

MACEDONIA

CRIMES AGAINST CIVILIANS: Abuses by Macedonian Forces in Ljuboten, August 10-12, 2001

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SUMMARY

This report details a three-day operation by Macedonian police against the predominantly ethnic Albanian village of Ljuboten from August 10-12, 2001. The operation left ten civilians dead and resulted in the arrest of more than 100 men, many of whom were severely beaten while in police custody. Contrary to assertions by the Macedonian government, a Human Rights Watch investigation on the ground in Ljuboten found no evidence of a presence by the ethnic Albanian National Liberation Army. Human Rights Watch calls on the Macedonian government to conduct an independent and impartial inquiry into the violations of human rights and international humanitarian law that occurred in Ljuboten.

Following a landmine explosion that killed eight government soldiers on the Skopska Crna Gorna mountain on Friday, August 10, 2001, Macedonian police forces sealed off a nearby ethnic Albanian village, Ljuboten, and began a fierce attack on the village. Following two days of shelling of Ljuboten on Friday and Saturday, several hundred Macedonian police forces entered the village on Sunday, August 12 and began a house-to-house attack along the northern-most street in Ljuboten.

Macedonian police forces committed serious abuses during their three-day operation in Ljuboten. They indiscriminately shelled the village, causing the deaths of a six-year-old boy and a sixty-six-year-old man, and contributing to the death of another elderly man who died from shock after a shell hit his home. During their Sunday house-to-house attack, police forces shot dead six civilians. One man was killed by police as he tried to close the door to his home when the police entered the yard. Two men were summarily executed by police after they were taken out of the basement in which they were hiding. Another three civilians were shot dead by police after they attempted to flee their home, which had been set afire by police shelling.

During their Sunday attack, police fired indiscriminately into the homes of civilians, at times throwing hand grenades and even firing rocket-propelled grenades into homes. One such rocket-propelled grenade was fired directly into a room filled with four men, their wives, and eight children. The Macedonian police also burned at least twenty-two houses, sheds, and stores along their route, using gasoline to set many of them aflame. In some cases, police officers robbed civilians of their valuables.

The abuse continued for the hundreds of ethnic Albanian civilians who tried to flee Ljuboten. At least three men were beaten unconscious by ethnic Macedonian vigilantes in full view of the Macedonian police, and one was shot and wounded as he attempted to flee the beating. Over one hundred men were arrested and taken to police stations in Skopje, where they were subjected to severe beatings. Atulah Qaini, aged thirty-five, was taken away alive from the village by police officers, and his badly beaten and mutilated corpse was later recovered by family members from the city morgue. Another man was beaten so severely that he had to be hospitalized. At least twenty-four men, including a thirteen-year-old boy, remain in police custody at the time of publication of this report.

The Ljuboten operation was carried out by the Macedonian Ministry of Interior's regular and reservist police troops. The Ministry of Interior claims that the operation was directed against a stronghold of the ethnic Albanian National Liberation Army (NLA), and that the persons killed were "terrorists." However, the detailed Human Rights Watch investigation summarized in this report refutes that claim. There is no credible evidence that there was an NLA presence in Ljuboten during the attack, nor that any of the villagers put up an armed resistance against the Macedonian police forces. The evidence available to Human Rights Watch indicates that the attack on Ljuboten had no military justification and was carried out for purposes of revenge.

The abuses committed by the Macedonian police are among the most serious committed so far in Macedonia's six-month old conflict. A government newscast on Sunday evening, August 12, showed Macedonian Minister of Interior Ljube Boskovski, personally present in Ljuboten that day. According to the newscaster, the Minister was present "during the entire operation" on Sunday. It is imperative that an independent and credible investigation is conducted into the role of Minister Ljube Boskovski, as well as the troops under his command, in the events in Ljuboten. Should the Macedonian authorities fail to carry out such an investigation, an inquiry should be commenced by the International Criminal Tribunal for the former Yugoslavia, which has jurisdiction over war crimes committed in the course of the Macedonia conflict.

Monitors from the Organization for Security and Cooperation in Europe (OSCE) were able to visit Ljuboten two days after the Sunday attack, and gathered significant information from the scene and from villagers. However, the OSCE chose to remain silent about the abuses in Ljuboten. By remaining silent, the OSCE has helped the Macedonian government maintain its version of events in Ljuboten and avoid any further investigation.

The OSCE mission dates from 1992, when it was initially conceived as an effort to avoid the spillover of conflict from other parts of the former Yugoslavia. Human rights monitoring is implicit in the mission's mandate and human rights monitoring has traditionally been part of its activities. Indeed, the mission has appropriately spoken out against abuses by the National Liberation Army (NLA). The OSCE is being prevented from effectively and publicly confronting the Macedonian government about its persistent human rights problems by deep hostility from the Macedonian government, a clear lack of capacity, and insufficient support from OSCE member states. The OSCE mission in Macedonia needs dramatically increased capacity and the political support of OSCE member states to effectively address the persistent human rights problems that risk undermining the fragile peace in Macedonia.

RECOMMENDATIONS

To the Macedonian government:

Investigate and prosecute the persons responsible for the abuses in Ljuboten. Conduct a credible, impartial, and transparent investigation into the allegations of government abuses in Ljuboten, including the role of Minister of the Interior Ljube Boskovski and the forces under his command. The authorities who carry out the investigation should be independent from the government agencies involved in the Ljuboten operation, particularly the Ministry of Interior.

Take immediate steps to bring an end to the endemic and widespread police abuse at police stations in Kumanovo, Skopje and Tetovo. Provide focused training to all police personnel on human rights standards, make it clear to all police personnel that human rights abuses will not be tolerated, investigate alleged abuses and discipline or prosecute police officials found to be responsible.

Conduct credible, impartial, and transparent investigations into all cases of deaths in custody.

Allow international monitors regular access to all police facilities.

Provide prompt and fair compensation to the victims and the families of victims, and the residents of Ljuboten who lost homes or property during the government actions in Ljuboten.

Cooperate with international organizations, including the OSCE and the International Criminal Tribunal for the Former Yugoslavia (ICTY), in their efforts to monitor and investigate alleged violations of international human rights and humanitarian law by both sides to the conflict in Macedonia.

Take immediate steps to end the practice of detaining children in adult jails, and ensure that children do not face abuse in detention. Ensure that children are only detained as a last resort and for the shortest appropriate period of

time. Ensure that conditions of confinement meet international standards of juvenile justice, and that children are never detained with adults.

