Report, Period covering 6 and 7 February 1999.

<sup>104</sup> The IDP from Pantina was in custody when OSCE-KVM inquired of the Vucitrn police on 1 March, but had been released by 5 March. Incident Report MI-00-0074-99 and Follow up Report MI-00-074-99.

<sup>105</sup> A/0443. The interviewee said that she could recognize one of the perpetrators, who removed his mask. This incident was not corroborated by any other source.

<sup>106</sup> A/0624 reports that there were VJ patrols in the village; A/0847 reports being "forced to stay".

<sup>107</sup> A/0602; A/0734; A/0783; A/0847. Also conveyed to an OSCE-ODIHR delegate shown the area on 30 September 1999

<sup>108</sup> A/0624.

<sup>109</sup> A/0897.

<sup>110</sup> As conveyed to an OSCE-ODIHR delegate who visited Veliki Kicic on 30 September 1999.

<sup>111</sup> A/0783. Corroborated in an account given to an OSCE-ODIHR delegate shown the area on 30 September 1999.

<sup>112</sup> A/0848.

<sup>113</sup> A/0850.

<sup>114</sup> A/0624; A/0719.

<sup>115</sup> A/0719; A/0850.

<sup>116</sup> A/0433; A/0602; A/0605; A/0621; A/0624; A/0653; A/0654; A/0655; A/0656; A/0734; A/0739; A/0777; A/0784; A/0847; A/0850; A/0878; A/0879; A/0908; A/0955; A/0962; A/1041; A/1120.

<sup>117</sup> A/0850; A/0624; A/0849; A/0849. Clarified to an OSCE/ODIHR delegate shown the area on 29 September 1999.

<sup>118</sup> A/0653; other interviewees also mentioned being beaten in the field, see: A/0654; A/0656; A/0739; A/0783; A/0878 (said he suffered a broken nose as a result of being beaten); A/0847; A/0849; A/0962; A/0850.

<sup>119</sup> A/1120.

<sup>120</sup> A/0433; A/0605, a woman, was also kept in the field overnight.

<sup>121</sup> A/0615, for example, came from Gumniste to Karace on 2 May..

<sup>122</sup> A/0615; A/0618; A/0622; A/0628. Three of these interviewees are close relatives; they were all interviewed in the same refugee camp in Albania.

<sup>123</sup> A/0615; A/0618; A/0622 may have still had an open head injury at the time he was interviewed 25 days later; A/0628 said his arm was broken due to a blow from a rifle butt.

<sup>124</sup> The following interviewees were among people who fled or were expelled from the area at this time; most were in the large convoy from Gornja Sudimlja to Donja Sudimlja: A/0434; A/0552; A/0554; A/0577; A/0616; A/0620; A/0626; A/0627; A/0797; A/0816; A/0854; A/0855; A/0856; A/0861; A/0862; A/0956; A/0975; A/1025; M/1305; M/1502.

<sup>125</sup> A/0554. This interviewee, who tried to flee from Gornja Sudimlja to Donja Sudimlja on the morning of 2 May, was met by a man fleeing in the opposite direction, who told him that men were being rounded up there. The man returned to Gornja Sudimlja, but later the same day the inhabitants of Gornja Sudimlja themselves fled, along with thousands of people coming from the Slakovce area.

<sup>126</sup> A/0554. The interviewee was unable to identify the type of Serbian force, since it was dark.

<sup>127</sup> A/0554. The interviewee was the prime interlocutor with the Serbian forces, since he spoke Serbian.

<sup>128</sup> A/0577.

<sup>129</sup> A/0434; A/0552; A/0577; A/0627; A/0855;

<sup>130</sup> A/0552; A/0554; A/0626; A/0627; A/0797; A/0816; A/0854; A/0855; A/0856; A/0861; A/0862; A/0956; M/1305; M/1502. Most interviewees who cited the numbers of people killed said it was approximately 100. See also "Kosovo Human Rights Flash #40: Separation of men and mass killing near Vucitrn", Human Rights Watch, 20 May 1999, for a corroborating account of the killings in the Gornja Sudimlja column.

<sup>131</sup> M/1305. M/1502 also reported walking past dead bodies.

<sup>132</sup> A/0577.

<sup>133</sup> A/0975, one of the men released to drive a tractor. An OSCE/ODIHR delegate who visited the site on 30

September 1999 found several IDs and birth certificates inside one of the large buildings which had not yet been cleaned up.

<sup>134</sup> A/0552; A/0554; A/0577; A/0616; A/0620; A/0626; A/0627; A/0797; A/0816; A/0854; A/0855; A/0856; A/0861; A/0862; A/0956; A/1025 were all prisoners who had been released from Smrekovnica.

<sup>135</sup> A/0434; A/0975; M/1305. M/1502 said that she was later able to return to Vucitrn town.

<sup>136</sup> As conveyed to an OSCE-ODIHR delegate shown the area on 30 September 1999.

