

ABOUT THIS DOCUMENT SERIES

As of June 1998, the international community is looking on as the security situation in Kosovo province of the Federal Republic of Yugoslavia rapidly deteriorates and even minimal respect for human rights is withdrawn. Recent Serbian police and military operations, although ostensibly directed at the armed opposition Kosovo Liberation Army (KLA), have led to hundreds of civilian deaths, many apparently a result of deliberate or indiscriminate attacks. Attacks on civilians have been part of the reason why tens of thousands of people have fled their homes. Members of the KLA have also been responsible for human rights abuses.

Developments as of June 1998 cannot be isolated from more than a decade of unaddressed human rights violations in Kosovo province. Throughout that time Amnesty International has been documenting and campaigning against a systematic pattern of human rights violations in Kosovo province - including torture and ill-treatment by police, deaths in police custody, and unfair trials of political prisoners. The lack of effective redress for these and other violations of basic human rights in the province must be counted among the sources of frustration and anger which have culminated in the present conflict.

In addition to its ongoing research, media work and the campaigning initiatives of its members worldwide to respond to events unfolding as of June 1998, with this series of reports Amnesty International delves beneath today's headlines and continues its detailed scrutiny of the long-standing patterns of abuses in Kosovo province. Four documents in the series now being published simultaneously are:

#1: *Background: A crisis waiting to happen* (AI Index: EUR 70/32/98). A summary analysis of the causes of the present crisis, and Amnesty International's recommendations to the international community, the Yugoslav authorities and the KLA.

#2: *Violence in Drenica* (AI Index: EUR 70/33/98). A detailed analysis of arbitrary killings and extrajudicial executions during police and military operations in February-March 1998 in the Drenica region (a precursor to events in June), and reports of KLA abuses.

#3: *Deaths in custody, torture and ill-treatment* (AI Index: EUR 70/34/98). A survey of the widespread use of torture and ill-treatment against detainees and on the streets against demonstrators, including recent detailed victim testimony and photographic evidence from 1998.

#4: *Unfair trials and abuses of due process* (AI Index: EUR 70/35/98). A survey of ongoing failures in the administration of justice in political cases, including details of four political trials in 1997-98.

These reports are based largely on information gathered during an Amnesty International mission to the Federal Republic of Yugoslavia in March 1998 to investigate human rights violations, including those perpetrated in the context of police and military operations in the Drenica region, and on updated information from Amnesty International representatives in the field in June 1998. In addition, information was supplied by local human rights monitors in Kosovo and Belgrade, local lawyers, foreign and local journalists and other individuals. Amnesty International is grateful for the assistance it has received from these sources.

A further series of reports, now in preparation, will address the human rights situation in Kosovo from June 1998.

Cover photograph: The body of Rukije Nebiu, a pregnant mother of two, shot through the head apparently with a high velocity weapon during a police operation in the village of _irez on the night of 28 February-1 March 1998.

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FEDERAL REPUBLIC OF

YUGOSLAVIA

A Human Rights Crisis in Kosovo Province

Drenica, February-April 1998: Unlawful killings, extrajudicial executions and armed opposition abuses

Introduction

From the end of February 1998 a marked and extreme increase in police and, increasingly, military actions in the areas where the Kosovo Liberation Army (KLA, or in Albanian *Ushtria Çlirimtare e Kosovës*, UÇK) is reported to have a strong presence has resulted in hundreds of killings, many of which Amnesty International believes to have been extrajudicial executions and the consequence of excessive use of force. This report features detailed information on three such police or military actions in the Drenica area of Kosovo province: at Likošane and _irez villages (28 February-1 March); at Donji Prekaz (5-6 March); and at Glodjane (24 March).

This report also features cases of human rights abuses allegedly perpetrated by

the KLA in and around Glodjane in the weeks after the police action there in March. Towards the end of May 1998 the Yugoslav authorities stated that at least 25 civilians¹ had been killed by armed ethnic Albanians since the beginning of the year. Amnesty International is not able to verify this figure or the circumstances of each case, but opposes the deliberate and arbitrary killing of civilians, prisoners or others who have been rendered defenceless. The deliberate killing of people taking no active part in hostilities contravenes minimum standards of human behaviour and is prohibited under the laws of armed conflict.

