

**amnesty international**

FEDERAL REPUBLIC OF  
**YUGOSLAVIA**

**A HUMAN RIGHTS CRISIS IN  
KOSOVO PROVINCE**



**Document Series B: Tragic events continue  
#2: "Disappeared" and  
"missing" persons:  
The hidden victims  
of conflict**

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## ABOUT THIS DOCUMENT SERIES

The international community is looking on as the security situation in Kosovo province of the Federal Republic of Yugoslavia deteriorates and even minimal respect for human rights is withdrawn. 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.

As part of its response to the unfolding crisis, Amnesty International is documenting the appalling human rights violations that have been and are being committed in Kosovo province.

The first reports, which together form 'Series A', were published in June and July 1998 and deal with events to June 1998. These reports document a systematic and long-standing pattern of human rights violations in the years and months leading to the present crisis, and which included torture and ill-treatment by police, deaths in police custody, and unfair trials of political prisoners. These documents are:

**A#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.

**A#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, and reports of KLA abuses.

**A#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.

**A#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.

**A#5: *Ljubenić and Poklek: A pattern repeated*** (AI Index: EUR 70/46/98). Extrajudicial executions and "disappearances" in May 1998 in scenarios which repeat those of earlier police abuses in Drenica.

The second series, 'Series B', deals with events that have taken place since June and sets out to examine some of the human rights themes and wider issues emerging in the course of the present crisis. The first two documents in this series are:

**B#1: *Human rights violations against women in Kosovo province*** (AI Index: EUR 70/54/98).

**B#2: *"Disappeared" and "missing" persons: The hidden victims of conflict*** (AI Index: EUR 70/57/98)

Amnesty International's reports are based largely on information gathered during missions by the organization to the Federal Republic of Yugoslavia in March and June 1998 to investigate human rights violations. 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.

**Cover photograph:** The family of Dr Hafiz Shala, an ethnic Albanian who "disappeared" in April 1998 following his arrest by Serb police. © Wade Goddard.

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# **“Disappeared” and “missing” persons: The hidden victims of conflict**

## ***Introduction Kosovo’s “disappeared” and “missing”***

Ethnic Albanians unseen since entering police stations or being led away by Serbian police... Serbs and Albanians taken from vehicles stopped by the armed ethnic Albanian opposition, hauled off trains, or unseen since armed Albanians came to their homes... People unaccounted for in the aftermath of armed police operations or military engagements, who may be among the hastily and anonymously buried...

In Kosovo province the “disappeared” and “missing”<sup>1</sup> come from all ethnic groups. The police are believed to be responsible for the “disappearance” of ethnic Albanians.

<sup>1</sup> The term “disappeared” is applied to people whose whereabouts and fate are unknown after they have been detained by government forces or other agents of the state. The term “missing” refers to people whose whereabouts and fate are unknown after being captured by non-governmental entities or armed opposition groups.

Many of those who have “disappeared” were reported to have been arrested and led away by police, either captured or detained in the context of clashes between the police or paramilitary police and the armed opposition group the Kosovo Liberation Army (KLA), or arrested far from the scene of conflict. The KLA has been accused of the abduction and presumed unlawful killing or detention of ethnic Albanians whom it alleges are “collaborators” with the Serbian authorities, although they have failed to define what they understand by “collaboration”. Other victims include members of the Serbian, Montenegrin, Romani and other ethnic groups. The apparent lack of consolidation in the KLA’s central command structure and the reported inability of the leadership to exercise full control over its various local groupings increases the difficulty of ascertaining the fate of those reported to have been abducted by armed Albanians.

It is still too early to ascertain accurate statistics for “missing” or “disappeared” ethnic Albanians. The

### ***"Disappeared" and "missing" persons - The agony of uncertainty***

Among the catalogue of human rights abuses suffered by the victims of the conflicts in the former Yugoslavia, the phenomena of "disappearance" and of people made to go "missing" are all too often overlooked. "Disappearance" has been condemned by the international community as a grave violation of human rights, and is prohibited under international law, as well as being in clear breach of national law of any country. Each single case creates two abuses: the victims who are cut off from the world and placed beyond the protection of the law, and their relatives left in ignorance of their fate.

All over the world, in cases of "disappearances" and the "missing" this heavy burden falls upon the relatives of the victim. Unable to discover what has happened to their family members, where they might be, their state of health or even to determine whether they are alive or dead, their search for the truth may last for years; in some cases it never ends.

