

YUGOSLAVIA

@Police violence in Kosovo province - the victims

Amnesty International's concerns

Over the past year human rights abuses perpetrated by police against ethnic Albanians in the predominantly Albanian-populated province of Kosovo province in the Republic of Serbia have dangerously escalated. Thousands of ethnic Albanians have witnessed police violence or experienced it at first hand. In late July and early August, within a period of two weeks, three ethnic Albanians were shot dead by police officers and another wounded. Two other ethnic Albanians were shot dead near the border with Albania by officers of the Yugoslav Army. In several of these cases the authorities claimed that police or military had resorted to firearms in self-defence. However, in at least two cases, one of them involving the death of a six-year-old boy, the police officers in question do not appear to have been under attack.

Amnesty International fears that ethnic tensions which are potentially explosive have risen as officers of the largely Serbian police force have increasingly resorted to the routine use of violence. These developments have taken place in the context of a continued confrontation between the Serbian authorities and ethnic Albanians, the majority of whom refuse to recognize Serbian authority in the province and support the demand of the Democratic League of Kosovo (LDK), Kosovo's main party representing ethnic Albanians, for the secession, by peaceful means, of the province from the Federal Republic of Yugoslavia (FRY).

Amnesty International has no position on the status of Kosovo province; the organization is concerned solely with the protection of the human rights of individuals. One of these rights is the right not to be subject torture or to cruel, inhuman or degrading treatment or punishment. This right is provided for under Article 7 of the International Covenant on Civil and Political Rights and under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, both treaties which are legally binding on the FRY. Amnesty International considers that the level of abuses perpetrated by police in Kosovo province can only be explained as part of an official policy to retain control of the province by extreme intimidation. The organization also notes the very high degree of impunity enjoyed by police officers.

Ethnic Albanian human rights activists, members of the Council for the Defence of Human Rights and Freedoms in Priština, now report many incidents of police abuses every day. Brutal beatings with truncheons, punching and kicking are the most common forms of violence, but electric shocks have also sometimes been used by police officers. Police officers

commonly express ethnic hatred towards their victims, who are verbally abused for being Albanian. A particularly savage and pathological instance of ethnic hatred is shown on the cover of this report: a police officer slashed a Serbian symbol on the chest of an 18-year-old ethnic Albanian student. Many victims have been so badly injured they have needed medical treatment or hospitalization; several have died, apparently as a result of injuries they received from beatings.

Police repression in the FRY is not confined to Kosovo province however. Amnesty International believes that while the routine use of violence by police is at its most extreme in Kosovo province, there is a similar pattern of abuses against Slav Muslims in the Sanjak (Raška) region of Serbia and Montenegro, as has been documented by the Humanitarian Law Fund, an independent Yugoslav human rights organization based in Belgrade.¹ Local communities in Serbia have also protested on several occasions this year about police brutality against Serbian fellow citizens; these incidents, together with a rapid rise in the crime rate and allegations of major corruption amongst senior police officers, have provoked debate of police abuses amongst the Serbian public.

Amnesty International documented its concerns in Kosovo province in two reports earlier this year. *Yugoslavia: Ethnic Albanians - Trial by Truncheon* (AI Index: EUR 70/01/94), issued in February, highlighted its concern about the use of torture and other ill-treatment to obtain self-incriminating statements from ethnic Albanian defendants charged with political offences, which are later used to convict them in court.

Yugoslavia: Police violence against ethnic Albanians in Kosovo province (AI Index: EUR 70/06/4), issued in April, focused on the use of violence by police in the course of the arms raids which have become a major feature of policing in Kosovo since the outbreak of armed conflict in former Yugoslavia in 1991.

The present report focuses on a small number of individual victims, whose cases are illustrative. It shows the extreme injuries inflicted on them by police officers. It cannot, however, describe the humiliation, pain and anger experienced by these victims, their families and many others like them.

Amnesty International calls on the Yugoslav and Serbian authorities to enforce adequate controls and monitoring of police discipline, to insist that police officers at all levels respect international standards for law enforcement, to institute independent and impartial investigations into allegations of torture and ill-treatment and to bring those responsible for such abuses to justice.

¹ Spotlight Report no.11, *Police Repression in Sanjak*, 23 March 1994.

Background

Kosovo province (officially called the Autonomous Province of Kosovo and Metohija) lies in the south of the Republic of Serbia, bordering on Albania. It has a population of some two million; the great majority (about 85 per cent) are ethnic Albanians. Inhabited for centuries by a mixed population, Kosovo occupies a major place in the national consciousness of both Serbs and ethnic Albanians. For the Serbs it is the heartland of the mediaeval Serbian kingdom where many of the greatest monuments of the (Christian) Serbian Orthodox Church are located. The ethnic Albanian population (predominantly Muslim) recalls that it was in Kosovo that the Albanian national revival began, with the founding of the League of Prizren in 1878. Since 1981 this ethnic rivalry has become increasingly and dangerously embittered, as ethnic Albanian demands, whether for republic status within Yugoslavia, secession, or unification with Albania, have been countered by repression.