Violence has escalated still further since the events described here occurred.

¹ Report from *Beta* news agency, 28 May

1998.

Unlawful killings and extra-judicial executions during police/military operations

Likošane and _irez villages, 28 February and 1 March 1998

On 28 February and 1 March 1998 Serbian police killed 26 ethnic Albanians in the villages of Likošane and _irez (Likoshani and Qirez in Albanian). Four police officers were also killed.

Comparing the official accounts of the events and the evidence collected from independent sources, two very different accounts emerged. According to the police, one of their routine patrols was attacked near Likošane at 12.30pm on 28 February and two police officers were killed. Reinforcements were brought in at around 2pm, who then fought with armed ethnic Albanians through until the next day, during which time two more police officers and 16 of the Albanians were killed. However, reports from ethnic Albanian witnesses contradict this version, saying instead that the confrontation began on the evening of 27 February when armed men, believed to belong to the KLA, fired from a vehicle at a school housing Serbian refugees (from Croatia or Bosnia) in the nearby town of Srbica (Skënderaj in Albanian).² Police reportedly gave chase to their vehicle which stopped at a bend near Likošane and the

Among others, 10 male members of the **Ahmeti** family, aged between 16 and 50 years, were killed, apparently in extrajudicial executions, in Likošane. **Mirsije Ahmeti**, whose father and three brothers were killed, was reported in the Belgrade weekly *Vreme* as describing how the police came to their house at about 4pm on 28 February, ordered

occupants fired back at the police. Police reportedly brought in reinforcements during the night, while the armed men of the KLA may well have reinforced themselves to fight an expected police action.

In summary, in the fighting which occurred during the night of 28 February and the early hours of 1 March, the police used helicopters and armoured vehicles in the operation, and were armed with machine guns and rocket-propelled grenades. It appears that although there was resistance from the KLA, those fighting for it were outnumbered and they withdrew from the area allowing the police to move in. Amnesty International believes that most of the ethnic Albanians who died were killed after the KLA's withdrawal.

Rukije Nebiu, a mother of two who was pregnant with her third child, was one of the 26 Albanian victims. She was killed in her house in _irez village; pictures of her body indicated that she had been shot in the head with a high velocity weapon (see cover photograph). Rukije's husband **Xhemsir Nebiu** and her brother-in-law **Ilir Nebiu** were also shot in or close to the house. Other victims in _irez included 63-year-old **Ajet Rexhepi** and **four brothers from the Sejdiu** family including 24-year-old twins **Nazmi** and **Bedri** who were also reportedly found dead in their house.

the occupants onto the floor at gunpoint, locked the women and children in one room and took the men out.³ The men were at first believed to be missing and were apparently not counted in the 16 dead first reported by the police (the police in any case did not issue the names of the dead). On 2 March their bodies were seen in the morgue

² *Krvavi vikend u Drenici (Bloody weekend in Drenica)*, *Vreme*, Belgrade, 7 March 1998.

³ *Krvavi vikend u Drenici (Bloody weekend in Drenica)*, *Vreme*, Belgrade, 7 March 1998.

in Priština (Prishtinë in Albanian), the capital of Kosovo Province, by somebody who was able to identify them and they were returned to the village for burial on 3 March.

Visitors to the scene including representatives of the Belgrade-based Humanitarian Law Centre (HLC)⁴ observed and photographed blood, teeth and what they believed to be brain tissue on 1 March in the yard of the Ahmeti house. They also observed the words: “This is what will happen next time, too” written in Serbian on the wall. It is unclear whether all of the blood and body parts came from the Ahmetis; one local journalist who visited the scene believed that some traces may have come from an injured KLA fighter who may have come to the yard at some point and that his trail of blood may have led police there.

According to the HLC⁵, 70-year-old **Muhamet Djeli** and his son **Naser** were killed in the house opposite that of the Ahmetis. Muhamet was killed in an outbuilding and Naser was killed in the next room in the presence of his wife and two children. He had been hit by a bullet which came through a window that had been covered with a mattress. A trail of blood indicated that he had been dragged outside, but his body was taken to the Priština morgue by police.