Lost in a haze of imprecise and vague information, these relatives are prey to rumours which spread through their often shattered and displaced communities, sometimes well-intentioned, sometimes malicious. In the belief that their relatives are being held in a secret location, or some village of which they believe they know the name, they may spend huge amounts of time, money and effort, only to find their hopes betrayed and their endeavours fruitless.

Tens of thousands of people became unaccounted for during the armed conflicts in Croatia and Bosnia-Herzegovina from 1991-1995. Many of these are "missing" or "disappeared", captured by armed forces under the command of a government or other *de facto* authority or irregular and paramilitary units. Approximately 20,000 people remain missing from the conflict in the former Yugoslavia to this day. Most of them are feared dead, the victims of extrajudicial executions or unlawful killings and buried in mass graves, but until their true fate is known, their relatives and friends will never know peace.

confusion resulting from the massive displacement of families driven from their homes by fear of attack or by attack itself and unable to maintain contact with one another means that all figures need to be treated with caution. However, Albanian sources have given the figure of around 500 Albanians whose "disappearance" they lay at the

door of the authorities. The United Nations High Commissioner for Refugees (UNHCR) gave a total of 400 gathered during its registration of those reported as unaccounted for. The UNHCR believes that around 200 of these are currently in police detention.

It is equally difficult to be precise about the number of those who

have gone "missing" at the hands of the KLA. On 3 August the Serbian Media Centre in Priština reported that in the period between 1 January and 27 July of this year, the KLA had been responsible for the "kidnap" of 171 people, 37 of whom had been released, seven had escaped, and 15 killed. On 6 August Beatrice Weber, the Priština representative of the International Committee of the Red Cross (ICRC) stated that the organisation was investigating the cases of 138 Serbs and Montenegrins reportedly abducted by the KLA, and over 400 Albanians reportedly detained by Serbian forces.

It is not always possible to ascribe responsibility for the abduction of the "disappeared" or "missing" person beyond doubt. There are sometimes no witnesses to the events, for many of those who are being sought have vanished *en route*, setting off to visit relatives or to go to work, but never arriving at their destination. Others have refused to leave their homes when others flee, and then are not seen again. This is yet another burden for their relatives to bear, for although they may suspect one side or the other to be responsible they can never be quite sure, and do not know with any certainty where to turn for help.

In some cases, bodies have been buried unidentified, leaving the relatives of the unaccounted for fearing that it is their loved one who is lying in an unmarked grave, yet still hoping that they are alive, and may yet reappear. Since there is a clear pattern of behaviour by the Serbian police and

courts whereby ethnic Albanians are detained, and then held in unacknowledged detention for a lengthy period until finally appearing in court (see below for the case of Nait Hasani), their relatives can never be sure what may be the fate of their missing father or mother, brother or sister, son or daughter, husband or wife.

This report is one of a series describing Amnesty International's concerns about the human rights crisis in Kosovo province of Serbia, Federal Republic of Yugoslavia (FRY). More background about the context of human rights abuses in Kosovo is provided in the preceding documents. These documents are listed on the inside cover of this report.

This document in part draws on a published report concerning the "missing" and "disappeared" in Kosovo province produced by the Belgrade-based Humanitarian Law Centre (HLC)<sup>2</sup>, and Amnesty International is grateful for permission to make use of their information.

Amnesty International's 14-Point Program for the Prevention of "Disappearances" is produced as an appendix to this report.

<sup>2</sup>*Nestanci u Vreme Oružanih Sukoba 15. januar - 30. jul (Disappearances in the Period of Armed Conflict 15 January - 30 July)*

### **„Disappearances“ of ethnic Albanians outside the current armed conflict**

#### **A pattern of incommunicado detention predating the current crisis**

Prior to the deterioration in the situation in Kosovo which occurred early in 1998 there were relatively few cases of "disappearance" in the classical sense. The greatest related cause for concern came from the practice of holding detainees incommunicado during the initial period of police detention following arrest, during which time detainees were not accessible to their lawyers and family. Detainees have made frequent and often substantiated allegations that they were tortured or otherwise ill-treated during this period. This period of detention often lasted longer than three days, the maximum period permitted by the Yugoslav Code of Criminal Procedure before suspects are brought before an investigating magistrate for an initial hearing. Furthermore, relatives and legal representatives of the detained were often not informed of the location where the detainee was being held, in violation of the Yugoslav Code of Criminal Procedure.