<sup>137</sup> ICTY, "Mass Grave and Exposed Body Sites," 1 October 1999.

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### Notes to section on Smrekovnica prison

<sup>138</sup> It is possible that the use of the Smrekovnica penitentiary for large-scale detention was a measure taken by the Republic of Serbia Ministry of Interior following a special Republic of Serbia decree of 31 March 1999. This decree allowed the Minister of Interior to ensure conditions to implement a "protective measure of removing to a certain place a person who presents a threat to the security of the Republic"; and allowed such "removal" to last as many as 60 days before transferring such detainees to judicial authorities (decree on internal affairs during a state of war, Article 3, Official Gazette of the Republic of Serbia, vol. LV no 17, 7 April 1999).

<sup>139</sup> UNHCR Kosovo Emergency Update, 24 May 1999 and 8 June 1999. More than 1,000 men were released between 22 and 24 May, and after that an average of approximately 100 people per day were released until 8 June. At least some detainees were not expelled; a Kosovo Albanian internally displaced in Veliki Kicic in May 1999 said that he met some former detainees from Smrekovnica who had fled to the village after guards panicked while preparing them for expulsion due to NATO bombing of a nearby site (as conveyed to OSCE-ODIHR delegate on 30 September 1999).

<sup>140</sup> Separated at Smrekovnica/Veliki Kicic: A/0602; A/0621; A/0624; A/0653; A/0654; A/0655; A/0656; A/0734; A/0739; A/0777; A/0784; A/0847; A/0850; A/0878; A/0879; A/0955; A/0962; A/1041; A/1120.

<sup>141</sup> Transferred from Gojbulja: A/0615; A/0618; A/0622; A/0628.

<sup>142</sup> Separated at motel Vicianum following expulsion near Donje Sudimlje: A/0552; A/0554; A/0577; A/0616; A/0620; A/0626; A/0627; A/0797; A/0816; A/0854; A/0855; A/0856; A/0861; A/0862; A/0956; A/1025.

<sup>143</sup> Arrested in Kosovska Mitrovica: A/0610; A/0639; A/0642; A/0678; A/0680; A/0700; A/0701; A/0703; A/0720; A/0721; A/0729; A/0752; A/0757; A/0769; A/0807; A/0831; A/0853; A/0882; A/0883; A/0906; A/0945; A/0977; A/0996; A/1069; A/1070.

<sup>144</sup> Transferred from Vucitrn sports hall: A/0686; A/0754; A/0778;A/0785; A/0857; A/0860; A/0953; A/0960; A/0961; A/0981; A/1051; A/1051; A/1081.

<sup>145</sup> A/0585; A/0681; A/0766; A/0781; A/0782; A/0786; A/0787; A/0804; A/0852; A/0978; A/1058.

<sup>146</sup> A/0892; A/1053 (Gornje Prekaze). A/1072 (Stitarica);

<sup>147</sup> The oldest was aged 60 (A/0679), and the youngest was aged 15 (A/1069). Two other interviewees were juveniles: A/0897 (age 16) and A/0977 (age 17).

<sup>148</sup> The information provided in the interviews did not allow identification of any patterns which would indicate how the authorities made the choice of which detainees to release.

<sup>149</sup> A/0739; A/0883.

<sup>150</sup> A/0624; A/0656; A/0683; A/0720; A/0769; A/0878; A/0883; A/1070; A/1120 all differentiated between the behaviour of types of guards. A/0683 said that the relationship between the police and normal prison guards was not harmonious.

<sup>151</sup> A/0554.

<sup>152</sup> A/0978.

<sup>153</sup> A/0621; A/0656; A/0683; A/0789; A/0978; A/0981 all described having to sleep on the concrete floor.

<sup>154</sup> A/0720; A/0778; A/0878; A/0879; A/0996.

<sup>155</sup> A/0621; A/0624; A/0655; A/0683; A/0702; A/0777; A/0778; A/0843; A/0878; A/0879; A/0897; A/1009; A/1070; A/1079.

<sup>156</sup> Of those interviewed, only A/0628; A/0614; A/0720; A/0769; A/0783; A/1058 and A/1066 said that they were not beaten and provided no information on ill-treatment (but most who said that they were not beaten said that they had seen others being ill-treated).

<sup>157</sup> A/1042. A/0843 and A/1120 also reported that a man's teeth had been knocked out, A/0843 named the interviewee.

<sup>158</sup> The son of A/0858 was forced to fight another detainee. A/0977 named two brothers who were forced to fight

each other. Others saw or heard about detainees being forced to fight: A/0615; A/0620; A/0624; A/0653; A/0720; A/0739; A/0757; A/0769; A/0786; A/0787; A/0804; A/0807; A/0811; A/0843; A/0855; A/0879; A/0883; A/1044. A/0678 said that detainees fought each other, but in disputes over food.