The HLC also reported that although many of the bodies were taken to the morgue, there were no signs that

Although the full information about what happened in Donji Prekaz on 5 and 6 March is still not available, Amnesty

autopsies had been performed on them, nor on the bodies which were left in the village. To Amnesty International’s knowledge, to date no investigations have been carried out into the killings.

Killings in Donji Prekaz, 5 and 6 March 1998

On 5 and 6 March special police forces carried out another operation around the village of Donji Prekaz, some 10 kilometres from Likošane. At least 56 ethnic Albanians were killed in this operation. The main target of this operation was the home of **Adem Jashari**. He had been convicted *in absentia* of “terrorism” in an unfair trial in a court in Priština in July 1997 and was sentenced to 20 years’ imprisonment (the trial is described in the accompanying document *Unfair trials and abuses of due process*, #4 in this series, AI Index: EUR 70/35/98). In public statements by the police since the trial he had been referred to as being a KLA commander. At the trial itself he was alleged to have received military training in Albania, to have recruited men to fight with the KLA and to have ordered and taken part in armed attacks against the police. Adem Jashari had allowed himself to be photographed with weapons by journalists who visited his family home in previous months. It appears that the police had been aware of his whereabouts for some time: in January the police launched an operation against his home village of Donji Prekaz but withdrew after a firefight. From at least this time the police maintained a presence in a disused munitions factory in the vicinity of the village.

International is seriously concerned that at least some of those killed were extrajudicially executed and that others may have been

⁴ *Investigations in Drenica*, 8 March 1998 and *Police Operations in the Drenica area*, 28 March 1998.

⁵ *Investigations in Drenica*, 8 March 1998 and *Police Operations in the Drenica Area*, 28 March 1998

unlawfully killed as a result of the excessive force which was used without regard to the fact that women, children and men who were not armed were among those in the houses at the point they were attacked by the police. There appears not to have been any intention to effect the arrest of armed suspects in the village with proper precautions and while minimizing the use of force in order to protect life, as both national and international law requires. Rather, the operation appears to have been carried out as a military operation by forces under apparent orders to eliminate the suspects and their families.

The police operation was carried out or at least led by officers of the Special Police Units (*Posebne Jedinice Policije* - PJP). These are elite units which are trained for special operations, such as dealing with hijacking. It is impossible to ascertain how many police officers were involved, but it seems likely that there were several hundred men. They were dressed in combat uniform, operated in military formations, and were supported by armoured personnel carriers (APCs) armed with heavy machine guns and cannons of at least 20 millimetre calibre. Besides vehicle-mounted weapons it appears that the police also carried heavy machine guns, rocket-propelled grenade launchers, assault rifles and sniper rifles. Some reports

It is more difficult to estimate the degree of resistance offered by the armed ethnic Albanians in the Jashari compound and other parts of the village, particularly as some witnesses may have been reluctant to reveal knowledge of this. On the basis of what can be ascertained or deduced, it appears that each family or group of families gathered women, children and men who were not carrying arms into the safest room in each house. Meanwhile, some or all of the male members of each family repelled the police

indicate that 81 millimetre mortar rounds were also fired in the attack. Witnesses claimed that much of the police's firing at the village emanated from the disused hunting ammunition factory in the vicinity of the village where they had previously established a presence. This factory appears to have been used as the base for the operation.

In a report by the Serbian Ministry of Internal Affairs made public on 10 March the Ministry claimed that Adem Jashari had been involved in the attack on the police patrol near Likošane on 28 February⁶. The report also stated that there was another attack on a police patrol near Donji Prekaz on Thursday 5 March at dawn (at around 5.30 that day), and that following the deployment of a "strong police presence, the terrorist group retreated to the stronghold on [sic] the Jashari compound".

However, witnesses interviewed by Amnesty International and others give accounts which give strong reason to question this version of events. In particular witnesses from other parts of the village than the Jasharis' report the police moving in on and shooting at their homes from as early as 5.30am. Witnesses from the Jasharis' part of the village described how their part was fired upon from about 6.30am.

attack with arms. It also appears that they were expecting the police to attack, as they had done in the police action against the Jashari house in January, and in the incidents around Likošane a few days before. Nevertheless, it is evident that they were outnumbered, and had fewer and inferior weapons than the police used. They may well have had dozens of men armed with assault rifles and some other weapons such as anti-tank weapons. The degree of resistance offered from each house or group of houses

⁶ Reported by *Tanjug* (Yugoslav news agency), relayed by BBC Monitoring Service, 11

March 1998.

also seems to have varied, but it is clear that the strongest resistance came from the Jashari compounds.