One of the worst such cases from the period preceding the outbreak of armed conflict was that of **Nait Hasani**, who was arrested by police in Priština on 28 January 1997, severely ill-treated and then sent to hospital by police, who appear to have feared he

would die as a result of his injuries. The day after being hospitalized, 31 January, he "disappeared" from his hospital bed. Despite repeated efforts by his relatives and lawyers, they were unable to obtain any information about his whereabouts and obviously feared for his life. During this period the police and judicial authorities reportedly denied any knowledge of his whereabouts. On 28 February he was brought before an investigating magistrate and was seen by his lawyer. He told him that he had been tortured by police while held in incommunicado detention.

In December 1997 Nait Hasani was sentenced to 20 years' imprisonment on charges of "terrorism", after what Amnesty International considers an unfair trial.<sup>3</sup>

#### **The "disappearance" of Dr Hafir Shala in or around Priština, April 1998**

Another case, as yet unresolved, is that of **Dr Hafir Shala**, a member of the Democratic League of Kosova (LDK), the largest ethnic Albanian party, who works as a physician in the Medical Centre of Glogovac (Glogovc in Albanian) in the Drenica region.

At around 8am on the morning of 10 April 1998 the car in which he was travelling was stopped by police in the village of Slatina (Sllatinë) near Priština

<sup>3</sup> The case of Nait Hasani is featured in *A Human Rights Crisis in Kosovo Province, Series A Document #4: Unfair trials and abuses of due process*, AI Index: EUR 70/35/98.

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, described as a black jeep with a Priština registration. This vehicle was occupied by three men in civilian clothes. According to reports, this jeep was seen to enter the police headquarters in Priština. Although Dr Shala's companions were released later that day after questioning, he himself was not. One of them has since reported that when leaving the building he heard screams, and recognised the voice of Dr Shala. The authorities have released no information concerning his whereabouts, despite efforts by his family and lawyer to obtain such information, nor have they confirmed that Dr Shala is in custody. They have also apparently failed to account for his arrest on 10 April. Appeals to the authorities by medical professionals who are members of Amnesty International's Medical Network have received no replies. Various rumours have circulated, including stories that Dr Shala is alive, and that he has joined the KLA, but there is no information to substantiate this and Amnesty International reiterates its appeals to the Serbian authorities to account for the fate of Dr Hafir Shala.

### **"Disappearances" in situations of armed conflict**

The early part of 1998 saw the beginning of a disturbing series of reported "disappearances" as well as many cases of "missing" persons and others who are unaccounted for. It is feared that some - perhaps all - of these people are no longer alive.

#### **The "disappearance" of eight men from Novi Poklek, 31 May 1998**

Ahmet Berisha (40), Hajriz Hajdini (48), Muhamet Hajdini (45), Sahit Qorri (60), Sefer Qorri (55), Ferat Hoti (39), Rama Asllani (60) and Blerim Shishani (15) were inhabitants of Novi Poklek (Poklek i Ri), a settlement which was built in recent years on the edge of Glogovac close to a factory called *Feronikl*. On 31 May a large operation was mounted by the police in and around the settlement<sup>4</sup>.

On the afternoon of 31 May at about 1pm a large force of police arrived in several dozen vehicles at the outskirts of the settlement. After firing at the houses from a distance, patrols of police reportedly started to go from house to house in the settlement, ordering the inhabitants out of the

<sup>4</sup>See *A Human Rights Crisis in Kosovo Province, Series A Document #5: Ljubenić and Poklek: Extrajudicial executions, excessive use of force and "disappearances"*, July 1998, AI Index: EUR 70/46/98.

buildings. Many of them were reportedly collected in a house in the settlement where men were separated from women and children. The women and children were directed to leave.

Reports of the events include allegations that nine or more men were killed. Despite the lack of confirmed information, the whereabouts of the eight men named above who were reportedly detained by the police remains unknown. Amnesty International believes that these eight men have "disappeared", and may have been the victims of extrajudicial executions.

The bodies of two other men, **Ardian Deliu** (18) and **Fidai Shishani** (17), were reportedly found at the scene, but it has not yet been possible to establish the circumstances of their death.

