

# YUGOSLAVIA

## *A Human Rights Crisis in Kosovo Province*

# Ljubeni\_ and Poklek: Extrajudicial executions, excessive use of force and “disappearances”

## *A pattern repeated*

### *Introduction*

This report is the latest in 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.

In an earlier document in this series<sup>1</sup> Amnesty International described extrajudicial executions and excessive use of force perpetrated by the Serbian police in the villages of Likošani, \_irez and Donji Prekaz in March. In these incidents real or alleged attacks on police patrols by armed ethnic Albanians of the Kosovo Liberation Army (KLA,

or *Ushtria Çlirimtare e Kosovës - UÇK* - in Albanian) were followed by large-scale operations by the police. The force used in these operations was greatly disproportionate to that required by the circumstances. Unarmed people, unconnected with any of these attacks on the police, were killed or injured; some appeared to have been extrajudicially executed in summary executions subsequent to the main police offensive operations.

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<sup>1</sup> *Drenica, February-April 1998: Unlawful killings, extrajudicial executions and armed opposition abuses*, June 1998, AI Index: 70/33/98.

The same pattern of events was evident in two incidents which occurred in May: first on 25 May in the village of Ljubeni\_ (Lybeniq in Albanian), near De\_ani, in the region known as Metohija (or Rrafsh i Dukagjinit in Albanian) and then six days later in Novi Poklek (Poklek i Ri in Albanian), a settlement close to the town of Glogovac in the Drenica region.

At the time these incidents occurred fighting between the police and the KLA in the areas where the villages are situated had become an everyday occurrence, to the extent that it is clear that an armed conflict was taking place.

### **Amnesty International's concerns**

The pattern which seems to have been established in these incidents appears to consist mainly of:

- an incident in which a police patrol or police travelling in civilian cars are attacked or perceived by the police to have been attacked by armed ethnic Albanians;
- the arrival of a substantial police force in paramilitary formation a few hours later;
- initial bombardment by police of the village using mortars, artillery or other force disproportionate to the threat posed by any armed ethnic Albanians. In Donji Prekaz in March the bombardment

caused death to people who are unlikely to have been carrying arms, including women and children;

- house to house patrols by police ordering the occupants out of any buildings;
- the separation of men from women and children and the ordering of women and children to flee;
- the ill-treatment, unlawful killing or "disappearance" of men found by police;
- deliberate damage to or destruction of houses by fire or police patrols moving in the villages, making them uninhabitable and thus discouraging the return of their occupants who may have been displaced.

Amnesty International remains deeply concerned that the Serbian police appear to have resorted to excessive use of force and contravened the requirements of national law, international standards on policing, and international humanitarian law provided in the Common Article 3 of the four Geneva Conventions of 1949.

## ***The extrajudicial execution of at least eight men in the village of Ljubeni\_, 25 May 1998***

### *The victims:*

<b>Imer Hamzaj</b>	53 years
<b>Ibrahim Hamzaj</b>	64 years
<b>Dervish Hamzaj</b>	51 years
<b>Bashkim Hamzaj</b>	23 years
<b>Zeqë Hamzaj</b>	68 years
<b>Gani Hamzaj</b>	25 years
<b>Rifat Hamzaj</b>	24 years
<b>Haxhi Goga</b>	22 years

*All reported to have been extra-judicially executed.*

At around 6:45am on 25 May 1998 there was an incident on the road between De\_ani and Pe\_ close to the village of Ljubeni\_ in which a civilian car was shot at by armed men. The car was reportedly being driven by a civilian, but one or two police or reserve police officers were among those being given a lift in the vehicle. It is unclear whether the attack had been planned as an ambush or whether the car was fired on after it failed to stop at what looked like a checkpoint placed by the KLA. Three men travelling in the car were hit by the bullets, including the driver, a police officer and a reserve police officer, who was apparently off-duty.

On hearing of the incident and fearing that the village would be attacked, some of the ethnic Albanian men of Ljubeni\_ village reportedly tried to pass a message to the police that there were no arms or armed men in the village. They attempted to do this by meeting with Serbian men living in the same village and asking them to intercede.

That afternoon, sometime after 1pm, before any such message could even be sent, a large force of police utilizing various vehicles, some of which were armoured, arrived at Ljubeni\_. The police positioned themselves on the outskirts and started to fire at the Albanian part of the village using artillery and other weapons for up to 30 minutes, before entering the village itself. There are reported to be at least 20 houses occupied by Serbs grouped together in one part of the village; witnesses claim that they remained untouched.

By the time the police had arrived and started the operation, most of the villagers had fled to the nearby woods. Those who could not flee sheltered in their own or neighbours' houses as best they could. After a short while patrols of police started to go from house to house.

In one house (solidly built in traditional village style and known as a *kulla*) a group of about 14 people was sheltering. This group included both members of the household and neighbours who had taken refuge there. A group of police officers forced their way into the yard and the house and ordered the occupants out. The police then separated men from the women and children in the yard. The women and children were made to run away after being threatened with guns. The police then started to beat the men, who were unarmed, and then ordered them to run and shot them while they were running. Altogether four men were killed in this incident, Imer Hamzaj (53), Ibrahim Hamzaj (64), Dervish Hamzaj (51) and Bashkim Hamzaj (23). Another man who was hit by a bullet and lay injured pretended at first to be dead until he fell into unconsciousness. He was later taken to a neighbouring house by women who had been sheltering there.