The only reported survivor from the compound where Adem Jashari's closest family members lived was an 11-year-old girl, B.J., who spoke to foreign and local journalists.⁷ She told reporters how her family sheltered together during hours of firing in which her house was repeatedly hit and then, when the firing ceased, how she found the dead bodies of her three sisters **Blerina** (age seven years), **Fatima** (eight) and **Lirie** (10) and then of her mother and four brothers. Because of the lack of other witnesses and the concealment or destruction of evidence which will be described later, it is extremely difficult to reconstruct what happened in the compound except for what the girl told journalists after her escape.

Around 35 children, women and some men gathered in a house across the track from Shaban Jashari's compound during the attack. Amnesty International interviewed most of the family groups which had been sheltering in the house. In their testimony, which was taken at separate locations, they largely corroborated each other, confirming details of the attack as a whole and describing in various degrees of detail the extrajudicial execution of three of the six men who had been with them and the wounding of a fourth.

The witnesses stated that after hearing the start of the attack at around *"When we arrived at the door of the yard he said to 'me let me help you'. ...When we went out of the yard my son held me. He told me 'okay mother let's go', the only thing which I know from him. In front of the house when we were stopped they [the police] took my son from me. ... I told him go and leave me here because nothing will happen to me. He didn't say anything to me and they*

6.30am or 7am they gathered in the house of Beqir Jashari which had the strongest walls and was in the middle of the row of houses. They remained in the house listening to the sounds of the attack on the other houses until about 1.30 that afternoon. At this point they stated that the second and then first floors of Beqir Jashari's house came under fire and that the roof and upper part of the house started to collapse. Police then came close to the house and witnesses describe how a tear-gas grenade (this could possibly have been a smoke grenade) was thrown and the gas or smoke came into the room through the broken windows. Police then ordered the people to come out of the house one by one, calling in a mixture of Albanian and Serbian. In the confusion (the children did not understand the orders) the people in the house came out in groups with the men among them, some dressed in women's clothes. The men were picked out after they came out. The first victim appears to have been **Qazim Jashari**, a 47-year-old teacher, who was stopped by police and shot just as he emerged from the house. The next victim was 26-year-old **Nazmi Jashari** whose killing several witnesses described. Nazmi Jashari was walking with his 70-year-old mother. Her account of his killing, parts of which follow, was corroborated by several other witnesses who were interviewed independently by Amnesty International:

took my son from me until I turned my eyes to him they ordered my son to lay down then they searched him and ordered him to get up again and he did that. Again to lay down, they did not find anything, no weapons. I saw with my eyes how they prepared their automatic weapons, two of them, one on one side and another on the other, they shot him between the shoulders

⁷ *Kosovo's silent houses of the dead*, Sunday Times (London) by Marie Colvin, 15 March

1998.

I saw that with my eyes and screamed at that moment 'Please God, I rely on you!' ... I didn't know what else I could say. I held those two walking sticks. I felt that my feet were completely cold. I could not feel them, I didn't know that they were mine. I saw how he was still he didn't move he seemed to be sleeping. I thought to go and to see him one of the police ordered me: 'Don't move!' He did not let me and I was just staying and looking. Then I wanted again to go and to cover him. I wanted to take this [her scarf] off and one of them turned a gun to me, but he didn't let me."

Examination of pictures of the body of Nazmi Jashari by a forensic pathologist consulted by Amnesty International indicated injuries which are broadly consistent with the accounts of him having been extrajudicially executed, albeit there are discrepancies between the witness accounts and the pathologist's analysis of the precise manner in which Nazmi Jashari was shot. The photographs showed entry wounds from bullets to his chest. At least one of the entry wounds showed marks which may have been the result of gasses as the muzzle of the gun pressed against his chest as it was fired. Nazmi's face was also caved in - the pathologist concluded this was either the result of blows from an object such as a rifle butt or his face having been stamped upon.