Several differing rumours about the fate of the "disappeared" men have circulated, including claims that bodies or body parts have been seen in the village; that the police were seen apparently transporting prisoners in the direction of the *Feroniki* factory where they are being held, or that they have been killed and buried in a mass grave. One witness reported that he had seen two of the men fall to the ground after being fired upon, but was unable to state categorically that they had been killed.

On 11 June a group of lawyers from Priština, who have been given power of attorney by relatives of the "disappeared" men, addressed a letter to the Serbian and Federal judicial authorities and police. In that letter they

claimed that nine men had been killed and asked for an investigation into the incident, for the bodies to be located, an autopsy to be performed on them, and for the bodies to be handed over to the relatives for burial. The letter has been acknowledged by the district court, but to Amnesty International's knowledge no other replies have been received from the authorities, nor has there been any announcement that any investigation into the incident has begun.

**Ethnic Albanians "disappeared" following reported arrests by police in the zone of current armed conflict**

There have been several reported cases in which Albanians "disappeared" following arrest or detention by police in different contexts related to the current armed conflict.

School caretaker **Idriz Idrizi** (43) "disappeared" on 23 January 1998, reportedly on the way home to his village of Gornji Prekaz (Prekaz i Epërm) after visiting the town of Srbica (Skënderaj). The route passed a former hunting ammunition factory which lies between the outskirts of Srbica and the village of Donji Prekaz (Prekaz i Pushtëm). Serbian police units had established a base inside the factory from which they had the previous day mounted an unsuccessful attack on the home of Adem Jashari, later killed during the attack of 5-6 March described below (see page 8).

Although the circumstances remain unclear, he was reportedly



passing close to the factory on this route when he was called in by someone behind the perimeter fence. He has not been seen since. Local police reportedly told members of his family that he was being detained in the factory, although they did not consider this information to be reliable.

On 6 March the factory was used by the police to hold men detained during their operation against Donji Prekaz. Some of the detained who were interviewed by representatives of the Humanitarian Law Centre described being beaten in the factory compound before being transferred to a police station in Srbica. However, none were aware of other detainees who were already being held there.

On 20 June **Jakup Qerimi** (27) from the town of Uroševac (Ferizaj), said by Albanian sources to be mentally retarded, was reportedly arrested by seven police officers following a quarrel with a member of the security services. When his mother approached the police seeking information about her son she was reportedly told that he was a member of the KLA, and when she persisted in her requests, mentioning that she knew the officers who arrested him, she was reportedly told that she would never see him again. She has received no further news of her son.

On 6 July, in the village of Dobri Do (Dobërdol) near Peć (Peja), 10 men from the village of Rudica (Rudicë) in the Klina area, who had reportedly gone to the village intending to help

evacuate their relatives, were arrested by persons variously described as Serbian police or paramilitaries. Eyewitnesses report that they were taken by tractor towards the neighbouring village of Goraždevac (Gorazhdec).

On 17 July seven of these men appeared in court in Peć, where they are detained while being investigated for "terrorist" activities. According to statements made by these men to their lawyers and during their court appearance, they had been detained by Serbian paramilitaries and taken to Goraždevac where they were handed over to police. In their statements they reported that the three men who did not appear in court, **Nimon Bajraktari** (51), **Haki Ahmetgjakaj** (23) and **Bashkim Mehmetaj** (22), were separated from the rest of the group before the handover to the police took place, and that they did not see them again. Their whereabouts remain unknown.

On 29 June **Izet Ajazi** (40), employed in the state electricity industry, was travelling by bus on the route from Priština to the village of Magura (Magurë). Part way through the journey, at Velika Slatina (Sllatinë e Madhe) police separated him and five other ethnic Albanians whose names have not been made public and forced them off the bus, leading them away. Their whereabouts remain unknown.

There has apparently been no attempt by police or other authorities to investigate this or any other of the incidents detailed in this section.

**Unaccounted for, feared dead, at Donji Prekaz**

It is likely that those still unaccounted for following the police operation of 5-6 March in the village of Donji Prekaz in the Drenica region are among the dead from that incident. Following this operation, which resulted in a large number of deaths, including the deaths of women and children, some 56 bodies were buried amongst some confusion<sup>5</sup>. Eighteen of these bodies were buried anonymously, without proper identification procedures and autopsies being carried out, an act of gross negligence on the part of the authorities, which has left the relatives of the missing to suffer in a state of unrelieved uncertainty.