Under the 1974 Constitution of the Socialist Federal Republic of Yugoslavia (SFRY) Kosovo province was granted considerable autonomy, including its own government and parliament, constitutional court, supreme court and representatives in all federal institutions. It had earlier gained its own university where the Albanian language was the language of instruction for ethnic Albanian students.

Kosovo province is economically backward and suffers from high unemployment, although it is rich in natural resources. The rapid demographic growth of the ethnic Albanian population has been accompanied by the emigration of many Serbs and Montenegrins, due both to economic factors and to fears of domination by the ethnic Albanian majority.

Economic problems exacerbated nationalist unrest among ethnic Albanians which resurfaced dramatically in 1981 when there were wide-spread demonstrations in support of the demand that Kosovo cease to be part of Serbia and be granted republic status within the Yugoslav federation. The demonstrations were halted in bloodshed. Mass arrests followed. According to official figures, from 1981 to 1988 over 1,750 ethnic Albanians were sentenced by courts to up to 15 years' imprisonment for nationalist activities; another 7,000 were sentenced to up to 60 days' imprisonment for minor political offences.

In 1987, the League of Communists of Serbia under the leadership of Slobodan Milošević, appealing to Serbian national sentiment, committed itself to regaining Serbian control over Kosovo by means of changes to the province's constitution designed to limit Kosovo's autonomy.

In March 1989 the Kosovo parliament, under pressure from Serbia (tanks were stationed outside the parliament building at the time), approved the constitutional changes. There followed six days of violent clashes between ethnic Albanian demonstrators and security forces, in which - according to official figures - 24 people, two of them police officers,

were killed and several hundreds wounded (unofficial sources cited far higher figures). Over 900 demonstrators, among them school pupils, were jailed for up to 60 days or fined, sacked or disciplined for taking industrial action in solidarity with ethnic Albanian strikers. Purges of local members of the League of Communists of Kosovo, of journalists, teachers and others followed.

In 1990 ethnic conflict intensified in Kosovo province. Between 24 January and 3 February 1990 there were further violent clashes in many parts of Kosovo between security forces and ethnic Albanian demonstrators, in which at least 30 ethnic Albanians died and several hundred others were injured. Over 1,000 ethnic Albanians who went on strike in support of the demonstrations or in other ways peacefully expressed nationalist dissent were imprisoned for up to 60 days. In July the Serbian parliament suspended the Kosovo Government and parliament after ethnic Albanian members of the Kosovo parliament declared Kosovo independent of the Republic of Serbia. Thousands of ethnic Albanians who refused to declare their approval for the Serbian measures lost their jobs, generally to be replaced by Serbs and Montenegrins.

At the end of September 1990 Serbia adopted a new constitution which deprived Kosovo province of most of its remaining autonomy. In December ethnic Albanians responded by boycotting Serbian elections, in which the communist party (renamed the Socialist Party) retained power. (In the course of 1990 numerous opposition parties were legally established throughout the SFRY and by the end of the year multi-party elections had taken place in all six republics.) Since then most ethnic Albanians in Kosovo province regard Serbian authority and measures in Kosovo as illegitimate and prefer to recognize as their representatives ethnic Albanians elected in elections which are not recognized by the Serbian authorities. At the same time, ethnic Albanians have organized "parallel" institutions outside official state structures, particularly in education, welfare and, to a lesser extent, in health.

In April 1992, following the break-up of the SFRY, a new state, the Federal Republic of Yugoslavia (FRY), comprising the Republics of Serbia and Montenegro, was proclaimed in Belgrade. Leaders of Kosovo's main ethnic Albanian political party, the Democratic League of Kosovo (LDK), now demanded Kosovo's full independence from Yugoslavia, a goal which they pledged to obtain by peaceful means. As tension in the province mounted, and with armed conflict raging in Bosnia-Herzegovina, the Conference on Security and Cooperation in Europe (CSCE) established in October 1992 a long-term mission in Kosovo to monitor the human rights situation. However, since July 1993, both the CSCE and the United Nations Special Rapporteur on Yugoslavia have been refused permission by the Yugoslav Government to base monitoring missions of long duration in the FRY. The authorities have also refused visas to several human rights organizations, including Amnesty International. A wave of arrests of ethnic Albanians on political charges followed the departure of the CSCE mission from Kosovo in July 1993. Continued international concern has led to attempts to initiate a dialogue between the Serbian authorities and ethnic Albanian

leaders; however, each side has so far insisted on conditions unacceptable to the other, and as yet no significant steps appear to have been taken, despite some tentative and informal contacts.

