

YUGOSLAVIA
HUMAN RIGHTS ABUSES IN KOSOVO 1990-1992

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(formerly Helsinki Watch)

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Human Rights Watch/Helsinki was established in 1978 to monitor and promote domestic and international compliance with the human rights provisions of the 1975 Helsinki Accords. It is affiliated with the International Helsinki Federation for Human Rights, which is based in Vienna, Austria. Jeri Laber is the executive director; Lois Whitman is the deputy director; Holly Cartner and Julie Mertus are counsel; Erika Dailey, Rachel Denber, Ivana Nizich and Christopher Panico are research associates; Christina Derry, Ivan Lupis, Alexander Petrov and Isabelle Tin-Aung are associates; Željka Markić and Vlatka Mihelić are consultants. Jonathan Fanton is the chair of the advisory committee and Alice Henkin is vice chair.

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TABLE OF CONTENTS

Acknowledgments	i
Introduction	1
Police Violence and Mistreatment in Detention	7
The Killing of Mikel Marku.....	7
The Killing of Ali Sahit Haxhiu	11
The Killing of Sami Babaj	11
Police Abuse of Mentor Kaci.....	12
Use of Force in Učka	13
Beating of Delegates from Croatia	13
Impunity: The Killing of Afrim Prebreza	14
Legalized Discrimination and Manipulation of the Legal System	16
Abuse of the Law on Petty Offences	17
Lack of an Independent Judiciary	18
Restrictions on Freedom of Association	20
Arrests in June 1992.....	20
University Demonstrations in July 1991.....	21
Arrests of Albanian Politicians in Late 1990	21
Restrictions on Freedom of Speech and Expression.....	23
Trial of "Terrorists" in Priština and Peć.....	23
Indictment of Numan Balić.....	25
Arrest of Veton Surroi	26
1990 Convictions for Possession of "Hostile Materials"	27
November 1990 Arrests in Dečane	28
Restrictions on Freedom of the Press and Persecution of Journalists	29
General Employment Discrimination and Mass Dismissals of Albanians	38
Discrimination in the Medical Profession.....	42
Alleged Poisoning of Albanian School Children.....	43
Discrimination in Education.....	45
General Economic and Social Marginalization of the Albanian Population in Kosovo	47
Army Conscription and Deaths of Albanian Recruits.....	50
Militarization of Kosovo.....	52
Recommendations	54
Appendix A: Chronology of Events in Kosovo.....	56

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This report was written by Ivana Nizich and was edited by Jeri Laber, the Executive Director of Helsinki Watch.

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INTRODUCTION

With the disintegration of the former Yugoslavia, world attention has focussed on the brutal warfare that erupted first in Croatia and, more recently, in Bosnia-Herzegovina. Most of the human rights violations being committed in both conflicts stem from the use of force and terror by Serbian authorities to assert control over territory and to expel or marginalize the non-Serbian population.

These tactics, which now form a familiar pattern, were first used by Serbian authorities in Kosovo, a formerly autonomous province in southern Serbia in which ethnic Albanians comprise approximately 90 percent of the population. Since 1990, Serbian authorities in Belgrade have directly administered Kosovo, systematically violating the human rights of ethnic Albanians in the province. Yet little attention was paid by the international community. There is reason to believe that, had Serbian President Slobodan Milošević been penalized for pursuing his course in Kosovo -- through the use of international sanctions and worldwide opprobrium -- the tragic warfare in Croatia and Bosnia-Herzegovina might have been prevented. Even now, little attention is paid to the ongoing suppression of the rights of the Albanian population in Kosovo. Yet if the violence in the former Yugoslav territories were to spread to Kosovo, with the potential of involving neighboring Albania and Macedonia, it could lead to a conflagration that would threaten the entire Balkan peninsula.

After his rise to power as President of Serbia in 1987, President Milošević embarked on a series of moves to extend his power throughout Yugoslavia, with little regard for the human rights of non-Serbs or those Serbs opposed to his policies. Milosevic's dogmatic communism gave way to strident nationalism. Through an incessant propaganda campaign in the press in the late 1980s and early 1990s, the Serbian government repeatedly manipulated the patriotism of its people and exaggerated the scope and nature of human rights abuses against Serbs in Kosovo, Croatia and Bosnia-Herzegovina. Although individual acts of violence against Serbs occurred in all three places to varying degrees, such abuse was by no means widespread nor did it amount to "genocide," a claim the Serbian government has asserted.¹ Rather, the exaggeration and misrepresentation of human rights abuses against Serbs was used by Milošević to stir up national passions and thereby to consolidate or extend his power in Kosovo, Croatia and Bosnia-Herzegovina.²

¹ The United Nations Convention on the Prevention and Punishment of the Crime of Genocide defines genocide as "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- a) killing members of the group;
- b) causing serious bodily or mental harm to members of the group;
- c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d) imposing measures intended to prevent births within the group;
- e) forcibly transferring children of the group to another group."

² See Jeri Laber and Ivana Nizich, "Milošević's Land Grab," Op-ed, *The Washington Post*, May 25, 1992. It should be noted that the policies of Slobodan Milošević have had the opposite of their purported effect in Croatia and Bosnia-Herzegovina. Although egregious abuses were not committed against Serbs prior to the outbreak of war in Croatia and Bosnia-Herzegovina, since the commencement of hostilities, Serbs have been summarily executed, held hostage, forcibly displaced and otherwise harassed in areas under Croatian and Muslim control in both republics. Serbian forces also are guilty of gross violations against non-Serbs in Croatia, Bosnia-Herzegovina and Serbia. (Violations of

Milošević developed what has become his distinctive pattern of aggression and repression when he imposed what amounted to emergency rule in Kosovo. He began in 1988 by proposing changes to Serbia's constitution which would effectively revoke the autonomy granted to the provinces of Kosovo and Vojvodina by Yugoslavia's 1974 constitution.³ In response, ethnic Albanians called for Kosovo's secession from Serbia and its creation as an independent, constituent republic of Yugoslavia. Strikes and protests organized by Albanians in Kosovo increased and, by February 1989, the federal Yugoslav government instituted "special measures" and assigned responsibility for public security in Kosovo to the federal government. In April 1990, the federal authorities lifted the special measures in Kosovo and left matters to the Serbian government, which effectively extended emergency rule in Kosovo. In July 1990, the Serbian parliament dissolved Kosovo's predominantly Albanian legislature and government. In September 1990, a newly adopted Serbian constitution revoked the province's autonomy and provided for Kosovo's direct rule from Belgrade. Most functions of the provincial legislative and executive bodies were transferred to Serbian authorities in Belgrade and the province continues to be ruled directly from Belgrade.

On September 7, 1990, ethnic Albanian members of the dissolved Kosovo assembly met clandestinely and adopted a constitution which designated Kosovo as a republic within the Yugoslav federation. Thereafter, Albanian representatives of the provincial parliament established "underground" institutions of government. Most Albanians abide by the decisions of this shadow government and refuse to accept Belgrade's direct rule over Kosovo, in which they claim not to be represented. Many of the abuses in the past two years have been a result of the Albanians' refusal to accept direct Serbian rule and the use of repressive measures by Serbian authorities to force Albanian submission to Belgrade's rule.⁴

Since the government of Slobodan Milošević assumed direct control of Kosovo's governance and security in 1990, the human rights situation has worsened dramatically. Although "ethnic cleansing" practices employed by Serbian forces in Croatia and Bosnia-Herzegovina are not as brutally pronounced

human rights and humanitarian law in Croatia, Serbia and Bosnia-Herzegovina are reported in the following Helsinki Watch publications: "Yugoslavia: Human Rights in the Croatian Conflict," September 1991; Letter to Slobodan Milošević, President of the Republic of Serbia, and General Blagoje Adžić, Acting Minister of Defense and Chief of Staff of the Yugoslav People's Army, January 21, 1992; Letter to Franjo Tudjman, President of the Republic of Croatia, February 13, 1992; and *War Crimes in Bosnia-Herzegovina*, August 1992.]

³ See Appendix A for a detailed chronology of events in Kosovo.

⁴ In this report, we document violations of human rights in Kosovo since the Serbian government assumed direct control over the province in mid-1990. For an account of the human rights situation in Kosovo prior to March 1990, see the following Helsinki Watch publications: *Increasing Turbulence: Human Rights in Yugoslavia*, October 1989; and, *Yugoslavia: Crisis in Kosovo*, with the International Helsinki Federation, March 1990. See also Michael W. Galligan, Deborah J. Jacobs, Morris J. Panner and Warren R. Stern, "The Kosovo Crisis and Human Rights in Yugoslavia: A Report of the Committee on International Human Rights," *The Record of the Association of the Bar of the City of New York*, Volume 46, Number 3, April 1991. Recent human rights concerns in Kosovo are summarized in the following Helsinki Watch publications: "Letter to Slobodan Milošević, President of the Republic of Serbia, and General Blagoje Adžić, Acting Minister of Defense and Chief of Staff of the Yugoslav People's Army, January 21, 1992; and *War Crimes in Bosnia-Herzegovina*, August 1992.

in Kosovo, the deliberate economic and social marginalization of Albanians in Kosovo has less overtly forced the emigration of Albanians from the province. While Albanians are being forced to leave, Milošević's government has provided incentives and encouraged the settlement of Serbs in the province -- a practice conducted throughout Serbian-occupied areas of Croatia and Bosnia-Herzegovina. Indeed, Serbian policy in Kosovo has been described by Warren Zimmermann, the former U.S. Ambassador to Yugoslavia, as "a typical colonial situation."⁵ Moreover, the increasing presence of the Yugoslav army and Serbian paramilitary groups and the arming of Serbian civilians in Kosovo raises serious concern that the province may be the next scene of bloodshed in the Balkans.

Helsinki Watch takes no position on the territorial or political construction of the former Yugoslav republics (i.e., Slovenia, Croatia, Bosnia-Herzegovina and Macedonia) or the current Yugoslav republics and provinces (i.e., Montenegro, Serbia, Vojvodina and Kosovo.) Helsinki Watch takes no position on the political status of Kosovo within Yugoslavia or its secession from Serbia or the Yugoslav federation. Our only concern is that the human rights of all citizens, regardless of their ethnic, national, religious, political or other affiliation, be respected. Helsinki Watch believes that actions taken by the Serbian government or its agents must be in accordance with internationally recognized standards of human rights. Moreover, as signatory to the Helsinki Final Act of 1975, the Yugoslav government (including the Serbian republican government) is bound by the principles set forth in that document and subsequent documents adopted by the Conference on Security and Cooperation in Europe (CSCE).⁶

⁵ See "US Ambassador to Yugoslavia Backs Kosovo Albanians," Radio Free Europe/Radio Liberty *Daily Report* No. 62, March 30, 1992; "Paper Assails US Envoy's Remarks on Albanians," Tanjug Yugoslav News Agency report of March 30, 1992, as reported in FBIS on March 31, 1992; and "Protest Issued to State Department on Zimmerman [sic] Remarks," Tanjug Yugoslav News Agency report of April 9, 1992, as reported in FBIS on April 10, 1992.

⁶ Following the secession of Slovenia, Croatia, Bosnia-Herzegovina and Macedonia, the republics of Montenegro and Serbia (including the provinces of Vojvodina and Kosovo) joined to form a new Yugoslav state on April 27, 1992. With the exception of several countries, the international community has refused to extend recognition to the new Yugoslav state as the legitimate successor of the former Yugoslavia because of Serbia's aggression against Bosnia-Herzegovina and Croatia.

Nevertheless, the current Yugoslav state has expressed its wish to be recognized as the successor state to the former Yugoslavia and thereby retain membership in international organizations. Such a declaration also implies that the current Yugoslav state is willing to accede to international agreements to which the former Yugoslavia was a party. Therefore, for the purposes of this newsletter, all international obligations assumed by the former Yugoslavia will be transferred to the current Yugoslav state. (According to Section 208 of the *Restatement of the Foreign Relations Law of the United States*, "When a state succeeds another state with respect to particular territory, the capacities, rights and duties of the predecessor state with respect to that territory terminate and are assumed by the successor state, as provided in sections 209-10." The relevant aspect of section 210(3) states, "When part of a state becomes a new state, the new state does not succeed to the international agreements to which the predecessor state was party, unless, expressly or *by implication*, it accepts such agreements and the other party or parties thereto agree or acquiesce." (See *The Restatement of the Foreign Relations Law of the United States*, Volume I, Sections 1-488, as adopted and promulgated by the American Law Institute, Washington, DC, May 14, 1986, at pp. 100-14.) Because the new Yugoslav state has expressed a wish to be recognized as the successor state to the former Yugoslavia, it has implied that it is willing to succeed to the international and regional agreements to which the former Yugoslavia was a party, including the International Covenant on Civil and Political Rights, the Helsinki Final Act and subsequent CSCE documents.

Despite its obligations under international law, the Serbian government has blatantly and systematically violated the most basic tenets set forth in international human rights documents. Serbian authorities in Kosovo are responsible for the torture and killing of ethnic Albanians in detention. Adequate investigation, prosecution or punishment of those responsible for the murder, torture or mistreatment of Albanians in Kosovo is rarely undertaken. Albanians are arrested, detained, prosecuted and imprisoned solely on the basis of their ethnic affiliation, political beliefs or membership in organizations or institutions which are banned or looked upon with disfavor by the Serbian government. The Serbian government has promulgated laws which, either expressly or through implementation, discriminate against Albanians in Kosovo. Albanians indicted for criminal and civil crimes and petty offenses are often denied due process. Serbian authorities continue to restrict freedom of association, speech and peaceful expression. Freedom of the Albanian-language press is impeded and the persecution of Albanian journalists in Kosovo is commonplace. Serbian authorities in Kosovo have arbitrarily dismissed Albanians from their jobs because of their ethnic or political affiliations. Subsequently, some have been unlawfully evicted from their homes. In sum, since Serbia assumed direct jurisdiction over Kosovo, the violations against ethnic Albanians have been part of a systematic campaign to marginalize the ethnic Albanians socially, economically and politically and to force their emigration from Kosovo.

The Serbian government justifies its actions in Kosovo as necessary to maintain the territorial integrity of Serbia and to protect the rights of the Serbian and Montenegrin minorities in the province, which comprise approximately ten percent of Kosovo's population (or approximately 200,000 people). Serbs fear that Albanians, who comprise approximately 90 percent of Kosovo's population (or between 1.6 and 1.8 million people),⁷ have irredentist aspirations and that their call for secession from Serbia and creation of an independent republic is merely a mask for eventual union with neighboring Albania.

Serbs also consider Kosovo to be the cradle of Serbian civilization. Most Serbs believe that the Serbian government has a legitimate right to reclaim their ancestral land and heritage, which Serbs believe was taken from them when the Kosovo was granted autonomous status and self-rule in 1974. According to the Secretary for Education in Kosovo, Miodrag Djuričić:⁸

The 1974 [Yugoslav] constitution gave more power to the provinces than to the legitimate government in Belgrade. In 1990, when we took steps to unify Serbia, we also took steps to bring the educational and legal systems in conformity with Belgrade's law. Therefore, we took some steps that necessarily angered ethnic minorities in the provinces. Some of the steps we took were not democratic but necessary to establish the unity of Serbian national territory.

Serbs are often asked how they justify the suppression of various rights for Albanians in Serbia (who constitute approximately 18 percent of Serbia's population) when they demand the same rights for

⁷ In protest of Serbian rule, ethnic Albanians refused to participate in the census held throughout the former Yugoslavia in April 1991. Serbian officials cite figures from the 1981 census, in which 1.6 million Albanians reportedly lived in Kosovo. Western estimates place the current Albanian population in Kosovo at approximately 1.8 million.

⁸ Interviewed in Priština in December 1991 by Helsinki Watch representatives.

Serbs in Croatia (who constitute 12.5 percent of Croatia's population.) These rights include the use of their own language and alphabet in official government organs, maintenance of their own local government, courts and police force, and general territorial and governmental autonomy from the authorities in Belgrade or Zagreb.

Serbs justify such a position by explaining that they are a "nation" in Yugoslavia and the Albanians are a minority in that state; therefore, Albanians cannot expect to have the right to use their language in government institutions, nor can they establish any self-rule. In contrast to the Albanians' minority status, Serbs claim that they are a constituent nation of the former Yugoslavia and, therefore, they cannot be referred to as an ethnic minority in any of the former Yugoslav republics, including Croatia. As a constituent nation of Yugoslavia, Serbs believe that they are entitled to use their language, alphabet and other privileges throughout Yugoslavia; Albanians, as a minority, must conform to the rights of their host country, i.e., Serbia and Yugoslavia. Helsinki Watch is gravely concerned that the division of rights for "minorities" and "nations" of the former Yugoslavia has been used by Serbian authorities to suppress the rights of non-Serbs, in this case, ethnic Albanians in Kosovo.

Serbian allegations of mistreatment of Serbs by Albanians, though somewhat true in the past,⁹ are no longer viable today. Moreover, isolated cases of attacks against Serbs by Albanians do not justify repression against, and segregation and marginalization of, the entire Albanian population in Kosovo. Indeed, the same arguments used to justify repression in Kosovo were used to justify the use of force against civilians and "ethnic cleansing" of non-Serbs in Croatia and Bosnia-Herzegovina.