**"Missing" Serbs, Roma and Albanians reported abducted by the KLA or other armed ethnic Albanians**

The KLA has been held responsible for a number of abductions. The dead bodies of some of those abducted have been found left lying by roadsides. For example, the Belgrade press reported that on 30 July 1998 the bodies of father

<sup>5</sup>See *A Human Rights Crisis in Kosovo Province, Series A Document #2: Drenica, February-April 1998: Unlawful killings, extrajudicial executions and armed opposition abuses*, June 1998, AI Index: EUR 70/33/98

and son Ratko and Branko Staletić were found by the side of the Priština - Peć road. They had reportedly been led away from their village of Mlečani by a group of armed Albanians in uniform 10 days earlier<sup>6</sup>. Amnesty International fears that others may remain undiscovered or buried in hidden graves.

The missing include both police and civilians, ethnic Serbs and Montenegrins, ethnic Albanians, and Roma. Some relatives of missing ethnic Albanians reported detained by the KLA believe that they may have been accused of "collaborating" with the Serbian authorities, but claim that this was a trumped-up charge, possibly the result of a denunciation by someone settling a personal score.

Jakup Krasniqi, who has been named an official spokesman for the KLA, in an interview carried by the ARTA news agency on 12 July, stated:

*"There are no kidnappings from our side. Even [if] there were some, the ones that were afflicted were the Albanian collaborationists more than the Serb civilians... We don't deal with civilians, the prisoners of war that we find we give them back ... The ones that were kidnapped or we have kidnapped, we either give the list with their names, or we announce if someone gets executed...."*

<sup>6</sup>Quoted in HLC report *Nestanci u Vreme Oružanih Sukoba 15. januar - 30. jul*, July 1998

Although it is the case that some of those abducted have been returned - either informally released or handed over in procedures facilitated by the ICRC - many remain unaccounted for. Common Article 3 of the Geneva Conventions of 1949, which are binding on all participants in armed conflict, prohibits the killing of those taking no part in armed conflict, and prohibits hostage-taking. In the interview quoted above, Jakup Krasniqi stated that the KLA was aware of these provisions and intended to comply with them, but there is no available evidence that the KLA is taking serious steps to do so. On the contrary, Jakup Krasniqi's reference in his statement to executions in his statement underlines that the KLA is failing to respect Common Article 3 to the extent that it acknowledges executing some of the abducted. Therefore, Amnesty International is stressing the need for the KLA to reform and strengthen its chain of command, to ensure that such abuses in violation of Common Article 3 are not carried out, and to suspend from active duty pending investigation and appropriate disciplinary proceedings anyone suspected of committing such abuses.

There are persistent rumours that some of those abducted are alive, held in improvised camps and employed in manual labour such as digging trenches and fortifications for their captors, but it has not been possible to confirm these. One village frequently mentioned as the site of a detention camp is Likovac (Likovc) in the Dečani area, which was

effectively under the control of the KLA from early in 1998. However, although Serbian forces briefly regained control of the village during the first week of August, there have been no reports that any detainees were found in the area.

By 18 May 1998 most of the Serb inhabitants had abandoned the village of Leočina in the Drenica region, but a group of five people, some elderly, had remained behind: Krstiva Šmigić and her relatives, the married couple Milosav (75) and Sultana Šmigić (72), and Aleksandra (known as "Lenka") Šmigić (c.75) and her son Radomir (54).

On 19 May Dostana Šmigić (42), Krstiva Šmigić's daughter, reportedly set off from her home in Srbica, where she lived and worked, in order to fetch her mother. A witness reportedly saw her car being stopped by a group of armed Albanians. Her whereabouts remain unknown. Her family received unconfirmed information that she is being held in Likovac, but, as noted above, no detainees were reportedly found there when it briefly passed into the control of Serbian forces in August.

