

**amnesty international**

**FEDERAL REPUBLIC OF  
YUGOSLAVIA**

***A HUMAN RIGHTS CRISIS IN  
KOSOVO PROVINCE***



**Document Series B: Tragic events continue  
#3: Orahovac, July-August 1998  
Deaths, displacement,  
detentions: many  
unanswered questions**

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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in Kosovo province of the Federal Republic of Yugoslavia deteriorates and even minimal respect for human rights is withdrawn.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 five reports, which 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 three reports 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).**  
**B#3: *Orahovac, July-August 1998 - Deaths, displacement, detentions: many unanswered questions* (AI Index EUR 70/58/98).**

Amnesty International's reports are based largely on information gathered during missions by the organization to the Federal Republic of Yugoslavia 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:** Blood stains and scattered belongings in a street in Orahovac following the armed confrontation of 17-21 July 1998. ©AP Photo / Srdjan Ilic.

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# **FEDERAL REPUBLIC OF YUGOSLAVIA**

## ***A Human Rights Crisis in Kosovo Province***

### **Orahovac, July-August 1998 Deaths, displacement, detentions: many unanswered questions**

#### ***Introduction - What happened at Orahovac?***

Was there, at Orahovac, a mass atrocity exceeding the horrors we already know from Kosovo? Reports issued in the days immediately after the armed confrontation in the town speak of extrajudicial executions, and of undisclosed mass graves containing the bodies of numerous people who had been unlawfully killed.

Even without the mass atrocity claims, the testimony from the recent events at Orahovac - the consequences of the first (to date the only) attempt by the Kosovo Liberation Army (KLA) to seize control of a major population centre - features appalling stories typical of Kosovo's human rights tragedy: police and military forces deliberately or indiscriminately firing on civilians, causing deaths and forcing thousands to flee their homes; torture and ill-treatment in police detention; KLA abductions of people, some of whom remain "missing" and are presumed or feared killed.

This document examines the events at Orahovac from the armed clashes beginning on 17 July to the announcement of the findings of international monitors and humanitarian aid workers in and around the town in early August. It looks at the conflicting reports, said to be based on the testimonies of witnesses, by journalists, human rights monitors and others, and the arguments over the truth behind the events in the latter half of July, arguments which have raged in a climate of significant misreporting, unverified published data and deliberate disinformation promoted at times by both sides in the conflict and their supporters. By examining the reports and allegations here, Amnesty International highlights the pressing questions about human rights abuses at Orahovac which still need answers, and articulates how those answers might be found.

### **I. The fight for Orahovac, 17-21 July**

By mid-July, generalized armed activity was occurring across large parts of Kosovo. The KLA was estimated to be in de facto control of up to a third of the province's territory. The KLA was attacking targets<sup>1</sup>, and engaging Serbian police forces and ad hoc Serb communal self-defence groups in armed clashes, across a wide area of central Kosovo westwards and southwards from just outside the capital, Priština (Prishtina in Albanian), as far as the Albanian border. Serbian police continued attacks on KLA targets and supply lines, as well as indiscriminate attacks on Albanian-populated villages evidently aimed at emptying the population from areas where the KLA was active and from areas bordering main roads and supply



lines<sup>2</sup>.

Although operating close to, and in some cases effectively controlling the countryside outside a number of key towns, as well as rendering major roads in large areas of the province impassable, the KLA had not up to this time taken control of any significant population centre.

On 17 July the KLA attempted to seize Orahovac (Rahovec in Albanian). A picturesque town with a peacetime population of some 20,000 - estimated to be 80 percent Albanian, the remainder a mix of Turks, Slavic Muslims, Roma and

<sup>1</sup> Apparent KLA tactics included seeking to seize control of or disrupt traffic along key roads, seize and thereby render inoperative key industrial installations (such as the Belacevac open-cast mine near Priština, held by the KLA from the end of June to mid-July), and attack police stations and police patrols. Civilians from all ethnic groups were also being targeted individually or in small groups by the KLA, including being forced from their homes (Serb villagers in particular), abducted and unlawfully killed - see for example the cases cited in *A Human Rights Crisis in Kosovo Province, Series B Document #2: "Disappeared" and "missing" persons - The hidden victims of conflict*, AI Index: EUR 70/57/98.

<sup>2</sup> The established pattern - evident since the eruption of the present armed conflict in Kosovo in May 1998 - of deliberate or indiscriminate Serbian police attacks on villages with the aim of clearing out the civilian population, is briefly described in *Federal Republic of Yugoslavia: How cheap is life in Kosovo province?* Amnesty International News Service 122/98, AI Index: EUR 70/38/98, 30 June 1998.