To the International Community:

Insist on a credible, impartial, and transparent investigation into the allegations of government abuses in Ljuboten, and accountability for those abuses.

Increase the monitoring capacity of the OSCE in Macedonia, and ensure diplomatic, political and financial support for the work of the OSCE, ICTY, and other international organizations monitoring and investigating human rights abuses and international humanitarian law violations in Macedonia.

Demand an immediate end to the endemic abuse at police stations in Macedonia. Insist on regular access for international monitors to police stations, and provide support for training programs designed to promote respect for human rights among police personnel.

Closely monitor abuses committed on all sides to the conflict in Macedonia. Publicly raise concerns about serious human rights abuses with the Macedonian government or the NLA, as appropriate, and demand an end to abuses.

To the OSCE:

Make public the OSCE's conclusions of its investigation of the events in Ljuboten, and publicly demand a credible, impartial, and transparent government investigation into the allegations of government abuses in Ljuboten.

Expand the mandate of the OSCE mission in Macedonia to explicitly provide for monitoring and public reporting of human rights abuses committed by all sides to the conflict in Macedonia.

Increase the monitoring capacity of the OSCE mission in Macedonia to ensure sufficient capacity to credibly and adequately monitor abuses committed by all sides to the conflict.

The OSCE mission in Macedonia should closely monitor police abuse and detention conditions and carry out regular visits to police stations.

The OSCE Representative on Freedom of the Media should condemn statements to the media and reporting that incites ethnically motivated violence, and he should seek ways to promote objective and accurate reporting of the conflict in Macedonia.

To the Council of Europe:

The Parliamentary Assembly of the Council of Europe should restart the prematurely closed monitoring procedure regarding Macedonia.

The Committee for the Prevention of Torture should visit Macedonia, paying particularly close attention to conditions in police stations in Skopje, Tetovo, and Kumanovo.

INTRODUCTION

On the morning of Friday, August 10, 2001, a Macedonian military vehicle ran over two anti-tank mines on the Skopska Crna Gorna mountain just north of the capital Skopje. The explosion killed a total of eight Macedonian soldiers and wounded about eight others.¹ The deadly mine explosion was preceded by an equally devastating NLA attack just days before, when an NLA ambush of a military convoy on the main Skopje-Tetovo road killed ten government soldiers.² Overall, the four days leading up to August 10 had been the bloodiest in Macedonia's six-month conflict, claiming the lives of at least twenty-five persons. Tensions in the country were brought to a boiling point, despite the reaching of a political accord between Macedonia's main political parties due to be signed the following Monday, August 13.

The mine incident took place on a remote country road in the mountain above the small ethnic-Albanian village of Ljuboten. The site of the explosion was within the traditional grazing areas of that village. Ljuboten, home to about 3,000 ethnic Albanians and a small number of ethnic Macedonians, is surrounded by the larger ethnic Macedonian villages of Ljubance, Rastak, and Radisane. Two of the Macedonian soldiers killed in the mine incident were from Ljubance, and most of the others were from the Skopje area.³ The two Macedonian soldiers killed from the village of Ljubance were identified as thirty-three-year-old Tome Batalevski, a father of two, and his cousin, thirty-nine-year-old Goce Cankulovski.⁴

Almost immediately after the mine explosion, the Macedonian security forces sealed off Ljuboten and began shelling the village. The shelling continued for most of Friday and Saturday. On Sunday, Macedonian police forces entered the village and conducted an all-day offensive. Grave abuses were committed during that offensive, including the summary killings of civilians, widespread arson and looting, and indiscriminate attacks against civilians. Over a hundred civilians were arrested and taken from the village and subjected to serious abuse at police stations, while other fleeing civilians were severely beaten by ethnic Macedonian vigilantes. Although the government characterized the offensive as "fightings [sic] of the joint security forces of the Republic of Macedonia with para-military groups of the so-called NLA,"⁵ there is no credible evidence that there was an NLA presence in the village during the government attack.

This report reconstructs the events in Ljuboten, based on interviews with victims and eyewitnesses from Ljuboten, community leaders, international observers and journalists, as well as information provided by government officials and agencies. Human Rights Watch researchers also visited the village of Ljuboten and had access to extensive photographic evidence.

GOVERNMENT ABUSES DURING THE OFFENSIVE IN LJUBOTEN

The Shelling on August 10-11

The Macedonian government offensive in Ljuboten started almost immediately following the mine explosion. The police checkpoints around Ljuboten sealed off the village, and shooting and shelling began before the villagers were even aware of the deadly mine incident. Saifi Fetahu, a fifty-six-year-old mother of five, told Human Rights Watch the shooting took the village by surprise:

Friday morning at eight in the morning we were having breakfast. I heard automatic rifle fire, the shooting started and we knew nothing about it. When they started shelling, the house was shaking and

¹ "Seven Macedonian Soldiers are Killed and Eight are Injured," Macedonia Information Agency, August 10, 2001; Ian Fisher, "Days Before Signing of Macedonia Pact, Mines Kill Government Soldiers," *New York Times*, August 11, 2001. Six of the soldiers were killed instantly, while two others died later of their wounds.

² Daniel Williams, "Macedonian Peace Deal OK'd Despite Killing," *Washington Post*, August 8, 2001; Christian Jennings, "Skopje Riot After Bloody Ambush," *Daily Telegraph* (U.K.), August 9, 2001.

³ "Defense Ministry Announces the Names of Killed Soldiers," *Macedonia Information Agency*, August 10, 2001.

⁴ "Eight Soldiers From FYROM Army Reserve Units Buried in Skopje 11 Aug.," World News Connection, August 13, 2001.

⁵ "Internal Ministry Condemns Slanders of Security Forces by OSCE Representatives," Macedonia Information Agency, August 14, 2001.

the kids started yelling. We went to the basement and were afraid to get out, even to get water. They [Macedonian forces] were shooting all day and all night at the houses. The kids of my son, aged eight, six, and two, were very afraid. The youngest one just grabbed hold of me and refused to let go.⁶

The shelling and shooting continued until the early afternoon on Friday, resuming at about 3 or 4 p.m. and lasting until Saturday morning. There was only intermittent shelling and shooting on Saturday, but many civilians were unable to move out of their homes because of sniper fire from Macedonian positions. Twenty-year-old Dilaver Fetahu related how his family was unable to move because of sniper fire:

On Friday morning, there was heavy shelling, but in the afternoon it was a bit calmer. Then people started walking around a bit, because there was no major shooting. I went to the store to buy some cigarettes at about 3 or 4 p.m., and when they started shooting again I didn't know which way to run. I was running and the bullets were hitting around me, but I reached my home safely.