Four of the five elderly people who remained in Leočina are also "missing". Amnesty International is concerned that they may have been arbitrarily and summarily executed by members of the KLA. According to Krstiva Šmigić, in testimony given to HLC researchers, on or about 9 June 1998 four armed KLA men entered the village, and after an exchange of words

reportedly beat Milosav Šmigić with rifle butts and kicked Krstiva and Sultana. They then ransacked the house, set fire to the beds and bedding and said they would return in one hour. Radomir and Lenka Šmigić, who had seen the events from their own house, called them over. The two women left Milosav in the courtyard and went over to Radomir and Lenka's house to discuss where they would hide. Radomir told the women to go out and hide in the corn field, and said he would hide upstairs in the house. The women went outside but halfway there decided to return. Sultana went home, and the other two went to Radomir and Lenka's house. There they found that about 30 armed men, some of whom were in uniform, had entered the courtyard. Ten of them entered the building and apparently discovered Radomir upstairs. Immediately afterwards, the women downstairs heard screams and his mother ran inside the house and up the stairs. Krstiva stayed in the courtyard and heard:

*" ... waiting and screaming, I couldn't bear to listen to it, even God wouldn't have been able to listen to such howling. I heard three gunshots before I went into the field. I didn't see whether they took Radomir and Lenka outside".*

Krstiva then saw that the Šmigić's houses were on fire. When she walked over to Milosav's house the next day, calling Sultana and afterwards Radomir and Lenka, nobody answered her. She spent some days hiding, and

later made her way to a police post in Klina.

On the morning of 22 June 1998 a workers' bus taking employees to the open-cast coal mine at Belačevac was reportedly stopped by armed members of the KLA, who reportedly took a number of men off the bus and led them away. Among them were **Dragan Vukmirović, Dušan Adžandžić, Zoran Adžandžić, Filip Gojković, Miroslav Trifunović, Srboljub Savić, Petar Adžandžić** and **Božidar Alimpić** (who was travelling on the same bus although not employed by the mining company). Another employee at the mine, **Mirko Buha**, who was also reported abducted on the same occasion was, according to the HLC's report, not one of the group taken from the bus, but went "missing" on the same day, while travelling to work in a private car. Another worker at the Belačevac mine, **Žarko Spasić** (35) of the village of Sibovac, had gone missing earlier, reportedly abducted from the bus station in the village of Grabovac (Grabovec) by armed and uniformed Albanians on the evening of 14 May. Appeals by his father to Albanian organisations in Priština, although reportedly received with sympathy, have had no result.

At the end of June, units of the KLA took control of the mine itself, and on 19 June Serbian forces launched an offensive to regain control that was eventually successful. Although on 2 July the London *Times* newspaper reported allegations that the nine members of the group abducted on 22

June had been killed when the Serb forces began their attack, this has not been confirmed, and no bodies have been recovered.

Yugoslav sources have claimed that in the period from 1 January to 17 July 1988, 10 police officers were abducted. One of these was Ivan Bulatović, a policeman from Glogovac, who was travelling with his wife by train from Kosovo Polje (Fushë e Kosovës) to Peć on 23 May. He was not on duty. When it stopped at the station of Banjica (Banjicë) it was boarded by a group of armed men who examined the passengers' documents, separated and beat Ivan Bulatović and led him away from the train. Once again, rumours have circulated that he was being detained by the KLA, and several places of detention have been named, but none of these rumours has yet been confirmed.

Pjetër Preqi (58), an agricultural worker from the village of Biteš (Bitesh) in the Dečani area and an ethnic Albanian of the Roman Catholic faith, and his relative by marriage Pashk Gjergji (58) were reportedly abducted from nearby Dobrić (Dobriq) by armed members of the KLA in uniform on 22 May 1998. A third man, Pashk Karrisë, who was abducted with them was released the same day, but since then the families of Pjetër Preqi and Pashk Gjergji have had no news of their whereabouts, despite applying to various international organisations for help and making an appeal to the KLA for their release.

The family of Pjetër Preqi fear that he may have been detained as a result of being denounced as a collaborator with the Serbian authorities, and they have strongly denied that he could be so regarded.

### **"Missing" and "disappeared" from Orahovac, July-August 1998**

Following the KLA's attempt to take control of the town of Orahovac (Rahovec) on 17 July, Serbian forces launched a general military action aimed at recovering territory that had been effectively under the control of the KLA. In the upsurge of fighting and the associated massive increase in the number of displaced people, the number of those reported to be unaccounted for has grown. About 55 Serbs, including medical personnel, from Orahovac and the surrounding villages were reported "missing" immediately following the action. Thirty-five were later released, having been in the custody of the KLA, but on 6 August a group of 40 relatives of those still "missing" held a demonstration in Priština calling for help in locating their family members and negotiating their release.