Beqir Jashari (43) managed to get out with the rest of the people who had sheltered in his house in the confusion as the police killed Qazim and Nazmi. He was reportedly shot as they fled up a hill close to

In the aftermath of the incident, around 56 people were buried, amid some confusion. For example, at least two of the bodies handed over by the police came from Lauša village and had been killed in another incident. Some of the bodies were not identified because they had been badly burnt.

the cordon of police on the outside of the village. **Riad Jashari** (16) was reportedly shot and injured before he reached the hill but survived to flee with the assistance of the others.

Whether or not all or some of the men who had been in the Beqir Jashari house, whose killings the witnesses described, were bearing arms during the police attack it is important to stress that in the witnesses' accounts they had ceased to offer resistance and had effectively surrendered themselves to the police.

As the witnesses fled they described meeting or seeing several cordons of police after leaving their houses. They were directed to flee in the direction of a neighbouring village and most complained that police appeared to fire at the ground in their direction as they fled. There appeared to be no attempt by the police to organize a place of safety for them or to provide any medical or other assistance.

Witnesses from other places in the Jasharis' part of the village described variously how they were ordered out of their homes or how their homes were fired upon. Some hid in their own or neighbours' houses for two or three days. The houses in the Jasharis' part of the village were rendered uninhabitable; houses appeared to have been deliberately set on fire and parts were bulldozed with tracked vehicles during the operation. Elsewhere in the village the inhabitants managed to flee or hid in their own or other houses. Some of those who hid did not get out until the following day, 6 March, or in some cases even 7 March.

Of around 41 bodies which were identified 12 were women and 11 were children up to 16 years of age. Most of the victims identified came from the compound of Adem Jashari and the houses close to it.

Some of the survivors believe that bodies still remain in the ruined houses.

In the absence of more detailed evidence, the conclusion must be, at the very least, that the victims who were clearly not using arms - that is the women and children at least - and about whom there is not witness testimony, died as a result of the excessive use of force by the police in contravention of international standards on law enforcement. Little regard appears to have been taken of the fact that unarmed people were present in the houses. The women and child victims appeared to have died as a result of different combinations of shrapnel injuries, bullet wounds and falling debris inside the houses. International standards such as the UN Body of Principles on the Use of Force and Firearms by Law Enforcement Officials specify that intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life. In particular no warning was given of the intention to use force before at least two houses were attacked with heavy machine guns, cannons and probably mortar rounds. In witnesses accounts they were only called by the police to come out after several hours of bombardment by the police.

Despite the reports from the Ministry of the Interior which implied that the police operation had been staged as an immediate response to an attack on a police patrol, the operation had the appearance of one which had been planned sometime in advance. This would have been all the more likely since the police had attacked the Adem Jashari compound in January and were fought off. Despite the evident opportunity to plan this operation there appears to be no pretence that the operation was aimed at simply arresting those suspected of alleged terrorist acts.

Many relatives complained that they were unable to pass police checkpoints to get to the bodies or the mass funeral which was held the next day. A delegation of ethnic Albanian doctors from Priština which was

The destruction and hiding of evidence by the authorities, and undignified treatment of the victims' bodies and their relatives

The Federal Code of Criminal Procedure (CCP) specifies in Article 252 that autopsies shall be carried out when it is suspected that a death was caused by a criminal act or in connection with the carrying out of a criminal act. When an investigating magistrate is unable to attend the scene immediately, the police are allowed to initiate forensic investigations, but not to order autopsies (Article 154). However, in the aftermath of the operation the CCP appears to have been blatantly ignored. One witness who remained hidden in the village until 8 March stated that he saw the police removing the bodies from the house he was hidden in without any particular care. At the same time they destroyed everything they laid their hands on.