When I came to my house, we couldn't move because [the Macedonian security forces] had control over every house in our area. They were observing us with binoculars, and they would shoot at every movement. So we were stuck there until Sunday morning, we couldn't move from our area.⁷

When the shelling resumed on Friday afternoon, six-year-old Erxhan Aliu was playing in the street. "Basqim," (not his real name), a twenty-five-year-old farmer from the village, watched as Erxhan was hit by a shell: "On Friday, at about 5 or 6 p.m. when the shelling started again, there were people standing in the road and I was watching them. There were some kids also. I saw the kids running towards [the adults] and at the same moment a grenade hit the kid. The boy flew into the air and there was lots of smoke. ... Everyone fled, and one man picked up the boy."⁸ Erxhan's uncle brought the mortally wounded boy into the basement, where he soon died from his wounds. According to his mother, it was difficult to bury the boy's body the next day (as required by Muslim tradition) because of the persistent sniper fire. She told Human Rights Watch: "We couldn't bury him the regular way [at the cemetery], we had to bury him the next day at 3 p.m. in the yard. It was very difficult to bury him, the men had to crawl."⁹ When Erxhan's parents fled the village on Sunday afternoon, his thirty-five-year-old father Hisni Aliu was arrested, and he remained in detention at the time of the publication of this report.

A second person, Haxhi Meta Xhavit, aged around seventy, also died on Friday morning, apparently from shock or heart failure after a shell hit his home.¹⁰

The Government "Offensive" on August 12

On Sunday morning at about 8 a.m., after a brief lull in the shooting and shelling that had started on Saturday afternoon, Macedonian police forces entered Ljuboten, coming from the direction of the ethnic Macedonian village of Ljubance. The reason for the renewed offensive remains unclear, although it is possible that it was sparked by an NLA shelling attack on a police position near Ljubance on Sunday morning.¹¹ The Macedonian force that attacked Ljuboten Sunday morning was made up of Ministry of Interior troops, estimated by village leaders to number over 200, backed up by at least two armored personnel carriers (APCs).¹² The day-long attack focused mainly along the northern edge of the village, as the troops moved down Fifth Street ("Ulitsa Pet") before turning left on the Rastak road, continuously attacking and often burning homes as they went along.

Haxhi Dalip Murati, aged sixty-six, was at his home at about 8:30 a.m. on Sunday, talking on the phone when a shell hit his house and gravely injured him in the stomach area. He was brought to the house of his

⁶ Human Rights Watch interview with Saifie Fetahu, Skopje, August 24, 2001.

⁷ Human Rights Watch interview with Dilaver Fetahu, Skopje, August 24, 2001.

⁸ Human Rights Watch interview with "Basqim" (not his real name), Skopje, August 20, 2001.

⁹ Human Rights Watch interview with Havushe Aliu, Skopje, August 25, 2001.

¹⁰ Human Rights Watch telephone interview with Xhenan Aliu, August 29, 2001.

¹¹ "Minister Buckovski: Escalation of Clashes in Last Three Days in Macedonia," Macedonia Information Agency, August 13, 2001.

¹² Human Rights Watch telephone interview with Xhenan Aliu, August 29, 2001.

brother. When the family was forced to flee the village sometime later because of the heavy fighting, Haxhi Dalip Murati asked his family to leave him behind. His sons refused to leave their father behind, and carried him down to the river in a blanket, while the shooting continued. Haxhi Dalip Murati died from his wounds at the river, and was buried in a shallow grave there.¹³

Elmas Jusufi's home was among the first to be attacked. Elmas Jusufi, a fifty-eight-year-old bed-ridden paraplegic, told Human Rights Watch how the Macedonian police forces blew away the gate of his home, shot dead his thirty-three-year-old son Rami Jusufi through the front door of the home, and then torched his car:

The moment the attack [on the village] started, they came to my house. My front yard was full with them, there were about twenty. They were all in uniform, but not masked. They bombed the gate to the yard. Then my son went to close the [front] door. At the moment he closed the door and went back into the room, there was a huge explosion, they blew away the door with machinegun fire. That was the moment my son was hit in the side and stomach from their shots. He fell down there, it happened right in front of my eyes.

The police did not come into the house. I got into my wheelchair and went close to the door [and my son]. My son was suffering for about two hours, he was in a lot of pain. . . .

My car was parked in the front yard, right next to the gate. They poured gasoline on it and set it on fire. I heard the police say, "Pour the gasoline."¹⁴

Muzafer Jusufi, a fifty-one-year-old relative, was also at the home of Elmas Jusufi at the time of the shooting. During a separate interview with Human Rights Watch, he gave a similar account of the incident:

The firing started and I went to see Elmas. A very short time later, heavy firing started all around the village. After two seconds, the gate to the front yard was blown up, either from a grenade or an RPG [a rocket-propelled grenade], I don't know. Immediately, they came inside the front yard.

Then they shot a burst at the car. One of them shouted, "Give me the gasoline." They set the car on fire with the gasoline.

Then they came towards the entrance to the house. They started shooting automatic bursts in our direction. [Rami Jusufi] was locking the door, and after he locked the door he was shot. There were a lot of police officers, maybe fifteen or twenty. After one and a half to two hours, the boy died. [The police] did not come in, they just stood at the door. They were swearing at us all the time, "Motherfuckers, we will kill you all."¹⁵

After shooting Rami Jusufi and burning the car, three police officers remained at the home, using an exterior staircase to reach the terrace of the home and firing into the village from there.

A Human Rights Watch visit to the home of Elmas Jusufi found a physical scene consistent with his account. The gate to the yard had been blown away by an explosion. The burned-out hulk of a car remained in the garden. Bullet casings were found lying in the yard about 6 meters from the front door, apparently the shots fired at Rami Jusufi, and bullet holes were found in the front door.

According to the villagers in Ljuboten, the police then moved down the street, burning the home of Muzafer Jusufi, the store and home of Isif Jusufi, the home of Sabit Jusufi, the home of Nazimi Jusufi, the home

¹³ Human Rights Watch interview with Remsi Murati, Skopje, August 25, 2001.

¹⁴ Human Rights Watch interview with Elmas Jusufi, Skopje, August 20, 2001.