The police force in Kosovo province

Policing is divided between the force responsible for public order (the militia) and the state security service. According to ethnic Albanian sources, some 4,000 ethnic Albanian police officers have been dismissed from their posts since 1990 after refusing to accept and recognize the measures introduced in Kosovo province by the Serbian Government. The province is now policed by a force that is very largely Serbian and Montenegrin, recruited partly locally, but also from Serbia and Montenegro and Serbian-populated areas of Croatia and Bosnia-Herzegovina. It is reported that Serbs anxious to avoid war service in the Yugoslav National Army during the conflict in Croatia sometimes chose employment instead in the police forces in Kosovo. However, there have also been reports that service in Kosovo is unpopular with police from Serbia, in particular from the capital Belgrade, and is regarded by some as the equivalent of demotion. In July 1994 a former state security officer, Dragan Mladenović, reportedly alleged in an interview with the German radio station *Deutsche Welle* that after protesting about corruption amongst his colleagues he had been sent to Kosovo as a punishment. He accused the Deputy Minister of Internal Affairs of Serbia of involvement in drug and arms smuggling and of deliberately staging an incident in Glogovac (Kosovo) in May 1993 in which two police officers were killed, with the aim of provoking armed conflict in the province.

THE HUMAN RIGHTS SITUATION IN 1994

Political trials

The wave of arrests and trials of ethnic Albanians on political charges which began in July 1993 has continued. By the end of July 1994 over 85 ethnic Albanians had been convicted and sentenced to prison sentences of up to 10 years. Further trials were under way. A significant proportion of the accused are political activists, usually (but not exclusively) members of the LDK. Most have been charged with planning to achieve the secession of Kosovo from the FRY by force of arms and its independence or unification with Albania. In a few cases the defendants possessed weapons or appear to have engaged in procuring

weapons, but this has been the exception rather than the rule. To Amnesty International's knowledge none of the accused has been charged with using violence. There have also been several trials of young men accused of having undergone military training in neighbouring Albania.

These trials have been characterised by frequent flagrant breaches of procedure, particularly in the stages immediately following arrest and during investigation proceedings, which have undermined the defendants' right to defence. In almost all cases, the defendants at the trial rejected the charges against them. They alleged that false self-incriminating statements were extorted from them by beating and threats following arrest and said they had not withdrawn these statements when brought before an investigating judge for fear of renewed ill-treatment. Medical evidence was in some cases available to support these allegations. Convictions have to a great extent been based on these contested statements, often with little supporting evidence. Amnesty International considers that, on the basis of the information so far available to the organization, at least some of those convicted are prisoners of conscience and that charges against them of seeking to change Kosovo's status by force were not convincingly substantiated in court. (Amnesty International has documented these concerns in greater detail in its report, *Yugoslavia: Ethnic Albanians - Trial by truncheon* [AI Index: EUR 70/01/94.])

At the beginning of August 1994, seven young men - Fehmi Lestrani, Shkëlzen Bajrami, Nexhmedin Sadriu, Luan Heta, Beqir Muleci, Hysni Franca and Bajram Gallopeni were on trial before the district court of Priština accused of having received military training in Albania. Other ethnic Albanians under arrest and due to go on trial included Ukshin Hoti, chairman of UNIKOMB (an ethnic Albanian political party), three LDK activists from Mališevo (Osman Krasniqi, Mustafa Morina and Rrahim Paçarizi) and Mustafa Ibrahim, Ismail Kastrati and Sylejman Ahmeti, officials of the local Chamber of Commerce (not recognized by the Serbian authorities).

In addition to these trials, since the beginning of 1994 over 20 ethnic Albanians have been sentenced to up to 60 days' imprisonment for "minor" political offences, such as holding political or sports meetings without official permission.

Arms searches and police violence

The most widely experienced form of police violence in Kosovo province is that undergone by families during police searches for arms. These have become a prominent feature of policing in Kosovo since the outbreak of armed conflict in former Yugoslavia in 1991. Over the past year arms searches have increased dramatically, and are now conducted on a daily basis, most intensively in border villages and rural areas, but also more generally throughout the province.

Legal and illegal possession of arms is widespread in Kosovo province, as elsewhere in the FRY. Many reports state that during these raids police have confiscated not only illegal weapons (generally revolvers and hunting rifles), but also arms for which the owner possesses a licence. There have also been reports of police ordering a family to go out and purchase a gun to be handed over. In other cases, families have been forced to hand over money or valuables to police or police have confiscated individual passports.

Because of the traditional pattern of settlement in rural areas of Kosovo, in which large extended families tend to live together, police raids are normally witnessed and personally experienced by many relatives. The sense of insecurity they provoke is further exacerbated by the pervasive presence in the province of the Yugoslav Army, and by the belief, strongly held by ethnic Albanians, that local Serbian communities have not only been spared these searches but have actually been given arms by the authorities.

Accounts of arm searches repeatedly refer to the deliberately intimidating and destructive way in which they are conducted: furniture is broken up, the inmates of the house are threatened, shouted and sworn at, and the men of the house are frequently arrested and beaten in local police stations or, even more humiliatingly, in their homes in front of their families. These beatings are often severe, causing injuries: reports of the victim losing consciousness as a result of beating, or of suffering bruising, broken teeth or ribs, are not uncommon. It is not only those found to possess unlicensed arms who are at risk of being beaten: those who do not possess weapons may also find themselves bearing the brunt of police frustration. The principle of "guilt by association" seems often to apply: police officers unable to find a specific man they are looking for are frequently reported to have instead arrested or beaten a member of his family. While most police violence is directed against adult males, in some instances the elderly, women or children who are members of the family have not been spared beatings. There have also been cases in which police have explicitly arrested a family member as a hostage in order to force a relative to give himself up to police. Some families have been repeatedly searched by police officers who have shouted at them "Get out of here" or "Go to Albania".