Montenegrins as well as Serbs - it is distinctive for its narrow cobblestone streets and closely packed stone-roofed houses. Located 60 km southwest of Priština, Orahovac is on the southern edge of a swathe of territory at that time controlled by the KLA, and control of the town was described by observers as key to a supply route to the nearby small town of Mališevo (Malisheva), the temporary KLA "military headquarters" (the KLA also subsequently lost control of Mališevo to Serbian police forces on 28 July -- see below).

There were no outside observers to events at Orahovac as they unfolded from 17 July until journalists and humanitarian aid workers were allowed to enter the town on the afternoon of 21 July, after the fighting had subsided. What can be deduced from accounts taken afterwards is that on the afternoon of 17 July KLA fighters, having taken positions in or near the surrounding villages, entered Orahovac apparently from several directions and launched an assault on the police station and government offices in the centre of town. Serbian police and Yugoslav military reinforcements were brought in the following day to try to relieve the besieged police station and expel the KLA. The counterattack began with mortars or light artillery fire from positions around Orahovac, and the town came under sustained bombardment; shelling was reportedly indiscriminate. Serbian forces then advanced in armoured vehicles and on foot into the town, and there were sustained exchanges of gunfire with KLA fighters during 18-20 July.

With superior mobility and firepower, the Serbian forces succeeded in largely expelling the KLA from Orahovac by 20 July, although isolated KLA sniper fire and grenade explosions reportedly continued into the next day. All fighting was reported to be over by the evening of 21 July.

In the course of the armed confrontation a majority of the town's inhabitants, perhaps as many as 15,000 people, fled in fear for their lives (see below). However, when humanitarian aid workers were admitted to the town on 21 July they found a number of people, many of them women and children, still sheltering in basements where they had been trapped under fire, terrified, and having survived with little food and no fresh water for the duration of the confrontation.

## ***II. Allegations of extrajudicial executions and deliberate and arbitrary killings***

It has so far proved impossible to determine exactly how many people died at Orahovac. The only figure which has not been called into question is the death toll of Serbian police officers, officially put at two. No Yugoslav military casualties were reported.

Police and local people reportedly cleared the streets of dead bodies on 21 July, but in the following days bodies were still being found lying inside buildings, and in the courtyards and gardens of homes. Given the circumstances in which these people were

buried, some clandestinely, all apparently in haste (see below), and - as far as can be determined - without autopsies having been performed, the cause of death of these people cannot be known at present with any degree of certainty, unless perhaps if the death itself was witnessed by those still living. Given the nature of the events at Orahovac, some of the dead were doubtless involved in the fighting, as members of the KLA.

However, there are credible allegations that people died at Orahovac as many others have died in Kosovo in recent months<sup>3</sup> - because Serbian forces did not distinguish between the civilian population and KLA fighters and between civilian objects and military objectives. Indeed there are credible allegations that Serbian forces fired mortars and artillery rounds into the town in an indiscriminate fashion. Moreover, people who were clearly civilians - including women, children and the elderly - were allegedly deliberately targeted individually or in groups by Serbian police guns, including at close range or by snipers.

There are also allegations that KLA fighters deliberately killed Serb civilians after abducting them in Orahovac and the surrounding area (see the references to "missing" persons, below), although it should be noted that

<sup>3</sup> See *A Human Rights Crisis in Kosovo Province, Series A Document #2: Violence in Drenica*, AI Index: EUR 70/33/98, and *Series A Document #5: Ljubenić and Poklek: A pattern repeated*, AI Index: EUR 70/46/98.

Amnesty International has received no account of anyone found dead in circumstances that would specifically suggest they had been so killed. The official toll of Serb civilians killed during the fighting at Orahovac, in undisclosed circumstances, is four. No fatalities among other minority ethnic groups have been reported.



**Possible extrajudicial executions in and around the Halveti dervish *tekke* and the Kadiris mosque**

*"Is my husband's body still lying in the street?"*

Behije Hajda, a survivor of the incident near the Kadiris mosque<sup>4</sup>



*"He was a healer. He was a saint. He was very influential."*

A follower describing Sheh Muhedin Shehu, killed at the Halveti dervish *tekke*<sup>5</sup>



<sup>4</sup> Interviewed at the village of Dragomil, near Orahovac, by journalist Harald Doornbos, and quoted in "Serb tanks 'butcher 200' in Kosovo", *The Sunday Times*, London, 26 July 1998.

<sup>5</sup> From "Kosovo rebels and civilians flee as Serbs renew ethnic cleansing", *The Observer*, London, 26 July 1998.

Two separate but possibly related incidents of apparent extrajudicial execution have been extensively reported. The reports - derived from witness testimony taken by journalists and local human rights monitors - are broadly consistent, albeit they vary in detail. The two incidents, as described, both centre on the *tekke* (seminary) of the *Halveti* religious order (the most prominent of several Shia Muslim *dervish* sects in Orahovac).