<sup>150</sup> A/0577; A/0615; A/0616; A/0621; A/0656; A/0683; A/0752; A/0774; A/0776; A/0784; A/0847; A/0849; A/0879; A/01042; A/1044; A/0602; A/0626; A/0680; A/0685; A/0804; A/0945; A/0946; A/1070; A/0585; A/0848; A/1042; A/1123; A/0554; A/1041; A/0602; A/0624; A/0721; A/1051; A/1120.

<sup>160</sup> A/0577. A/1025 saw a man from Bajgora being taken to a separate cell in the main building, heard screaming, and then saw that man's body being brought out the next day; however, the date given was two weeks earlier than that given by A/0577, so that this may have been a different incident. A/1025 reported that police photographed the body before taking it away. A/0849, detained for the same period as A/0577 and A/1025, also saw a dead body be removed from an "interrogation room".

<sup>161</sup> A/0787.

<sup>162</sup> A/0804. A/0680, whose detention partially overlapped with A/0787 and A/0804, also said that a 24-year-old man had been beaten to death. A/0602; A/0734; A/0781; A/0781; A/0786; A/0831; A/0851; A/0858, whose detentions all at least partially overlapped, also had heard about individuals who had been beaten to death, but it is not possible to determine from the detail provided whether they referred to the same or different incidents; most reported that between one and three people had died in custody.

<sup>163</sup> A/1072; this account was not corroborated by other sources. It is not likely that these victims were any of the ones mentioned by interviewees who had been released earlier (see n. 20).

<sup>164</sup> A/0577; A/0781; A/0787.

<sup>165</sup> One interviewee (A/0577) speculated that the reason for bringing the detainees to another location was because the authorities feared that the prison itself would be a target for NATO air strikes (the police station itself in Kosovska Mitrovica was bombed by NATO). A/0585; A/0625; A/0626; A/0654; A/0655; A/0681; A/0683; A/0720; A/0729; A/0739; A/0754; A/0757; A/0778; A/0778; A/0782; A/0786; A/0804; A/0843; A/0848; A/0853; A/0854; A/0857; A/0859; A/0860; A/0862; A/0962; A/0977; A/0978; A/0981; A/0996; A/1053; A/1058; A/1072; A/1120 were all interrogated at the technical school. A/0861 and A/1069 were interrogated at the medical school (both specified that other detainees had been interrogated at the technical school). A/0734 and A/0807 were interrogated at an elementary school. A/0622; A/0702; A/0785; did not specify which school they were interrogated in.

<sup>166</sup> A/0620; A/0621; A/0624; A/0625; A/0626; A/0653; A/0655; A/0656; A/0678; A/0681; A/0683; A/0720; A/0727; A/0729; A/0754; A/0757; A/0777; A/0778; A/0785; A/0786; A/0804; A/0807; A/0804; A/0807; A/0811; A/0848; A/0849; A/0850; A/0853; A/0854; A/0856; A/0857; A/0858; A/0859; A/0860; A/0861; A/0906; A/1009; A/1070; A/1079; A/1081.

<sup>167</sup> A/0552; A/0554; A/0577; A/0624; A/0625 (twice); A/0654; A/0656 (twice); A/0720; A/0757; A/0781; A/0782 (on release); A/0783 (on release); A/0787; A/0807 (on release); A/0882; A/0883; A/0889; A/0892; A/0897; A/0906; A/0955; A/0978 (in prison); A/1069; A/1072.

<sup>168</sup> A/0981.

<sup>169</sup> A/1120. The interviewee's right hand had haemorrhaged and was completely swollen and useless at the time he was interviewed, one month after his release. A/0610; A/0625; A/0700; A/0702; A/0843; A/0848; and A/1053 were also among those whose injuries from ill-treatment were specifically noted by their interviewers.

<sup>170</sup> A/0853; A/0857; A/1072 all said that young men or teenagers were invited to harass or ill-treat the detainees; A/0585 heard that the police commander's child was present and was asked to select which detainee would be beaten. A/0848; A/1072; and A/1069 also reported that they were attacked on their return to the prison by civilians who beat them or threw stones at the truck. However, the periods these men were detained did not all overlap, and so the incidents cited should not be thought of as corroborative.

<sup>171</sup> A/0996. A/0624; A/0701; A/0702; A/0807; A/0855; and A/1081 were also among those mentioned that the procedure was a sort of "trial" on terrorism charges.

<sup>172</sup> A/0757. It was not clear from the interview whether the response was meant seriously or ironically.

<sup>173</sup> A/0625; A/0656; A/0782; A/0783; A/0807. Some specified that this was a different document from that given to them after they were interrogated.

<sup>174</sup> A/1120. He did not specify who took them or exactly when.

<sup>175</sup> A/0781; A/0782. This incident was not corroborated.

<sup>176</sup> It is possible that they were transferred to other detention facilities in FRY.

<sup>177</sup> A/0889.