During a visit to Kosovo in December 1991, Helsinki Watch representatives were alarmed by the increasingly hostile position of the Serbian government toward ethnic Albanians in Kosovo. In December 1991, Secretary Djuričić told Helsinki Watch representatives the following:

I came from Belgrade to seek a solution in the interest of all those who live here. We hope this can be achieved peacefully and in accordance with international trends [sic]. If that doesn't work, we will have a war.

I am a reserve army officer and the next time I come here may be with artillery. If intelligence and political reality do not prevail, we will have a greater hell in Kosovo than in Croatia.¹⁰ The rights of ethnic minorities in Kosovo will never be threatened. If Albanians have lost or will lose any of their rights, it will be their own fault.

⁹ For a discussion of pressures against non-Albanians in Kosovo, see Helsinki Watch's and the International Helsinki Federation's report *Yugoslavia: Crisis in Kosovo*, March 1990, pp. 21-25.

¹⁰ The war in Bosnia-Herzegovina had not yet begun at the time of Helsinki Watch's interview with Secretary Djuričić.

POLICE VIOLENCE AND MISTREATMENT IN DETENTION

After the imposition of "emergency measures" in 1990, the functions and duties of the Kosovo police were placed under the supervision of the Belgrade government. Since then, police brutality has increased in Kosovo. Many of the attacks are not provoked and some result in death.

The Killing of Mikel Marku

A 62 year-old lawyer, Mikel Marku, a former chairman of the Kosovo chapter of the Yugoslav Bar Association, lapsed into a coma after he was severely beaten by police officers in the town of Peć. He subsequently died as a result of his injuries and was refused immediate medical attention.

According to witnesses interviewed by Helsinki Watch,¹¹ Marku's mother-in-law, Suta Balaj, had died on October 31, 1991, and at 8:00 p.m., Marku travelled to the village of Stupa to extend his condolences. Marku's two nephews (Gjon Marku, age 36, and Pren Marku, age 40,) accompanied him. Marku's second cousin, Prek Mirdati (age 58), also was in the car.

According to Prek Mirdati:¹²

Gjon and Pren came to pick me up at my house and then we picked up Mikel at his home. He was still eating homemade bread when he got in the car, not having quite finished his dinner. When we got near the gas station on Moše Pijade street, the police stopped our car. Pren was driving a car with Ulcinj [Montenegro] plates. The car belonged to a friend from the village of Vladomir. The police asked for the car's registration and the driver's license. Pren presented the papers and told the police that the car did not belong to him but to his friend. The police asked him why he was driving someone else's car. Mikel, who was sitting in the back seat, responded that we were going to express our condolences because his mother-in-law had died. The police officer answered, "I'm not speaking to you." Mikel thought he recognized the police officer because he asked him if he was the son of a Mr. Balević. The police officer answered that he was Slavko Balević but I don't know if he really was who he purported to be or if he just wanted to disguise his identity.¹³

Mikel then asked Balević why he was bothering us -- that we were going to express our condolences to a deceased woman's family. Balević got angry and said, "You're not polite;

¹¹ Helsinki Watch representatives interviewed members of Marku's family and colleagues who had come to his bedside after he was taken to the hospital. Helsinki Watch also interviewed Marku's cousin, who was taken into custody and detained with Marku. (The cousin's testimony is detailed below.) Helsinki Watch representatives examined statements written and signed by two nephews who also were arrested and detained with Marku. The two statements corresponded with the various testimonies collected by Helsinki Watch representatives. All interviews were conducted in Peć and Priština by Helsinki Watch representatives in early December 1991.

¹² Interviewed by Helsinki Watch representatives in Peć on December 12, 1992.

¹³ In an affidavit, Gjon Marku claimed that the police officer was not Slavko Balević and that Mikel Marku wrongly identified him.

you're speaking to me with you mouth full." Mikel again asked him, "Why are you bothering us?" The police officer told him to shut up and Marku cursed him in Albanian.

Balević then told all of us to get out of the car and another police officer with a gun approached us. When we got out of the car, Mikel tried to explain who we were but I told him to keep quiet and to let me do the talking.

In a few seconds, about 30 policemen approached us and several started to beat Mikel and Pren. They grabbed us and put us in two separate cars. I was in one car with Pren. The police officers punched Pren a few times in the car. Mikel and Gjon were taken away in another car.

The men were taken to the local police station in Peć. Pren Marku and Mirdati arrived first. When Mikel and Gjon Marku got to the police station, the police officers pushed Mikel Marku against the wall. All four men were made to face the wall. Mirdati continued:

Mikel was tired and he eventually sat down. The police officer told him to get up but Mikel answered, "You can kill me but I can't stand up." The three of us kept facing the wall and, although we could not see Mikel being beaten, we heard him being tortured. When Mikel screamed, I turned around only to be hit in the face with the butt of a gun. Pren was then beaten and kicked in the head.

Mirdati claims that the men beating them were dressed in civilian clothing and that they were members of the secret police (Služba Državne Bezbednosti - SDB). Mirdati also was beaten and kicked. All four men were interrogated.

We were in the cell and they took us out separately for questioning. First they took Mikel, then Gjon, Pren, and finally me. My interrogation lasted only five minutes. The threats of abuse were more numerous than their questions. They told me that we had threatened the police and then handcuffed me. I was taken to another room where Mikel was sitting motionless on the floor, his back against the wall. Pren and Gjon also appeared to have been beaten but they were in far better condition than Mikel. Pren and Gjon told me that when they were brought into the cell, they found Mikel lying on the floor, face down, and they sat him against the wall. Mikel's face was bleeding and there was blood near his collar. We called out to him and he opened his eyes but then shut them immediately. After several minutes, we realized that Mikel was paralyzed.

Mirdati knocked on the cell's door. Through the window in the cell door, he told the police officers that Mikel Marku was ill and that he had started to vomit blood. According to Mirdati:

The first police officer answered, "He hasn't died yet" and left. Shortly thereafter, the same police officer came back again -- he only looked through the window and left again. He came back a third time and said, "When he's dead, let me know."

Some time after midnight, the behavior of the police changed. They occasionally asked us how we felt and we said terrible. I told them that Mikel was almost dead. They replied that they couldn't do anything because Mikel could not stand up.

The next morning, at 8:00 a.m., a doctor dressed in a police uniform came into our cell. A police officer told me to awaken Mikel. I replied that he was awake and that he had been awake all night. We dragged him from that cell into another room, where the doctor examined him. We then took Mikel back to the cell. We stayed in the cell for half an hour and then the police officers returned and told us to take Mikel to the second floor. We answered that we were not strong enough to carry him. The police officers said that we had to get him up to the second floor and we had to drag him upstairs. By this time Mikel was unconscious.

A neurologist had been summoned to examine Marku. The neurologist advised the police that Marku should be taken to the hospital. According to Mirdati:

We carried him downstairs again but the police made us use the back door -- they did not want anyone to see Mikel. They told us that the exit through the back door was a "short-cut."

Marku was taken to the hospital in a police car. He was accompanied by Mirdati and Pren Marku. Two police officers in a second car followed. When they arrived at the hospital in Peć, an intravenous was placed in Marku's arm. He was taken to the Priština hospital in a car. According to Mirdati, the Peć hospital refused to allow Marku's transfer to the better equipped Priština hospital in an ambulance. Mirdati continued:

Marku's colleagues, Mustafa Radoniqi and Adem Bajri, learned of Marku's whereabouts and also arrived at the hospital. The two lawyers asked to speak with Dr. Vujosević, a Montenegrin. It was the same man who had examined him in the police station. The doctor was in tears because he knew Mikel. He suggested that some test be conducted but said that serious damage to the brain would most certainly remain. We then telephoned three other lawyers, all of whom were Mikel's colleagues -- Jusuf Hakai, Fazli Balaj and Bajram Kelmendi.¹⁴

At the Priština hospital, it was determined that Mr. Marku was suffering from a brain hemorrhage. Dr. Talat Gjinolli drained fluid from Marku's brain but surgery was not performed. Marku's colleagues and family wanted to take him to Skopje, Macedonia, for medical treatment but doctors at the Priština hospital advised against such a trip, claiming that Marku's internal bleeding would worsen and that he would not survive the 90-minute journey.

Marku lapsed into a coma and died ten days later. A commission of three doctors performed an autopsy the day of Marku's death. Marku's colleagues were told that they had to wait two weeks to obtain the autopsy reports because the doctors had to complete a histological examination. Marku's colleagues

¹⁴ Helsinki Watch representatives interviewed Mustafa Radoniqi, Fazli Balaj and Bajram Kelmendi. All confirmed Mirdati's account.

have requested that another autopsy be performed by other pathologists. That request was denied and the autopsy reports have not been released to Marku's family.

The day Marku was taken to the hospital, the police filed charges against Pren and Gjon Marku and Prek Mirdati. They were brought before the municipal court for petty offenses in Peć and were charged with "attacking the police" under Article 18, paragraph 5, of the Law Governing Public Law and Order in Kosovo.¹⁵ Criminal charges also were filed against the men under Article 214, paragraph 2, of the Serbian criminal code for "attacking an official person carrying out his formal duties."¹⁶ The three men submitted statements and were released. They were then summoned back to the police station on the same day and held for five hours. Pren and Gjon Marku went into hiding to avoid imprisonment. Although court proceedings have not begun, the charges against the three men remain in force.

Marku's colleagues and family initiated proceedings calling on the authorities to investigate the circumstances of Marku's death. An official investigation of the murder of Mikel Marku has not been conducted.

The Killing of Ali Sahit Haxhiu

Less than four weeks after Mikel Marku's death, Ali Sahit Haxhiu also was beaten to death by police in Kosovo. Haxhiu had been living as a refugee in the village of Sazli near Uroševac, Kosovo. He was the father of ten children and originally from the village of Salaj in the Kukes district of Albania. According to Amnesty International,¹⁷ Haxhiu was sentenced to 30 days of imprisonment for a petty offense in May 1990

¹⁵ Article 18(5) of the "Law on Public Order and Peace for Kosovo and Metohija" states:

A term of up to two months' imprisonment shall be the punishment for those who disrupt the public order and peace in a public place by physically attacking or mistreating another, participating in a fight or acting in a particularly rude, shameful or especially insulting manner.

[See "Zakon o Javnom Redu i Miru (AP Kosovo i Metohija)," *Zbirka o Prekršajima Koji se Primnjuju u Republici Srbiji*, Belgrade, Službeni list, 1991, p. 351.]

¹⁶ Article 214, paragraphs 1 and 2 of the Criminal Code of the Republic of Serbia state:

1. Imprisonment of up to three years shall be the punishment for whoever attacks or seriously threatens to attack an official person, carrying out his duties to ensure and protect the public and state security or a person who, in accordance with the law or other decrees, is engaged in the aforementioned duties to ensure the public's protection;

2. If, during the commission of such acts as enumerated in paragraph one of this article, an official person or person who is assisting him suffers lesser bodily injuries or if the perpetrator of such acts threatens to use weapons, the perpetrator shall be punished by imprisonment between three months and five years.

[See *Krivični Zakon Socijalističke Republike Srbije*," *Krivično Zakoni SR Srbije, SAP Vojvodine i SAP Kosova*, Belgrade: Savremena Administracija, 1989, p. 67 and subsequent amendments.]

¹⁷ Amnesty International "Urgent Action Appeal," Number 421/91, December 3, 1991.

but was not immediately sent to serve his sentence. At 7:00 p.m. on November 25, 1991, Haxhiu was arrested by police in Uroševac and taken to the local police station, where he allegedly was beaten. Amnesty International reports that Haxhiu's family was informed by the authorities that he had been sent to a prison in Priština on November 26 to serve his sentence and that he had been found dead by a prison guard 15 minutes after his arrival. On November 27, his body was delivered to the family, who contends that his entire body was heavily bruised and that several of his teeth had been broken.

The Killing of Sami Babaj

The International Helsinki Federation for Human Rights (IHF), with which Helsinki Watch is affiliated, has reported that 25-year-old Sami Babaj was shot and killed by three Serbian police officers in the town of Srbica on April 30, 1992.¹⁸ At approximately 10:30 a.m., Sami Babaj (born November 2, 1967) and his cousin, Abdullah Babaj, were stopped by three police officers on foot patrol duty in the town's center. At the request of the police officers, both men presented their identification papers. Abdullah Babaj's papers had been issued by the local authorities and Sami Babaj's papers had been issued in Vinkovci, Croatia, where he had been employed prior to the outbreak of war in that republic.

Eyewitnesses reported that the police began to beat Sami Babaj while they interrogated him. This incident took place in full view of bystanders on an elevated platform in front of a department store. The police officers repeatedly asked Sami Babaj if he had been a member of the Croatian armed forces and threatened to draft him into the Yugoslav army and send him to the front lines. Reportedly, the police threw Sami Babaj's identification papers to the ground and forced him to pick them up.

The police officers then contacted their police headquarters via walkie-talkie. The discussion was heard by many bystanders. The police officers were instructed to wait for a police car which would be dispatched to take Sami Babaj to the police station. Upon hearing this, Sami Babaj began to run down the right stairway. Eyewitnesses report that the police officers immediately reached for their machine guns. One of the police officers -- who was described as approximately 165 centimeters tall with black hair and a moustache and believed to have been named Petrović -- shot at Sami Babaj from a 20 meter distance. He was wounded in the left shoulder. Reportedly, Sami Babaj stumbled but stood up again, whereafter all three police officers fired their machine guns at him until he had fallen to the floor. Then, the police officers reportedly surrounded the body, kicked it several times, held their machine guns over their heads and congratulated each other. Witnesses report that Sami Babaj was not told to halt before he was shot.

After the incident took place, the police sealed off the area and other police officers who arrived in armored cars conducted an on-site investigation and took photographs. The body of Sami Babaj was brought to the Mitrovica¹⁹ hospital, where an autopsy reportedly was conducted. The body was returned to the family at 8:00 p.m. on the same day. According to the doctor who examined the body, Sami Babaj had been hit by eight bullets. Salespersons at the department store reported that bullets hit two side windows of the store but that no one was hurt. Several bullets reportedly hit a parked yellow van. To our knowledge, there has been no investigation, arrest or prosecution of those responsible for the murder of Sami Babaj.

¹⁸ The information contained herein is taken from a letter from the International Helsinki Federation for Human Rights, Vienna, to Serbian President Slobodan Milošević, May 5, 1992.

¹⁹ Previously known as Titova Mitrovica, the town has recently been renamed.

Police Abuse of Mentor Kaci

Mentor Kaci was arrested on November 19, 1991, and was taken to the Djakovica police station, where he was tortured for five days. On the third day of his detention, Kaci was taken to his home by several police officers, who sought to confiscate his passport. When they arrived at the Kaci home, a family member, Resmija Kreyezi, was in the house. According to Ms. Kreyezi:²⁰

My sister lives in the same house as Mentor, who is my cousin. My son and I had gone to visit my sister and her three-year-old child the day Mentor was brought to the house by the police. Twelve police officers armed with AK-47s came into the house with Mentor. My cousin was badly bruised; he had been so badly beaten that he could not speak. The police demanded that we give them Mentor's passport. I screamed at the police officers and demanded to know why they had beaten him and what they intended to do with Mentor. They ignored me and searched the house. They couldn't find his passport and left with Mentor again.

Kaci was taken back to the Djakovica police station and subsequently taken to the jail in Peć. According to Kreyezi:

I went to the prison to visit Mentor but the prison officials did not let me see him. I did manage to speak to the prison doctor who told me that Mentor had, in fact, been abused in custody.

Helsinki Watch interviewed Resmija Kreyezi several days after she had returned from the Peć prison. Kaci was subsequently tried for having "committed terrorist acts."²¹

Use of Force in Učka

Amnesty International has reported that at 8:00 a.m. on January 31, 1992, in the village of Učka near the town of Istok, police opened fire on a group of ethnic Albanians who were accompanying their children to school.²² The parents appear to have been taking their children to a school where they could be unofficially educated in the Albanian language.²³ Reportedly, Bajram Hoxhaj (age 55) and one other person were killed, and at least four persons were seriously wounded. One person later died as a result of his

²⁰ Interviewed in Priština in December 1991 by Helsinki Watch representatives.

²¹ See section concerning restrictions on freedom of speech and expression.

²² Amnesty International, "Urgent Action Appeal," Extra 10/92, January 31, 1992.

²³ The Serbian government requires that students throughout Serbia, including Kosovo, be educated primarily in the Serbian language. Albanians have rejected this requirement and have refused to send their children to Serbian schools. See section concerning discrimination in education below.

wounds. Following the incident, the police reportedly brought in reinforcements and surrounded the village.

Beating of Delegates from Croatia

On May 24, 1992, ethnic Albanians in Kosovo held multi-party elections for members of their unofficial parliament and government. A delegation from the Republic of Croatia, including some delegates from other countries, were invited to monitor the elections, which were held in semi-secrecy throughout Kosovo. Members of the delegation included Neven Jurica, the Chairman of the Croatian Parliamentary Committee for the Protection of Human Rights; Ante Karić, a member of the Croatian parliament; and Zdravko Gavren, an editor for the Croatian news agency HINA. According to information received by Helsinki Watch, the members of the delegation arrived in Kosovo via Macedonia and entered Serbia with Croatian identification papers. When they arrived in Priština, they were arrested and taken to the police station, where they reportedly were verbally abused and hit with truncheons for one hour. They were detained for nearly four hours and were then escorted to the Macedonian border and expelled from the country. When they arrived at the Serbian-Macedonian border, the three men claim that the police robbed them of all their foreign currency.