The first incident, which claimed an uncertain number of victims, concerns a deliberate armed Serbian police attack on a group of people attempting to leave Orahovac on the morning of 20 July.

According to one report, these people had fled their homes early on 20 July under heavy shelling and had sought shelter in the *tekke*, which is close to the centre of town. According to one witness<sup>6</sup> who withheld his identity, the leader of the *Halveti* sect in Orahovac, 76-year-old Sheh Muhedin Shehu - a well known and venerated figure in the town who was popularly known as "Baba Sheh" - told the assembled people at around 11am that day that police had threatened to enter the *tekke* if they did not leave. They complied. The witness described what then happened as, having left the *tekke* outside, the group came towards the (Sunni Muslim) Kadiris mosque, also in the centre of town:

<sup>6</sup> This testimony appears in "Survivors tell of massacre in Orahovac", *Financial Times*, London, 10 August 1998.

*"We saw two armoured personnel carriers of the police. Fatmir [Shehu - grandson of Baba Sheh] went first with another man, their hands raised in the air and asked them not to shoot. But one policeman started to shoot in the air and the crowd turned and fled. The firing went on and at least 15 people were killed at that moment. There were only 50 or 60 men in the crowd and the police targeted them."*

Fatmir Shehu, quoted by the ARTA news agency:

*"We had little children in our arms and the women were with us. Children started shrieking, there was a lot of noise. We started dispersing a bit... and then both tanks started shooting against the mass. They killed my aunt's husband and a young man. My three cousins were also wounded. We withdrew their bodies... I turned my head back and looked at my aunt's husband... I saw many corpses."*

Apparently describing the same incident, Behije Hajda, a 25-year-old mother of two, is quoted as follows:

*"There was heavy fighting and shelling. We were scared that the Serbs would kill us if we stayed. Around 300 of us attempted to leave as a group. When we passed the mosque the Serbs spotted us. Two tanks came towards us. We were all civilians -- women, children and old people as well as men. We all put up our hands and shouted, 'Please, don't shoot'... [The Serbian police then opened fire] Everybody panicked. I saw that my*

*husband was hit -- he fell to the ground. We started to run in all directions."*<sup>7</sup>

It is unclear what happened to the bodies of those reported killed in this incident.

Sheh Muhedin Shehu - Baba Sheh - was found dead at the *tekke* on the following day, 21 July. He had been shot.

The various testimonies relating to the circumstances of the death of Baba Sheh are not wholly consistent in detail, but all point to him having been apparently extrajudicially executed by Serbian police. Reports speak of Baba Sheh either being shot at close range by police officers who came to the *tekke* some time on 20 or 21 July still looking for people believed to be sheltering there, or of him being killed by a police marksman.

The body of Baba Sheh was reportedly buried privately in the grounds of the *tekke* by his son. There is no report indicating that an autopsy was carried out.<sup>8</sup>

<sup>7</sup> *The Sunday Times*, London, 26 July 1998.

<sup>8</sup> The Yugoslavian Federal Code of Criminal Procedure (CCP) specifies in Article 252 that autopsies shall be carried out when it is suspected that a death was caused by a criminal act or in connection with the carrying out of a criminal act. When an investigating magistrate is unable to attend the scene immediately, the police are allowed to initiate forensic investigations, but not to order autopsies (Article 154).

According to reports gathered by journalists, four other people were found dead in the grounds of the *tekke*, one of them the caretaker and another an assistant to Baba Sheh. The circumstances of their deaths are unknown.



#### **Known and alleged mass graves, and an uncertain death toll**

There are fresh grave sites in Orahovac and in the nearby city of Prizren which police claim hold a total of 51 bodies of those killed in fighting during the armed confrontation at Orahovac; all 51 are claimed by police to be the bodies of KLA combatants. The graves were dug and the bodies interred hastily on or around 21 July, without independent observers being present. There has been no suggestion that autopsies were carried out on them. Escorting journalists to the Orahovac grave site where it was claimed 40 bodies were buried, a Serbian Interior Ministry spokesperson, Col. Božidar Filić, on 5 August stated that the total number of bodies found after the armed confrontation of 17-21 July was 58 (53 men and five women), five of which had been claimed by and handed over to families. Of the others, some have not been properly identified, and their burials have been recorded with a number only. This Orahovac grave site, not previously used for burials, is next to a rubbish dump on the eastern edge of town.



On the night of 5-6 August one of the 11 bodies at the Prizren grave, located on the edge of an established Muslim cemetery, was disinterred and removed by unknown persons.