¹⁵ Human Rights Watch interview with Muzafer Jusufi, Skopje, August 20, 2001.

of Xhavit Jusufi, another store, and the home of Agim Jusufi. In another home nearby, the police threw two hand grenades into a room.¹⁶

The police then arrived at the large home of thirty-three-year-old Naziv Hiseini, who was in his home when the attack began. Also with him were his brother, a cousin, his grandfather, their wives, and eight children. Naziv Hiseini described to Human Rights Watch how the police troops started firing at the home, using RPGs, rifle-fired grenades, and automatic gunfire, as soon as they spotted people inside:

It was 8 a.m. on Sunday, my brother went to his house and then the shooting started. He came back to my house about ten minutes later; he had to run through the bullets. . . . We were stuck there, staying at my house, hiding under the stairs.

Then an APC came. My brother and I went up to the first floor to see who they were. A guy was on top of the APC, he yelled “Tuka Se!,” [“They are here!”], and he threw a grenade at us. They started shooting towards the house with the mounted machinegun. The grenade fell just in front of the house.

First they were on the side of the house, and they couldn’t shoot through the walls. So they went a bit further and were directly in front of the house, and started shooting again. They were firing on the second and third floor from the APC; they broke all the windows.

Then they came to the gate of the yard, the gate was closed. They shot out the lock to break it, but they couldn’t do it. Afterwards, I don’t know how, but they blew away the whole door. Then, when they had opened the gate, they shot with a Zola [RPG] from the road. They took the first shot, the RPG went right through the door and a wall and exploded inside the room. Then they came closer to the door. They shot the small grenade, from the automatic rifle, and at the same time they threw a hand grenade.

When they fired the small grenade [from the automatic rifle], it hit me on the back and it started smoking [but didn’t explode]. The kids and everyone were yelling, there was a lot of smoke in the room.¹⁷

The family then fled into another room. When they attempted to leave the house through a window, the police fired on the window. They hid behind the couches until the police moved on, and watched the police move on to the houses of their neighbors and set them on fire. Three neighboring houses were burned by the police: the homes of Husni Sadiku, Ixhmet Rexhepi, and Abdullah Lutfiu. A fourth neighboring home, belonging to Nexhazim Osmani, burned down after being hit by a grenade. A sixty-year-old resident of one of the burned homes explained what happened:

The police came to my house at 11 a.m. We were in the basement hiding, fourteen of us, including three children. We heard the shooting at the houses. I heard shooting and they were talking about burning the houses. They were swearing about us. When I heard them say this, we ran away. The police were still inside the house, but they didn’t see us because we ran away in small groups. . . . When I ran away, all three of our family homes were on fire. They burned the houses with gasoline, I smelled it when I was still in the basement.¹⁸

During an August 23 visit to Ljuboten, Human Rights Watch researchers inspected, photographed, and documented all of the burned homes in the village, and our findings were consistent with the accounts of the villagers. Human Rights Watch counted a total of twenty-two homes, stores, and sheds that had been set on fire or caught fire from shelling on August 12. In addition, the house of a Macedonian resident had been burned on August 16, 2001, possibly in revenge by ethnic Albanians, and at least one other Albanian home was then burned by Macedonian police on August 17, 2001.

¹⁶ This chronology of events was provided to Human Rights Watch researchers by villagers during a Human Rights Watch visit to Ljuboten on August 23, 2001.

¹⁷ Human Rights Watch interview with Naziv Hiseini, Skopje, August 24, 2001.

¹⁸ Human Rights Watch interview, Skopje, August 18, 2001.

After attacking the Hiseini home and burning the homes of his neighbors, the police reportedly turned onto the road towards Rastak, continuing to burn homes as they went. At the home of Shabi Lutfiu, the police burned a shed with four tractors and shot up a car. Across the street, they burned the home of Harun Lutfiu. The barn of Sami Jashari was burned, with some sixty lambs inside.¹⁹

One of the most serious abuses during the police raid took place at the house of Mexhit Ademi, where a group of eleven men were hiding. Two men were shot dead at the house, and another one of the men was later beaten to death, but some of the circumstances of the deaths remain unclear because all of the other men in the cellar continue to be detained by the police. At the moment, there is only one witness who was present at the home during the killings and who is not in police custody.

Sixty-six-year-old Aziz Bairami, the father of two of the men killed and three of the men arrested in Ljuboten that day,²⁰ was hiding in the basement of his neighbor Zia's home with his sons Bekir, Sylejman, and Mevladin and eight female relatives during the attacks on Sunday. This home was adjacent to the house of Mexhit Ademi, where between seven and nine men had also been sheltering in the basement.

Suddenly, the police burst into Zia's home and started firing into the basement without warning: "They started shooting through the door; it wasn't even closed. Lots of shots were fired through the door from machine guns."²¹ No one in the basement was injured, and the police then ordered everyone to come out. "When we got out, they separated us men and lined us up, the four of us, kneeling down. They asked for IDs, and told us not to look up, not to look to the side, just to keep our heads down."²² The police officer who asked for the IDs noticed that Aziz Bairami had a significant amount of money in his pocket, and stole it: "[The police officer] saw that I had 3,000 [German] Marks and 7,000 [Macedonian] Dinars and took all of the money, telling me, 'Don't tell anybody.'"²³ The police also stole gold jewelry, a traditional means of safeguarding savings, from the women of the family.

Aziz Bairami and his three sons were then told to walk over to the neighboring house of Mexhit Ademi:

They said to stand up and keep our hands behind our heads. Again, they told us not to look up and keep our heads down. They took us to a small gate between the yards. There were these young men there from the neighboring house, about eight or nine of them. I was trying to look and I saw that they all had their T-shirts over their heads.²⁴

Aziz Bairami and his sons were then ordered to lay down next to the men. Soon thereafter, one of the police officers kicked twenty-one-year-old Sylejman in the head, and the boy stood up stunned, tried to run away, and was shot down. The police officers then ordered Aziz Bairami and another elderly man, sixty-eight-year-old Muharrem Bairami, to leave the scene. Aziz Bairami quickly ran away, but heard gunshots behind him, as Muharrem was shot dead:

Then we were also told to lay down with them. One of the police officers came to Sylejman and kicked him in the head. His head hit the asphalt and he was in pain, and he stood up stunned. As Sylejman stood up [and tried to run], the policeman [who kicked him] shot once and then everyone was shooting. I was hit in the hand [by a bullet]. I was lying down at the time, with my hands out. Blood was flowing under me.

¹⁹ This chronology of events was provided to Human Rights Watch researchers by villagers during a Human Rights Watch visit to Ljuboten on August 23, 2001.

²⁰ In addition to his son Sylejman who was killed in front of him, a second son, Xhelal, was killed at the home of Qani Jashari (see below). Three sons, including a thirteen-year-old, were arrested.