According to medical records dated May 27, 1992, and signed by Doctors Ilija Petrušić and Zvonimir Mareković in Zagreb, Zdravko Gavran suffered from bruises to the back, shoulder and head; Ante Jarić was bruised by a blunt object in the abdominal and genital areas and the left shoulder; and Neven Jurica suffered from bruises to the back, lip, left shoulder and left side of the rib cage.

IMPUNITY: THE KILLING OF AFRIM PREBREZA

Eleven-year-old Afrim Prebreza was killed in the village of Kuzmin, near Kosovo Polje, on May 27, 1991, at approximately 5:00 p.m. by three unidentified Serbs. According to his father, Mitush Prebreza:²⁴

My son returned from school that Monday and then went to tend cattle in the field. I had to go to Pristina and while I was waiting for the bus to take me home at 5:10 p.m., someone told me that a boy had been killed while tending cattle. My brother and cousin came to pick me up at the bus station in Pristina. They told me that my son had been taken to the hospital but they didn't tell me that he had died. They said that Serbs from the village of Kuzmin had attacked him. I later learned that my son died en route to the hospital.

Sixteen-year-old Bajram Kodra was in the field when Afrim was attacked. According to Bajram²⁵:

Several of us were playing soccer and some were tending cattle in the field, including Afrim. In total, about 20 youths were in the field that afternoon and we were playing soccer against youths from a neighboring village. At one point, three Serbs from a nearby village started to approach us. One of them had a shovel in his hands, another had a long stick and a third had his hand in his jacket. Two of the men walked together, while the third followed behind them. They were all approximately 30 years old.

The youths from the opposing team had quarrelled previously with the three Serbs who were approaching. When the players saw the three men, they started to run away. The Serbs started to run toward us and then we all started to run from them but Afrim couldn't keep up with us. When the three Serbs saw that we were out of their reach, they turned to run after Afrim, who fell to the ground and into a ditch. We saw them hitting Afrim with the shovel and sticks. Eventually, the three Serbs stopped hitting Afrim and started to walk away. We saw them walk up to Pllana, an Albanian from our village, and they appeared to have asked him something.

According to Ramadan Pllana, age 23,²⁶

The three men wanted to know in which village the boys lived. I told them that I did not know and then they walked away. I was 50 meters away from where Afrim had fallen and then I and the other youths went to see what had become of the boy.

According to Bajram Kodra:

We went to the ditch into which Afrim had fallen. His forehead was most badly bruised, but he had been beaten all over his face. We thought that he was unconscious so we got some

²⁴ Interviewed in the village of Obilić in early December 1991 by Helsinki Watch representatives.

²⁵ Interviewed in Obilić in December 1991 by Helsinki Watch representatives.

²⁶ Interviewed in early December in Obilić by Helsinki Watch representatives.

water from a nearby trough and poured it on his face. Then Pllana carried him back to the village and the villagers took him to Priština hospital, where he later died.

According to Pllana, the police came to the village the day after Afrim died. They asked Pllana to accompany them to the scene of the crime, where he recounted what he had witnessed. According to Pllana:

I told the police that I had been on the outskirts of the field that day but that I could see the three Serbs running toward Afrim, kicking him and then beating him with the shovel and sticks. Three plainclothes inspectors and one police officer told me to go to the police station in Kosovo Polje the next day and I made a statement there. Two or three weeks later, they summoned me to the district court and I submitted another written statement. I was told that I would be called to appear before a court; however, I was never summoned again.

According to villagers, the local police visited the scene of the crime twice but, of those in the field that day, only Pllana was questioned. At the time of Helsinki Watch's visit, Mr. Prebreza, Afrim's father, said that charges had been filed against a mentally-retarded minor. Prebreza believed that the handicapped youth was being used as a scapegoat so that the police could avoid prosecuting those who were responsible for Afrim's murder. Helsinki Watch is not aware that anyone has been prosecuted or arrested for the murder of Afrim Prebreza.

LEGALIZED DISCRIMINATION AND MANIPULATION OF THE LEGAL SYSTEM

Human rights abuses against ethnic Albanians in Kosovo have been legalized over the past two years. After the Serbian government assumed direct control over Kosovo in 1990, it promulgated a series of laws and decrees that specified the ways in which "special measures" were to be implemented in Kosovo. Serbian authorities have used such laws to benefit Serbs and Montenegrins in Kosovo by disenfranchising Albanians in the province. Indeed, such laws and decrees provided the legal justification for mass dismissals of Albanian workers, arbitrary detentions, restrictions on freedom of association, expression, speech and the press and other serious human rights abuses in Kosovo. Other laws provided economic incentives to Serbs and Montenegrins, but such incentives were denied Albanians, either expressly or in practice.

Many of the "special measures" instituted in schools, hospitals and government institutions were aimed at codifying Kosovo's administrative structure and regulations with Serbia's. For example, prior to the imposition of "special measures" in Kosovo, either the Albanian or Serbian languages could be used in government and civic institutions, including schools, courts and hospitals. After Serbia reasserted its jurisdiction over its provinces, Serbian was made the official language throughout the republic, including the provinces of Vojvodina and Kosovo. Some doctors, teachers and other government workers interviewed by Helsinki Watch were fired because they refused to abide by the new rules which stipulated that Serbian was the official language of the entire republic, including the provinces.

After Serbian authorities imposed "special measures" in Kosovo, "temporary emergency management teams" were established in many public enterprises. In most cases, the emergency teams replaced the existing management and assumed a supervisory role in a given enterprise. Emergency management teams were established in factories, schools, universities, hospitals and government bodies. The teams are responsible for hiring and dismissing workers and for ensuring that regulations promulgated in Belgrade are successfully implemented in Kosovo. Most of the members on the emergency management team are Serbs, many of whom are not indigenous to Kosovo but have been sent from Serbia proper, primarily Belgrade.²⁷

Although the management teams are stationed in Kosovo temporarily (i.e, until the "special measures" are fully implemented), no date for their withdrawal and replacement with local management has been set. The emergency management teams often refer to recently promulgated laws which discriminate against Albanians to justify the dismissal of, or disciplinary action against, Albanian workers.

²⁷ During Helsinki Watch's visit to Kosovo in December 1991, many of the guests at the Hotel Grand in Priština were Serbs from Serbia proper (primarily Belgrade) who were sent to Kosovo to implement Serbian government policy in the province. Most of the hotel's occupants were either members of the Yugoslav secret police (SDB), the Serbian police, the Yugoslav army or an emergency management team.

The Law Concerning the Functioning of Republican Government Bodies under Special Circumstances²⁸ places all public administration and publicly-funded enterprises and institutions in Kosovo under the direct control of the Serbian authorities. The law was used as the basis under which a panoply of further laws, decrees and administrative regulations were issued to justify the purge of Albanians from all institutions of government and professional and public life in Kosovo. For example, the Law Concerning Labor Relations under Special Circumstances²⁹ provided the legal basis for mass dismissals of Albanian workers in Kosovo. The Law Regulating Real Estate³⁰ has been used to restrict the sale and rental of property in Kosovo by or to Albanians by requiring the approval of the Serbian parliament. Albanians claim that permits of approval are readily available for Serbs and Montenegrins but that they are rarely, if ever, issued to Albanians. The Law Regulating Real Estate was declared unconstitutional by Yugoslavia's constitutional court in 1990. Nevertheless, the Serbian government has refused to recognize the decision of the constitutional court and continues to enforce this law in Kosovo.

Many believe that the aforementioned laws aim to encourage the settlement of Serbs and Montenegrins in Kosovo while marginalizing ethnic Albanians in the province. Western diplomats and ethnic Albanians to whom Helsinki Watch has spoken regard such laws as vehicles for the "colonization" of Kosovo by Serbs and the relegation of ethnic Albanians to second-class status in the province.

Abuse of the Law on Petty Offenses

Since Serbian authorities assumed direct control of Kosovo in 1990, prison terms for political offenses have been shortened but there has been a dramatic increase in the number of ethnic Albanians imprisoned for petty offenses in Kosovo. In the past, opponents of Yugoslav or Serbian rule frequently were convicted of criminal offenses and jailed for prolonged periods of time.³¹ In recent years, the Serbian law

²⁸ See "Zakon o Postupanju Republičkih Organa u Posebnim Okolnostima," *Službeni Glasnik Socijalističke Republike Srbije*, Broj 30, 26. juna 1990.

²⁹ See "Zakon o Radnim Odnosima u Posebnim Okolnostima," *Službeni Glasnik Socijalističke Republike Srbije*, Broj 40, 26. jula 1990; and "Zakon o Izmenama i Dopunama Zakona o Radnim Odnosima u Posebnim Okolnostima," *Službeni Glasnik Socijalističke Republike Srbije*, Broj 54, 27. septembra 1990.

³⁰ See "Zakon o Ograničenju Prometa Nepokretnosti," *Službeni Glasnik Socijalističke Republike Srbije*, Broj 30, 22. jula 1989; "Zakon o Izmenama i Dopunama Zakona o Ograničenju Prometa Nepokretnosti," *Službeni Glasnik Socijalističke Republike Srbije*, Broj 42, 28. septembra 1989; and "Zakon o Izmenama i Dopunama Zakona o Ograničenju prometa Nepokretnosti," *Službeni Glasnik Republike Srbije*, Broj 22, 18. aprila 1991.

³¹ During Tito's reign and in the early 1980s, many political prisoners, including ethnic Albanians, were charged and convicted under the following provisions of Yugoslavia's criminal code: Article 100 ("counterrevolutionary attack against the state and social order"), Article 101 ("endangering the territorial integrity and independence of Yugoslavia"), Article 117 ("associating against the people and the state"), Article 131 ("participating in hostile activity"), Article 133 ("disseminating hostile propaganda"), Article 134 ("inciting national, ethnic or religious hatred"), Article 203 ("using the freedom and rights established by the Constitution in order to disrupt the foundations of the socialist, self-management and democratic order") and Article 218 ("spreading false information"). Albanians convicted of such crimes included Skender Kastrati, an economist, and Adem Demaci, a writer and current president of the Committee for the Protection and Defense of Human Rights in Kosovo. Some of the aforementioned criminal code articles have been deleted from the criminal codes of the current Yugoslav state (comprised of Montenegro and Serbia, including

on petty offenses,³² which allows up to 60 days of imprisonment, has been grossly abused by Serbian authorities in Kosovo to justify the repeated arrest and detention of Albanians accused of so-called "verbal crimes" or political offenses. Hundreds, and possibly thousands, of Albanians have been indicted, prosecuted and imprisoned under various clauses of Serbian petty offense laws³³ for their non-violent political expression in the past two years.

Lack of an Independent Judiciary

The independence of the judiciary, especially local courts, remains precarious in Kosovo. In some cases, police and government authorities determine the verdict, punishment and the duration of imprisonment; a local court subsequently affirms a decision based on political criteria rather than the rule of law. When decisions of a lower court are overturned by a higher tribunal, the police and judicial officials do not always abide by the decisions of the higher court. According to Fazli Balaj, a lawyer in Kosovo:³⁴

On December 3, 1991, an appellate court overruled the decision of a lower court against my client Bljerim Shalji. The decision was overturned due to a procedural technicality. The higher court required that my client be released but the local judge refused to issue the release order. On December 4, 1991, at approximately 4:00 p.m., I asked that the judge be recused³⁵ and that another judge be assigned to the case. The judge refused to enter my request into the court record³⁶. I asked to speak with the judge in her chambers, only to have her rebuff my request again. My client was then sentenced to 60 days of imprisonment despite the fact that a higher court had required his release.

Serbian law prohibits the removal of judges except in cases where the judge is found to be incompetent or biased. Since 1990, Albanian judges in Kosovo have been removed without a hearing or

Vojvodina and Kosovo). Others criminal code articles have been revised, amended or remain unchanged and persons can still be tried for so-called "verbal crimes" and other political offenses in Yugoslavia.

³² Under Yugoslav law, three separate categories of offenses exist: criminal crimes, civil crimes and petty offenses, or *prekršaj*. Accordingly, there are separate courts for each type of crime. The severity of the crime is used to determine in which court a person is tried. People usually are charged with a petty crime for offenses such as driving violations.

³³ For examples of such laws, consult *Zbirka Zakona o Prekršajima Koji se Primjenjuju u Republici Srbiji* Belgrade: Službeni list SRFJ, 1991. For examples of cases in which ethnic Albanians have been imprisoned under such laws, see the sections of this newsletter concerning restrictions on freedom of the press and persecution of journalists and restrictions on freedom of speech and expression.

³⁴ Interviewed in Priština in December 1991 by Helsinki Watch representatives.

³⁵ Recusal involves the rejection or challenge of a judge or juror as disqualified to act, especially because of a conflict of interest or bias.

³⁶ In most countries (including Yugoslavia) where the legal system is based on Napoleonic law, the court minutes do not reflect verbatim the discourse in the court room. Rather, the judge(s) summarizes and dictates the points to be entered in the court record.

investigation. In one case, the Serbian government published an announcement that dismissed several Albanian judges in the federal registrar (službeni glasnik). The names of the Albanian judges were published in one column and the names of their replacements -- all Serbs or Montenegrins -- were published in an adjoining column. The reason for their dismissal was not given.

RESTRICTIONS ON FREEDOM OF ASSOCIATION

Serbian authorities have taken measures to prevent meetings of persons affiliated with the underground Albanian government. In many instances, representatives to the Albanian government have been arrested before such meetings to prevent their attendance or after such meetings to dissuade them from attending future gatherings. In other instances, the police have disbanded the meetings. Those in attendance have been detained or imprisoned. Serbian authorities also have taken steps against ethnic Albanians who have expressed their support for the underground Albanian government and have dispersed peaceful demonstrations.

Arrests in June 1992

On May 24, 1992, ethnic Albanians held elections in which they voted for representatives to the clandestine Albanian parliament and government. The Serbian authorities declared the voting to be illegal. On June 23, 1992, the opening session of the newly-elected Kosovo legislature was to have taken place in an Islamic religious school. The police prevented the meeting from being held and several persons were arrested.

According to information received by Helsinki Watch from the Committee for the Defense of Human Rights and Freedoms in Kosovo, the June 23 meeting was to have been held at the "Alaudin" religious school in Priština. Qazim Qazimi, the director of the school, was arrested at 11:10 p.m. on June 22, the night before the meeting was to have taken place. The following persons were arrested at the "Alaudin" school at midnight: Ismet Ismaili and Jakup Gashi, receptionists at the school; Sulejman Osmani, a nursery school teacher; and Ilmi Sinani, Ismail Gashi, Emrush Madzumi and Hasan Gashi, all workers at the schools. According to reports received by Helsinki Watch, mosques in Priština were not permitted to hold services the morning of June 23. During the morning of June 23, Fehmi Agani, vice-president of the Democratic League of Kosovo,³⁷ was arrested. On June 23 at 3:00 p.m., the following members of the Independent Trade Union of Kosovo were arrested: Jamiz Trstema, Seremet Ahmeti, Hajrullah Trnava and Hasan Abduli.

Reportedly, the police did not allow the commencement of the June 23 meeting and those who had come to attend dispersed peacefully. Several members of the Kosovo parliament were arrested en route to their homes in the town of Prizren. Skender Berisha, a member of the underground Kosovo parliament, was arrested and sentenced to 40 days of imprisonment. Western news agencies claimed that five ethnic Albanian legislators were jailed for 60 days for having committed "an anti-constitutional act endangering the territorial integrity and constitutional order of Serbia."³⁸

University Demonstrations in July 1991

³⁷ The Democratic League of Kosovo is the strongest political party representing Albanians in Kosovo. Its leader, Ibrahim Rugova, was elected president of Kosovo during Albanian elections held in May 1992.

³⁸ See "Serb Police Arrest Albanian Legislators," Radio Free Europe/Radio Liberty *Daily Report* No. 119, June 25, 1992.

On July 3, 1991, Albanian professors at the University of Priština organized a demonstration to protest the new laws on "special measures." Reportedly between 5,000 to 6,000 students and professors participated. On July 15, Rexhep Osmani, President of the Association of University Professors, and many of his colleagues were dismissed from their jobs. According to Professor Osmani:³⁹

I went to work on July 15 and the porter handed me my notice of dismissal. The police came to speak with me and interrogated me for two and a half hours. They asked me why I organized the demonstration and why I advocated autonomy of the university system from government authorities.

According to Hamit Mehmeti, professor of metallurgy:⁴⁰

Once the school year began, Albanian professors were fired for having participated in the July 3 demonstration in front of the university. Several were fired on October 4th, 19 were fired on November 4th and three more were fired one week thereafter. Those who had been on leave were dismissed once they returned to work. Of those fired, seven were fired on the grounds that they were surplus labor at the university. No Serbian professors were fired.

According to Radivoje Papović, Rector of Priština University:⁴¹

The organization of demonstrations since the early 1980s has been disruptive. A professor's job is to educate students, not to organize demonstrations. Emergency measures were instituted in the university in July 1991, because the Albanians were holding demonstrations every day. The special measures are to serve as a means to force Albanians to respect the law.

When asked by Helsinki Watch representatives if any professors had been fired because they participated in demonstrations, Papović replied, "Unfortunately, no one was arrested and many of those professors were not fired; rather, they left of their own accord." Since June 1991, Helsinki Watch has interviewed scores of ethnic Albanian university professors in Kosovo -- none of those interviewed claimed that they had left of their own accord; instead, they insisted that they had been dismissed.