## ZUBIN POTOK/ZUBIN POTOK



Zubin Potok/Zubin Potok municipality, in the north-east of Kosovo, borders the Sandzak area of Serbia proper. Approximately 72 per cent of the municipality's population of some 8,000 people was Serb. The larger part of the Kosovo Albanian population were in Cabra/Caber village (the municipality's largest), at the eastern edge of the municipality.<sup>1</sup> During the time of the OSCE-KVM deployment inside Kosovo, the UCK controlled the mountainous area in the south of the municipality, including Krligate/Kerligate village; the Serbian inhabitants of this area had fled or been expelled in 1998.

The very few incidents in Zubin Potok municipality reported to the OSCE-KVM during its deployment in Kosovo involved claims of discrimination in housing or employment.<sup>2</sup>

There are also few reports of incidents in Zubin Potok after the OSCE-KVM withdrawal. This may be because those who fled from or through Zubin Potok went to Montenegro or Bosnia-Herzegovina. One refugee from **Cabra/Caber** was interviewed by the OSCE-KVM; according to him, Serbian forces expelled the villagers from their houses on 29 March 1999.<sup>3</sup> According to OSCE-MiK, Cabra village was virtually razed by Serbian forces after the OSCE-KVM evacuated.<sup>4</sup>

The other incidents recorded relating to Zubin Potok happened to people travelling through the municipality towards Montenegro. One Kosovo Albanian who fled from Pristina/Prishtina towards Montenegro was stopped and pulled out of his car by armed civilians with painted faces in Cabra on 28 March. The men demanded money and severely beat the passengers from the car, until the interviewee lost consciousness. He later regained consciousness in Kosovska Mitrovica/Mitrovice, and his relatives told him that after stealing their valuables, the armed civilians had released the group and his relatives had driven him back to Kosovska Mitrovica. This man left on 6 April for the former Yugoslav Republic of Macedonia.<sup>5</sup>

## Notes

<sup>1</sup> UNHCR, "Kosovo Village List", 9 March 1999 (1998 population estimate excluding forced displacement).

<sup>2</sup> One Kosovo Albanian appealed for assistance since his house had been appropriated to house Serb refugees from Croatia or Bosnia (MI/00/0041/99); another case involved a Serb man who claimed he had been dismissed from his job because of his political affiliation (MI/01/001/99).

<sup>3</sup> A/0388.

<sup>4</sup> As conveyed to OSCE/ODIHR delegate, 29 September 1999.

<sup>5</sup> M/0796. A/0158 reported that the bus he was on was stopped at Banja/Baje, on the border with Serbia proper, and searched on 28 March; according to the interviewee one man was detained. A/0388 was also removed from a bus at Gazivode/Gazivode in Zubin Potok on 8 May and beaten.

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## ZVECAN/ZVECAN



The municipality of Zvecan/Zvecan extends north-east of Kosovska Mitrovica/Mitrovica town in a narrow corridor to the border with the Sandzak area of Serbia proper. The municipality's population of approximately 9,000 was 74 per cent Serb, the majority of the remainder being Kosovo Albanians, who were concentrated in the exclusively Kosovo Albanian villages of Boljetin/Boletin, Lipa/Lipe and Zaza/Zhazhe; there was a significant Kosovo Albanian population in Zvecan/Zvecan village itself.<sup>1</sup>

Very few incidents were reported to the OSCE-KVM in Zvecan during the time of its deployment inside Kosovo. On 15 January 1999 a bus travelling between Pristina/Prishtina and Novi Pazar (Sandzak) was stopped and a man from the Bajgora/Bajgore region of Kosovska Mitrovica was detained. He went to the OSCE-KVM office in Kosovska Mitrovica after he was released, and said that he had been held for three hours, beaten and questioned about the UCK until the OSCE-KVM, which had been alerted by a local human rights activist, had intervened directly with the police. The OSCE-KVM noted that his face was bruised.<sup>2</sup>

The body of a Kosovo Albanian man was found on 3 February near Zvecan village; it is possible the man had been killed somewhere else and the body brought to Zvecan (see entry for Kosovska Mitrovica municipality).<sup>3</sup>

No incidents from Zvecan municipality were reported to the OSCE-KVM after it evacuated from Kosovo. This may be because the more obvious and accessible routes for anyone fleeing from Zvecan could have led them to become IDPs in Montenegro, or refugees in Bosnia-Herzegovina, rather than refugees in Albania or the former Yugoslav Republic of Macedonia, where OSCE-KVM's refugee interviewing was carried out

## Notes

<sup>1</sup> UNHCR "Kosovo village list", 9 March, 1999 (1998 population estimate excluding forced displacement).

<sup>2</sup> MI/00/0017/99, 15 January 1999.

<sup>3</sup> PR/00/0060/99 and MI/00/0039/99.

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## Appendix to Part V

### Communities in Kosovo

Here you can find communities in Kosovo listed alphabetically both by their Serbian and Albanian names. To make the search quicker partial lists are available. Names of municipalities are links to corresponding chapters from Part V of the report. You can also use the [Kosovo administrative divisions map](#) to find a municipality in Kosovo and go to a corresponding chapter of Part V.