Police violence, together with economic hardship and the fear of military call-up to the Yugoslav Army, have led several hundred thousands of ethnic Albanians, the majority young men, to leave the country, primarily for western Europe. The authorities' unstated policy appears to be to actively encourage their departure, while promoting (with no marked success) the settlement of Serbs in Kosovo, both those who left Kosovo in recent years and new settlers, including refugees from Croatia and Bosnia-Herzegovina and from Albania (Montenegrins), with the aim of changing the demographic balance. Ethnic Albanians frequently describe the combined effect of these policies as a covert form of "ethnic cleansing".

The cases of Ali Murati (aged 90), Fevzi Musliu, Marjan Kita, Ilaz Rexhepi, Bahri Shyti, Fatmir Çitaku, Milazim Binaku and Ymer Dajaku (see Appendix) are illustrative of the extreme brutality to which police frequently resort in searching for arms.

Typical targets of police violence

Among the most frequent targets of police violence or harassment are ethnic Albanians who, by their political or other activity, are prominent in the organization of the "parallel" society which ethnic Albanians have created outside the official state structures. They include political activists, in particular members of the LDK, but also members of other ethnic Albanian political parties; teachers and academics, former political prisoners, human rights activists, trade unionists, those involved in the organization of humanitarian aid to families in need, even local sports leaders. Journalists, former police officers and former military, also appear to be targeted.

The account of Ramiz Osmani, an LDK activist from Bare near Kosovska Mitrovica, is similar to many other reports involving the arrest, beating, interrogation or other forms of harassment of political activists.

"On 3 February 1994, I and other members of the Mitrovica branch of the LDK were invited by the president of the LDK in Bajgore village to attend a local LDK meeting there called on account of a massive increase in police activity in the area. The meeting began at about 11.30am in the village primary school. [During the meeting] the commander (named) of Stari Trg police station and a Serb civilian carrying a gun came into the classroom and ordered me to come with them. After we left the room, the police commander turned back and also took out Zejnel Istrefi, the president of the local branch of the LDK...When we reached the tarmacked road, a [named] police officer was waiting in a "Niva" jeep, who began to beat us. Although there was room in the car, they put me in the boot and began to beat me...On arrival in Stari Trg [police station] they beat and swore at us in the most brutal way. Three police officers and the civilian who "accompanied" us from Bajgore beat me. This went on until 3.30pm, when they sent me to police headquarters in Mitrovica where they held me until 7.30pm, and Zejnel until 10pm. In Mitrovica they did not beat me much but they questioned me about the meeting...and the status of Kosovo. They hoped to find evidence of the organization of defence units and to intimidate us into stopping our [political] activity. After I was released, I had to seek medical care."

Kadri Avdiu, another LDK local activist (see Appendix), describes a similar experience.

The issue of education has become one of the key points of confrontation in Kosovo. In 1990 and 1991 the Serbian authorities introduced a uniform curriculum throughout the whole of the Republic of Serbia and abolished the province's educational authority. The total number of enrolments in Albanian-language secondary schools was drastically reduced and a considerable number of educational institutions were closed. Many subjects at Priština University were no longer taught in the Albanian language but only in Serbian. More than 18,000 ethnic Albanian teachers and other staff in Albanian-language schools and the university who refused to recognize these changes and follow the new curriculum were dismissed. Instead they created a parallel educational system, using the old curricula, and lessons began to be held in private homes. The Serbian authorities have systematically harassed those involved in education, including members of the teachers' trade union, teachers, university lecturers, private citizens who have made their homes available for teaching and even pupils themselves. Schools have been broken into and raided, teachers arrested, interrogated or beaten and lessons repeatedly interrupted. In March the Serbian authorities closed and sequestered the Academy of Sciences and Arts of Kosovo and the Institute of Albanian Studies (see the case of Sadri Fetiu in the Appendix).

Nebih Zogaj and Bajram Samadraxha, headmasters of primary schools near Mališevo, are examples of teachers who have been subjected to severe and repeated police violence. In June 1994 Nebih Zogaj was arrested on nine occasions and repeatedly severely beaten by police in Suva Reka police station. On the first occasion, on 1 June, police reportedly also searched his offices at the school. Following his second beating by police on 9 June, he was admitted to hospital in Djakovica for treatment for injuries. He was discharged on 13 June and the very same day was again summoned to the police station in Suva Reka, where he was again beaten, allegedly losing consciousness. On release he was readmitted to hospital.

Bajram Samadraxha was arrested at his school on 3 June; he was again arrested on 9 and 13 June, when he was also reportedly beaten in Suva Reka police station.

Other instances of police brutality against ethnic Albanians

There are also frequent reports of police violence against people suspected of illegal activity, such as black market dealing in cigarettes or foreign currency. A particularly tragic case is that of Hajdin Bislimi (see Appendix), who appears to have been arrested by police because they suspected his young sons of buying stolen goods. Severely beaten at a police station in Kosovska Mitrovica on three consecutive days in May 1994, he died in hospital in July.