Arrests of Albanian Politicians in Late 1990

After ethnic Albanians had formed an Assembly in September 1990, Serbian authorities arrested elected members to the newly formed institution. Four members of the Assembly (i.e., Raif Rambaja, Nazif Matoshi, Ismail Sahiti and Fatos Pula) were arrested on September 17. Jusuf Zejnullahu, Seladin Skeja, Muhamet Bicaj, Jusuf Karakushi, Isa Mustafa and Lek Vuksani were arrested on September 21. Agim Maljaj,

³⁹ Interviewed in Priština in December 1991 by Helsinki Watch representatives.

⁴⁰ Interviewed in Priština in December 1991 by Helsinki Watch representatives.

⁴¹ Interviewed in Priština in early December 1991 by Helsinki Watch representatives.

a former director of Priština Television, also was among those arrested.⁴² Although most of the men had been released by late October 1990, Seladin Skeja and Leke Vuksani remained in detention and faced charges of "associating for the purpose of unconstitutionally changing the borders within Yugoslavia."⁴³ The men were never tried before a court and remained in jail for several weeks until their release.

Arrest warrants were issued for most of those who were elected in 1990 to serve as representatives to the underground Albanian parliament. Most of these representatives fled Serbia (mostly to Croatia and Slovenia) to escape imprisonment. Those who had been arrested were charged with having formed a group that sought to endanger the territorial integrity of Serbia and Yugoslavia. Although some deputies have since returned to Kosovo, many remain abroad.

⁴² See Amnesty International "Urgent Action Appeal" No. 388/90, September 25, 1990, and Amnesty International "Urgent Action Appeal" EUR 48/18/90, October 29, 1990.

⁴³ See Amnesty International Weekly Update NWS 11/48/90, "Yugoslavia: Amnesty International Urges Release of Ethnic Albanian Prisoners of Conscience," EUR 48/WU 4/90, December 7, 1990.

RESTRICTIONS ON FREEDOM OF SPEECH AND EXPRESSION

Trial of "Terrorists" in Priština and Peć

Helsinki Watch has received reports that persons have been arrested and indicted for acts of terrorism by Serbian authorities in Kosovo. Helsinki Watch is gravely concerned that the defendants were denied due process of the law and that they may have been arrested and are facing trial because of their Albanian ethnicity and/or because of their political beliefs. Moreover, Helsinki Watch has documented an instance in which one of the defendants was brutally beaten while in police custody.⁴⁴ Helsinki Watch is concerned that the other defendants also may have been tortured or otherwise mistreated while in detention.

On or around January 21, 1992, the following persons were arrested and charged with making preparations to separate Kosovo from Yugoslavia through terrorist activity, including bombing military and police installations:

- **Xhavit Gubetini, guard at a private firm, born 1967, from the village of Devet Jugovića, near Priština;**
- **Faton Gajtani, student of English literature and language, born 1966;**
- **Nazmi Bajrami, unemployed, born 1961, from the municipality of Srbica;**
- **Sami Tahiraj, engineer, born 1965, from the municipality of Dečane;**
- **Shkelzen Gjonaj, a biology student, born 1965, from the municipality of Dečane;**
- **Xhafer Zejna, jeweler, born 1962, from Priština, father of three children;**
- **Salih Zeqiri, farmer, born 1964, from the village of Devet Jugovića, near Priština; and,**
- **Deme Tolaj, farmer, born 1956, from the municipality of Dečane.**

The aforementioned individuals are accused of having visited Albania and of having received instruction in terrorist actions from officers of the Albanian army.⁴⁵ They also are alleged to have brought weapons (including automatic rifles and explosives) from Albania into Kosovo. The men have been charged under Articles 116,⁴⁶ 125,⁴⁷ 126⁴⁸ and 138⁴⁹ of the Yugoslav criminal code and are being held in

⁴⁴ See above case concerning the police abuse of Mentor Kaci.

⁴⁵ Amnesty International, "Urgent Action Appeal," February 7, 1992.

⁴⁶ Article 116 of the Yugoslav Criminal Code prohibits the use of force or "unconstitutional means" to partition areas of Yugoslavia or to seek the union of such territory with another state. (See *Zbirka Krivičnih Zakona*, Belgrade: Službeni

Priština prison.⁵⁰ On January 29, an investigatory judge of the Priština court approved, on the grounds of national security, a January 23 proposal of the district public prosecutor that the defendants' lawyers be denied access to their clients' files and other forms of evidence and that they be denied the right to be present while their clients and witnesses were interrogated during investigation proceedings.

In the town of Peć, the trial of 19 persons began on May 11 and 12, 1992. The trial was postponed and re-convened in early July. The 19 people were arrested in December 1991 and have been charged with various offenses, including "association for the purpose of carrying out hostile activities" and "directing and infiltrating armed groups, arms and munitions into the territory of the Socialist Federal Republic of Yugoslavia."⁵¹ Their names are Sailh Caka, Seljajdin Dolji, Gezin Ejendiu, Mehdi Hasi, Paljus Paljusi, Nazim Kepuska, Sali Dahsyla, Nuhi Bytyci, Sukri Dzerdza, Zemelj Sadiku, Gerkin Peći, Naim Krasniqi, Sokol Dobruna, Sadrik Mulja, Mentor Kaci, Fatlik Lika, Deli Haxhocaj, Sejdo Veselji and Afrim Morina.

The defendants' lawyers claim that the accused were denied access to counsel during initial questioning by an investigatory judge. Access during questioning was denied to the lawyers on the basis of a December 21, 1991, decision by an investigatory judge of the district court of Peć. The lawyers claim that this decision cited "national security" as a reason for refusal but that no further explanation was given. For almost one month, the defendants were denied access to, or communication with, their lawyers. Moreover, the defendants' lawyers were denied access to legal documents and written evidence.⁵² In late January 1992, the defendants were allowed brief visits by their families and lawyers, but they were not allowed to discuss the details of their cases due to the aforementioned December 21 decision of the Peć court.⁵³ Both the Priština and Peć cases have been postponed and neither group has been brought to trial as of this writing.

Indictment of Numan Ballć

list, 1988, p. 43.)

⁴⁷ Article 125 prohibits terrorist acts against the state (e.g., use of explosives, firearms or other methods) which are aimed at provoking "a feeling of personal insecurity among the general populace or a group of citizens." (See *Zbirka Krivičnih Zakona*, Belgrade: Službeni list, 1988, p. 45.)

⁴⁸ Article 126 prohibits the destruction of "important" commercial objects (e.g., factories, dams, traffic control stations, silos used for food storage) as a means of protest against the state. (See *Zbirka Krivičnih Zakona*, Belgrade: Službeni list, 1988, p. 45.)

⁴⁹ Article 138 prohibits planning to commit any of the acts enumerated in the aforementioned article 125 (and articles 121 to 123 and 128, under which the defendants were not charged.) (See *Zbirka Krivičnih Zakona*, Belgrade: Službeni list, 1988, p. 49.)

⁵⁰ *Ibid.*

⁵¹ See Amnesty International "Urgent Action Appeal," AI Index: EUR 48/02/92, January 14, 1992.

⁵² See Amnesty International "Urgent Action Appeal," AI Index: EUR 48/02/92, January 14, 1992.

⁵³ Amnesty International, "Urgent Action Appeal," January 27, 1992.

Numan Balić,⁵⁴ head of the Kosovo chapter of the predominantly Muslim Party of Democratic Action (Stranka Demokratske Akcije - SDA)⁵⁵ was charged on November 27, 1991, for "spreading false information and disturbing the public order" under Article 218 of the criminal code of the Republic of Serbia.⁵⁶ According to Balić, at a founding meeting of the Kosovo branch of the SDA on October 14, 1990, 10,000 people were present. Balić told Helsinki Watch:

At the meeting, I set forth the party's platform and called for the equality of Muslims in Kosovo. I presented various arguments about the violation of the rights of Muslims in Kosovo. I did not mention a word about the territorial make-up of Serbia nor did I directly attack the Serbian government. I only said that the Muslims are not proportionally represented in the Serbian government. I stated that non-Serbs live under police terror and that the rule of law is absent in Serbia. I also asserted that Muslims had been dismissed from their jobs because of their national and religious affiliation.

On April 23, 1991, Balić was tried and acquitted of the aforementioned offense. The district public prosecutor appealed the decision to a higher court,⁵⁷ which overruled the decision of the lower court and ordered a re-trial. The new trial took place in November 1991. According to Balić:

[At the November trial,] the prosecution presented three witnesses who, in my opinion, had been instructed as to what they were to say on the stand. They claimed that I said that

⁵⁴ Interviewed in Peć on December 1991 by Helsinki Watch representatives.

⁵⁵ Although both Muslims and most Albanians are adherents of the Islamic religion, they belong to separate national groups. Muslims, most of whom live in Bosnia-Herzegovina and the Sandžak region of Serbia and Montenegro are descendents of Slavs who converted to Islam during the Ottoman occupation of parts of Yugoslavia. Since the early 1970s, the Muslims in the former Yugoslavia have been considered a separate nationality (as were the Slovenes, Serbs, Croats, Montenegrins and Macedonians). The strongest political party representing the Muslims in the former Yugoslavia is the Party for Democratic Action (Stranka Demokratske Akcije - SDA). Albanians are not Slavs and do not speak a Slavic language. They are considered a to be an "ethnic minority" and not a "nation" in Yugoslavia and in Serbia. Most of the Muslims in Kosovo live in the municipalities of Istok, Peć, Prizren and Dragaš. Most Muslims residing in Istok and Peć are originally from the Sandžak region of Serbia and Montenegro and are referred to as "Muhadjir." Muslims who originally are from Kosovo reside primarily in Prizren and Dragaš. According to Balić, about 40,000 "Muhadjir" Muslims and 50,000 indigenous Muslims live in Kosovo.

⁵⁶ Article 218(1) and (2) states: "Whoever states or relays false information or allegations with the intent to disturb the citizenry or to endanger the public order and peace, or whoever commits the aforementioned acts with the intent to prevent the execution of a decision or measure of state organs or bodies or belittles the public's trust in such decisions or acts, will be punished by a prison term of up to three years.

In especially serious cases dealing with those acts enumerated in clause 1 of this article, the perpetrators shall be punished by a prison term of between one to five years." [See "Krivični Zakon Socijalističke Republike Srbije," *Krivični Zakoni SR Srbije, SAP Vojvodine i SAP Kosova, Posebno Krivično Zakonodavstvo SFRJ: SR Srbije, SAP Vojvodine, SAP Kosova, Zakon o Izvršenju Krivičnih Sankcija SR Srbije*, Belgrade: Savremena Administracija, 1989.]

⁵⁷ The reasons for the prosecutor's request for a re-trial remains unclear. If the prosecutor sought to charge Mr. Balić for the same offence of which he was acquitted in April 1991, such an action would constitute double jeopardy, which is illegal under Serbian and Yugoslav law.

Kosovo must belong to the Albanians and that all Serbs must be evicted. The witnesses also claimed that after the meeting, participants burned and destroyed Serbian property but this is not true. I have witnesses and videotapes of the speech but the court has refused to accept this as evidence.

I asked that my lawyer, Adem Ajri, be present during the trial but the presiding judge, Slobodan Nikolić, refused my request. I was not entitled to legal representation. I was convicted and sentenced to six months in jail, which is where I am supposed to be now.⁵⁸

Arrest of Veton Surroi

Veton Surroi, president of the Parliamentary Party and a leading opposition figure in Kosovo, was arrested and sentenced to 60 days of imprisonment for having breached the peace by organizing a non-violent demonstration against Serbian rule on June 13, 1991, which reportedly included 50,000 participants. At the demonstration, Surroi told the protesters that a major rally had been organized for July 2 to mark the first anniversary of Kosovo's declaration of sovereignty by the Kosovo Assembly.⁵⁹ According to Surroi:⁶⁰

At 3:00 in the morning on June 26, eight Serbian police officers dressed in riot gear and armed with automatic weapons and machine guns came to arrest me -- they told me that we were going to the police station for an "informative discussion." In fact, I was kidnapped and sentenced to 60 days of imprisonment for having "breached the peace" and for having "disturbed the tranquility of Serbs and Montenegrins," allegedly because I made a speech that the authorities disliked at the [June 13] demonstration.

I was taken before a judge who charged me for having committed a petty offense. I refused to answer any of the judge's or police officers' questions without my lawyer. Because I refused to answer the judge, I was kicked out of the courtroom and waited for my lawyer to arrive. When my lawyer, Bajram Kelmendi, arrived at the courthouse, the judge insisted that I remain outside the courtroom and I was convicted without having been presented before the judge. I served only two days of my sentence because the foreign governments issued protests to the Serbian authorities.

The U.S. State Department and members of the U.S. Congress and German government issued protests on Surroi's behalf. Kosovo's provincial court overruled the lower court's decision and Surroi was released on June 29, 1991.

1990 Convictions for Possession of "Hostile Materials"

⁵⁸ Helsinki Watch representatives interviewed Balić in Kosovo in December 1991, while he was in hiding.

⁵⁹ "Kosovo Albanian Leader Arrested," Radio Free Europe, /Radio Liberty *Daily Report* No. 122, June 28, 1991.

⁶⁰ Interviewed in New York on August 1991 and in Priština in December 1991 by Helsinki Watch representatives.

In November and December 1990, at least 40 persons were sentenced to short prison terms for selling or possessing copies of the Albanian-language magazine *Dielli* and an Albanian-language music cassette titled "Besa." The "Besa" tape appears to have been offensive to Serbian authorities because it contained a song about Adem Demaci, an ethnic Albanian political prisoner who was released in April 1990 after having spent 28 years in prison. Ethnic Albanians were arrested for possessing other materials deemed "hostile" by the Serbian authorities. According to Amnesty International, the following persons were among those imprisoned for possession of "hostile materials:"⁶¹

- Mensur Fejzullahu, from the village of Bozovac near Tetovo, Macedonia, was sentenced in Priština to 60 days of imprisonment on November 27, 1990, after police officers in Priština stopped and searched his car and found a copy of the "Besa" cassette tape.
- Behram Toverlani, a taxi-driver from the village of Dumica near Podujevo, was sentenced to 50 days of imprisonment in November 1990 after police officers found a copy of the "Besa" cassette tape in his possession.
- Bedrije Kasumi, the mother of two children (ages three and four), worked as an assistant in a newsstand in Priština. In late November 1990, she was arrested at her home and taken to court, where she was sentenced to 60 days of imprisonment because police had found several copies of the "Besa" tape in the newsstand in which she worked.
- Shaban Raci, age 26, from the village of Sičevo, was arrested near Klina on December 10, 1990, for carrying an emblem of the Albanian cultural association "Migjeni," which is based in Ljubljana, Slovenia. Two days later, he was sentenced to 30 days of imprisonment by the local court for petty offenses in Klina.
- Haxhi Hyseni and Ahmet Ramadani were sentenced to 50 days of imprisonment in Glogovac on December 14, 1990, for possessing copies of the "Besa" music cassette.

November 1990 Arrests in Dečane

Six local officials from the Dečane municipality were arrested in November 1990 for having supported the September 1990 declaration of Kosovo's independence from Serbia. They were accused of having held a clandestine meeting where they drafted a new statute for the Dečane municipality. The six men previously had been suspended from their jobs.⁶²

⁶¹ See Amnesty International, "Ethnic Albanians Convicted for Possessing 'Hostile Materials,'" January 7, 1991.

⁶² Amnesty International Weekly Update NWS 11/48/90, "Yugoslavia: Amnesty International Urges Release of Ethnic Albanian Prisoners of Conscience," EUR 48/WU 4/90, December 7, 1990.

RESTRICTIONS ON FREEDOM OF THE PRESS AND THE PERSECUTION OF JOURNALISTS

The situation of the Albanian-language media in Kosovo is dismal. In the past two years, hundreds of journalists have lost their jobs as a result of their ethnic affiliation or political allegiance. The Albanian-language press either has been banned by the Serbian authorities or completely subordinated to the Belgrade media.

The provincial assembly of Kosovo is the founder of Priština Radio and Television and the major Turkish-, Serbian-, and Albanian-language newspapers (*Tan*, *Jedinstvo*, and *Rilindja*, respectively). After Kosovo's Assembly declared the province to be a republic on July 2, the Albanian-language media reported the assembly's declaration of an independent republic of Kosovo. After Serbian authorities dissolved the provincial government, they took measures to suppress the Albanian-language media in Kosovo.

On July 5, Serbian police units occupied and closed Albanian-language Priština Radio and Television. Most ethnic Albanian workers were dismissed from their jobs and others, including Agim Maljaj, the director of Priština Radio and Television, fled the country to escape persecution after arrest warrants were issued for their arrests. Subsequently, Priština Radio and Television lost its autonomy and became a subsidiary of Serbia Radio and Television (formerly known as Belgrade Radio and Television), which is controlled by the government of Slobodan Milošević. Most current employees at Priština Radio and Television are predominantly Serbian and Montenegrin and most of the programming in Kosovo is in the Serbian language. There are two Albanian-language programs (one 20 minutes and another five minutes in duration) which are broadcast daily in Kosovo. According to Albanians interviewed by Helsinki Watch, the aforementioned Albanian-language reports merely translate news broadcast on Serbia Radio and Television. Many claim that the Albanian-language programs of Priština Radio and Television are read by Serbs and Montenegrins who had emigrated from Vraca, Albania, in 1990 and early 1991.