The reason for the escorted trip to the Orahovac grave on 6 August was apparently to seek to refute widely reported allegations made the day before of a more extensive mass grave, or multiple mass graves, containing the dead of Orahovac, and of casualty figures of over 500<sup>9</sup>. None of these reports has been

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<sup>9</sup> The reports originated with an Austrian newspaper journalist, who on 5 August reported the testimony of an alleged witness who claimed to have seen and participated in the burial of 567 bodies (the vast majority children). The journalist himself claimed to have seen mass grave sites, but not the bodies. Among claims cited elsewhere in support of possible casualty figures of this magnitude were alleged sightings of large numbers of bodies being taken out of Orahovac on trucks or tractor trailers, including in the hours immediately before journalists were allowed to enter the town on the afternoon of 21 July. Noting these alleged sightings, the *Washington Post* reported on 5 August that a "Western official" (whom it did not identify) who had tried to enter Orahovac on the morning of 21 July had described being passed on the road by two "foul-smelling trucks" leaving the town, which he concluded after hearing statements by local people contained corpses. On 7 August the organization Physicians for Human Rights described as "credible" reports of trucks containing corpses leaving Orahovac immediately after the end of the fighting, and called among other things for US aerial reconnaissance and US satellite photography of "possible grave sites" in and around

substantiated. European Union monitors who were urgently despatched to Orahovac on 5 August stated afterwards that there was "no evidence of mass graves", albeit the grounds on which they made this conclusion have not been made clear: they did not reportedly conduct any excavations, for example.

The death toll certainly exceeds the 58 officially admitted burials, however. Ethnic Albanians in Orahovac have stated that they themselves buried dead relatives in private gardens and other plots. A figure frequently cited by ethnic Albanian sources during the first week of August, and said to be based on accounts by local people, is of around 200 dead<sup>10</sup>. Local organizations have attempted to compile lists of the confirmed dead, and some of these - containing between two and four dozen names - have been published.



Orahovac.

<sup>10</sup> For example Veton Surroi, a prominent figure in Kosovar Albanian political circles and the editor and publisher of the Pristina newspaper *Koha Ditore*, speaking on 4 August after accompanying the US Ambassador to The former Yugoslav Republic of Macedonia, Christopher Hill, to Orahovac (ARTA news agency, 4 August 1998); Fatmir Shehu, grandson of Sheh Muhedin Shehu, interviewed by ARTA on 5 August 1998; and unnamed sources cited by the *Independent*, London, 6 August 1998.

**People unaccounted for, including those known or presumed "missing" following abduction by the KLA<sup>11</sup>**

One obvious reason for the confusion about the death toll is that there is no comprehensive public record of those who are unaccounted for from Orahovac and the surrounding villages. In a situation of mass displacement of people, such a record is likely to be difficult, if not impossible, to compile, at least in the short term.

Kosovar Albanian sources have not released any figures for members of the ethnic Albanian community unaccounted for from Orahovac and the surrounding area. Some Albanians are doubtless unaccounted for because they were among those who fled and have become internally displaced elsewhere in Kosovo or other parts of the Federal Republic of Yugoslavia (see below).

Of obvious concern is the burial of people without first establishing their identity. It cannot be ruled out that these are the bodies of people who are currently feared "missing" or who are otherwise unaccounted for, and who may in fact have been unlawfully killed - all too often the fate of the "missing" and "disappeared".

<sup>11</sup> The term "missing" refers to people whose whereabouts and fate are unknown after being captured by non-governmental entities or armed opposition groups. 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.



Immediately after the fighting in Orahovac some 55 Serbs and Montenegrins, including an ambulance crew, were reported "missing" from the town and the surrounding area. Thirty-five who had been in the custody of the KLA, among them seven Serbian Orthodox monks and a nun, were later released to representatives of the International Committee of the Red Cross (ICRC). 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, whom they believed were also in KLA hands, and in negotiating their release.

There were unsubstantiated reports that the KLA deliberately and arbitrarily killed some of those it had abducted in retribution for its expulsion from Orahovac (see reference above, on page 4, to the official death toll of Serb civilians announced on 22 July).

One of those who still remains "missing" from Orahovac is Djordje Djorić, a 28-year-old ethnic Serb, 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.

The disorder and breakdown of communication that 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.