According to the Council for the Defence of Human Rights and Freedoms (CDHRF - the main ethnic Albanian human rights organization in Kosovo), on 9 March the police in Srbica telephoned the CDHRF's sub-council in Srbica and told them that the bodies of those killed in Donji Prekaz were available for the CDHRF or others to come and arrange identification and burial. On 10 March representatives of the CDHRF, some relatives of the dead and other members of the ethnic Albanian community who were in the area of Srbica were able to view the bodies. These had been laid out in an undignified manner by the authorities in an open-sided building (a building materials depot) close to a road on the outskirts of Srbica. The bodies were apparently unprotected from interference by animals or other possible damage.

told by police that they would be able to view the bodies on 10 March was reportedly turned back twice by police despite assurances given by telephone that they would be able to pass police checkpoints. They did not reach the

bodies. A convoy of the International Committee of the Red Cross (ICRC) and International Federation of Red Cross and Red Crescent Societies (IFRC) with delegates and medical supplies was also refused passage to the depot and the Drenica area. A truckload of coffins with the convoy was taken by the police and used for the burial.

Those representatives of the ethnic Albanian community who were able to reach the site where the bodies were laid out tried to organize an informal identification by those relatives who were able to reach the site. The police had apparently carried out their own identification of some of the bodies: they had numbered them and marked some as "unidentified". Photographs taken at the depot show no signs that autopsies had been carried out on the bodies.

The following day, 11 March, relatives and others organizing the funerals found that police had buried the bodies, carrying out threats which they had previously made that they would do so if the ethnic Albanians did not bury them quickly. The ethnic Albanian representatives then disinterred the coffins, tried to identify as many bodies as possible and reburied the

Furthermore, the authorities prevented independent investigation of the deaths. In response to worldwide concern at the incident and appeals from the CDHRF and the victims' families, the US-based human rights organization Physicians for Human Rights (PHR) organized a nine-member team of forensic experts from four countries who were ready to travel to Kosovo after having submitted visa applications on 13 March. The International Criminal Tribunal for the former Yugoslavia also asked that its staff be allowed to accompany the PHR team. At the end of March the Federal Government informed the US State Department, and not PHR directly, that three US citizens would be allowed to travel to the region as long as they worked with experts

bodies with the heads pointing towards Mecca in accordance with Muslim custom.

Amnesty International is seriously concerned at the failure of the authorities to carry out proper investigations into the causes of the deaths, in breach of national law as well as international standards relating to the investigation of killings in the course of police operations. The most glaring evidence of this is the lack of autopsies. The authorities claim that investigating magistrates were summoned to the scene; if this was the case then the failure to ensure autopsies were carried out appears to have been a gross dereliction of duty. The relatives of the dead suffered, and indeed continue to suffer, from the lack of proper information about how the victims died and the lack of any proper effort to ascertain responsibility. Moreover, only 40 or so of the 56 bodies were identified, leaving the grieving relatives of those missing who were not identified among victims in an even worse state. That the authorities appear to have actively blocked or prevented efforts to identify the bodies confirms the suspicion that many of the killings may have been extrajudicial executions.

designated by the Yugoslav authorities. They would not be able to operate as the coordinated team which PHR proposed. PHR stated in response that "isolated forensic investigators from various countries operating independently from one another is neither a scientifically nor logistically feasible option".

The Serbian authorities did, however, invite the ICRC to open an *ad hoc* investigation into the events. In a statement on 20 March the ICRC pointed out that "acting as a fact-finding commission" was not within its mandate and that "taking on such a quasi-judicial task could jeopardize its primary humanitarian duty to assist and protect the victims of armed conflict or

internal strife"⁸. The statement further recommended that the authorities contact an international expert in the field of humanitarian law to set up such a commission. The authorities are not known to have taken up this recommendation.

Killing of three men in Glodjane, 24 March 1998

On 24 March police clashed with armed men in the village of Glodjane. Although accounts vary as to exactly how the incident started, it is clear that there was a relatively small-scale incident in which police and armed men exchanged fire in the hamlet of Dubrava, near Glodjane, at around 10.30am. This was followed by the deployment of police reinforcements in the area. When it became clear that something serious was happening, many people tried to flee the village and shelter in the neighbouring ones as police started checking houses, one by one, throughout the village. According to testimony taken by the HLC⁹, four unarmed young men, **Xh.Z., Gazmend Mehmetaj**, In the chaos surrounding the police operations in Drenica and the west of the province, which has now created tens of thousands of displaced persons and refugees, there are frequent reports of many missing ethnic Albanians and some Serbs or Montenegrins. It is as yet unclear as to how many of these have gone missing, are in hiding, have been killed or have been made to "disappear" in the custody of the police or armed forces. However, there are some cases where there are reports of their arrest. For example, the CDHRF reported that **Dr Hafir Shala**, a physician at the Medical Centre of Glogovac, was arrested by police on 10 April 1998. The car in which he was travelling was stopped by police at about 8am