Prior to the shut-down of Priština Radio and Television, the Serbian authorities intimidated journalists at the offices of the stations. Sali Kelmendi,⁶³ former editor-in-chief of Albanian-language Priština Television told Helsinki Watch:

Three months before they closed the television station, police officers were loitering around the building, telling us to keep our doors open. I believe they were listening to our conversations. On July 5, when they occupied the radio and television station, they used anti-terror tactics that are more appropriate for SWAT teams. Armored vehicles surrounded the building and the police then stormed the building, ordering everyone to leave.

Reportedly, Priština Radio and Television was occupied by the police because of "its editorial policies" and "negative inter-ethnic relations." According to Kelmendi, after the Serbian authorities took over Priština Radio and Television, 1,300 people -- mostly Albanians -- lost their jobs. Journalists, camera crews, graphic artists and administrative staff members who were considered unsupportive of the Serbian government were dismissed. According to Kelmendi, those workers who were dismissed from their jobs

⁶³ Interviewed in Priština on May 1, 1991, by Helsinki Watch representatives.

also lost their apartments.⁶⁴ Many were left homeless and were denied welfare assistance. When Helsinki Watch asked Petar Žebeljan, then Serbian Secretary of Information,⁶⁵ about the dismissals of Albanians from jobs with the press, he responded that these people were not fired by the government but left of their own accord. According to Žebeljan, since Albanian workers left of their own volition, they were ineligible for government unemployment or welfare benefits. On the basis of our investigation, Helsinki Watch believes that Albanians were indeed dismissed and that they did not leave voluntarily.

On August 8, 1990, *Rilindja* (Renaissance), the only Albanian-language daily newspaper in Kosovo, was shut down by the Serbian authorities and its workers were dismissed from their jobs. As of this writing, *Rilindja* remains banned. Khemil Rexhepi,⁶⁶ deputy editor-in-chief of *Rilindja* told Helsinki Watch that all 200 journalists on the newspaper's staff were fired and most remained unemployed. According to Rexhepi:

Rilindja supported the declaration of republic status for Kosovo and always reported the many human rights abuses committed by the police. However, now that *Rilindja* is closed, the Albanians -- 90 percent of Kosovo's population -- do not have a daily newspaper. The banning or control of the Albanian-language media in Kosovo is part of a larger Serbian plan to disinform the Albanian population. The Serbian government's ultimate aim is to destroy everything that is Albanian. I do not see how *Rilindja* will ever be able to resume publication if the current ban of our paper is part of this larger anti-Albanian program.

Efforts to resurrect *Rilindja* have been futile. Former workers, particularly journalists, from *Rilindja* have tried to re-organize the newspaper into a stock sharing company but such efforts were blocked by the Serbian government, which claimed that *Rilindja* was the property of the Republic of Serbia and that only the Serbian government, not ethnic Albanian workers, had the right to decide the fate of the paper. In March 1991, the Kosovo Supreme Court decided to re-instate *Rilindja* but Serbian authorities refused to abide by the court's decision. The Serbian government said *Rilindja* could resume printing if its managers signed a statement pledging allegiance to Serbian rule and attesting that it would not criticize the Serbian government. *Rilindja*'s managing directors and editors refused and the paper remains closed.

Government subsidies and access to printing facilities are provided to the Serbian- and Turkish-language press in Kosovo but not to the Albanian-language press. Although Albanian-language newspapers and journals exist in Kosovo, they are privately financed. A periodical for agricultural workers, *Bujku*, has now replaced *Rilindja* as the main Albanian-language newspaper in Kosovo. It is published five days a week. Many of its journalists and editors work without salaries because the paper does not have the money to pay its employees or to be published daily.

⁶⁴ In most communist countries, the state provides apartments for its citizens. In Yugoslavia, a worker's employer supplies an employee with living accommodations. Some Albanians who have been dismissed from their jobs subsequently have been evicted from their homes. (See section concerning general economic and social marginalization of the Albanian population in Kosovo.)

⁶⁵ Interviewed in Belgrade in May 1991 by Helsinki Watch representatives.

⁶⁶ Interviewed in Priština on May 18, 1991 by Helsinki Watch representatives.

The government has no legitimate claim of control over the independent Kosovo press because the founders and financiers of these publications are private individuals, not government bodies. Nevertheless, the Serbian authorities have interfered with the independent Albanian-language press in Kosovo. People have been arrested after police found copies of independent papers on their person. In many cases, these individuals were subsequently sentenced to 60 days of imprisonment.

When the independent press has published news that the Serbian government considered harmful to its interests, the authorities have taken action against the respective press or author responsible. For example, on June 1, 1991, *Zeri i Rinise*⁶⁷ published a document in Serbian called "Instructions for Action." The document was allegedly a five-point plan for arming Serbs and Montenegrins in Kosovo with 11,000 rifles and providing combat training for 60,000 men. The document named prospective meeting places and called for help from Serbia.⁶⁸ Also, the plan reportedly called for "systematic and daily intimidation of Albanians and urged the kidnapping of Serbian and Albanian children to provoke conflicts."⁶⁹ On June 11, *Zeri i Rinise* was banned for "spreading false information."

Dielli (Sun), an Albanian-language weekly newspaper, was banned in Kosovo for eight months and its editor, Jusuf Ferizi,⁷⁰ was imprisoned twice. Ferizi, a former editor at Priština Television, went to Zagreb after Serbian authorities occupied Priština Radio and Television in July 1990. While in Zagreb, Ferizi asked the Croatian government for access to a frequency on which to broadcast an Albanian-language news program. He also began publishing *Dielli*, a weekly Albanian-language magazine. *Dielli* was registered and printed in Zagreb and its first issue appeared on July 13, 1990. The paper's circulation was confined to Croatia because the Serbian authorities banned *Dielli*'s distribution in Kosovo. Ferizi spent six months in Croatia and returned to Kosovo, via Skopje, Macedonia, only to be arrested upon his arrival. Ferizi recounted his story to Helsinki Watch:

On December 29, 1990, I arrived at Skopje airport, where three Serbian police officers told me I was under arrest but refused to tell me why. I know they were Serbian, and not Macedonian, police officers because they showed me their identification. They took me to Priština in their car. We arrived at midnight and I was taken to prison by the police officers, who told me that they would be back at 8:00 the next morning. However, I never saw these three police officers again. At 8:00 the next morning, two other police officers came and interrogated me for six hours.

During this interrogation, it became clear that I had been arrested for my activities with *Dielli*. The police officers concentrated mostly on a November 17 [1990] article in which we called on the Albanian population to protest the take-over of Albanian-language Priština Radio. I was told that this article incited the public and that it was secessionist in tone.

⁶⁷ *Zeri i Rinise* was initially a youth magazine. After the closing of *Rilindja*, *Zeri i Rinise* was renamed *Zeri* and became a political journal.

⁶⁸ News reports do not indicate who was the author of the document, although it appears that it was drafted by Serbs living in Kosovo.

⁶⁹ See Radio Free Europe/Radio Liberty *Daily Report*, No. 111, June 13, 1991, p.1, and *Borba*, June 12, 1991.

⁷⁰ Interviewed in Priština on May 19, 1991, by Helsinki Watch representatives.

They also questioned me extensively about a letter I had sent to delegates at a meeting of the Conference on Security and Cooperation in Europe (CSCE) in Paris in 1990. In the letter, I claimed that the Albanian people in Kosovo were victimized by Serbian government policies which aimed to eradicate Albanian culture and language and to deny Albanians the right to information.

Ferizi was sentenced to 60 days of imprisonment, but upon appeal his sentence was decreased to 30 days. After he served his sentence, Ferizi was again tried for the same offense in June 1991. According to Ferizi:

Four days before my release in February [1991], the authorities began questioning me again. They asked me the same questions that had been asked when I was first arrested. On February 22, 1991, at 8:00 a.m., I was released but told that I had to go to court immediately. I followed their instructions and when I got to court, I was told that I was being charged again for the same offense for which I had just served a sentence. According to the court, I was initially charged for committing a petty offense. I was being charged a second time under the criminal code. They wanted to throw me into jail right away but I demanded to see a lawyer. I was given four days to obtain a lawyer and then the court process resumed again in March. I was being charged with the three offenses for which I had been indicted in December -- inciting the public, writing a plea for secession from Serbia and writing a letter to the CSCE delegates in Paris. My lawyers argued that these activities were conducted in Zagreb and that the Priština court did not have jurisdiction to try the case. The court never addressed this issue.

On July 7, 1991, Jusuf Ferizi was convicted and sentenced to three months of imprisonment under the Kosovo criminal code. After an eight month ban, the Serbian authorities allowed the distribution of *Dielli* in Kosovo in February 1991, during which time Ferizi was serving a jail term for his association with the once-banned paper.

Almost all Albanian journalists interviewed by Helsinki Watch claim that they have been called in for questioning by the police at least once in the past two years. Many claim that such questioning serves two purposes. First, interrogations are aimed at intimidating journalists from writing articles critical of the Serbian authorities in Kosovo. Secondly, the journalists claim that such questioning is used by the police to extract information about the activities of the Albanian community in Kosovo. According to Nehad Islami,⁷¹ the police questioned him about the activities of the Albanian human rights organization in Kosovo and the distribution of the organization's reports to the United Nations Human Rights Commission in Geneva in late August 1991. Abdul Krasniqi,⁷² a journalist who attended the press conference in Geneva when the aforementioned report was released, also was questioned by the police when he returned to Kosovo.

In addition to the aforementioned cases, Helsinki Watch has documented the following instances of repression against the Albanian-language press in Kosovo since 1990:

⁷¹ Interviewed in Priština in December 1991 by Helsinki Watch representatives.

⁷² Interviewed in Priština in December 1991, by Helsinki Watch representatives.

- On May 15, 1990, a weekly Albanian-language magazine, *Bota e Re*, was banned because it printed several articles that the Serbian authorities opposed. One article included a statement by a former political leader supporting republic status for Kosovo.⁷³ The next day, two *Bota e Re* journalists, Luan Jaha and Agim Morina, were arrested for selling an issue of the paper. Both Jaha and Morina were released after four days of detention. Jaha was later sentenced to thirty days of imprisonment and Morina was sentenced to twenty days of imprisonment.⁷⁴
- Zenun Celaj, a journalist for the now-banned *Rilindja* newspaper, was imprisoned for reporting on the July 7, 1990, clandestine session of the outlawed Kosovo Assembly. Celaj did not receive a trial and was released after having spent one month in prison.⁷⁵
- On August 10, 1990, the police confiscated copies of the youth weekly *Zeri i Rinise*. The following day, the deputy district public prosecutor in Priština declared a temporary ban on the paper's distribution, reportedly because it had printed "lies."⁷⁶
- In March and September 1990, foreign journalists "were subjected to brief detentions, document checks and other difficulties while attempting to cover news events in Kosovo."⁷⁷
- In April 1991, Rexhap Rifatija, a former *Rilindja* journalist, was sentenced to 60 days of imprisonment by Judge Stojimir Petkov in Uroševac for writing an article which reported dismissals of Albanian workers. The article, entitled "Violence Upon Violence," appeared on December 4, 1990, in the weekly Albanian-language magazine *Kosovarja*. Rifatija reported that 240 workers at the Boško Cakić automobile service plant were dismissed from their jobs because they refused to recognize the legitimacy of Serbian rule over Kosovo.⁷⁸ All those dismissed were members of Kosovo's independent trade union.
- Xhemal Rexhepi, the former editor-in-chief of *Rilindja*, was arrested for having published a statement issued by the exiled provincial government of Kosovo which was published in *Bujku*. According to Rexhepi:⁷⁹

I was arrested on September 26, 1991, in my office. Three police officers came to

⁷³ Committee to Protect Journalists, *Attacks on the Press 1990: A World Survey*, New York, March 1990, p. 134.

⁷⁴ *Ibid.*

⁷⁵ *Ibid.* p. 136; and *Index on Censorship*, London, January 1991.

⁷⁶ *Index on Censorship*, London, January 1991.

⁷⁷ Committee to Protect Journalists, *Attacks on the Press 1990: A World Survey*, New York, March 1990, p. 136.

⁷⁸ Amnesty International's "Country Dossier List: January-June 1991, Europe," September 1991, Amnesty International Index DOC 32/09/91.

⁷⁹ Interviewed in Priština in December 1991 by Helsinki Watch representatives.

my office at 8:00 a.m. and told me that I had to come with them for an "informational discussion." The arresting officers were dressed in civilian clothing and were members of the secret police (SSNO). They took me to the police station, where they asked me why I had published the statement by the Kosovo government. During my interrogation five separate people interrogated me. None of them wore a police uniform and all of them were members of the secret police.

At 10:00 a.m., I was taken back to my office and the police officers asked that I give them a copy of the statement published in *Bujku* and a copy of the edition that transcribed the statement. The police officers left only to return one hour later. They took me back to the police station. They put me in solitary confinement until 2:30 p.m.; I was then interrogated until 9:00 p.m. They asked me why I had published the statement and who had told me to publish it. They contended that I must have been instructed by (Democratic League of Kosovo President Ibrahim) Rugova to do so but I told them that no one ordered me to publish anything. They appeared eager to have me implicate others but, quite honestly, the decision to publish the statement was my own. At the end of the questioning, my interrogator said, "Since you haven't told us anything we'll take you back to solitary confinement. Once the ones in blue -- that is, the regular police officers -- get you, they will make you talk."

Rexhapi was held in solitary confinement until 9:00 a.m. the next morning. He claims his cell was three by two and a half meters large and that it was built with concrete and wood. Human feces were on the floor and he was not given any food, water or blankets and was not permitted to use a bathroom. During his imprisonment, Rexhapi claims that a miner was beaten by the police. Rexhapi continued:

At 9:00 the next morning they took me to a room upstairs and interrogated me once more. Again, they wanted me to implicate others in the publication of that statement. At noon, they told me that I would be punished under the misdemeanor law and that I would serve 60 days in prison. I was told that after I served my 60 day sentence for a petty offense, criminal charges would be filed against me and that I would serve a longer prison term.

Rexhepi served 61 days in prison and was released on November 26, 1991.

- Jonuz Fetahu, director of *Skendija*, *Bujku*, *Fjala* and *Jeta e Re*, was arrested in October 1991. He was called to come to the police station for "informative discussions" in June 1991. On October 9 at 10:00 a.m., three men entered the *Rilindja* office building in which he was working and identified themselves as members of the secret police (SSNO). According to Mr. Fetahu:

They asked me to accompany them to the state security building where I was taken to the third floor. Four people and the police chief were in the room. They asked me why we had published the communique by the Assembly of Kosovo which called on Albanian teachers to reject the new Serbian curriculum in Kosovo's schools. I was interrogated from 10:30 a.m. to 5:00 p.m. At 5:00, they told me that I would not be allowed to see my family and that I would be sentenced to 60 days in prison. I was kept in the same room for another hour and

then was taken before a court, where I had to wait for 90 minutes for a magistrate to arrive. (There was a change in the shifts and the attending magistrate had gone home before his replacement arrived.) They claimed that I had violated the law because I allowed the publication of a statement by the [underground] Kosovo government which indicated that the school year would begin on October 1, not October 16 as the Serbian program stipulated. They said that this statement "disturbed the public order and peace" and that it "upset the non-Albanian population in Kosovo." The trial lasted from 6:30 p.m. to 10:00 p.m. and my two lawyers, Bajram Kelmendi and Fazli Balaj, were present.

I was sentenced to 60 days of imprisonment and was immediately taken to the jail, where I was put in cell number six, with 12 other people. The cell was about 13 square meters large so each prisoner had one square meter to himself. I spent the night in that cell and the next day I was taken to the jail in Mitrovica.

At the Titova Mitrovica jail, Fetahu was held in a cell with 17 other people for five days and then was transferred to a less crowded cell. He was released on December 7, 1991.

- Gani Bajrami, editor of a political affairs column for *Bujku*, was arrested on October 9, 1991, at 11:00 a.m. According to Bajrami:⁸⁰

I was responsible for publishing the communique about the school's commencement and the police kept asking me why I allowed its publication. I was sentenced to 60 days in prison for having disturbed the public peace and order. I was taken to the basement, where they kept a cell for those to be placed in solitary confinement. I was kept there for 24 hours. When I was being taken to the cell, two police officers were holding up a man under his arms. The man's surname was Dervisholi and he had been badly beaten and could not walk. While I was in my cell, I heard them beating him again; he kept screaming.

Bajrami was released on October 14, 1991. He appealed his sentence and the decision of the lower court was thrown out on a technicality – his indictment indicated that he was the deputy editor, rather than the editor, of the column.

- Riza Reshani, a correspondent for *Bujku*, was arrested on October 25, 1991, for an article he had written about the alleged mistreatment of persons in the town of Štimlje. According to Reshani:⁸¹

The article was entitled "Četniks Mistreat Children." Although the authorities may have objected to the title, the factual information contained in the article was correct. I also worked as a correspondent for the Albanian-language program of Croatian radio, which also bothered the authorities.

- Shaip Beqiri, a journalist for the weekly *Zerë*, had authored a book about the works of Ismail Kadare,

⁸⁰ Interviewed in Priština in December 1991 by Helsinki Watch representatives.