²¹ Human Rights Watch interview with Aziz Bairami, Skopje, August 18, 2001.

²² Human Rights Watch interview with Aziz Bairami (II), Skopje, August 24, 2001.

²³ Ibid.

²⁴ Ibid.

I was lying down and I was saying to the police, “Don’t do this, he is a soldier and he was shot when he was a Macedonian border guard.” . . . I couldn’t see anything. Then I heard one of them saying, “This pig is still moving.” Then again there was a gunshot, just a single gunshot. When Sylejman was shot, he was maybe two meters away from where he had been laying down.

We were all surrounded and they had their guns ready. I heard one of them saying, “You motherfuckers, you are all terrorists, you are wearing black shirts.” One of them started shouting, “Long live Arkan.”²⁵ Then they said, “Come on now, one by one, stand up and don’t look to the side.” Then he said, “You old men, go inside the house.”

I thought that something would happen, so I quickly went back to the garden door and went out. Then I heard shooting, that is when they killed Muharrem, with two or three shots.²⁶

International monitors of the OSCE and international journalists gained access to the village on Tuesday, August 14, and found five bodies that had not yet been buried. All five men were wearing civilian clothes. Human Rights Watch interviewed several of the journalists who had viewed the bodies, and also obtained copies of photographs taken by a foreign photographer of the bodies.

Two of the bodies were found in the village itself, on a main road at the top end of the village, not far from the Ademi house.²⁷ The two bodies were identified by villagers as Sylejman Bairami, aged twenty-one, and Muharrem Ramadani, aged sixty-eight. Sylejman Bairami was found lying face down in the road, shot in the head and chest and with a large head wound.²⁸ Empty nine millimeter cartridges were lying close to Bairami’s body, and bloody tire tracks from an armored personnel carrier (APC) suggested that his body had been run over by a Macedonian APC. He was wearing blue jeans and a brown T-shirt. Muharrem Ramadani was found with two bullet wounds in his back, and another, possibly post-mortem, bullet wound to the back of the head. He was wearing brown pants and a brown shirt, a white vest, and a black leather jacket. By the time journalists arrived, villagers had moved his body slightly to get it out of the sun.

The surviving men at the home of Mexhit Ademi were arrested following the killing of Sylejman and Muharrem and remain in custody at the time of the publication of the report. The body of one of the men, thirty-five-year-old Atulah Qaini, was recovered by his family from the Skopje city morgue on Saturday, August 18, 2001. Human Rights Watch inspected and photographed the body prior to burial. Atulah’s body showed severe signs of beatings and torture, and was covered with bruises and cigarette burns. He had a crushed skull, but no gunshot wounds. He was last seen alive and in police custody at the home of Mexhit Ademi by Aziz Bairami, who recognized him among the young men lying down outside the basement. Although there are to date no witnesses to the killing of Atulah Qaini, there is no doubt that he was tortured and beaten to death in the custody of the Macedonian police. The family has not been given an official explanation for Atulah’s death, even though he clearly died in police custody.

The other men arrested at the Ademi home were also subjected to severe beatings and abuse. One of the men, forty-five-year-old Adem Ametovski, was beaten so severely that he had to be hospitalized while remaining in custody. When his wife went to visit him on Friday, August 17, his face was so swollen and disfigured that she did not recognize him at first: “His eyes were covered with blood and black. His skin on the forehead and sides was damaged, and his front teeth were broken. He didn’t even know where he was. I asked him how he was, and

²⁵ Arkan is the nom de guerre of a well-known Serbian warlord responsible for numerous atrocities against Muslims in Bosnia. He was assassinated in Belgrade in January 2000.

²⁶ Ibid.

²⁷ Three more bodies were found on a hillside near a tobacco field, spaced about fifty meters apart in a straight line (see below for the circumstances of those killings).

²⁸ “Albanians Slaughtered in Macedonia,” *Daily Telegraph*, August 15, 2001; Field notes of Nicholas Wood, *Guardian* correspondent.

he just didn't respond."²⁹ Fifty-three-year-old Qamili Bairami, the wife of Aziz Bairami, also went to visit her three sons in Shutka prison. She told Human Rights Watch that all three, including her thirteen-year-old, had bruises on their faces from the beatings they had received.³⁰ Human Rights Watch is gravely concerned about the safety and well-being of these detainees, who were direct witnesses to some of the most severe abuses committed by government troops in Ljuboten.

The police reportedly continued down the Rastak road, burning the garage of Ali Aliu with a tractor inside, and then shooting up the house of Aziz Bairami.³¹ They then reached the house of sixty-five-year-old Qaini Jashari, who was hiding inside with two of his sons, thirty-three-year-old Bairam and thirty-one-year-old Kadri, as well as a cousin, twenty-five-year-old Xhelal Bairami (a son of Aziz Bairami). The police officers began firing with RPGs and automatic weapons at the house, causing it to catch on fire. Qaini Jashari escaped to a nearby ditch, but the three young men were gunned down while trying to escape from the burning home:

The police first surrounded us. I went to hide in a pipe nearby. The boys remained in the house, trying to hide. They started shelling the house with grenades and from their [APCs]. Then, the house caught on fire from the grenades; it was made out of wood.

When the fire started, the boys climbed out through a window. They ran away, but [the police] started shooting at them. The police were in the yard, maybe thirty or forty of them, with their [APCs].

[After the boys were shot,] four or five police walked up to them. They went to the farthest one, he was about twenty meters further away than the two others. He had run fastest, it was Kadri. They turned him around—he was lying on his stomach and they turned him on his back. He was still moving. They shot him [again] in the neck. Then they took his documents, I later found them by the road.³²

The bodies of Bairam Jashari, Kadri Jashari, and Xhelal Bairami remained in the places where they were shot when international journalists and OSCE monitors gained access to Ljuboten on August 14, 2001. All three were wearing civilian clothes, and none were wearing the combat boots that are customary for NLA soldiers, even when in civilian dress. The body of thirty-three-year-old Bairam Jashari was found just next to the tobacco drying shed above the burned-out home of Qaini Jashari. Bairam was still wearing a pair of rubber slippers, and had been shot several times in the legs and the pelvis, and had an exit wound through the neck.³³ Twenty-five-year-old Xhelal Bairami's body had multiple gunshot wounds in the back, the buttocks, and the back of his legs, suggesting he was shot in the back while running away.³⁴ The body of thirty-one-year-old Kadri Jashari was found a few meters farther away from the house of Qaini Jashari. His body showed several large exit wounds on the upper front of the chest and in his neck, suggesting again that he had been shot in the back while running away.³⁵ According to his family, Kadri had just returned ten days before from working in Austria to earn money to support his family, a common practice in ethnic Albanian society.³⁶

Attacks and Abuses Against Fleeing Civilians

While the police were carrying out their offensive on the main streets running along the top northern edge of the village, hundreds of civilians were hiding in basements throughout the village. The villagers were in regular contact with each other and with Albanian leaders outside the village through their telephones. The Albanian political leadership in Skopje was negotiating with the OSCE, the International Committee of the Red Cross (ICRC), and the Macedonian authorities to organize a general evacuation of the civilian population of the

²⁹ Human Rights Watch interview with Fitnete Ametovski, Skopje, August 25, 2001.