Incidents in which police violence appears to be quite random or to be motivated by momentary irritation or drunkenness are also not uncommon. For example, there appears to have been no specific reason for the arrest of 18-year-old Arian Curri (see Appendix).

Cases of police violence in which the victims have not been ethnic Albanians

While the overwhelming majority of victims of police violence in Kosovo province are ethnic Albanians, there have also been other cases, as when 12 (Slav) Muslim students from Montenegro were beaten by police in Kosovska Mitrovica in April 1994 (see Appendix).

Moreover, in at least one recent case known to Amnesty International the victims of police violence in Kosovo province were almost certainly Serbs (or Montenegrins). On 26 May 1994 the Belgrade newspaper *Borba* reported that the Municipal Assembly of Podujevo had decided to sue five police officers who on 14 May, for no apparent reason, had stopped and beaten Tomislav Dragičević and Željko Milosavljević (their names suggest they are Serbs or Montenegrins) while they were driving children back from school. The two men had been admitted to hospital in Priština for three days as a result of the beatings. At a press conference held in Priština on 25 May the president of the municipal assembly of Podujevo reportedly announced that it had been decided at an emergency meeting of the assembly to inform all public prosecutors, from the district to the Republic and Federal levels, as well as the police of all ranks, that the Municipal Assembly of Podujevo demanded that proceedings be started against the five police officers and they be brought to justice. The prompt action taken by municipal authorities in this case appears to be in striking contrast with the lack of official reaction in cases where the victims of beatings are ethnic Albanians. However, Amnesty International has not yet learned of any outcome to this case.

The law and police impunity

Article 191 of the Criminal Code of the FRY punishes with up to three years' imprisonment officials who in the performance of their duties physically ill-treat, intimidate or insult another person. Article 65 of the Serbian Criminal Code provides for a sentence of up to five years' imprisonment if the ill-treatment is intended to extract a confession (or up to 15 years if the ill-treatment is very serious). Torture or cruel, inhuman or degrading treatment or punishment are also prohibited under Article 7 of the International Covenant on Civil and Political Rights and under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, both treaties which are legally binding on the FRY.

In practice, police officers in Kosovo province daily violate these provisions and in only the most extreme cases, involving the death of the victim (but not always even then) are those responsible brought to justice.

In December 1993 the District Court of Prizren sentenced two police officers to three years' imprisonment each for causing physical injuries to an ethnic Albanian, Arif Krasniqi whom they had beaten at a police station, which resulted in his death. The officers were released pending appeal.

On 6 March 1994 a police officer shot and killed an ethnic Albanian, Faik Maloku, and seriously wounded Xhevat Bejzaku (who tried to intervene) in a restaurant in Kosovo Polje. It appears that the officer had asked Faik Maloku to show his identity card and when he failed to do so, explaining that he did not have it with him, an argument started. The officer was detained for investigation.

On 27 July 1994 a police officer fired at a car near Rahovica (Uroševac municipality), killing Fidan Brestovci, a six-year-old ethnic Albanian boy and wounding his mother Makfira. On the following day, the District Public Prosecutor's office in Priština issued a statement that the officer, Boban Krsti_, had been arrested and criminal proceedings had been started against him. According to the statement, the incident was the result of an error: the officer had been waiting in ambush for "the perpetrator of a number of criminal acts" (not named) who was reported to be driving the same make of car as that in which the Brestovci family were travelling. When their car failed to respond to the police officer's sign to stop, he had fired at it. Bajrush Brestovci, the father of Fidan, who was driving the car, later publicly denied that he had been signalled to stop.

These are the only recent cases known to Amnesty International in which the authorities have taken legal action against police officers responsible for deaths or injuries of ethnic Albanians, despite the ample evidence available of severe abuses.

In October 1991, Mikel Marku, an elderly ethnic Albanian lawyer, was beaten unconscious by police at police headquarters in Pe_. Despite the pleadings of his two nephews who were with him, he was refused medical aid until the next morning when he was taken to hospital in a coma caused by head injuries. He remained in a coma until his death 10 days later. Hospital records showed that he died after being admitted with head injuries which had caused paralysis of the right side of the body and bruising to other parts of the body. The autopsy report of 11 November 1991 (of which the family were denied a copy until 8 April 1992) noted multiple post-traumatic injuries to the head, trunk and extremities (see Amnesty International's report *Yugoslavia: Ethnic Albanians - Victims of torture and ill-treatment by police* [AI Index: EUR 48/18/92], issued in June 1992).

In January 1992, in the absence of any action by the authorities against those responsible for his death, his family initiated criminal proceedings against two named police officers and other unknown police officers on charges of homicide under Article 47, paragraph 1, of the Serbian Criminal Code. According to a press report, in October 1993 the District Public Prosecutor of Pe_ refused Mikel Marku's family's request to start criminal proceedings against the police officers on the grounds that Mikel Marku had died from natural causes - a heart attack due to arteriosclerosis. In January 1994 it was reported that the district court of Pe_ had issued a decision approving the prosecutor's refusal on the grounds that even if the police officers had injured Mikel Marku, his death was due to a different cause, arteriosclerosis. In February 1994 the press reported that Mikel Marku's family had

appealed against this decision to the Supreme Court of Serbia. Amnesty International has not yet learned of any ruling by this court.