⁸¹ Interviewed in Priština in December 1991 by Helsinki Watch representatives.

a prominent writer from Albania. In mid-November 1991, Beqiri travelled to Paris to interview Kadare, who was living in France as an expatriate at the time. According to Beqiri:⁸²

On November 18, [1991], I was returning to Priština from Paris. I arrived in Belgrade and took a train to Priština. When I got to the train stop in Kraljevo (approximately 170 kilometers south of Belgrade), the police boarded the train and told me to disembark. I had a copy of Kadare's book with me at the time and the next day I was sentenced to 40 days in prison for having been in possession of that book.

- **Rexhep Rifati, a journalist for *Bujku*, was arrested and beaten in detention on November 28, 1991. According to Rifati:⁸³**

I reported on a meeting which was being held to commemorate the independence of Albania. The meeting was held in a school in the village of Komoglava. A large number of police officers surrounded the building and raided the premises. All those present had to form a single line and the police pulled 45 people from the line, including myself. We were taken to Uroševac police station. Between 4:00 p.m. on November 28 and 7:00 a.m. on November 29, almost all of us were beaten. They tied a rope around my neck and beat my hands. We were released at 7:00 a.m. on November 29 and I was told to report to the police station every day for two weeks thereafter.

- **Blerim Shala, editor-in-chief of *Zerë* was responsible for the contents of a November 28-December 7, 1991, issue of the magazine which showed a double-headed eagle with no star and a map of areas where Albanians constitute a majority or large minority of the population (including Kosovo, areas of Montenegro and Macedonia, and the country of Albania). According to Shala:⁸⁴**

The magazine cover had a picture of Albanians performing a folk dance on November 28, 1942 – the day of Albania's independence – and a map of predominantly Albanian regions in the Balkans. Some claim that this is a map of a "Greater Albania." I was arrested for having allowed the publication of this cover and map on November 28. I was tried on November 29 and imprisoned. The Serbian authorities employ a double-standard; all maps of a so-called "Greater Serbia" are readily available throughout Serbia but we Albanians cannot print a similar map.

- **Musa Kalaveshi, an illustrator for *Zerë* was arrested on December 1, 1991, and sentenced to 60 days in prison for having drawn the aforementioned map of a "Greater Albania" for the magazine. According to Kalaveshi:⁸⁵**

⁸² Interviewed in Priština in December 1991 by Helsinki Watch representatives.

⁸³ Interviewed in Priština in December 1991 by Helsinki Watch representatives.

⁸⁴ Interviewed in Priština in December 1991 by Helsinki Watch representatives.

⁸⁵ Interviewed in Priština in December 1991 by Helsinki Watch representatives.

I was also charged for having drawn a cartoon of Slobodan Milošević and Saddam Hussein with sticks of dynamite in their mouths in the magazine *Koha* (Time). The police searched my house, confiscated those materials and took my passport.

- **On January 13, 1992, Sanije Gashi, editor-in-chief of the Albanian-language women's magazine *Kosovarja*, was sentenced to 60 days of imprisonment. Gashi was found guilty of "having disturbed national and patriotic feelings" because she had permitted the publication of a statement which called for an end to repression in Kosovo. She served her term in a prison in Mitrovica.⁸⁶**

⁸⁶ See Index on Censorship "Briefing Paper," No. 381, February 20, 1992, and PEN American Center, "Freedom to Write Bulletin," March-April 1992, p. 4.

GENERAL EMPLOYMENT DISCRIMINATION AND MASS DISMISSAL OF ALBANIANS

Since the Serbian government took direct control of Kosovo's administration in 1990, thousands of ethnic Albanian workers in government and public enterprises have been dismissed from their jobs because their loyalty to the Serbian government or their professional competence was questioned by the Serbian authorities. Others have been dismissed because they refused to recognize Belgrade's authority or to accept the imposition of "special measures" in Kosovo. Other ethnic Albanians have been dismissed due to an alleged "surplus of labor" in a given establishment or because an employee made an unfavorable comment to the press. Many Albanians dismissed from their jobs were replaced by Serbs or Montenegrins. Helsinki Watch believes that, since 1990, most Albanians have been dismissed from their jobs primarily for ethnic reasons.

On September 3, 1990, ethnic Albanians participated in a general strike to protest the imposition of "special measures" in Kosovo. Many participants were fired from their jobs. Those private proprietors who closed their shops in support of the strike were fined⁸⁷ and some were not allowed to re-open their business for one year. Other workers faced disciplinary measures for having taken part in the demonstration (e.g., a temporary cut in pay).

Hajrullah Gorani,⁸⁸ the head of the Independent Trade Union of Kosovo, was arrested on August 24, 1990, for having called for the general strike on September 3. According to Gorani:

I was in my home with my family and with several journalists who had come to interview me. Four police officers, armed only with revolvers, came to summon me. Two officers remained in the police car while the other two came into my home. They did not have a search or arrest warrant and they "invited" me to go with them. I was taken to the police station for two and a half hours. I was not mistreated nor was I interrogated.

I was then taken to the district court and was brought before a judge. I asked that a lawyer be present; the judge agreed and we waited for my lawyer to arrive. The trial lasted two hours and the court called one witness

-- a police officer. In the middle of the case, at about 12:30 a.m., the judge stated that he had to make a telephone call. He returned and then sentenced me to 60 days of imprisonment. My lawyer appealed the sentence and the decision of the lower court was thrown out. I was then released but I had already served 45 days of my 60-day sentence.

According to Gorani, over 850,000 Albanians employed in commercial enterprises have been fired from their jobs. In Yugoslavia, when a worker is dismissed, he or she must be given a written statement

⁸⁷ For example, Helsinki Watch retains a copy of a judgment by an Uroševac-based court for petty offenses which imposed a 3,000 dinar fine on Idriz Mahmut Hodja, the proprietor of a store in the town of Štimlje. The fine was imposed by Judge Jadranka Dobrijević because, on September 3, 1990, Hodja "did not keep open his independent business, the 'Balkan' grocery store, in Štimlje for the entire day, thereby failing to adhere to working hours." (The number of the court document is 11829/90.)

⁸⁸ Interviewed in Priština in December 1991 by Helsinki Watch representatives.

explaining the reasons for the dismissal. According to Gorani, many Albanians have not received such dismissal notices nor have they been otherwise informed about the reasons for their dismissal. Such workers frequently are told not to report to work and are prevented from entering the premises by armed police officers.⁸⁹ According to Gorani, one such case occurred in the coal mine in Obilić:

After special measures were imposed, an emergency management team was introduced in the Obilić coal mining enterprise. Only Serbs and Montenegrins were members of the management team; there were no Albanian representatives. This emergency management team decided to fire hundreds of workers. Many workers asked that their dismissals be reviewed but the same management team heard the appeals and thus reaffirmed their prior decisions. The names of those who had been dismissed were given to the police, who prevented those employees from reporting to work.

Such allegations were confirmed by 36-year-old Mitush Prebreza,⁹⁰ a former employee of the Obilić mining company. According to Prebreza:

Two thousand three hundred people worked at the mining enterprise. Most ethnic Albanians in Kosovo participated in the general strike on September 3, 1990, and we at the mine also participated in the strike. We went back to work the next day but the emergency management team had closed down the plant. On September 10, the Serbian employees received notices inviting them to come back to work. The Albanian employees were sent dismissal notices. My notice stated that I was fired because I did not show up for work for seven days. However, the plant had been closed for seven days and no one could report for work. My two brothers and my father also worked at the plant. We were all fired but our Serbian colleagues were asked to return to work.

The basis for the dismissal of Albanians from the Obilić mining firm appears to have been their participation in the September 3, 1990, general strike, not their failure to report to work between September 3 and 10. Prior to the strike, the Serbian government made clear that all those participating in the strike would be dismissed from their jobs.

Albanians who have tried to recruit members to the independent trade union have been imprisoned for their activities. Beca Baton was sentenced to 15 days of imprisonment and was fined by a court for petty offenses because he tried to organize workers and to form a branch of the independent trade union at the "Kooperacija" firm in Štimlje on September 10, 1990, at approximately 9:30 a.m. The list of names of prospective members and the amount of dues to be paid by each member was found on his person when he was stopped by police at a checkpoint on October 12, 1990. The court stated that, by being in possession of such documents, Baton "provoked indisposition of the citizenry toward organs of the state."⁹¹

⁸⁹ Helsinki Watch has interviewed scores of Albanian workers whose testimony supported Gorani's claims. Some of the testimonies are reported in the following sections of this report.

⁹⁰ Interviewed in Obilić in December 1991 by Helsinki Watch representatives.

⁹¹ The decision of the court is signed by Judge Stojimir Petković. The document is numbered 14497/90, Court for Petty Offenses, Uroševac, Kosovo.

According to Gorani, before the imposition of "special measures," 50 percent of the management positions in Kosovo were held by Albanians but that, currently, nearly all supervisory and management positions are filled by Serbs. Some workers are forced to sign loyalty oaths either to the Serbian government or to the emergency management team appointed by the Serbian authorities. According to Gorani, those who refuse to sign such oaths are subsequently dismissed. Gorani also claims that those Albanians who signed such oaths were subsequently fired for other reasons.

Helsinki Watch retains a copy of a dismissal notice issued to Husni Pireva, a secretary at the city council of Mitrovica. Pireva refused to sign a statement declaring his acceptance of the Serbian Parliament's enactment of special measures in Mitrovica's city council on July 11, 1991, and acceptance of new regulations for the workplace, as set forth in the law on special measures.⁹² Similar dismissal notices were issued to Adem Prekazi, Burbuçe Hasani, Jusuf Hadzimehmeti and Zejnepe Hasani, also employees at Titova Mitrovica's city council. Helsinki Watch also retains a copy of a pre-prepared loyalty oath issued by the Kosovo branch of the Belgrade-based Jugopetrol enterprise. The statement expresses the employee's "acceptance/non-acceptance of the Republic of Serbia, and all its laws which are promulgated by the People's Parliament of the Republic of Serbia, and all the normative acts [i.e., regulations] enacted by the Jugopetrol enterprise." The statement is dated April 11, 1991.

Although Helsinki Watch takes no position on Serbia's right to codify its regulations throughout its territory, Helsinki Watch is gravely concerned that such regulations have been manipulated to justify the mass dismissal of thousands of ethnic Albanians so as to replace them with Serbs and Montenegrins. In particular, Helsinki Watch is gravely disturbed by the fact that many notices of dismissal appear to have been handed out without prior warning from a supervisor, that such dismissals are not carried out by supervisors but by "emergency management teams or by co-workers in some instances, and that the police have been used either to remove ethnic Albanians from the workplace physically or to intimidate them into leaving.

Yugoslavia is party to the International Labor Organization's (ILO) Convention Against the Discrimination in Respect of Employment and Occupation (#111) and the ILO Convention on Freedom of Association and Protection of the Right to Organize and Bargain Collectively (#87). The mass dismissal of Albanian workers in Kosovo is contrary to the tenets set forth in the aforementioned ILO Conventions. Helsinki Watch believes that dismissing a worker because of his or her refusal to sign a loyalty oath to a government or employer violates the right to freedom of expression. The dismissal of ethnic Albanians and their subsequent replacement with Serbian and Montenegrin workers indicates that the dismissal of ethnic Albanians is based on ethnic criteria. Helsinki Watch believes that the mass dismissal of workers in Kosovo is part of a broader campaign to marginalize economically and socially ethnic Albanians in the province, many of whom already live below the government-designated poverty line.

⁹² The dismissal notice is signed by Dobrosav Spirić, Secretary of the Secretariat of the City Council of Mitrovica and is dated July 16, 1991, Number S-06-118-38.

DISCRIMINATION IN THE MEDICAL PROFESSION

With regard to the medical profession, new regulations set forth in the laws on special measures specify that all schedules, prescriptions and other written documentation be written in the Serbian language, in Cyrillic script.⁹³ Many ethnic Albanian doctors refused to abide by the new instructions and continued to write in Albanian. This was often cited as the reason for a medical worker's dismissal. Many of the doctors have appealed their dismissal to courts but have not received any answer to their appeals.

According to doctors interviewed by Helsinki Watch in December 1991, most of the dismissals of Albanian medical workers -- including doctors, technicians, researchers, nurses and others -- were concentrated primarily in the Priština municipality. The dismissal of doctors in the villages was less pronounced.

Serbian authorities have claimed that Albanian doctors were dismissed and replaced with Serbian doctors because the former had neglected their medical duties and that, since 1989, Turks, Roma and Serbs were not receiving proper medical care.⁹⁴ Moreover, they claim that the poor quality of overall health care in Kosovo was due to the negligence of Albanian doctors and that, therefore, their dismissals were necessary to better the standard of medical care in Kosovo.⁹⁵

When the Kosovo School of Medicine was merged with the Medical Faculty of Serbia in 1990,⁹⁶ doctors from Serbia came to Kosovo. Doctors interviewed by Helsinki Watch reported that the Serbian doctors refused to work with their Albanian colleagues. According to Dr. Lumturije Gashi-Luci, a pathologist:⁹⁷

On June 10, 1990, all the Serbian medical workers left the hospital; they claimed that they did not want to work with their Albanian colleagues any longer. The Serbian doctors did not report for work but received their pay checks. When special measures were imposed in Kosovo, Serbian doctors returned to work and then the firing of the Albanian medical personnel began.

According to Dr. Drita Mekuli,⁹⁸ an internist from Priština hospital:

⁹³ Serbian is written both in Cyrillic and Latin scripts. In the past year, the use of Cyrillic has been encouraged throughout Serbia.

⁹⁴ International Helsinki Federation, "The Health Care Situation in Kosovo," October 1991, pp. 1-2. The report quotes a representative of the Serbian Ministry of Health, Dr. Mojsilović, and the director of the Institute for National Health, Dr. Antić.

⁹⁵ *Ibid.*

⁹⁶ Prior to the imposition of special measures in Kosovo, the university system in Kosovo enjoyed considerable autonomy within the Serbian university system.

⁹⁷ Interviewed in Priština in December 1991 by Helsinki Watch representatives.

⁹⁸ Interviewed in Priština in December 1991 by Helsinki Watch representatives.

In August 1990, military personnel surrounded the surgery clinic and the police entered the premises. One of the doctors was handcuffed, taken to the police station and later released. Approximately 45 doctors and other medical personnel were taken in for questioning and were subsequently released that day.

On September 16, a university lecturer, a nurse and a technician -- all Serbs employed at the same clinic as I -- came to my work station. They handed me a notice of dismissal and told me that I had to leave within the next 30 minutes. Similar orders were issued to many of my Albanian colleagues at the clinic. I obeyed the order and left immediately. Those colleagues who refused to leave were forcibly removed by the police.

According to Dr. Mekuli, her dismissal notice stated that she had been fired because she was refusing to cooperate with the designated medical organs. She claims that the dismissal notice also stated that she refused to accept "emergency measures" that had been imposed in the hospital.

Dr. Vjosa Dobruna, a pediatrician who specializes in psychological and neurological disorders in children, was dismissed in August 1990. The dismissal was facilitated by the police. According to Dr. Dobruna:⁹⁹

I was fired on August 13, 1990, a few days after "special measures" were imposed in Kosovo's medical establishments. I have no idea why I was fired; I presume to change the demographics of the staff. At 8:00 a.m., six fully armed police officers and six members of the clinic's management team approached me. A member of the management team reached for a piece of paper from a nearby desk, wrote my name on it, cited a law and told me that I was fired and that I should leave immediately.

I did not leave but continued to work for the remainder of the working day, until 2:00 p.m. During that time, they changed the lock on my office door. I continued to report for work for another three days. On the third day, I was given a formal notice of dismissal and told by a police officer that I was no longer allowed on the premises. The Albanian nurses were fired the next day.

Alleged Poisoning of School Children

Ethnic Albanians claim that over 3,500 Albanians -- 78 percent of whom were elementary and high school students -- mysteriously fell ill after they were poisoned between March 22-31, 1990. Albanians claim that toxic chemicals were purposely emitted from the ventilation vents in schools and, to a lesser extent, in factories where Albanians were in attendance. The victims were alleged to have suffered from headaches, stomach pains, nausea, dizziness, respiratory difficulty, eye, nose and throat burn, and cramps.¹⁰⁰

⁹⁹ Interviewed in Priština in early December 1991 by Helsinki Watch representatives.

¹⁰⁰ This information was obtained by Albanian doctors to whom Helsinki Watch spoke in Priština in early December 1991.

Various international medical groups have investigated the phenomenon but while some have confirmed the above allegations, others have refuted them. It is beyond the competence of Helsinki Watch to determine the validity of such allegations. However, Helsinki Watch is disturbed by the fact that Serbian authorities did not investigate the Albanians' allegations. Rather, Serbian authorities have dismissed such allegations as part of a mass hysteria or the simulation of illness to serve political ends.

DISCRIMINATION IN EDUCATION

In September 1990, the Serbian government instituted a new curriculum in the Kosovo schools. The new curriculum increased the emphasis on Serbian history and culture. Albanians objected to the increase in the attention given to Serbian heritage and the decreased attention given to their own. According to Miodrag Djuričić,¹⁰¹ elementary school students have the option of receiving Albanian-language instruction but most other subjects are to be taught in Serbian. In high school, a higher percentage of the classes can be taught in Albanian. On the university level, all instruction must be conducted in the Serbian language.