### **III. Alleged torture and ill-treatment of detainees**

According to Serbian Interior Ministry spokesperson Col. Filić, speaking on 5 August, 325 ethnic Albanian men had been taken in to help police with their inquiries in the aftermath of the fighting at Orahovac. For 52 of them, he claimed that it had been "established beyond reasonable doubt that they took part in terrorist attacks", albeit up to that point they had not apparently been brought to trial. The others were released.<sup>12</sup>

<sup>12</sup> The Council for the Defence of Human Rights and Freedoms, a local non-governmental organization, on 23-24 July named 51 people, including two minors, against whom two investigative magistrates in Prizren had opened criminal proceedings in connection with the recent events in Orahovac. Amnesty International has so far been unable to confirm whether any or all of these detainees are among the 52 detainees to whom Col. Filić was referring but did not

Local monitors, including the Council for the Defence of Human Rights and Freedoms in Priština, have published claims that many of those detained and later released have reported being tortured or ill-treated. Amnesty International is, at the time of writing, seeking detailed information about individuals detained after the fighting in Orahovac who allege they were tortured or ill-treated. The organization notes with concern that torture and ill-treatment of ethnic Albanians in police custody is a well documented phenomenon extensive throughout Kosovo for many years.<sup>13</sup> Amnesty International therefore fears that the allegations now being made in respect of detainees from Orahovac are credible.

### **IV. Concerns for forcibly displaced persons arising from the fighting at Orahovac**

As noted in the introduction to this document, the peacetime population of Orahovac was around 20,000. As of 17 July, the town was also reported to be hosting around 170 persons internally

name individually.

<sup>13</sup> See *A Human Rights Crisis in Kosovo Province, Series A Document #1: Background: A crisis waiting to happen*, AI Index: EUR 70/32/98, and *Series A Document #3: Deaths in custody, torture and ill-treatment*, AI Index: EUR 70/34/98.

displaced from elsewhere in Kosovo by recent fighting.<sup>14</sup>

With the onset of armed confrontation a large part of the population of Orahovac fled. Estimates varied, but the number of people who fled while the conflict was going on appears to have been in the range of 13,000 to 15,000. What happened to many of them next, as reported mainly by the humanitarian aid agencies operating in Kosovo, is all too typical of the plight of the internally displaced in Kosovo.

The main flight route of the displaced from Orahovac was in the direction of Mališevo, around 15 km to the northeast. Conditions for the displaced in that town and nearby villages where they were accommodated - mostly in private homes - were described as problematic: humanitarian aid agencies reported that at Mališevo the displaced included many wounded, including women and children, but local health workers were reported to be unable to treat the seriously ill or injured because of a shortage of medicines and the ongoing suspension of the electricity and running water supplies to Mališevo.

On or shortly before 28 July the KLA decided to abandon Mališevo as Serbian police advanced on it. Most local

civilians as well as those already displaced there from Orahovac were reported to have fled Mališevo in panic in the course of the previous four days into the small villages around Mališevo, and the nearby woods and hills. It was feared they were cut off from adequate food and water supplies, and were beyond the reach of humanitarian agencies which initially could not locate many of them. For example, the office of the United Nations High Commission for Refugees (UNHCR) reported that, after searching for two days for the estimated thousands of people displaced from Mališevo, its delegates on 30 July found a group of around 500 people in the woods around Crnovrata, west of Mališevo. They were described as *"in a desperate situation, huddled in families of up to 20 members, totally exposed, with only trees serving as their shelter. They had taken refuge in these woods for three or four days, without running water and with limited food supplies which they had brought with them when fleeing Malisevo."*<sup>15</sup> Urgent assistance was despatched to this group by humanitarian agencies during the first week in August.

On 29 July UNHCR reported displaced persons from Orahovac arriving in Montenegro.<sup>16</sup>

<sup>14</sup> UN Inter-Agency Update on Kosovo, Situation Report 44, 21 July 1998 (reports compiled by UN Agencies and other humanitarian organizations in FRY, The former Yugoslav Republic of Macedonia and Albania. The information contained in these reports is based on that available at the time of issuance and is subject to revision).

<sup>15</sup> UN Inter-Agency Update on Kosovo, Situation Report 49, 31 July 1998.

<sup>16</sup> UN Inter-Agency Update on Kosovo, Situation Report 48, 29 July 1998.

**Return of the internally displaced, and possibly deliberate obstacles to return**

At the time of writing, in mid-August, returns to Orahovac in significant numbers were reliably reported to have started, but many people who had fled the town remained displaced, mostly in the surrounding area.

There are conflicting reports of the extent of the damage to the housing stock in Orahovac.<sup>17</sup> Visitors to the town report seeing many homes destroyed by fire. There is no doubt that there was sustained shelling during the Serbian assault, and damage including the burning of houses is likely to have been caused by this. However, it has been alleged that damage also occurred after the town was retaken by the Serbian police, and that police participated in looting before houses and shops were deliberately set on fire (Serb civilians are also said to have taken part in looting). The burning of houses at Mališevo, either by the police themselves or in plain sight of police and evidently with their full knowledge, was also reliably reported to have taken place in early August, when the town was described as empty of inhabitants.