APPENDIX - ILLUSTRATIVE CASES

ETHNIC ALBANIANS BEATEN IN CONNECTION WITH ARMS SEARCHES

Ali Murat MURATI, aged 90, from Donja Lapaštica village near Podujevo.

Ali Murati was beaten by police who carried out an arms search at his home on 11 February 1994.

According to his statement:

"At about 3pm, 15 or 16 police officers and two state security officers from Pristina suddenly arrived in three police NIVA jeeps and an official car. A number of them surrounded our locality, carrying their arms at the ready to fire into my courtyard. At [the family's] old house four or five police officers and two state security officers began to carry out a search and to ill-treat members of the family...They took hold of me as I was standing on the staircase of the old house with members of my family and led me some 50 to 60 metres away into the new house. As soon as they brought me inside, they began to threaten me in the most brutal way, demanding that I hand over weapons, pistols, guns, automatic rifles. I told them repeatedly that I did not possess any arms and they could carry out a detailed search. They began to beat me in the most violent way, one after another, five or six of them, without stopping, until 4.30pm...I lost consciousness. The medical examination, certificate and photographs...are proof that they caused me severe bodily injuries and endangered my life."

Fevzi MUSLIU, from Donje Stanovce village near Vu_itm.

Fevzi Musliu was severely beaten and injured by police at Prilu_je police station on 2 December 1993. Police are alleged to have threatened him: "If you don't have a gun, go and buy one, or we'll beat you to death". His father, Bislim, was also beaten by police the same day. After his release, Fevzi Musliu began to urinate blood and was obliged to seek medical treatment. His health worsened in the days that followed and by 12 December he was reportedly critically ill. In February 1994 he left the country to receive medical care abroad.

Marjan Frrok KITA from Veliko Kruševo, near Klina

On 26 January 1994 Marjan Kita was summoned to the police station in Klina to be questioned about arms which he denied possessing. He was beaten at the police station and allegedly again the following day and on 1 February 1994.

Ilaz REXHEPI from Ka_ubeg near Podujevo.

According to a statement by his son:

"Today, on 12 April 1994, Ilaz Rexhepi was arrested at home [in the village of Kaçubeg] and taken to the police station in Luane where he was brutally beaten for three hours and then driven back to a spot near the village and left in a ditch beside the road. [Ilaz Rexhepi] was beaten on the pretext that he possessed arms, but [the police] had already confiscated them two months earlier. On that occasion they also beat him."

Bahri SHYTI from Ošljane village near Vuçitër.

On 19 April 1994 police carried out arms searches at the homes of the brothers Abdullah, Mustafe, Hamdi and Haki Shyti in Ošljane. During the search they demolished doors and furniture and beat Patriot and Bahri, the sons of Abdullah. Bahri Shyti was so badly injured he was admitted to Kosovska Mitrovica hospital for treatment, where he remained until 29 April 1994. A medical certificate issued by the hospital on that date states that he was treated for *contusion with subconjunctival haemorrhage of the right eye; laceration under the right eye; bruising on back and upper part of both arms; bruising on both buttocks; bruising of toes of left foot*. The certificate concludes that these injuries were caused by "*heavy blows with a blunt instrument*".

FATMIR ÇITAKU from Baje village near Kosovska Mitrovica.

Fatmir Çitaku was beaten in Rudnik police station on 6 May 1994. On that day about 20 armed police searched the home of his father Bekë Çitaku in Baje for arms. After the search they arrested Fatmir Çitaku and took him to Rudnik police station where they beat him and injured him. The police allegedly returned the following day and beat his 70-year-old father, Bekë, in front of the family.

Milazim BINAKU, aged 61, from the "Tavnik" district of Kosovska Mitrovica town.

Police arrested Milazim Binaku on 5 May at his home in the "Tavnik" district of Kosovska Mitrovica. They held him at the police station until 1.30pm, demanding that he hand over a gun. When he denied possessing one, the police officers drove him back to his house, where they carried out a search. When they found nothing, they took him back to the police station and beat him. They then released him after ordering him to report again to police the following day.

Ymer DAJAKU, aged 47, from Rakinice near Srbica.

On 2 June 1994 Ymer Dajaku received a summons to report to police station in Rudnik for questioning about arms; when he reported to the police station the next day he was detained for two hours and beaten.

ETHNIC ALBANIAN WOMAN BEATEN

Shukrije HAXHA from Brajina village near Podujevo.

On 31 July 1994 police carried out an arms search at the home of Faik Haxha in Brajina. His wife, Shukrije, was at home at the time, but her husband and sons were out. According to a statement she gave to a local human rights activist on 1 August, three police officers came to her home and began to search for arms, turning everything upside down. "When they didn't find a gun, they said to me, 'Give us the gun or we'll kill you'. They didn't kill me, but they left my back, thighs and arms covered in bruises. They also put a rifle-butt between my legs but they didn't injure me...It's better that they beat me than my sons...It didn't last for more than 20-35 minutes; two or three times I felt dizzy from their blows, but I didn't lose consciousness, nor did I swear at them. I wasn't frightened, but I kept telling them that we didn't have a gun. We've hardly enough money for bread, much less a gun! They, however, swore at me and insulted me and when they left they said they would be back 'for the gun!'"