³⁰ Human Rights Watch interview with Qamili Bairami, Skopje, August 24, 2001.

³¹ This chronology of events was provided to Human Rights Watch researchers by villagers during a Human Rights Watch visit to Ljuboten on August 23, 2001.

³² Human Rights Watch interview with Qaini Jashari, Skopje, August 20, 2001.

³³ Photographs of *New York Times* photographer Andrew Testa; Field notes of Nicholas Wood, *Guardian* Correspondent.

³⁴ *Ibid.*

³⁵ *Ibid.*

³⁶ *Ibid.*

village, but these plans were frustrated by the presence of hostile Macedonian crowds who refused to let the evacuation convoy pass through.³⁷

As the shooting and shelling intensified, and word of killings and arson by the Macedonian forces spread among the villagers, many decided to flee towards safety in the capital Skopje. The journey was a difficult one, involving passing through active fire zones, police checkpoints, and hostile Macedonian mobs. Many of the men were beaten by police or civilians during their flight, and over one hundred men were separated from their female relatives and children and taken to police stations where they faced more beatings. At least twenty-four of those men still remain in detention at the time of the publication of this report. The names of the remaining detainees are known to Human Rights Watch, and have been provided to other international monitoring organizations, including the International Committee of the Red Cross (ICRC).

The most severe violence was faced by the civilians who fled in the direction of Radushane, a neighboring ethnic Macedonian village. A number of fleeing villagers from Ljuboten were brutally beaten by masked ethnic Macedonian civilians close to the Radushane police checkpoint, in the presence of Macedonian police officers. Nineteen-year-old Ejup Hamiti recalled to Human Rights Watch how he was beaten by masked ethnic Macedonians near the checkpoint after fleeing the fighting, and then was shot and wounded by the police when he tried to escape his attackers:

Because of the big offensive, we left the village and headed for Skopje. We headed down to the river, as bullets were flying over our heads. Then we had to stop by the river, we couldn't go farther down because we would have reached Radushane. [We heard that] the OSCE buses were not allowed to come into the village by the police.

Then after some of my cousins spoke on the phone, we headed towards the asphalt road. We went one by one, because there were many old people and children, and we had to help them to the main road from the river. . . .

When we reached the checkpoint, there were civilians from Radushane nearby. . . . The civilians were wearing T-shirts over their heads, with holes for their eyes. They were holding bars and [began] beating us with them. [My friend] Dilaver told me, "Let's get out of here because they are going to kill us." . . . We tried to run, and then I was shot, I heard the bang and then I remember nothing. . . . When I woke, I was lying in the bed in the hospital.³⁸

Saifie Fetahu, a fifty-six-year-old mother of five, was with the same group of civilians as Ejup Hamiti. She and her husband fled their home at about 1:30 p.m. on Sunday, together with nine other relatives, including three young children. The group first fled down to the village cemetery, but was spotted there by Macedonian forces and shot at: "When we reached the cemetery, they saw us there and started shooting at us from Ljubance and Rastak. The bullets were flying over our heads, only God saved us. Then we headed through the fields to the asphalt road [to Radushane]."³⁹ Saifie Fetahu related what happened next:

When [the police] saw us coming, one police officer came to us and was pointing the gun at us. He told us to move quickly. . . . The police officer was saying to [my husband] Shaqir, "Where were you, you terrorist?" Shaqir told him, "Don't do it like this, friend, we didn't do anything." Then the policeman said, "Oh, no more friends, only death is waiting for you." He was dressed in a police uniform, he was a short one and dark skinned, if I saw him again I would recognize him. He said to my [twenty-year-old] son Dilaver also, "You were in the NLA and now you want to go to Skopje, now you will see what awaits you."

³⁷ Human Rights Watch interview with MP Fatmir Etemi, Skopje, August 22, 2001.

³⁸ Human Rights Watch interview with Ejup Hamiti, Skopje, August 22, 2001.

³⁹ Human Rights Watch interview with Saifie Fetahu, Skopje, August 23, 2001.

We walked down until we reached a place where eight [ethnic Macedonian] civilians were wearing T-shirts over their head. They blocked the road and were holding big wooden sticks, cut from trees. When the kids saw them, they started yelling and crying.

They started beating [my son] Dilaver first and then Ejup. . . . While they were beating them, Dilaver fell down and I told him, “Get up, run away, because they will kill you.” Then they started beating [my husband] Shaqir. . . . Shaqir was hit on the shoulder with the wood, but he didn’t fall down. Then they hit him on the head, he still didn’t fall down. Then he was hit again on the head and it cracked his skull, he fell down and lost consciousness. . . . He fell down and was bleeding from behind his ear, his mouth and his nose. I went near him and turned him around, but he was not moving.

When Dilaver and Ejup started running, the firing didn’t stop, from where we were and from the checkpoint where the others were. Dilaver ran away and then I took the kids and went towards the checkpoint. I left Shaqir behind.⁴⁰

Ejup was shot in the head by the police during the incident and taken to the hospital. The unconscious Shaqir was also taken to a hospital in Skopje. Dilaver ran into Radushane, where he was stopped at gunpoint by Macedonian police reservists and ordered to lay down on the ground before being kicked unconscious: “One of them kicked me in the face, like you kick a football. My head snapped around and I was bleeding from my mouth. As my head turned, the police officer guarding me kicked me on the other side behind the ear. I raised myself up a bit, keeping my head down, and was kicked in the head again. Then I lost consciousness.”⁴¹

Dilaver woke up at the hospital in the same room as his father, his friend Ejup, and an ethnic Albanian taxi driver who had also been beaten unconscious in Radushane after driving a crew of Danish journalists into the village. When Dilaver regained consciousness, his mouth was filled with coagulated blood and he was very thirsty. His father tried to get him some water, but when a police officer noticed the father walking around, he entered the room and started beating the father and son:

A police officer came in to check, and when they saw my father on his feet they went towards him and punched him. He fell over the bed, and they jumped on him with their boots. . . . Then they kicked me in the stomach and hit me on the arm with their rubber truncheons.⁴²

Dilaver, his father Shaqir and the Albanian taxi driver were then taken to a police station in Skopje, where they spent some time in a cell with between twenty and thirty severely beaten men from Ljuboten before being dropped by the side of the road and being forced to find their own way home in hospital pajamas, shoeless, and without documents. When Human Rights Watch visited the Fetahu home on August 23, eleven days after the beatings, to take testimonies from the family, the father Shaqir was still unable to talk and remained in severe shock, psychologically devastated from the brutal attack.