Elsewhere in the conflict in Kosovo there has been a discernible pattern of the burning of houses in rural communities after the population has been displaced, apparently as part of a deliberate policy of rendering the villages

<sup>17</sup> At the time of writing Amnesty International had not sent its own delegates into Orahovac.

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uninhabitable and consequently making it impossible for the displaced to return.<sup>18</sup> This pattern appears to have been repeated again in the case of Mališevo.

On the other hand, in respect of Orahovac, it should be noted that the proportion of the housing stock reportedly destroyed in this way (even if numbers at the upper limit of what has been reported are to be believed) is not consistent with the pattern of extensive deliberate destruction aimed at preventing return. There does appear to have been, however, a punitive character to the burning of houses and other properties, directed at individuals and possibly at the economic life of the town: properties belonging to at least one family described as economically influential - the Haxhijahaj family - were reportedly deliberately set ablaze, as were properties allegedly belonging to KLA representative Jakup Kraniqi.



**Concerns for the protection of Croatian Serb refugees in Orahovac**

The first delegation of UNHCR to enter Orahovac on 21 July found 43 Croatian Serb refugees at a collective centre in the

<sup>18</sup> As briefly described in *Federal Republic of Yugoslavia: How cheap is life in Kosovo province?* Amnesty International News Service 122/98, AI Index: EUR 70/38/98, 30 June 1998, and in *A Human Rights Crisis in Kosovo Province, Series A Document #5: Ljubenić and Poklek: A pattern repeated*, AI Index: EUR 70/46/98.

town in need of urgent assistance. Over half of the group were described as elderly and in poor health, and none of the group had eaten in two days. UNHCR evacuated 21 persons from the group to a collective centre in Priština on 22 July, and a further 16 on 23 July. Six chose to remain in Orahovac.

This group was from the estimated more than 200,000 refugees who fled Croatia mainly in the last stages of the 1991-95 armed conflict there. Those refugees are now mainly in the Republika Srpska (the Bosnian Serb entity of Bosnia-Herzegovina) and in the Federal Republic of Yugoslavia (FRY). Many refugees arriving in FRY, not only Croatian Serbs but also Bosnian Serbs, were despatched to be accommodated in Kosovo. Amnesty International has condemned this as a political manipulation by the FRY authorities of vulnerable, dislocated people reeling from tragedy. The arrival of Croatian Serb as well as Bosnian Serb refugees in Kosovo has also been a factor in the escalation of tensions leading to the current conflict: it raised suspicions of an attempt by the FRY authorities to bolster the size of the Serb minority population in Kosovo and Croatian and Bosnian Serbs have become targets for attack by the KLA.<sup>19</sup>

<sup>19</sup> One such incident, in which armed men believed to belong to the KLA fired shots from a vehicle at a collective centre for Serbian refugees from Croatia or Bosnia in the town of Srbica (Skënderaj) in February 1998, is briefly cited in *A Human Rights Crisis in Kosovo Province, Series A Document #2*:

Voluntary repatriation to Croatia is being sought for those refugees displaced from Orahovac to Pristina.<sup>20</sup>

### **V. The unanswered questions, and Amnesty International's recommendations**

The unanswered questions about what happened at Orahovac join a long list of unanswered questions about the current conflict in Kosovo province. In most respects the questions are rooted in the same derogations from international human rights and humanitarian law, in the same failures, omissions and arbitrary actions that have characterized the entire human rights crisis in Kosovo.

Amnesty International continues to make the following general recommendations, which address the range of its concerns

*Violence in Drenica*, AI Index: EUR 70/33/98. Another incident, involving a grenade attack by unknown persons on a collective centre in Priština housing Croatian Serb refugees, was reported by UNHCR at the end of July.

<sup>20</sup> Recent reference is made to the plight of Croatian Serb refugees in respect of the obstacles they face to returning to their homeland in *Croatia: Impunity for killings after "Storm"*, AI Index: EUR 64/04/98, August 1998, and in *Croatia: Three years since operations Flash and Storm -- three years of justice and dignity denied*, Amnesty International News Service 144/98, AI Index: EUR 64/05/98, 4 August 1998.

about the abuse of human rights in Kosovo.

- The Serbian and Yugoslav authorities should issue clear instructions to all members of the security forces carrying out law enforcement and military functions in Kosovo that deliberate and indiscriminate attacks on civilians, extrajudicial executions, "disappearances" (whether of civilians or former 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 accountable for their actions.
- The Serbian and Yugoslav 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 (Protocol II), shall be applied and all members of the security forces deployed in Kosovo should be made familiar with them.
- The Serbian and Yugoslav authorities should ensure that prompt, independent and impartial criminal investigations and procedures are initiated to hold to account any officers suspected of ordering or perpetrating human rights violations.
- Effective steps should be taken to prevent a repetition of human rights

violations including comprehensive human rights and humanitarian law training for law enforcement officials in cooperation with experts such as the ICRC and the UN High Commissioner for Human Rights.