Agron Mehmetaj and **Him Haradinaj** had tried to evacuate the children from the village school, but found them gone. Returning again towards the school, during a lull in the shooting at about 2.30pm, they saw a police vehicle about 100 metres from the school and turned back. They started to run when police opened fire on them without warning, first from positions near the vehicle and then from a helicopter. Gazmend and Agron Mehmetaj and Him Haradinaj were killed. The police reported that two men involved in the fighting had been killed (Him Haradinaj's body was not found until 28 March), and the KLA claimed in an announcement in May that the men were its members. However, the testimony collected by the HLC indicates that the men were unarmed and were extrajudicially executed. To Amnesty International's knowledge, no investigations were carried out into the killings.

Possible "disappearance"

in the village of Slatina near Priština and he and his two companions were arrested. According to statements by these companions, they were driven to the police headquarters in Priština by uniformed police, whereas Hafir Shala was driven there in a separate vehicle said to be occupied by three men in civilian clothes, which was seen to enter the station. Although Hafir Shala's companions were released later that day after questioning, he himself was not. No information concerning his whereabouts has been released by the authorities, despite efforts by his family and lawyer to obtain such information. Most recently, the authorities have reportedly denied that Hafir Shala is being held in custody at all. Amnesty

⁸ICRC Press release 98/10, "Kosovo: ICRC position on invitation to head investigation", 20 March 1998.

⁹ HLC Spotlight Report 27, May 1998.

International has so far not received any replies from the authorities to its appeals for information about his whereabouts and for his release if no charges are to be brought against him¹⁰.

Human rights abuses by opposition groups

At the time of writing, in early June 1998, Amnesty International was seeking to verify a significant number of recent reports of human rights abuses committed by the KLA. Article 3 common to the four Geneva Conventions of 1949 places obligations on all parties to an armed internal conflict not to carry out "violence to life and person ... mutilation, cruel treatment and torture", the taking of hostages and "outrages upon personal dignity".

In the period prior to June the most detailed accounts of abuses by the armed opposition came from Glodjane village, in information compiled by the HLC. Following the police operation in Glodjane and killing of three men described above, the KLA set up checkpoints at the entrances to the village. Three Serbian men, **Dragoslav** and **Mijat Stojanovi** and **Veselin Stijovi**, from the Dubrava hamlet, returned to their house on 18 April to collect some of their possessions. The Serbs were detained by uniformed men at their house where they were knocked to the ground and beaten. They were then taken to what they called the KLA headquarters in Glodjane, where they were further beaten with rifle butts and clubs during an interrogation. They were

¹⁰Amnesty International notes that Article 7 of the UN Declaration on the Protection of All Persons from Enforced Disappearance, adopted by General Assembly Resolution 47/133 of 18 December 1992, states that : " No circumstances whatsoever, whether a threat of war, a state of war, internal

political instability or any other public emergency, may be invoked to justify enforced disappearances". Article 13 of the Declaration requires that prompt investigations be initiated whenever there are reasonable grounds to believe that an enforced disappearance has occurred.

released the next day. One of them was reportedly treated in hospital for serious injuries to the spleen, stomach and duodenum. The victims stated that they recognized most of the perpetrators as local people whom they knew.

On 12 April two Serb men, **Novak Stijovi_** and **Staniša Radoševi_**, and the mother of the latter, **Rosa Radoševic**, went to the village of Po_ar near Glodjane to collect the elderly father of Novak Stijovi_. They were detained, beaten and questioned by armed ethnic Albanian men, who took them to the so-called KLA headquarters in Glodjane. They were made to retrieve and hand over a hunting rifle from the house of one of them, before being released and allowed to leave in the direction of De_ane. Meanwhile, Staniša's father, **Slobodan Radoševi_**, had stayed behind to look after their farm in Dašinovac village and his family has not had any news from him since. However, on 27 April the Kosovo Albanian language daily *Koha Ditore* reported that the KLA had executed five abducted Serbs, but did not give their names. According to the pro-government Media Centre in Priština the bodies of Slobodan Radoševi_ and that of another missing Serb, Miloš Radunovi_, had been seen at the side of the road in Dašinovac. Neither of these reports has been independently confirmed.