As in other places of employment, after "special measures" were instituted in Kosovo, emergency management teams assumed administrative and supervisory responsibilities in Kosovo's schools, universities and libraries. Thousands of Albanian professors and teachers who refused to teach the new curriculum or lectured predominantly in the Albanian language were dismissed from their jobs. The schools in which they taught either were closed by the authorities or the ethnic Albanian teachers were replaced by Serbs. Parents who chose not to have their children taught according to the Serbian curriculum have kept their children at home. As a result of the boycott, Albanians interviewed by Helsinki Watch estimate that most Albanian children in Kosovo (between 300,000 and 450,000) have not attended school for approximately two years. Some children are educated by fired Albanian teachers or by their parents.

In addition to elementary and secondary school students, many university students also have boycotted classes. Professor Imer Jaka¹⁰² claims that in 1990 the university's admission policy was changed to favor Serbs in Kosovo. Prior to 1990, quotas for admissions required that Albanian students comprise two thirds of the student body while the remaining one third was reserved for Serbian students. Changes in the admissions process in August 1990 required that half of all incoming students be Serbian. According to Professor Jaka, "There is one Serb for every nine Albanians in Kosovo. Despite this fact, they want a 50 percent share of all university facilities." As in the case of elementary and secondary school pupils, the vast majority of the university's student body now consists of Serbs.

Many Albanian university professors refused to teach in the Serbian language and were subsequently fired. After "special measures" were instituted at Priština University approximately 780 professors and deans were fired, their right to appeal their dismissal has not been granted and their positions have since been filled by Serbs, according to Professor Dika. Radivoje Papović,¹⁰³ the rector of Priština University, told Helsinki Watch that the newly appointed professors at the university included Vojislav Šešelj, leader of the ultra-right wing Serbian Radical Party and Serbian Četnik Movement. Šešelj is also the leader of a paramilitary group, whose troops are responsible for the most brutal violations of humanitarian law against civilians in Bosnia-Herzegovina and Croatia.

Although some Albanian educators were dismissed because they refused to adhere to new

¹⁰¹ Interviewed in Priština in December 1991 by Helsinki Watch representatives.

¹⁰² Interviewed in Priština in early December 1991 by Helsinki Watch representatives.

¹⁰³ Interviewed in Priština in early December 1991 by Helsinki Watch representatives.

Serbian curricula, others appear to have been dismissed from their jobs solely for reasons relating to their ethnicity or political beliefs, particularly those employed in the National University Library of Kosovo. Helsinki Watch has examined the dismissal papers of several ethnic Albanian employees of the aforementioned library.¹⁰⁴ The reason for the dismissal of such workers often is attributed to the worker's "failure to perform [his or her] duties and preventing other workers from attending to their responsibilities and doing their jobs." The duties the worker failed to perform and the ways in which he or she prevented others from doing their jobs often is not given. In several instances, a worker's dismissal is justified by the following clause:

... in making statements to the press, the worker misrepresented the situation at the Library, misinformed the public and gave a wrong impression of the work of the temporary bodies [i.e., the emergency management teams] and their actions, in that [s/he] accused and rudely attacked their work and [referred to] the relevant measures of the Serbian Parliament as "police methods."¹⁰⁵

Both Radivoje Papović and Miodrag Djuričić believe that all Albanian teachers and professors who had been dismissed could return to work if they chose to abide by the Serbian curriculum and regulations. Djuričić claims that the Serbian authorities fired only those Albanian teachers who refused to abide by the Serbian program. When asked if any criminal charges had been filed against such teachers, Djuričić replied that no such charges had been filed; only disciplinary measures, such as the revocation of salary, had taken place.

Helsinki Watch does not dispute the Serbian government's right to devise and implement uniform curricula or regulations in public schools and universities on its territory. However, Helsinki Watch is gravely concerned that efforts by the Serbian authorities to implement such curricula and regulations have been abused to purge ethnic Albanian educators.

¹⁰⁴ Helsinki Watch retains copies of such dismissal notices dating from 1990 to the present.

¹⁰⁵ The dismissal notice cited here is dated March 4, 1991, and is signed by Dr. Slobodan Kostic, of the temporary management team. Helsinki Watch retains dismissal notices of Albanian workers who were fired for making statements to the press which their superiors considered to be "untruthful" or "disinformative."

GENERAL ECONOMIC AND SOCIAL MARGINALIZATION OF THE ALBANIAN POPULATION IN KOSOVO

According to Albanian sources approximately 80,000 Albanians have been dismissed from their jobs and have no financial means to support themselves and their families. Many are denied social security benefits. Under Serbian law, those workers who are fired are not eligible for welfare benefits. Medical services are available but they are not free of charge and many cannot afford to pay the fees. Moreover, many Albanians do not trust the new Serbian doctors and do not go to government-operated hospitals and clinics for medical care. Pregnant women, in particular, have been reluctant to give birth in the hospitals and few receive pre-natal care.

In an effort to address the humanitarian needs of the poverty-stricken portions of the Albanian population in Kosovo, ethnic Albanians have formed a humanitarian organization called the Charity and Humanitarian Society of Mother Theresa (Dobrotvorno Humanitarno Društvo Majka Tereza). The organization was founded in May 1990 and registered with the Yugoslav authorities in August 1990. The organization supplies food, medicine, hygiene materials and, in some cases, minimal stipends to families who live in abject poverty or otherwise are not able to support themselves. The organization maintains branches throughout Kosovo, Macedonia and in Western Europe. All of its workers are volunteers, and its financial support is derived from member contributions.

According to members of the organization's executive committee,¹⁰⁶ members of the organization have been dismissed from their jobs because their affiliation with the organization was deemed to be "disturbing the peace and public order and the political sensibility of the citizenry." The executive committee members claim that shipments of humanitarian aid have been unnecessarily detained, taxed or confiscated by the Serbian authorities. According to the president of the organization:

Our shipments of humanitarian aid were stopped by the Serbian authorities even before the war [in Croatia and Bosnia-Herzegovina] prevented such aid from reaching Kosovo. Much of the aid came from Western Europe or Croatia and our drivers were frequently harassed on the road in Serbia. For example, the police required that our drivers unload and unpack everything for their examination, which is understandable. However, after everything was re-packed and placed on the trucks again, the police told the driver to unload all the materials again for inspection. One driver had to do this so many times that he collapsed from the exhaustion.

In August 1991, medicine from Belgium was transported to our branch in Zagreb. It was then taken to Priština via train. The customs officials in Priština confiscated our medicine and told us that they could not give us the aid. They claimed that such medicines were available in Serbia and that there was no reason why we should be receiving such materials from abroad; they told us that we should buy the medicines in Serbia. We tried to explain that these were donations and that we did not have to pay for this humanitarian aid. They refused to accept that and told us that they had set a date to "destroy" the medicines. We don't know what happened to the medicine but we never saw it again. A

¹⁰⁶ Interviewed in Priština in May and December 1991 by Helsinki Watch representatives.

similar incident took place with a smaller quantity of aid in November 1990.

On yet another occasion, customs officials imposed a duty that amounted to three times the value of the aid. Again, they justified the heavy taxation by pointing out that such materials were available in Serbia. They refused to accept that this was a charitable donation of humanitarian aid.

Some persons who have lost their jobs also have been evicted from their homes. In the former Yugoslavia, the system of self-management allowed enterprise and worker ownership of apartments. The state, which controlled the public enterprise, provided subsidies to the enterprise to purchase units in apartment buildings which would be allocated for the firm's workers. In some cases, after a worker was employed in an enterprise for a given number of years, he or she was entitled to an apartment. In other instances, a worker could contribute a portion of the funding and purchase a unit with its enterprise. In most cases, the ownership of the apartment belonged jointly to the worker and his or her respective employer. Ethnic Albanians who have been dismissed from their jobs have lost the right to remain in their apartments and some have been evicted.

For example, the executive committee of the city council of Gnjilane issued a resolution at a meeting held on January 10, 1991. The resolution required that

in accordance with the law, proceedings commence to take public apartments from all workers on the territory of the municipality of Gnjilane whose employment has ceased because of their actions supporting Albanian nationalism and separatism and their failure to uphold measures taken by the Republic of Serbia to stabilize the situation in Kosovo and Metohija.¹⁰⁷

Similar action has been taken against workers in Priština. Mr. Foniqi, a journalist for Priština Television for 13 years, was dismissed from his job in August 1990 and subsequently evicted from his home. He is married and has two children (ages seven and nine) and lived in a one-bedroom apartment in Priština. When his apartment building was being built, several units were bought by Priština Television and its workers. Initially, the television was to pay 50 percent of the apartment's cost and Mr. Foniqi was to pay the remaining 50 percent. However, Priština Television did not have the necessary monies at the time of purchase and it was agreed that Mr. Foniqi would pay 80 percent of the cost and that his firm would pay the remaining 20 percent. Mr. Foniqi paid his share of the cost in periodic installments, beginning in 1985. When the building's construction was completed in 1989, he was allowed to move into the units which

he had purchased. One year thereafter, Mr. Foniqi was dismissed from his job and forcibly evicted from his home in November 1991. According to Mr. Foniqi:¹⁰⁸

¹⁰⁷ The resolution (Number 360-2/91) is signed by Momčilo Antić, President of the Executive Committee of the Municipal Council of Gnjilane and is dated January 11, 1991. Helsinki Watch retains a copy of the resolution.

¹⁰⁸ Interviewed in Priština in December 1991 by Helsinki Watch representatives.

I had been warned that I would be evicted three times in writing. After I was fired, the first notice I received was on August 16, 1991, and it ordered me to move out in three days. The letter came from the municipal secretary for urban affairs at the request of Priština Television. I filed a complaint and the Ministry of Urban Affairs in Kosovo agreed that I could not be evicted because it would have violated my contract with Priština Television about the apartment, i.e., because I had paid for 80 percent of the apartment, I was the unit's principal owner.

One month later, the Ministry of Urban Affairs withdrew its support of my claim. On November 12, 1991, nine uniformed police officers appeared at my doorstep with a letter from the Ministry of Urban Affairs. The police had come with movers and ordered them to start moving out my furniture. My children got upset and I could not stop them from moving our belongings. I didn't know what to do so I took my children and left the apartment at about 10:00 a.m. When I came back, I saw that all my furniture had been placed in the hallway and that the apartment was practically empty. I now rent an apartment which I can barely afford because I am unemployed. I had to sell my family land in order to be able to pay for that apartment and now I am penniless.

According to Mr. Foniqi's lawyer,¹⁰⁹ Serbian law requires that before one can be evicted from one's home, one is entitled to a hearing in a civil court; an administrative agency, such as the municipal ministry for urban affairs, does not have the right to evict an individual. Mr. Foniqi was never granted a hearing before a civil court prior to his eviction.

¹⁰⁹ Interviewed in Priština in December 1991 by Helsinki Watch representatives.

ARMY CONSCRIPTION AND DEATHS OF ALBANIAN RECRUITS

All males are required to serve in the military in Yugoslavia. After the outbreak of war in Croatia, and later in Bosnia-Herzegovina, many Albanian, Muslim and Serbian youths refused to serve in the Yugoslav People's Army (Jugoslavenska Narodna Armija -JNA) and went into hiding. Many who had been serving in the JNA deserted. Faced with a decreasing number of recruits and increasing desertions, Yugoslav military officials conduct searches for those in hiding throughout Serbia, including Kosovo and Vojvodina. Most often, Yugoslav military police come to the homes of such youths in the middle of the night and take them to the battlefield against their will.

With the disintegration of Yugoslavia, the JNA has become almost entirely Serbian and, to a lesser extent, Montenegrin. Members of the Albanian, Muslim, Hungarian and Croatian minorities in both republics remain in the JNA as soldiers; many are fearful because of reports that non-Serbian soldiers are harassed, beaten and even murdered in the JNA. All four minority groups fear that their youths are among the first to be sent to the battlefield where the risk of death is particularly high.¹¹⁰ Although the tour of duty is usually twelve months, many youths have been held longer, particularly non-Serbs.

Helsinki Watch has received numerous reports that Albanian youths were murdered while serving in the JNA. Yugoslav military authorities have listed their deaths as suicides. Helsinki Watch has no way of confirming the accuracy of such reports. However, Helsinki Watch has been able to document cases in which the bodies of Albanian soldiers were returned in sealed coffins to the deceased families. In some cases, military and hospital authorities refused to perform an autopsy. In other instances, an autopsy was performed by medical officials at the place of death but the family doubted its authenticity and asked that a second autopsy be performed in Kosovo; many such requests were denied by Serbian or military authorities. Such cases raise concern that Yugoslav military officials may be trying to hide the cause of death of some Albanian soldiers.

Helsinki Watch has received reports of the deaths of the following Albanian youths in the JNA:

- **Ajup Gasji, age 21, was killed/died 15 days before he was to have completed his service in the Yugoslav army on the island of Lastovo in Croatia.¹¹¹ His body was received by his family on November 23, 1991.**
- **Burim Behramaj, born October 24, 1972, in Mitrovica, died while serving in the JNA. The circumstances surrounding his death remain unknown.**
- **Dzevdeta Arucaj, born June 27, 1970, died while serving in the JNA. His body was examined by Dr. Zdenko Chuarze in Tuzla, Bosnia-Herzegovina, on June 28, 1990.**

¹¹⁰ Such information was obtained by Helsinki Watch interviews with representatives of the Hungarian and Croatian communities in Vojvodina and the Albanian and Muslim communities in Kosovo and Sandžak, respectively. The interviews were conducted between March 1991 and June 1992.

¹¹¹ Although the places of death for some recruits is outside of Serbia, their deaths took place while they were in JNA barracks or JNA-operated territory. They were not engaged in, nor were they in the vicinity of, fighting at the time of their deaths.

- **Jetulah Deskaj, born May 10, 1970, in the village of Sičevo (municipality of Klina), died on May 18, 1990, at 6:50 p.m. in Subotica, in the province of Vojvodina in northern Serbia.**
- **Fatimor Tafaj, born near Suva Reka, died on August 25, 1991, at 8:15 p.m. in Sisak, Croatia. Dr. Borislav Mihić performed the autopsy in Zagreb on August 27, 1990.**
- **Ivan Berišić from Janjevo¹¹² died while serving in the JNA. The circumstances surrounding his death remain unknown.**
- **Izet Sadri Bushi was born July 7, 1971, in the village of Pustenik (municipality of Kačanik). His death certificate was issued by the city council of Cuprija, Serbia, on January 1, 1991, and lists the date of death as January 1, 1991, at 6:00 a.m. Military authorities claim that the youth's body was found in a parking lot about 600 to 700 meters from the Cuprija barracks. The military authorities reportedly claimed that Bushi had seized a sentry's gun, took some bullets and then shot himself.¹¹³**
- **Eljmi Ljitaj, born in Klina on May 6, 1970, was recruited into the JNA on March 16, 1988. He died on September 4, 1989, at 3:00 p.m. in Dobo, Bosnia-Herzegovina.**

Helsinki Watch is concerned that the circumstances surrounding the deaths of the aforementioned youths remain ambiguous and should be further investigated.

¹¹² The youth's name and place of residence would indicate that he was an ethnic Croat or of mixed parentage. Janjevo's population is approximately 50 percent Croatian and 50 percent Albanian. Helsinki Watch representatives visited Janjevo in December 1991.

¹¹³ See "Army Accused of Killing Ethnic Albanian Soldiers," Tanjug Yugoslav News Agency report of January 8, 1991, as reported in FBIS on January 9, 1991; and, "Crowds Attend Kosovar Soldier's Funeral," *Flaka e Vellazerimit* report of January 6, 1991, as reported in FBIS on January 16, 1991.

MILITARIZATION OF KOSOVO

The wars in Croatia and Bosnia-Hercegovina were preceded by the arming of civilians and an increased presence of the Yugoslav army in both republics. In some cases, the Yugoslav army was responsible for arming Serbian civilians in Croatia and Bosnia-Hercegovina prior to the outbreak of war in the two republics.¹¹⁴ Helsinki Watch is gravely concerned that Serbian and Montenegrin civilians in Kosovo are being armed by the Yugoslav military and Serbian paramilitary groups. Given the precedent set in Croatia and Bosnia-Hercegovina, Helsinki Watch believes that the arming of civilians in Kosovo may be a prelude to war in the troubled province.

In the past two years, Helsinki Watch has received numerous reports about the arming of Serbs and Montenegrins in Kosovo. Some reports indicate that the JNA is responsible for arming Serbian and Montenegrin civilians in Kosovo. In other instances, the identity of those distributing weapons cannot be verified. The Serbian government has been aware of the distribution of weapons to civilians in Kosovo since, at least, May 1991. During a session of the Committee for Domestic Politics (Odbor za Unuštajnu Politiku) of the Yugoslav Parliament on May 30, 1991,¹¹⁵ the arming of civilians throughout the former Yugoslavia, including Kosovo, was discussed. During the deliberations, the license plate number of a car from which arms allegedly were distributed to Serbs and Montenegrins in Kosovo in late May 1991 was made public at the meeting by two then-delegates from Kosovo, Redzep Hamiti and Ramo Alihajdari. Both men claimed that "massive" and "public" distribution of weapons to Serbs and Montenegrins in Kosovo was occurring. At the same time, it was alleged that police in Kosovo were collecting arms -- mostly hunting rifles -- from Albanians who had permits for such firearms. The delegates expressed their concern that the distribution of arms in Kosovo could lead to armed conflict in the province. Similar concern was expressed by delegates from the other republics who feared that armed conflict could break out throughout the former Yugoslavia.¹¹⁶

Branko Kostić, then president of the committee and representative from the republic of Serbia, stated that the committee was not debating the present and future status of the country and that he was waiting for reports from the federal interior ministry, the state secret police and the Yugoslav parliamentary committee which oversees the work both institutions. Unfortunately, according to Kostić, those who were responsible for compiling such reports were in Croatia ("some were in Knin, others in Vukovar.") Kostić stated that when such persons returned to Belgrade and after they have issued their reports, the committee would re-convene to discuss their findings. Such a meeting never occurred, as armed conflict broke out in Slovenia and Croatia in late June 1991.