One of those who still remains "missing" is Djordje Djorić (28) from the town of Orahovac who on 17 July was driving a pregnant neighbour to the local medical centre and was stopped by a group of armed men who reportedly told him that they knew he had two brothers serving in the police force and

questioned him. They then took him to the hospital, where he was detained overnight. In the morning he was further questioned about his brothers and reportedly beaten, after which he was driven away in his own car to an unknown destination.

Unfortunately the disorder and breakdown of communication that has resulted from the increase in the level of fighting in the Orahovac area and elsewhere has seriously hindered the efforts of international organisations such as the ICRC to maintain contact with the KLA and secure the release of those detained, while the lack of a generally recognised central command of the KLA capable of exercising full control over various local leaders also acts as an obstacle to the progress of negotiations leading to their release.

Albanian sources have not released any figures for members of the ethnic Albanian community unaccounted for from Orahovac and the surrounding area. There are fresh grave sites in Orahovac and in Prizren which police claim hold a total of 51 bodies of those killed in fighting, some of which are reportedly identified only by number. That fact raises the fear that some of those who are unaccounted for, and who may include people who "disappeared" or went "missing", may be in these graves after having been extrajudicially executed or unlawfully killed. The contention that Orahovac was the scene of such extrajudicial executions and unlawful killings is supported by at least one apparently credible report of the extrajudicial

execution of a senior Albanian Muslim religious figure by Serbian police on 20 July, as well as allegations of the unlawful killing of Serb hostages by the KLA. Amnesty International believes that the authorities should take immediate steps to identify these bodies, to establish the cause of death, and inform their relatives. (Events in Orahovac will be described in more detail in a subsequent document in this series.)

### ***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 "disappearances", whether of civilians or combatants, 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:

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- ◆ The UN Declaration on the Protection of All Persons from Enforced Disappearance
- ◆ The UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions
- ◆ The UN Body of Principles on the Use of Force and Firearms by Law Enforcement Officials
- ◆ 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 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 provide prompt and accurate information about the arrest of any person and about his or her place of detention, including transfers

and releases, to relatives and lawyers of those detained. Prisoners should be released in a way that allows reliable verification of their release and ensures their safety.

- The authorities should ensure that all bodies are subjected to proper identification procedures and buried in properly marked graves. They should take immediate steps to identify all those who have been buried without identification procedures being carried out, and inform the relatives of the deceased as soon as is possible.

**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 the conflict and the taking of hostages.

- The KLA should ensure that it cooperates with the ICRC, in particular to resolve the fate of prisoners reportedly detained by its members.

**KEYWORDS:** DISAPPEARANCES / POSSIBLE EXTRAJUDICIAL EXECUTION1  
/ ARMED CONFLICT / NON-GOVERNMENTAL ENTITIES / ETHNIC GROUPS /  
INCOMMUNICADO DETENTION / TORTURE/ILL-TREATMENT / AGED



**Amnesty International**

**14-POINT PROGRAM FOR THE  
PREVENTION OF "DISAPPEARANCES"**

The "disappeared" are people who have been taken into custody by agents of the state, yet whose whereabouts and fate are concealed, and whose custody is denied. "Disappearances" cause agony for the victims and their relatives. The victims are cut off from the world and placed outside the protection of the law; often they are tortured; many are never seen again. Their relatives are kept in ignorance, unable to find out whether the victims are alive or dead.

The United Nations has condemned "disappearances" as a grave violation of human rights and has said that their systematic practice is of the nature of a crime against humanity. Yet thousands of people "disappear" each year across the globe, and countless others remain "disappeared". Urgent action is needed to stop "disappearances", to clarify the fate of the "disappeared" and to bring those responsible to justice.

Amnesty International calls on all governments to implement the following 14-Point Program for the Prevention of "Disappearances". It invites concerned individuals and organizations to join in promoting the program. Amnesty International believes that the implementation of these measures is a positive indication of a government's commitment to stop "disappearances" and to work for their eradication worldwide.

**1. Official condemnation**

The highest authorities of every country should demonstrate their total opposition to "disappearances". They should make clear to all members of the police, military and other security forces that "disappearances" will not be tolerated under any circumstances.