ETHNIC ALBANIAN POLITICAL ACTIVIST BEATEN

Kadri AVDIU, aged 33, from Belopoje village, president of an LDK local branch in Tmave near Podujevo. He was arrested on 27 June. According to his account:

"Three police officers arrested me. They came to my home at 12.30pm and arrested me and my brother Ali, ordering us to hand over weapons. They demanded [that we hand over] weapons for personal use and weapons which the LDK was allegedly distributing to the population of Trnava. They took me to the police station [in Lu_ane], where they questioned me about 20 to 80 automatic rifles which the LDK had allegedly distributed to poor families. According to them, wealthier families were ordered by the LDK to buy their own weapons. At the police station in Lu_ane, commander X [named] and a police officer Y [named] told me that we would have done better to hand over weapons at home rather than to be taken to the police station. The officer who beat me later, Y, was a member of the Radical Party, known for his brutality...At the police station commander X and officer Y interrogated me. They asked me for an automatic rifle, which they said I had for my personal protection, supposedly given to me by the LDK. They claimed that six people had reported me to the police. After a long conversation in which I denied I had weapons, they told me at least to hand over a revolver. They told me they were ready to register the revolver in my mother's name so that I wouldn't suffer any consequences for it. Then they changed the subject...and accused me of being head of [ethnic Albanian] police. They asked me how many police officers I had under my orders...When I denied everything, they said that my brother who was outside had confessed to everything they accused me of. Since the window was open and he had heard what we were saying, my brother said loudly: "Don't lie! It's not true I admitted everything. We've nothing to admit!" They shut the window and said to my brother, "We'll show you, when your turn comes!"

Then commander X asked me provocative questions: "Do you believe in God?" he asked.

"Yes!" I said.

"Do you have the Kuran at home?" I said I had.

"Can you swear on the Kuran that you haven't received arms from the LDK and that you haven't any personal weapons?" they asked.

"Yes. I can swear it a hundred times!" I said.

"You can swear it, but you're lying!" they said...

X began to punch me on the sides of my head and on the left side of my jaw. He hit me seven or eight times. The blows were very hard. I thought he had broken my jaw. After these blows, he told me it was my last chance to confess I had arms. He said that if I refused, they would torture me and then I would confess to everything. I told them they were abusing me in vain, I had nothing to confess. They ordered me to take off my shoes and lie on the floor. I did. Two police officers tied my legs with a belt above the ankles and lifted me up. They placed a chair under me...Y picked up a stick over a metre long, and holding it with both hands, hit the soles of my feet. He hit me repeatedly without stopping. I saw the stick break. Then I lost consciousness for the first time. After they poured cold water over my head and slapped my face I came to. They began to hit me again. They told me I should confess everything, to save my life. "We'll kill you, we won't release you till you confess!" They repeatedly hit me. I think the stick broke four times. They found another stick and hit me. I lost consciousness

four times. Then commander X came into the room. He threw water over me, and then punched me on the back, to check whether I was faking or had really lost consciousness. When he saw my state, he ordered them to stop the torture. "This one isn't stubborn, he's a fool!" he told the officers. Y told him I had admitted everything. When he asked if this was true, I interrupted him and said I had confessed to nothing and had nothing to confess. "Do you want to be beaten again?" they asked me. "I've nothing to confess even if you kill me!" I said. They told me to stand up, but I couldn't for the pain. I fainted again and they threw water over me to revive me. Then they gave me a little water to wet my lips, but did not allow me to wash my feet which burned with pain. They ordered me to walk about the room...While I was walking - it was terrible because of the pain in my feet - they demanded that I resign from my position as president of a local LDK branch. While telling me to resign as soon as possible, they struck me four blows on the back with a stick as thick as the handle of a spade. They ordered me to report to the police station the following day at 1pm. "How can I, in the state I'm in, and what for?" I asked. They hit me on the back a few more times after this question and released me. It was 1.40pm."

Kadri Avdiu subsequently sought medical care in Priština. He has since not returned home. The police have again come to his house looking for him and his brother. They have demanded that his brothers report to police in his place. "The third time they came for me, the police shut my brother's workshop in Belopoje...They are asking my brothers to make me report to the police. They come looking for my four brothers."

[On 5 July] police threatened his brother Shefki that they would kill him if Kadri did not report to police within three days. [On 6 July] police searched the home in Belopoje. After the search had finished, they ordered the five brothers to report to police.