- The authorities should cooperate fully with intergovernmental institutions such as the International Criminal Tribunal for former Yugoslavia in its investigations and prosecutions of cases of serious violations of humanitarian law.
- The authorities should allow the opening of the field office of the United Nations (UN) Office of the High Commissioner for Human Rights (OHCHR) which the High Commissioner has requested in Priština. They should also grant permission for an extended temporary human rights monitoring mission of the OHCHR as recommended by the Special Rapporteur on the Situation of Human Rights in the Territory of the Former Yugoslavia, Jiří Dienstbier, to the UN Commission on Human Rights (14 April 1998).
- The authorities should grant permission for the redeployment of the Mission of Long-Duration of the Organization for Security and Co-operation in Europe.
- Leaders of the Kosovo Liberation Army should strengthen the chain of command and ensure that all forces under their control comply with basic humanitarian law principles as set out in common Article 3 of the Geneva Conventions of 1949 and Protocol II,

which prohibit hostage-taking and the torturing and killing of those taking no part in hostilities.

The following specific recommendations are intended to address the unanswered questions and unresolved issues from Orahovac.

**Possible extrajudicial executions and unlawful killings**

**The Questions:**

*How many people were killed at Orahovac between 17 and 21 July 1998? Who were they? Were they civilians or combatants? How were they killed, in what circumstances, and by whom?*

*Did Serbian police and Yugoslav military forces extrajudicially execute or deliberately and arbitrarily kill civilians, as alleged?*

*Amnesty International recommends to the Serbian and Yugoslav authorities:*

■ Prompt, independent, impartial and thorough investigation should be allowed into all allegations of extrajudicial executions and deliberate and arbitrary killings, and in particular the possible extrajudicial execution of Sheh Muhedin Shehu and of people outside the Kadiris mosque on 20 July. The authorities should also initiate, as a matter of urgency, their own prompt, thorough, independent and impartial investigations

into all allegations of such human rights violations by the police and military according to guidelines set out in international standards such as the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions. The investigations should include an adequate autopsy, collection and analysis of all physical and documentary evidence, and statements from witnesses. The investigations should distinguish between natural death, accidental death, suicide and homicide.

■ Where autopsies have not already been conducted and made available to investigating and prosecuting authorities, the body of the deceased person should not be disposed of until an adequate autopsy is conducted by a physician who should be an expert in forensic pathology. In order to ensure objective results, those conducting the autopsy must be able to function impartially and independently of any potentially implicated persons or organizations or entities. Those conducting an autopsy should have the right to access to all investigative data, to the place where the body was discovered, and the place where death is thought to have occurred. If the body has been buried and it later appears that an investigation is required, the body should be promptly and competently exhumed for an autopsy. If skeletal remains are discovered, they should be carefully exhumed and studied according to systematic anthropological techniques.



■ Those potentially implicated in extrajudicial executions should be removed from any position of control or power, whether direct or indirect, over complainants, witnesses, their families, as well as over those conducting investigations.

■ Victims of extrajudicial execution and suspected extrajudicial execution, as well as their families, should receive the dignity that they deserve. The authorities should make every effort to exhume secret graves and suspected mass graves when they are brought to their attention. The bodies of the deceased should be returned to them upon completion of investigations. The costs of exhumation and reburial in the cemeteries of the relative's choice should be born by the authorities if the original burial was not at a site requested by the relatives. Given the general lack of confidence in the Serbian authorities by the ethnic Albanian population, international monitors should be invited to monitor such exhumations and should be given adequate notice to make attendance a realistic possibility.

■ Security forces carrying out law enforcement functions in Kosovo province should be trained in the application of, and required to follow, the following international standards:

- 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



**People unaccounted for, including "missing" persons**

**The Questions:**

*What continuing efforts are being made or should be made to identify those who have been buried without their identity having first been established?*

*What measures should be taken to ensure that people who are unaccounted for do not become victims of "disappearance"?*

*What should be done to ensure that the KLA does not persist in violating international humanitarian law principles relating to hostage taking?*

*What is the fate of the people still "missing"? What is the truth behind allegations that the KLA has killed people it abducted at Orahovac?*

*Amnesty International recommends to the Serbian and Yugoslav authorities:*

- All bodies should be subjected to proper identification procedures and buried in properly marked graves. The authorities should take immediate steps to identify all those who have been buried without identification procedures being carried out (see the reference to the requirements when conducting exhumations, above), and inform the relatives of the deceased as soon as is possible.
- All members of the security forces carrying out law enforcement functions in Kosovo province should be trained in the application of, and the required to follow, the UN Declaration on the Protection of All Persons from Enforced Disappearance, as well as the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.
- Prompt and accurate information should be provided by the authorities 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.