¹¹⁴ Helsinki Watch has taken testimony from scores of witnesses who claim that the JNA distributed arms to Serbian civilians in Croatia and Bosnia-Hercegovina. Moreover, Helsinki Watch representatives have interviewed scores of Serbian combatants who claim that they received weapons and training from JNA officers.

¹¹⁵ This session was held before the secession of Slovenia, Croatia, Bosnia-Hercegovina and Macedonia from Yugoslavia. Therefore, the delegates from those republics also were present at the committee meeting. The information contained in this paragraph was reported to Helsinki Watch representatives by Serbian journalists who reported on the meeting of the committee, which was a public hearing.

¹¹⁶ After attacks by the JNA were launched, armed conflict broke out in Slovenia in late June 1991 and then full scale wars broke out in Croatia in early July 1991 and in Bosnia-Hercegovina in April 1992.

Serbian paramilitary groups appear to be recruiting members and increasing their presence in Kosovo with the apparent knowledge of the Serbian authorities. According to the International Helsinki Federation (IHF), Mr. Vucković, the director of emergency measures in Kosovo, established a registration center for volunteers who wanted to join the so-called Serbian National Guard (Srpska Dobrovoljačka Garda) and "White Eagles" (*Beli Orlovi*) paramilitary groups.¹¹⁷ Vucković, who was appointed by the Serbian parliament, initially established the registration center at the Hotel Grand in early 1992 and later moved to it another location in Priština.¹¹⁸ The IHF also reports that the presence of Serbian paramilitary forces belonging to Vojislav Šešelj increased markedly in Priština in early April 1992.¹¹⁹

After the withdrawal of the JNA from Macedonia, the JNA stationed much of its personnel and materiel in Kosovo, particularly in the Priština municipality. (The presence of Yugoslav military is felt most particularly in the predominantly Serbian village of Kosovo Polje and the area surrounding Priština airport.) According to the Vienna-based Conflict Prevention Center of the Conference on Security and Cooperation in Europe (CSCE), since the Yugoslav army withdrew from Macedonia, the JNA has stationed its 52nd corps (with approximately 4,000 men) in Kosovo.¹²⁰ The Belgrade authorities reportedly have claimed that the increased stationing of armed forces in Kosovo is "necessary in order to eliminate all risks and dangers that result from the complicated and unfavorable ethnic composition" in the province.¹²¹

¹¹⁷ See International Helsinki Federation, Open Letter to the CSCE, the European Community and the United Nations, Vienna, April 16, 1992.

¹¹⁸ *Ibid.*

¹¹⁹ *Ibid.*

¹²⁰ "CSCE Delegation Reports on 'Political Tension,'" Vienna Kurier report of June 12, 1992, as reported in FBIS on June 12, 1992.

¹²¹ *Ibid.*

RECOMMENDATIONS

Helsinki Watch calls upon the Serbian government to:

- **Investigate, prosecute and punish those responsible for the murder of Mikel Marku, Ali Sahit Haxhiu, Sami Babaj and Afrim Prebreza.**
- **Investigate, prosecute and punish those responsible for the mistreatment of Mentor Kaci, Prek Mirdati, Gjon Marku, Pren Marku and the election observers from Croatia.**
- **Investigate, prosecute and punish those responsible for the shooting of parents and children in the village of Učka.**
- **Drop all criminal charges against Prek Mirdati, Gjon Marku and Pren Marku. Accord due process to all those accused of "terrorist" activities in Priština and Peć. Insofar as any member of this group has been tortured or otherwise mistreated in detention, the perpetrators of that abuse must be prosecuted and punished.**
- **Drop all charges against those who have been indicted for the peaceful expression of opinion or for membership in a group which is banned or looked upon unfavorably by the Serbian government. Serbian authorities also should refrain from making future arrests on the aforementioned grounds.**
- **Repeal all laws which discriminate against Albanians and lift "special measures" in Kosovo, both legally and in practice.**
- **Allow persons to assemble freely at peaceful gatherings including meetings which are aimed at criticizing the Serbian government or Serbian rule in Kosovo. Respect freedom of speech and expression in Kosovo.**
- **Unconditionally lift the ban against *Rilindja* and respect freedom of the press in Kosovo, including the Albanian-language media.**
- **Reinstate all those unlawfully dismissed from their jobs because of their ethnic or political affiliation.**
- **Take steps -- at the republican and local levels -- to prevent the signing of loyalty oaths to the Serbian government or emergency management teams in public enterprises in Kosovo. All those who have lost their jobs because they refused to sign such oaths should be reinstated in their previous jobs.**
- **Thoroughly investigate the circumstances surrounding the deaths of recruits in the JNA. If any recruit was murdered, the perpetrators of such a crime should be brought to justice.**
- **Take steps to prevent the distribution of weapons to civilians, including Serbs and Montenegrins, in Kosovo. The authorities should collect all armaments illegally distributed to civilians in Kosovo.**

All such collections should be done in accordance with the law and without excessive use of force, harassment or intimidation. Moreover, the arms collected by the authorities in Kosovo should not then be used against civilians by the police or military authorities.

- **Take steps to correct and prevent the social and economic marginalization of ethnic Albanians in Kosovo.**
- **Immediately cease all military, paramilitary, police and other activity aimed at "cleansing" a region of non-Serbs, including ethnic Albanians in Kosovo. All those forced from their homes should be allowed to return without fear of reprisals or harassment.**
- **Respect its human rights obligations in accordance with principles set forth in the Helsinki Final Act and subsequent CSCE documents, particularly the two summary documents of the July 1991 experts' meetings on ethnic minority rights in Geneva. The Serbian government must also respect its obligations under international human rights documents to which Yugoslavia is a party, including the Covenant on Civil and Political Rights. Helsinki Watch also calls upon the Serbian government to abide by standards set forth by the United Nations in the following documents: the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,¹²² Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Code of Conduct for Law Enforcement Officials,¹²³ and Standard Minimum Rules for the Treatment of Prisoners (and Procedures for the Effective Implementation of the Rules).**

¹²² General Assembly Resolution of the United Nations in Resolution 43/173, December 9, 1988.

¹²³ General Assembly of the United Nations, Resolution 34/169, December 17, 1979.

APPENDIX A: CHRONOLOGY OF EVENTS IN KOSOVO¹²⁴

1946: First post-war Yugoslav Constitution was adopted in which Yugoslavia was defined as a federal state of six sovereign republics. Within Serbia, the territories of Vojvodina and Kosovo were granted a degree of autonomy. Both provinces were allowed to send representatives to a chamber of the federal legislature but their internal affairs (e.g., system of education, the specific rights and degree of autonomy) were to be defined by the Republic of Serbia, not the federal government.

1946-1963: During Tito's clash with Stalin, Albania supported the USSR and border clashes between Yugoslav and Albanian border guards ensued along the Kosovo-Albania border. The Yugoslav secret police heightened persecution of the Albanian population in Kosovo, especially in the 1950s. Serbs began to migrate from Kosovo for economic reasons and because of alleged Albanian persecution and harassment.

1963: New Yugoslav and Serbian constitutions were adopted. Both documents increased Serbia's control over the provinces by conditioning the provinces' autonomy on the will of the Serbian government. The provinces' representatives to the federal parliament were to sit as part of the Serbian delegation, not as separate provincial delegations.

1968: Demonstrations in which Albanians demanded that Kosovo be recognized as a separate republic took place. The Serbian authorities made several concessions, including the establishment of an Albanian-language university.

1968-1974: Amendments to the federal Yugoslav and Serbian constitutions further augmented the independent authority of Kosovo and Vojvodina. The provinces were allowed to promulgate their own laws, provided such laws conformed to the federal and Serbian constitutions. Kosovo and Vojvodina again were allowed to participate in the federal government as separate delegations representing their respective provinces.

1974: Yugoslavia's third constitution was adopted. The new constitution formally defined the autonomous provinces as constituent members of the federation. De facto, Kosovo and Vojvodina were granted the status of sovereign republics in almost all respects; their status differed from the other six Yugoslav republics only insofar as they were not granted the right to secede from the federation. Both Vojvodina and Kosovo were given seats in the federal parliament and the federal constitutional court.

It should be noted that the 1974 constitution regulated Kosovo's and Vojvodina's constitutional status in *federal* affairs; it did not explicate the authority Kosovo and Vojvodina would have within Serbia -- that was left to the Serbian government. In 1974, the new Serbian constitution incorporated the principles

¹²⁴ For an account of the human rights situation in Kosovo prior to March 1990, see the following Helsinki Watch publications: *Increasing Turbulence: Human Rights in Yugoslavia*, October 1989; and, *Yugoslavia: Crisis in Kosovo*, with the International Helsinki Federation, March 1990. See also Michael W. Galligan, Deborah J. Jacobs, Morris J. Panner and Warren R. Stern, "The Kosovo Crisis and Human Rights in Yugoslavia: A Report of the Committee on International Human Rights," *The Record of the Association of the Bar of the City of New York*, Volume 46, Number 3, April 1991. Recent human rights concerns in Kosovo are summarized in the following Helsinki Watch publications: "Letter to Slobodan Milošević, President of the Republic of Serbia, and General Blagoje Adžić, Acting Minister of Defense and Chief of Staff of the Yugoslav People's Army, January 21, 1992; and *War Crimes in Bosnia-Herzegovina*, August 1992.

set forth in the amendments to the 1963 constitution, thus granting both Kosovo and Vojvodina a large degree of autonomy. (De jure, Serbia had the right to regulate the political status of the provinces within its territory, thus providing the legal justification for the revocation of the provinces' autonomy in 1990.)

March 1981: Student demonstrations calling for better living conditions and financial aid were forcibly dispersed by the local police in Kosovo.

Early- and mid-1980s: A series of demonstrations took place in Kosovo in which the participants demanded higher wages, greater freedom of expression, the release of political prisoners and republican status for Kosovo. The Serbian authorities forcibly dispersed many of these demonstrations and federal police and Yugoslav army (JNA) forces were sent to Kosovo. Several people were killed and many were arrested and sentenced to prison terms ranging in duration from several months to 15 years for so-called "verbal crimes," (e.g., mentioning the words "Kosovo Republic" or making the "V" sign.) The press, schools and local government bodies were purged and a new communist party (formally called the League of Communists of Yugoslavia - LCY) leadership was installed. (Azem Vlassi was named as the new LCY chief for Kosovo.) Albanians protested the measures and resorted to sabotage, bomb explosions and destruction of Serbian property. According to Serbian sources, approximately 30,000 Serbs left Kosovo in the early 1980s.

1986: Serbs lodged complaints in the federal Assembly against what they viewed as Albanian "genocide" against Serbs in Kosovo.

1987: Milošević ousted his mentor and then-leader of the Serbian League of Communists, Ivan Stambolić, and assumed power in Serbia.

Late 1988: Milošević proposed several measures and constitutional amendments that would effectively revoke the autonomous status of Vojvodina and Kosovo. In response, Albanian calls for secession from Serbia increased. Peaceful demonstrations took place but Serbian authorities responded by banning all public meetings in Kosovo. Strikes spread throughout the province.

Early 1989: Albanian miners in Kosovo went on strike to protest the proposed constitutional amendments. In March, Kosovo's communist party chief, Azem Vlassi, was arrested for having met with the striking miners. Vlassi was considered to have been insufficiently loyal to the Milošević regime and was charged and tried for "counter-revolutionary acts, destruction of brotherhood and unity, and destroying the economic base of the country." (In May 1990, charges against Vlassi were dropped as a result of international pressure against what was widely viewed as a "show trial.")

February 1989: Yugoslavia's collective presidency imposed "special measures" in Kosovo and assigned responsibility for public security in the province to the federal government. The federal militia was sent to Kosovo. Arrests and trials of approximately 50 political and business leaders and about 1,000 striking workers took place. Most were sentenced to 60 days of imprisonment.

March 1989: A meeting of Kosovo's Assembly took place to discuss the proposed amendments to the Serbian constitution. One hundred fifty of the 184 delegates were present. Because the LCY had announced that it would consider a vote against the amendments to be a "counter-revolutionary act," almost all of the Albanian delegates abstained from voting. Sixty delegates voted in favor of the amendments while 10 voted against. Despite the fact that the required two-third majority of the full Assembly was not met, the Serbian

president of the Assembly declared that the amendments had passed. Six days of demonstrations and riots ensued. Estimate of the number of persons killed in the riots range from 26 to 100. Hundreds were injured and about 900 demonstrators were imprisoned for up to 60 days. Intellectuals who signed petitions opposing the amendments also were arrested and detained without charge.

Autumn 1989: Extraordinary elections were held in Kosovo and new delegates to the Kosovo Assembly were elected.

January-February 1990: Renewed violence and demonstrations took place throughout Kosovo.

April 1990: The federal Yugoslav authorities lifted the special measures in Kosovo and removed most of the federal police, leaving matters to the Serbian government and its republican security forces.

June 1990: The Serbian legislature passed a law which effectively extended the emergency period and mandated Belgrade's direct control over the administration of special measures in Kosovo.

July 2, 1990: The Kosovo Assembly responded to Serbia's June law by issuing a proclamation which declared Kosovo an independent republic within the Yugoslav federation.

July 5, 1990: The Serbian Assembly suspended the Kosovo Assembly and other organs of the provincial government. The Serbian authorities also took control of approximately 60 enterprises, including hospitals and energy plants. Repressive measures were taken against Albanian-language media that reported the recently dissolved Kosovo Assembly's declaration of republican status for Kosovo.

Summer 1990: Demonstrations against Serbian policy took place but were forcibly dispersed. (One such demonstration took place in August, during a visit by a delegation of the U.S. Congress, which was headed by Senator Robert Dole. The delegation witnessed the beating of peaceful demonstrators by police in front of the Hotel Grand in Priština.) Serbian police searched entire Albanian villages for weapons; most house searches were arbitrary and were conducted without warrants. The police frequently beat and detained the inhabitants of the searched home.

September 3, 1990: Albanians participated in a 24-hour general strike. The Serbian authorities responded by dismissing thousands of participants from their jobs and by fining shopkeepers who honored the strike.

September 7, 1990: Delegates to the recently dissolved Kosovo Assembly met secretly in the town of Kačanik and adopted a new constitution for Kosovo, stressing its status as a sovereign republic within Yugoslavia. A clandestine government and legislature were elected. Many Albanians continue to abide by the decisions of this underground government rather than Belgrade's rule.

September 17, 1990: One hundred eleven delegates of the underground Kosovo Assembly and six members of the Kosovo government were charged with "counter-revolutionary activity" for having approved the July 2 proclamation of republican status for Kosovo and the September 7 constitution. The charges were subsequently changed to "endangering the territorial integrity of Yugoslavia." Serbian courts stripped the Assembly's delegates of their legislative immunity. Most of the delegates fled Serbia but some were arrested. Journalists who reported the July 2 proclamation or the September 7 constitution also were arrested. Most were detained for 30 to 60 days.

September 28, 1990: The Serbian Assembly adopted a new constitution for all of Serbia, including Kosovo and Vojvodina. The autonomous status of both provinces was effectively revoked. The constitution vested all effective control of Kosovo's political, economic, judicial and security institutions in the hands of the Belgrade government. Only cultural and educational institutions are left in control of local Serbian authorities.

Also, by placing Vojvodina and Kosovo directly under Belgrade's control, Serbia gained two seats in the collective Yugoslav presidency, thus granting it three voices in federal affairs, while the remaining republics retained only one vote in the presidency. This action increased Serbia's relative power in the Yugoslav federation.

November 29, 1990: The Yugoslav Presidency granted individual pardons to 124 prisoners, all of whom were released. A further 69 prisoners had their prison sentences reduced. Some of those who benefitted from the pardon included ethnic Albanians who had been imprisoned for the peaceful expression of their political views.

September 26-30, 1991: Kosovo Albanians held an unofficial referendum on Kosovo's independence. Although voting was open in most rural areas, voting in the cities was conducted in private homes to avoid police repression. Nevertheless, numerous seizures of voting materials and arrests by the Serbian police occurred.

April 27, 1992: Following the secession of Slovenia, Croatia, Macedonia and Bosnia-Herzegovina, the republics of Montenegro and Serbia (including the provinces of Kosovo and Vojvodina) declared the formation of a new Yugoslavia. A new constitution was adopted but the status of Vojvodina and Kosovo remains unchanged in the current Yugoslav state.

May 24, 1992: Albanians held elections for new members to their clandestine government. Ibrahim Rugova, the leader of the Democratic League of Kosovo -- the strongest political party representing Albanians in Kosovo -- was elected president of an independent Kosovo. Delegates to the 130-member legislature also were elected.