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# ANNEX

## Excerpts from applicable domestic and international standards

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## Human rights in the Federal Republic of Yugoslavia Constitution<sup>1</sup>

Article 9 of the 1992 Constitution of the Federal Republic of Yugoslavia:

"(1) The Federal Republic of Yugoslavia shall be founded on the rule of law.

(2) Laws must be in conformity with the Constitution.

(3) Executive and judicial powers shall be subject to law.

(4) The rights and freedoms of man and the citizen shall be restricted only by the equal rights and freedoms of others and in instances provided for in the present Constitution."

Article 10 of the Constitution of the Federal Republic of Yugoslavia:

"The Federal Republic of Yugoslavia shall recognize and guarantee the rights and freedoms of man and the citizen recognized under international law."

Article 16 of the Constitution of the Federal Republic of Yugoslavia:

- "(1) The Federal Republic of Yugoslavia shall fulfil in good faith the obligations contained in international treaties to which it is a contracting party.
- (2) International treaties which have been ratified and promulgated in conformity with the present Constitution and generally accepted rules of international law shall be a constituent part of the internal legal order."

## **International instruments**

**Among the international instruments to which the FRY is a party are the following:<sup>2</sup>**

- | The Convention on the Prevention and Punishment of the Crime of Genocide**
- | The Geneva Conventions of 12 August 1949 and their Additional Protocols of 1977**
- | International Covenant on Civil and Political Rights, and its first Optional Protocol**
- | International Covenant on Economic, Social and Cultural Rights**
- | International Convention on the Elimination of All Forms of Racial Discrimination**
- | Convention on the Elimination of All Forms of Discrimination against Women**
- | Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment**
- | Convention on the Rights of the Child**

## Excerpts from international standards

### Basic obligations in international humanitarian law

Article 3 common to the Geneva Conventions of 12 August 1949:

"In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

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, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

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

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) taking of hostages;
- (c) outrages upon personal dignity, in particular, humiliating and degrading treatment;
- (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

2. The wounded and sick shall be collected and cared for..."

Article 1 of the Protocol II Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts:

"1. This Protocol, which develops and supplements Article 3 common to the Geneva Conventions of 12 August 1949 without modifying its existing conditions of application, shall apply to all armed conflicts which are not covered by Article 1 of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) and which take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol.

2. This Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts."

## Excerpts organized by theme

**The following excerpts from some of the applicable international standards and domestic law have been included to indicate the obligations and violations of human rights and**

humanitarian law as discussed in this report. They follow the same format as that used in Part III of the report:

- | [violation of the right to life](#)
  - | [torture and ill-treatment](#)
  - | [rape and other forms of sexual violence](#)
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  - | [arbitrary arrest and detention](#)
  - | [violation of the right to a fair trial](#)
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  - | [forced expulsion](#)
- 

## ***Violation of the right to life***

Article 6(1) of the International Covenant on Civil and Political Rights:

"Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."

Article 4 of the International Covenant on Civil and Political Rights:

"1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

2. No derogation from articles 6 ... may be made under this provision..."

Article 4 (1) and 4 (2) of the Protocol II Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts:

"1. All persons who do not take a direct part or who have ceased to take part in hostilities, whether or not their liberty has been restricted, are entitled to respect for their person, honour and convictions and religious practices. They shall in all circumstance be treated humanely, without any adverse distinction. It is prohibited to order that there shall be no survivors.

2. Without prejudice to the generality of the foregoing, the following acts against the persons referred to in paragraph I are and shall remain prohibited at any time and in any place whatsoever:

(a) Violence to the life ..., in particular murder".

Article 8 of the Protocol II Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts:

"Whenever circumstances permit, and particularly after an engagement, all possible measure shall be taken, without delay, to search for and collect the wounded, sick and shipwrecked, to protect them against pillage and ill-treatment, to ensure their adequate care, and to search for the dead, prevent their being despoiled, and decently dispose of them."

## ***Torture and ill-treatment***

Article 4 of the International Covenant on Civil and Political Rights:

"1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

2. No derogation from articles ...7 ...may be made under this provision."

Article 7 of the International Covenant on Civil and Political Rights:

"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation."

Article 1 (1) of the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment:

"1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."

Article 4(2) of the Protocol II Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts:

"Without prejudice to the generality of the foregoing, the following acts against the persons referred to in paragraph I are and shall remain prohibited at any time and in any place whatsoever:

- (a) violence to the ... health and physical or mental well-being of persons, in particular ... cruel treatment such as torture, mutilation or any form of corporal punishment;
- (b) collective punishments;
- ...
- (e) outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault ..."