*Amnesty International recommends to the KLA:*

- The KLA should reform and strengthen its chain of command, to ensure that

abuses in violation of the principles of common Article 3 of the Geneva Conventions of 1949 and Protocol II are not carried out. It should suspend from active duty pending investigation and appropriate disciplinary proceedings anyone suspected of committing such abuses.<sup>21</sup>

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



**Alleged torture and ill-treatment in police detention**

**The Questions:**

*What actions are being taken to investigate allegations that people detained by police after the events at Orahovac were tortured or ill-treated? How many people are currently detained on charges connected to the events at Orahovac? What are their conditions of detention? What are the charges against them?*

<sup>21</sup> Amnesty International notes that a statement by a spokesperson for the KLA published on 12 July underlines that the KLA is failing to respect common Article 3 to the extent that it acknowledged executing some of those it had abducted - see *A Human Rights Crisis in Kosovo Province, Series B Document #2: "Disappeared" and "missing" persons: The hidden victims of conflict*, AI Index: EUR 70/57/98, pp. 8-9.

*Amnesty International recommends to the Serbian authorities:*

- The authorities should take action to ensure that adequate standards are maintained in the administration of policing and dispensing of justice. Particular attention should be paid to ending the routine ill-treatment or torture of suspects in police custody. As a vital first step they should enforce in practice the right of a defendant to be interrogated in the presence of a defence lawyer of his or her choice under Article 29 of the Constitution of the FRY and Article 24 of the Serbian Constitution. The Code of Criminal Procedure should be brought in to harmony with the Constitution and international human rights standards as soon as possible.
  - The authorities should take further steps to ensure that defendants in political trials receive fair trials. These should include ensuring the defendant's right to communicate in private with his or her legal representative at all stages of the legal process.
  - The authorities should ensure that statements extracted by means of torture are not used as evidence in trials and that in all cases allegations that defendants have been tortured or ill-treated are promptly investigated and that those responsible are held to account.
  - The authorities should ensure that all members of the security forces carrying out law enforcement functions in Kosovo province are acquainted with and trained
- in the application of the following international standards:
- The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials
  - The UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions
  - The UN Code of Conduct for Law Enforcement Officials
  - The UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment
- The authorities are also requested to confirm to Amnesty International the identities of all persons facing criminal charges arising from events at Orahovac on 17-21 July; to disclose the charges against those persons; to ensure the safety and well-being of those persons; and to guarantee them prompt access to legal representatives and to their families.
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**Concerns for the displaced****The Questions:**

*What efforts are being made to ensure respect for the rights and guarantees for the protection of persons from forced displacement and for their protection and assistance during displacement?*

*What protection is being given to refugees located within Kosovo, consistent with their rights in international standards?*

*Amnesty International recommends to the Serbian and Yugoslav authorities and to the KLA:*

■ That they respect the rights and guarantees for the protection of persons from forced displacement and for their protection and assistance during displacement and return. In this regard Amnesty International commends the "Guiding Principles on Internal Displacement", developed by the representative of the Secretary General on internally displaced persons, and noted by the UN Commission on Human Rights (resolution 1998/50), which reflect international human rights and humanitarian law standards for the displaced.

*Amnesty International recommends to the Serbian and Yugoslav authorities:*

■ Property and possessions of internally displaced persons should not be used as objects of attack or reprisal, or be destroyed or appropriated as a form of collective punishment.

■ Refugees who have been given accommodation in Kosovo, such as the group of Croatian Serbs found at Orahovac, should be relocated to safe locations elsewhere within the FRY, on the basis of the requirements of EXCOM conclusion 72, which, in point b) "Urges States to take all measures necessary to prevent or remove threats to the personal security of refugees and asylum-seekers in border areas or elsewhere, ...by situating refugee camps and settlements in secure locations", and in point d) "Calls upon States, in collaboration with UNHCR... to provide effective physical protection to asylum-seekers and refugees..."

**KEYWORDS:** POSSIBLE EXTRAJUDICIAL EXECUTION1 / MASS KILLING1 / ARMED CONFLICT1 / ETHNIC GROUPS / TORTURE/ILL-TREATMENT / DISPLACED PEOPLE / REFUGEES / DISAPPEARANCES / NON-GOVERNMENTAL ENTITIES / HUMAN RIGHTS ACTIVISTS / INTER-GOVERNMENTAL ORGANIZATIONS / RELIGIOUS GROUPS - ISLAMIC / UNHCR