Most of the civilians who fled the village went along the river to a police checkpoint on the road to Skopje, where the men were separated from the women and children. The men were beaten, and then taken to the police station in Butel where they were severely beaten. The men were then taken to a second police station in Prolece, where they were again beaten. According to testimony gathered by Human Rights Watch more than one hundred men from the village were arrested, and all were beaten at the Butel, Prolece, and Karposh police stations in Skopje. At least twenty-four men remain in detention.

Twenty-seven-year-old Raif, one of the men arrested and beaten at the police stations, told Human Rights Watch about the beatings during the arrest at the checkpoint:

⁴⁰ Ibid.

⁴¹ Human Rights Watch interview with Dilaver Fetahu, Skopje, August 23, 2001.

⁴² Ibid.

We were stuck by the river—women, children, and men. We were told that the Macedonian [crowds] were down [below] there, and the police were above us, so we didn't know what to do. Then some people started saying we should go down [to the checkpoint]. A lot of us were very afraid. We decided to cross the river and go down to the checkpoint.

When we reached there, we saw men with their shirts off, lying down. [The police] told us to come straight and keep our heads down. Then a policeman kicked me in the stomach, I was in pain. They told me also to take off my shirt. We laid down on our stomachs; we were shaking from fear.

The police kicked us in the back, stepped on us, and one hit me in the head with his rifle butt. They were swearing at us, and the women were crying and yelling for help for us. Afterwards, they told seven of us to stand up and we were put in a van.⁴³

“Ilir Gashi” (not his real name), a twenty-five-year-old farmer, told Human Rights Watch how he and many other men from Ljuboten were beaten at the Butel and Prolece police stations:

They started beating us when they took us into the basement of the Butel police station. There were lots of police officers, some were kicking us, some were slapping us, some were punching us. . . .

In the police station, they took our names and information and held us for about one hour. . . .When they [moved] us, we had to walk on our knees with our hands behind our backs. Twenty or thirty police officers were outside waiting for us. One of the police kicked me right on the chest, I still have pain from this. They beat us some more, loaded us in the vans and took us to the police station in Prolece.

The Prolece police station was full, full with police officers, and also some civilians. Most of the police were masked. They took us out of the vans, and beat us on the way into the police station. Then they separated us into three rooms. In my room, there were eleven of us.

They started beating us there again, very brutally. Police officers would just come in and beat us, for four or five hours they beat us. I couldn't look because I had to have my head down the whole time. If you moved your head, they would beat you very badly.

The carpet was filled with blood, the others were bleeding a lot. They were calling us terrorists, swearing at us, and people outside [the police station] were shouting, “Let Us Kill Them!,” “Kill the Shiptars! [a derogatory term for Albanians],” “Gas Chambers for the Shiptars!” It was after 1 p.m., after the paraffin tests [to check for gunpowder residue on their hands], that the beatings stopped. . . . But from 9 a.m. to 2 p.m. [on Monday], they beat us again, the same way. They would just come inside and beat us.

I was released at 5 p.m. with about fourteen of us. [They put us in police cars and] they told us that if they heard about any Macedonian casualties in the Skopje region, or any maltreatment of Macedonians, they would come and demolish all of Ljuboten. . . .

They unloaded us very brutally. . . . I was kicked in the ribs and hit five times on the head with a baseball bat. I fainted for a while, and when I revived the police had gone.⁴⁴

Most of the over one hundred men originally arrested by the police were released on August 13 and 14 after suffering similar beatings, but at least twenty-four remain in custody at the time of the release of this report. They include the surviving men taken into custody at the home of Mexhit Ademi (see above), and other men who apparently tested positive in paraffin tests, an often unreliable method to determine whether a person has recently

⁴³ Human Rights Watch interview with Raif, Skopje, August 21, 2001.

⁴⁴ Human Rights Watch interview, Skopje, August 20, 2001.

fired a weapon. According to relatives who have visited the remaining detainees, the men were severely abused during the first days of their detention.

The brutal abuses suffered by the men arrested from Ljuboten are not atypical for Macedonia. Since the beginning of the six-month old conflict in Macedonia, police abuse against ethnic Albanians has become increasingly widespread and routine. Ethnic Albanian men are regularly beaten and tortured at police stations throughout the crisis region. Human Rights Watch has documented severe beatings and torture at police stations in Skopje, Tetovo, and Kumanovo, including several lethal beatings.⁴⁵

The Responsibility of the Security Forces and the Role of Minister of the Interior Boskovski

The Macedonian security forces that carried out the abuses documented in this report belong to the Ministry of the Interior, which is responsible for all police forces in Macedonia. Most likely, the security forces involved in the events in Ljuboten consisted of a mix of regular police forces as well as police reservists, the latter mobilized and armed by the Ministry of Interior in the past few months. Many of the villagers of Ljuboten interviewed by Human Rights Watch believed that some of the police reservists who participated in the abuses came from the ethnic Macedonian villages immediately surrounding Ljuboten, namely Ljubance, Rastak, and Radisane.

The Minister of Interior, Ljube Boskovski, was himself present in Ljuboten on Sunday, August 12, 2001, the day the worst abuses documented in this report took place. The Macedonian national television (MTV) broadcast that day, a copy of which was obtained by Human Rights Watch, shows Minister Boskovski on the balcony of an ethnic Macedonian's home on the northern outskirts of Ljuboten, surrounded by several armed policemen. According to the state television newscast, Minister Boskovski was present "during the entire operation" in the village.⁴⁶ During an August 24, 2001, visit to Ljuboten, Human Rights Watch was shown the home in Ljuboten from which Minister Boskovski was filmed watching the offensive, located approximately fifty meters away from the street on which the worst violations took place. Minister Boskovski has acknowledged that he was present in Ljuboten on Sunday, but maintains that he arrived at around 4 p.m., after the operation was over.