ETHNIC ALBANIAN ACADEMIC BEATEN

Sadri FETIU, director of the Institute of Albanian Studies, Priština

On 8 March 1994, the authorities closed by force the Institute of Albanian studies in Priština, after orders to evacuate it were ignored by ethnic Albanians working at the Institute. On this occasion, groups of Serbian civilians (possibly plainclothes police), and armed police entered

the building and beat those who had remained inside. In a statement published on 14 March, the Committee for the Defence of Human Rights and Freedoms in Priština said that among those beaten and injured were the following academics: *"The director, Sadri Fetiu (who received injuries to his head, face, nose, jaw and had three teeth broken); Ragip Mulaku (injuries to his head, face, a rib and a fractured left hand); Professor Anton Çetta (injuries to his head, left hand and spine); Mehmet Halimi (injuries to a leg, a rib, and his head and face); the archivist Hajdin Hajdini (injuries to the face, head and both legs); Xheladin Shala (injuries to his body and head)".* The statement continued that armed Serbian civilians, together with police officers, subsequently beat a number of people in the street outside. One of the victims was Abdyl Kadolli, a journalist and Secretary of the Forum of Intellectuals of Kosovo, who was reportedly forced into a car by two men dressed as civilians, beaten and driven to a spot five kilometres outside the town where he was released late in the evening.

ETHNIC ALBANIAN STUDENT BEATEN

Arian CURRI, aged 18, a secondary school student from the village of Gornji Streoci near Pe_. He was on his way home by bus after school on 6 April 1994, when, on the outskirts of Pe_, police boarded the bus and arrested him.

According to his statement, *"Two police officers entered the bus and began to check the identity cards of the passengers. I was at the back of the bus. I saw them take out two young men through the front door. When they reached me, they asked me for my identity card. I gave it to them, and then one of the officers suddenly grabbed me by the hair and pulled me out of the bus. They handcuffed me and put me in their car. They took all three of us to the police station. They led us inside and separated us. They took me into a room and then the beating and torture began. Next they tied me to a radiator and three police officers sat on me; one of them pulled out a knife and after he had pulled up my shirt he cut a cross [on my chest] with the Cyrillic "S". After two hours they put me in a car and brought me back to the bus stop in Pe_..."* (The cross and four Cyrillic Ss stand for the Serbian motto: "Only Unity Saves the Serb".)

Hajdin Istref BISLIMI from "Bair" district of Kosovska Mitrovica. He was arrested, beaten and released on three consecutive days in May 1994; he died in hospital on 6 July 1994.

On 9 May 1994 police arrested Hadjin Bislimi, aged 53, at his home and took him to police headquarters in Kosovska Mitrovica. The police apparently suspected his two sons, aged 15 and 10, of having bought stolen goods from a Rom (Gypsy). At the police station, Hajdin Bislimi was beaten. He was released the same day, but the following two days he was again arrested, beaten and released. On 11 May his brother found him lying unconscious outside the police station and took him to the town hospital, where he was put in an intensive care ward. Several days later he was transferred to hospital in Priština, where he was twice operated on for a stomach ulcer. He remained in hospital until his death on 6 July 1994. It appears that his death was caused by a perforated ulcer, which may have been induced by the beatings inflicted on him. No autopsy was carried out. When his family requested a certificate, they were reportedly given one which was neither stamped nor signed, and which they therefore refused to accept.

MUSLIM STUDENTS FROM MONTENEGRO BEATEN

According to an article in the Montenegrin weekly *Monitor* of 6 May 1994, on the night of 20/21 April five police officers and two state security officers (inspectors) arrested 12 (Slav) Muslim students (all but two of them from Ro_aj and Bijelo Polje in Montenegro) at a student hostel in Kosovska Mitrovica. The author of the article stated that the students had withheld their names out of fear of reprisals against them.

According to their account, at about 15 minutes after midnight, just as they were going to bed, police came to their rooms, checked their identity cards, while swearing at them and accusing them of singing nationalist songs and celebrating the bombing of Serb positions in Gora_de (Bosnia Herzegovina). The police ordered the students to dress and then took them down to waiting police cars. As they got into the cars, police officers began to beat them. Instead of going directly to the police station 200 metres away, they were driven

through the streets for some time before drawing up in front of the police station, where two lines of police awaited them and beat them with truncheons, punched them and kicked them as they walked into the police station. Inside the beating continued; a police officer threatened them: "After 25 April we don't want to see you here in Kosovska Mitrovica - or you'll be dead." They were then, one by one, taken down to the basement where they received a further beating. According to one student: "After that...they took me to another room, ordered me to remove my shoes, and to lie on my front. They beat the soles of my feet with truncheons. They hit as hard as they could. It was indescribably painful. They lifted me up...I was struck with a truncheon blow in the stomach...I doubled up with pain, but he went on beating me about the head and back. When I began to lose consciousness they threw water over me..."

Afterwards, according to the article, they were made to give statements and to sign them without reading them first. In the morning they were released after being charged with disturbing public order. They left for home the same day, and sought medical care. A medical certificate issued by a hospital in Berane (Montenegro), which one of the students showed to *Monitor's* reporter, noted bruising on the head and body, including bruising under both eyes, on the back and collar bone and on the soles of the feet.

An emergency meeting of the municipal assembly in Ro_aj was set to discuss the incident, but was postponed after the deputy police chief for the Kosovo Metohija district promised that a police representative would attend the meeting after investigating the incident. By 6 May this meeting had not yet taken place.