## **Domestic law:**

Article 25 of the Constitution of the Federal Republic of Yugoslavia:

- "(1) Respect for the human personality and dignity in criminal and all other proceeding in the event of detention or restriction of freedom, as well as during the serving of a prison sentence, shall be guaranteed.
- (2) The use of force against a suspect who has been detained or whose freedom has been restricted, as well as any forcible extraction of confessions or statements, shall be prohibited and punishable.
- (3) No one may be subjected to torture, or to degrading treatment or punishment.
- (4) Medical and other scientific experimentation may not be carried out on an individual without his consent."

## ***Rape and other forms of sexual violence***

Paragraph 5 of the Preamble to the Protocol II Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts:

"Recalling that, in cases not covered by the law in force, the human person remains under the protection of the principles of humanity and the dictates of the public conscience".

Article 4(2) of the Protocol II Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts:

"Without prejudice to the generality of the foregoing, the following acts against the persons referred to in paragraph I are and shall remain prohibited at any time and in any place whatsoever:

...

- (e) Outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault;
- (f) Slavery and the slave trade in all their forms "

## ***Missing persons***

Preamble to the Declaration on the Protection of All Persons from Enforced Disappearances:

"... [E]nforced 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, or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, which places such persons outside the protection of the law."

Declaration on the Protection of All Persons from Enforced Disappearances, Article 1 (1):

"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."

Declaration on the Protection of All Persons from Enforced Disappearances, 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."

## ***Arbitrary Arrest and Detention***

Article 9 of the International Covenant on Civil and Political Rights:

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.
2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.
3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.
4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful..."

## **Domestic law:**

Article 23 of the Constitution of the Federal Republic of Yugoslavia:

- "(1) Every individual shall have the right of personal freedom.
- (2) No one may be deprived of his liberty except in cases and according to the procedure laid down by federal law.
- (3) Every person taken into custody must be informed immediately in his mother tongue or in a language which he understands of the reasons for his arrest, and he shall be entitled to demand that the authorities inform his next of kin of his detention.
- (4) The detained person must promptly be informed of his right to remain silent.
- (5) The detained person shall be entitled to choose his own defence counsel.
- (6) Illegal arrest shall be a punishable offence."

Article 24 of the Constitution of the Federal Republic of Yugoslavia:

- "(1) A person suspected of having committed a criminal offence may be taken into custody and detained by order of a competent court only when it is necessary for the conduct of criminal proceedings.
- (2) The detained person must be given an explanation for his arrest of arrest. The suspect shall have the right of appeal, which must be decided on by the court within 48 hours.
- (3) The length of detention must be of the shortest possible duration.
- (4) The detention ordered by a first instance court may not exceed three months from the day of arrest. This time limit may be extended for a further three months by order of a higher court. If by the end of this period charges have not been brought, the suspect shall be released."

In the FRY the conditions under which a person may be detained are laid down in the Criminal Procedure Code of 1994 (CPC).

## ***Violation of the right to a fair trial***

Article 14 of the International Covenant on Civil and Political Rights:

- "1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The Press and the public may be excluded from all or part of a trial for reasons of morals, public order (*ordre public*) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.
2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.
3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:
  - (a) to be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

- (b) to have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;
  - (c) to be tried without undue delay;
  - (d) to be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;
  - (e) to examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
  - (f) to have the free assistance of an interpreter if he cannot understand or speak the language used in court;
  - (g) not to be compelled to testify against himself or to confess guilt.
4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.
  5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.
  6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.
  7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country."

Article 6 of the Protocol II Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts:

- "1. This Article applies to the prosecution and punishment of criminal offences related to the armed conflict.
2. No sentence shall be passed and no penalty shall be executed on a person found guilty of an offence except pursuant to a conviction pronounced by a court offering the essential guarantees of independence and impartiality. In particular:
  - (a) The procedure shall provide for an accused to be informed without delay of the particulars of the offence alleged against him and shall afford the accused before and during his trial all necessary rights and means of defence;
  - (b) No one shall be convicted of an offence except on the basis of individual penal responsibility;
  - (c) No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under the law, at the time when it was committed; nor shall a heavier penalty be imposed than that which was applicable at the time when the criminal offence was committed; if, after the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby;
  - (d) Anyone charged with an offence is presumed innocent until proved guilty according to law;
  - (e) Anyone charged with an offence shall have the right to be tried in his presence;
  - (f) No one shall be compelled to testify against himself or to confess guilt.

3. A convicted person shall be advised on conviction of his judicial and other remedies and of the time-limits within which they may be exercised.
4. The death penalty shall not be pronounced on persons who were under the age of eighteen years at the time of the offence and shall not be carried out on pregnant women or mothers of young children.
5. At the end of hostilities, the authorities in power shall endeavour to grant the broadest possible amnesty to persons who have participated in the armed conflict, or those deprived of their liberty for reasons related to the armed conflict, whether they are interned or detained."

## ***Other forms of persecution***

Article 12 of the International Covenant on Civil and Political Rights:

- "1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
2. Everyone shall be free to leave any country, including his own.
3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (*ordre public*), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.
4. No one shall be arbitrarily deprived of the right to enter his own country."