**2. Chain-of-command control**

Those in charge of the security forces should maintain strict chain-of-command control to ensure that officers under their command do not commit "disappearances". Officials with chain-of-command responsibility who order or tolerate "disappearances" by those under their command should be held criminally responsible for these acts.

**3. Information on detention and release**

Accurate information about the arrest of any person and about his or her place of detention, including transfers and releases, should be made available promptly to relatives, lawyers and the courts. Prisoners should be released in a way that allows reliable verification of their release and ensures their safety.

**4. Mechanism for locating and protecting prisoners**

Governments should at all times ensure that effective judicial remedies are available which enable relatives and lawyers to find out immediately where a prisoner is held and under what authority, to ensure his or her safety, and to obtain the release of anyone arbitrarily detained.

**5. No secret detention**

Governments should ensure that prisoners are held only in publicly recognized places of detention. Up-to-date registers of all prisoners should be maintained in every place of detention and centrally. The information in these registers should be made available to relatives, lawyers, judges, official bodies trying to trace people who have been detained, and others with a legitimate interest. No one should be secretly detained.

**6. Authorization of arrest and detention**

Arrest and detention should be carried out only by officials who are authorized by law to do so. Officials carrying out an arrest should identify themselves to the person arrested and, on demand, to others witnessing the event. Governments should establish rules setting forth which officials are authorized to order an arrest or detention. Any deviation from established procedures which contributes to a "disappearance" should be punished by appropriate sanctions.

**7. Access to prisoners**

All prisoners should be brought before a judicial authority without delay after being taken into custody. Relatives, lawyers and doctors should have prompt and regular access to them. There should be regular, independent, unannounced and unrestricted visits of inspection to all places of detention.

**8. Prohibition in law**

Governments should ensure that the commission of a "disappearance" is a criminal offence, punishable by sanctions commensurate with the gravity of the practice. The prohibition of "disappearances" and the essential safeguards for their prevention must not be suspended under any circumstances, including states of war or other public emergency.

**9. Individual responsibility**

The prohibition of "disappearances" should be reflected in the training of all officials involved in the arrest and custody of prisoners and in the instructions issued to them. They should be instructed that they have the right and duty to refuse to obey any order to participate in a "disappearance". An order from a superior officer or a public authority must never be invoked as a justification for taking part in a "disappearance".

**10. Investigation**

Governments should ensure that all complaints and reports of "disappearances" are investigated promptly, impartially and effectively by a body which is independent of those allegedly responsible and has the necessary powers and resources to carry out the investigation. The methods and findings of the investigation should be made public. Officials suspected of responsibility for "disappearances" should be suspended from active duty during the investigation. Relatives of the

victim should have access to information relevant to the investigation and should be entitled to present evidence. Complainants, witnesses, lawyers and others involved in the investigation should be protected from intimidation and reprisals. The investigation should not be curtailed until the fate of the victim is officially clarified.

#### **11. Prosecution**

Governments should ensure that those responsible for "disappearances" are brought to justice. This principle should apply wherever such people happen to be, wherever the crime was committed, whatever the nationality of the perpetrators or victims and no matter how much time has elapsed since the commission of the crime. Trials should be in the civilian courts. The perpetrators should not benefit from any legal measures exempting them from criminal prosecution or conviction.

#### **12. Compensation and rehabilitation**

Victims of "disappearance" and their dependants should be entitled to obtain fair and adequate redress from the state, including financial compensation. Victims who reappear should be provided with appropriate medical care or rehabilitation.

#### **13. Ratification of human rights treaties and implementation of international standards**

All governments should ratify international treaties containing safeguards and remedies against "disappearances", including the International Covenant on Civil and Political Rights and its first Optional Protocol which provides for individual complaints. Governments should ensure full implementation of the relevant provisions of these and other international instruments, including the UN Declaration on the Protection of All Persons from Enforced Disappearance, and comply with the recommendations of intergovernmental organizations concerning these abuses.

#### **14. International responsibility**

Governments should use all available channels to intercede with the governments of countries where "disappearances" have been reported. They should ensure that transfers of equipment, know-how and training for military, security or police use do not facilitate "disappearances". No one should be forcibly returned to a country where he or she risks being made to "disappear".

This 14-Point Program was adopted by Amnesty International in December 1992 as part of the organization's worldwide campaign for the eradication of "disappearances".