Amnesty International's Recommendations

To the Serbian and Yugoslav authorities:

- The authorities should issue clear instructions to all members of the security forces carrying out law enforcement functions in Kosovo province that deliberate and indiscriminate attacks on civilians, arbitrary arrests and expulsions and other human rights violations will not be tolerated under any circumstances and that those responsible will be held criminally responsible for their actions.

- The authorities should ensure that all members of the security forces carrying out law enforcement functions in Kosovo province are acquainted with and trained in the application of the following international standards:

- ◆ The UN Body of Principles on the Use of Force and Firearms by Law Enforcement Officials
- ◆ The UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions
- ◆ The UN Code of Conduct for Law Enforcement Officials
- ◆ The UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

- The authorities should ensure that in situations of armed conflict the relevant prohibitions of international humanitarian law contained in Common Article 3 of the Geneva Conventions of 1949 and in Protocol II Additional to the Geneva

Conventions relating to the protection of victims of Non-International Armed Conflicts, shall be applied and all members of the security forces deployed in Kosovo should be made familiar with them.

- The authorities should allow independent investigation of recent human rights abuses, particularly the killings which occurred between 28 February and 6 March in the villages of Likošane, Ćirez and Donji Prekaz, and should initiate, as a matter of urgency, their own thorough, independent and impartial investigations into all allegations of human rights violations by the police according to guidelines set out in international standards such as the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions .

- The authorities should ensure that criminal investigations and procedures are initiated to hold to account any officers suspected of ordering or perpetrating human rights violations.

- The authorities should allow the opening of the field office of the United Nations (UN) Office of the High Commissioner for Human Rights (OHCHR) which the High Commissioner has requested in Priština.

- The authorities should grant permission for an extended temporary human rights monitoring mission of the OHCHR as recommended in the letter of the Special Rapporteur on the Situation of Human Rights in the Territory of the Former Yugoslavia, Jiří Dienstbier, to the UN Commission on Human Rights dated 14 April 1998.

- The authorities should grant permission for the redeployment of the Mission of

Long-Duration of the Organization for Security and Co-operation in Europe.

- The authorities should cooperate in full with the International Criminal Tribunal for the former Yugoslavia, allowing in particular, access to its investigators to grave sites in Kosovo.

To the members of the Contact Group

- The Contact Group should consider all the recommendations made here to the Yugoslav authorities and demand their implementation.
- It should develop a human rights strategy to shape the demands it makes of all the relevant parties. This should focus on ensuring that:
 - the international community has the capability of deploying an effective human rights monitoring operation in the region.
 - the International Criminal Tribunal for the former Yugoslavia is fully supported in investigations into possible violations of international humanitarian law and crimes against humanity.

To all UN contributor governments

- The contributing governments should ensure that the OHCHR field offices in Yugoslavia are properly resourced to meet the demands placed upon them.
- Contributing governments should ensure that all requests for funding made by the International Criminal Tribunal for the former Yugoslavia in connection with its

investigations and any subsequent prosecutions are met in full.

To ethnic Albanian armed opposition groups in Kosovo province

- The KLA should ensure that all forces under its control abide by basic humanitarian law principles as set out in Common Article 3 of the Geneva Conventions of 1949 which prohibit the killing of those taking no part in hostilities as well as hostage-taking.
- The KLA should ensure that it cooperates with the ICRC, in particular to resolve the fate of prisoners reportedly detained by its members.

KEYWORDS: EXTRAJUDICIAL EXECUTIONS¹ / INDISCRIMINATE KILLINGS¹ / ETHNIC GROUPS¹ / NON-GOVERNMENTAL ENTITIES / WOMEN / CHILDREN / USE OF EXCESSIVE FORCE / COMMUNAL VIOLENCE / USE OF EXCESSIVE FORCE / POST MORTEMES / IMPUNITY / POSSIBLE DISAPPEARANCE / DOCTORS