A group of police officers had also entered the compound of the house of Zeqë Hamzaj (aged 68 years). They took him and his sons, Gani Hamzaj (25) and Rifat Hamzaj (24) out of the building, made them strip to their underwear, beat them and killed them. An eighth man, Haxhi Goga (22) from the town of De\_ani, who was a guest of one family, was also reportedly killed in a similar fashion.

Some of those who had fled into the woods returned to the village later in the afternoon after the police had left. The next day the villagers performed a

hasty burial of the dead, but many quickly moved out of the village to the mountains, neighbouring villages or the town of Pe\_. Most of those who fled moved on from the mountains after a few more days, crossing the border into Albania to become refugees or into Montenegro to become internally displaced persons. Those who fled Ljubeni\_ appear to have little chance of returning in the immediate future: some houses were apparently deliberately set on fire by police during their operation, compounding the obstacles to the return of displaced persons and refugees from the village.

Ljubeni\_ was attacked again by police on 29 May when police reportedly fired at the village again with mortar rounds and other weapons, causing the few villagers who had remained to flee. The village has apparently been deserted ever since.

## ***The "disappearance" of eight men from Novi Poklek***

*The victims:*                      Approximate age:

<b>Ahmet Berisha</b>	40 years
<b>Hajriz Hajdini</b>	48 years
<b>Muhamet Hajdini</b>	45 years
<b>Sahit Qorri</b>	60 years
<b>Sefer Qorri</b>	55 years
<b>Ferat Hoti</b>	39 years
<b>Rama Asllani</b>	60 years
<b>Blerim Shishani</b>	15 years

*All "disappeared" after being detained by police.*

Novi Poklek (Poklek i Ri in Albanian) is 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.

Earlier that morning there was reportedly an incident in which a police officer (apparently off duty and in a civilian vehicle) was involved in a car crash. No other vehicles were involved in the incident. Whether the crash happened because the car was fired at or for other reasons cannot be ascertained.

Reports of the events include allegations that nine or more men were

killed. Despite the lack of confirmed information, eight men who were reportedly detained by the police remain unaccounted for. Amnesty International is concerned about the "disappearance" of these men and calls on the Serbian authorities to take immediate action to clarify the whereabouts or the fate of these men.

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. The police then began firing on houses in the settlement from the vehicles, positions near them and from buildings on the edge of Glogovac which lay only a few hundred metres from Novi Poklek. After around half an hour patrols of police started to go from house to house in the settlement, ordering the inhabitants out of the 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 walk to the nearby village of Vasiljevo. Eight of the men who were reported to have been separated from them remain unaccounted for.

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.

Amnesty International is aware of various reports about the fate of the missing men, 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 Feronikl factory where they are being held, or that they have been killed and buried in a mass grave. On 11 June a group of lawyers from Priština, who have been given power of attorney by relatives of the missing men, addressed a letter to the Serbian and Federal judicial authorities and police claiming that nine men had been killed and asking 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 no other replies had been received from the authorities by the end of June.

## ***Amnesty International's Recommendations***

To the Serbian and Yugoslav authorities:

- The authorities should order prompt and impartial investigations into the incidents described in this report, take immediate steps to clarify the fate and whereabouts of the eight men reportedly “disappeared” and bring any police responsible for extra-judicial killings,
- The authorities should ensure that in situations of armed conflict the relevant prohibitions of international humanitarian law contained in Common

“disappearances”, torture or ill-treatment promptly to justice.

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

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

- ◆ The United Nations (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

Article 3 of the Geneva Conventions of 1949 and in Protocol II Additional to the Geneva Conventions relating to the protection of victims of

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

- The authorities should allow the United Nations Office of the High Commissioner for Human Rights (OHCHR) to open a sub-office in Priština which the High Commissioner has requested.

- The authorities should grant permission for the redeployment of the Mission of Long-Duration of the Organization for Security and Co-operation in Europe to cover Kosovo as well as Sand\_ak and Vojvodina.

- The authorities should allow all international and local human rights monitors and humanitarian organizations full, unhindered access to all areas in Kosovo.

- The authorities should cooperate in full with the International Criminal Tribunal for the former Yugoslavia, in its attempts to investigate reports of serious violations of humanitarian law in Kosovo by allowing its investigators access to all areas in Kosovo.

To the members of the Contact Group

- The Contact Group should request the implementation of all the

- Contributing governments should ensure that all requests for funding made by the International Criminal Tribunal for the former Yugoslavia in connection

recommendations made to the Yugoslav authorities in this report.

- It should develop a human rights strategy to shape the demands it makes of all the relevant parties. This should focus on ensuring that:

- the international community has the capability of deploying an effective human rights monitoring operation in the region.

- the current deployment of diplomats to monitor the situation in the province is not regarded as a substitute for a properly constituted human rights monitoring mission.

- the International Criminal Tribunal for the former Yugoslavia is fully supported in investigations into possible violations of international humanitarian law and crimes against humanity.

To all UN contributor governments

- Contributing governments should ensure that the offices in the Federal Republic of Yugoslavia of the UN High Commissioner for Human Rights are properly resourced to meet the additional demands placed upon them.

with its investigations and any subsequent prosecutions are met in full.

To ethnic Albanian armed opposition groups in Kosovo province

- The KLA should ensure that all forces under its control abide by basic humanitarian law principles as set out in Common Article 3 of the Geneva Conventions of 1949 which prohibit the killing of those taking no part in hostilities as well as hostage-taking.

**KEYWORDS:** EXTRAJUDICIAL EXECUTIONS<sup>1</sup> / USE OF EXCESSIVE FORCE / DISAPPEARANCES / NON-GOVERNMENTAL ENTITIES / ETHNIC GROUPS /