Article 13 of the Protocol II Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts:

- "1. The civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations. To give effect to this protection, the following rules shall be observed in all circumstances.
2. The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.
3. Civilians shall enjoy the protection afforded by this Part, unless and for such time as they take a direct part in hostilities."

Article 2(1) of the International Covenant on Civil and Political Rights:

"Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

Article 20 of the International Covenant on Civil and Political Rights:

- "1. Any propaganda for war shall be prohibited by law.
2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law."

Article 27 of the International Covenant on Civil and Political Rights:

"In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language."

Article 1(1) of the International Convention on the Elimination of All Forms of Racial Discrimination:

"[T]he term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

## ***Access to health care***

Article 12 of the International Covenant on Economic, Social and Cultural Rights:

- "1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
  - a. The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
  - b. The improvement of all aspects of environmental and industrial hygiene;
  - c. The prevention, treatment and control epidemic, endemic, occupational and other diseases;
  - d. The creation of conditions which would assure to all medical service and medical attention in the event of sickness."

Article 7 of the Protocol II Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts:

- "1. All the wounded, sick and shipwrecked, whether or not they have taken part in the armed conflict, shall be respected and protected.
2. In all circumstances they shall be treated humanely and shall receive, to the fullest extent practicable and with the least possible delay, the medical care and attention required by their condition. There shall be no distinction among them founded on any grounds other than medical ones."

Article 9 of the Protocol II Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts:

- "1. Medical and religious personnel shall be respected and protected and shall be granted all available help for the performance of their duties. They shall not be compelled to carry out tasks which are not compatible with their humanitarian mission.
2. In the performance of their duties medical personnel may not be required to give priority to any person except on medical grounds."

Article 10 of the Protocol II Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts:

- "1. Under no circumstances shall any person be punished for having carried out medical activities compatible with medical ethics, regardless of the person benefiting therefrom.

2. Persons engaged in medical activities shall neither be compelled to perform acts or to carry out work contrary to, nor be compelled to refrain from acts required by, the rules of medical ethics or other rules designed for the benefit of the wounded and sick, or this Protocol.
3. The professional obligations of persons engaged in medical activities regarding information which they may acquire concerning the wounded and sick under their care shall, subject to national law, be respected.
4. Subject to national law, no person engaged in medical activities may be penalized in any way for refusing or failing to give information concerning the wounded and sick who are, or who have been, under his care."

Article 11 of the Protocol II Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts:

- "1. Medical units and transports shall be respected and protected at all times and shall not be the object of attack.
2. The protection to which medical units and transports are entitled shall not cease unless they are used to commit hostile acts, outside their humanitarian function. Protection may, however, cease only after a warning has been given setting, whenever appropriate, a reasonable time-limit, and after such warning has remained unheeded."

## ***Deliberate destruction of civilian property, looting and pillage***

Article 4(2) of the Protocol II Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts:

"Without prejudice to the generality of the foregoing, the following acts against the persons referred to in paragraph I are and shall remain prohibited at any time and in any place whatsoever:

(...)

(g) Pillage..."

Article 14 of the Protocol II Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts:

"Starvation of civilians as a method of combat is prohibited. It is therefore prohibited to attack, destroy, remove or render useless, for that purpose, objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works."

Article 16 of the Protocol II Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts:

"Without prejudice to the provisions of The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954, it is prohibited to commit any acts of hostility directed against historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples, and to use them in support of the military effort."

## ***Human shields and other endangerment of non-combatants during military operations***

Article 4(2) of the Protocol II Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts:

"Without prejudice to the generality of the foregoing, the following acts against the persons referred to in paragraph I are and shall remain prohibited at any time and in any place whatsoever:

(...)

(c) taking of hostages".

Article 5(2) of the Protocol II Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts:

"2. Those who are responsible for the internment or detention of the persons referred to in paragraph 1 shall also, within the limits of their capabilities, respect the following provisions relating to such persons.

...

(e) their physical or mental health and integrity shall not be endangered by any unjustified act or omission..."

## ***Forced expulsion***

Article 17 of the Protocol II Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts:

"1. The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition.

2. Civilians shall not be compelled to leave their own territory for reasons connected with the conflict."

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## **Notes**

**<sup>1</sup> Adopted on 27 April 1992, International Constitutional Law website (<http://www.uni-wuerzburg.de/law>), last updated 28 April 1998.**

**<sup>2</sup> For the full texts, dates of entry into force, ratification status and other information relevant to these instruments, see <http://www.un.org/Depts/Treaty/> .**

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OSCE ODIHR

## The picture gallery

Below you can find all the photographs presented throughout chapters of this report. Pictures themselves are links to their bigger size versions. There are also links to paragraphs of corresponding chapters containing photographs.



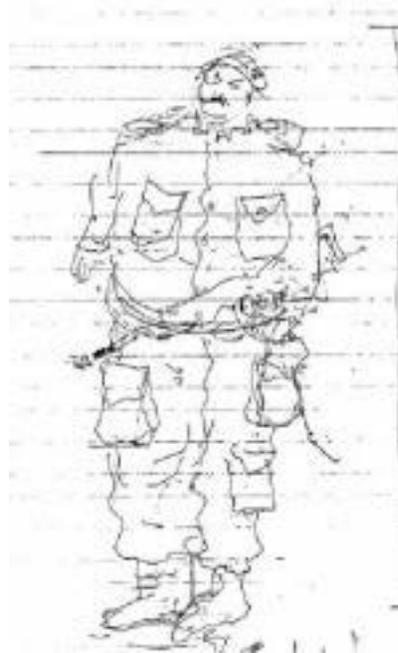
The OSCE-KVM Co-ordination Centre (Urosevac/Ferizaj), after it was mined and blown up  
[ [zoom](#) | [reference](#) ]



The body of Kosovo Albanian man previously reported missing and found by the police, who informed the OSCE-KVM [ [zoom](#) | [reference](#) ]



An OSCE human rights officer,  
assisted by an interpreter, takes a  
statement in a refugee camp  
[ [zoom](#) | [reference](#) ]



Sketch of a paramilitary given as part  
of an interview statement by a  
Kosovo Albanian refugee  
[ [zoom](#) | [reference](#) ]



Burial ground, Likosane/Likoshan,  
for the bodies of 83 people found  
nearby [ [zoom](#) | [reference](#) ]



A destroyed house, Gladno Selo/  
Gllanaselle [ [zoom](#) | [reference](#) ]



Cirez/Quirez mosque  
[ [zoom](#) | [reference](#) ]



A child's depiction of expulsion from  
a village [ [zoom](#) | [reference](#) ]



Abandoned IDP shelter in Kolic/  
Koliq area (Pristina/Prishtina) (photo:  
Ridvan Slivova) [ [zoom](#) | [reference](#) ]



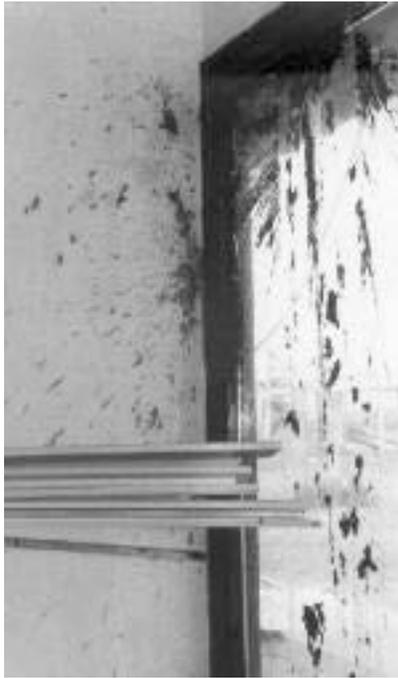
Tractor convoy going to Makovac/  
Makofc (Pristina/Prishtina) (photo:  
Ridvan Slivova) [ [zoom](#) | [reference](#) ]



"Kosova burning": a drawing by a  
child in a refugee camp  
[ [zoom](#) | [reference](#) ]



Possible evidence of torture,  
Feronikel factory [ [zoom](#) | [reference](#) ]



Possible evidence of torture,  
Feronikel factory [ [zoom](#) | [reference](#) ]



Site of mass killings, Staro Cikatovo  
[ [zoom](#) | [reference](#) ]



Destroyed school in Kotlina  
[ [zoom](#) | [reference](#) ]



Kotlina: a well in which 16 bodies  
were found [ [zoom](#) | [reference](#) ]



Kotlina: the site of a burial  
[ [zoom](#) | [reference](#) ]



A group of women and children coming down from the hills to shelter facilities; the men have been separated for "talks" and "paraffin tests" (village of Bob/Bob)  
[ [zoom](#) | [reference](#) ]



Kosovska Mitrovica: a looted and burnt out house in the hospital district. The graffiti read: "Where are you now Shiptars", "Pretty house pretty flame" and "Serbs don't protect Shiptars" [ [zoom](#) | [reference](#) ]



Burnt wallet containing ID of a Kosovo Albanian born in 1928, killed with 50 other men in the river Beli Drim at Bela Crkva  
[ [zoom](#) | [reference](#) ]



Photograph of a painting of the "League of Prizren" building...  
[ [zoom](#) | [reference](#) ]



...and after its destruction by police in March 1999 [ [zoom](#) | [reference](#) ]



Suva Reka town: burnt-out interior of the café where the killing of the family of an OSCE-KVM landlord took place [ [zoom](#) | [reference](#) ]



Urosevac: the former OSCE-KVM office building, which was mined and blown up [ [zoom](#) | [reference](#) ]



The burnt-out shell of the OSCE-KVM Co-ordination Centre, Vucitrn  
[ [zoom](#) | [reference](#) ]