The presence of Minister Boskovski in Ljuboten on the day that some of the worst abuses in Macedonia's six-month-old conflict were committed—abuses including the execution-style killing of civilians, house-by-house arson, looting, beatings, and torture—demands an investigation. It is imperative that an independent, impartial and credible investigation is conducted into the role of Minister Boskovski, as well as the role of those under his authority, in the events in Ljuboten. Serious abuses were committed in Ljuboten, and those responsible for ordering, committing, or condoning those abuses must be brought to account.

Unsupported Government Claims of an NLA Presence in Ljuboten

The Macedonian government claims that its operation in Ljuboten was justified as an anti-terrorist operation against fighters of the ethnic-Albanian National Liberation Army (NLA) and that the persons killed were "terrorists," the common term used by the Macedonian government for NLA fighters.⁴⁷

It is a fundamental rule of international humanitarian law that military operations must be conducted against military targets and not civilian populations. Belligerents have to take all possible measures to limit the impact of their military operations on civilians, and cannot directly or indiscriminately attack civilians. Collective punishment and acts of retribution against the civilian population are strictly prohibited. Many of the abuses

⁴⁵ See Human Rights Watch, "Macedonian Police Abuse Documented: Ethnic Albanian Men Separated, Tortured at Police Station," May 31, 2001; Human Rights Watch, "Police Abuse Against Albanians Continues in Macedonia: Peace Agreement Doesn't End Violence," August 22, 2001, available at <http://www.hrw.org>. Human Rights Watch has gathered many additional accounts of severe and sometimes lethal beatings in police stations in Kumanovo, Skopje, and Tetovo.

⁴⁶ MTV newscast, August 12, 2001, 5 p.m.

⁴⁷ "Internal Ministry Condemns Slanders of Security Forces by OSCE Representatives," *Macedonia Information Agency*, August 14, 2001.

documented in this report, including summary executions, arson, looting, and torture, can never be justified under international humanitarian law, even if there was an NLA presence in Ljuboten.

No evidence came to light in the course of the Human Rights Watch investigation to support government claims that there was an NLA presence in Ljuboten during the government offensive. The NLA held control of the villages of Slupcane, Lipkovo, Matejce, and Nikustak on the opposite side of the Skopska Crna Gora mountain, but these positions are at least twelve kilometers away from Ljuboten along remote mountain paths. International observers told Human Rights Watch that the NLA had a small position on the Skopska Crna Gora mountain several kilometers outside Ljuboten, but that the NLA fighters from this position were not present in Ljuboten during the government offensive.⁴⁸

It is significant that the government has not presented any credible evidence that there was an NLA presence in Ljuboten, such as confiscated NLA weapons or uniforms, despite the growing international concern about the events in the village. Ordinarily, the government displays captured weapons and uniforms in the aftermath of successful operations against the NLA. For example, after killing five alleged NLA rebels in the capital Skopje during an August 7 predawn raid, the government displayed a cache of arms it claimed to have found at the home.⁴⁹

During a Human Rights Watch visit to Ljuboten, researchers carefully inspected the village and found no evidence of an NLA presence, such as the sandbag positions, pro-NLA graffiti, or the spent cartridges commonly seen in NLA-held villages. A military expert noted to Human Rights Watch that all of the spent cartridges and empty bullet boxes he found in the village on August 14 came from a single arms manufacturer, the “Suvenir” factory located in Samokov, near the capital Skopje.⁵⁰

None of the international journalists or observers who visited Ljuboten in the aftermath of the fighting reported finding signs of an NLA presence in the village. Although the fact that the persons killed in the village were all wearing civilian clothes is not definitive evidence of their civilian status, NLA combatants do not ordinarily operate in civilian clothes during combat operations.

However, there was at least some connection between Ljuboten and the NLA. On several occasions, mostly during the month of June, armed and uniformed NLA representatives met international journalists in the village of Ljuboten to escort them across the frontlines and into the NLA-held villages on the other side of the Skopska Crna Gora mountain.

According to community leaders of Ljuboten, NLA penetration of Ljuboten was virtually impossible because the village was surrounded by larger ethnic Macedonian villages. All of the main roads out of the village had permanently manned Macedonian police checkpoints through which all civilians had to pass. Seeking to avoid conflict with their ethnic Macedonian neighbors, the community leaders had negotiated an agreement with the neighboring ethnic Macedonian villages and the security forces to keep the NLA out of their village. According to Xhenan Aliu, who negotiated the agreement:

We had talks with the army, the police, and the villages of Rastak and Ljubance. . . . We agreed that there would be no NLA in the village, and no army or police. We kept our promise, the NLA had nothing to do with our village. There was not a bullet fired back from Ljuboten [during the government offensive].⁵¹

⁴⁸ Human Rights Watch interview with international military observer, Skopje, August 19, 2001.

⁴⁹ Christian Jennings, “Police Kill Five Rebels in Skopje Dawn Raid,” *Daily Telegraph*, August 8, 2001. Human Rights Watch researchers visited the scene of this killing and found that the evidence at the scene did not support the government’s version that the five NLA fighters had been killed during a fierce gunbattle. The men had been killed while lying down, and there was no evidence of any outgoing fire from the room where the men had been killed.

⁵⁰ Email to Human Rights Watch, August 19, 2001.

⁵¹ Human Rights Watch phone interview with Xhenan Aliu, head of civil defense for Ljuboten, August 25, 2001.

The NLA had a base several kilometers above Ljuboten, in an area that the Macedonian security forces had declared off-limits for the villagers of Ljuboten. It is likely that this NLA position, which had no known links to the village of Ljuboten, was responsible for laying the mines that killed the eight government soldiers on August 10. The Macedonian government said a police post near the Macedonian village of Ljubance was attacked on the morning of Sunday, August 12, an attack probably also carried out by the NLA based in the mountain above the village of Ljuboten.⁵²

The evidence available to Human Rights Watch indicates that the attack on Ljuboten had no military justification and was carried out against ethnic Albanian civilians for purposes of revenge and reprisal. On a number of occasions, the Macedonian security forces have participated in severe retaliation against ethnic Albanian civilian populations in revenge for losses suffered by the Macedonian security forces in fighting with the NLA. In the southern city of Bitola, ethnic Macedonian crowds that included uniformed and out-of-uniform police have twice attacked ethnic Albanian homes and shopping districts, burning ethnic Albanian homes and shops in retribution for the deaths of policemen from Bitola in fighting around Tetovo.⁵³ Angry Macedonian crowds, including police and army officers, have also repeatedly rioted in the capital Skopje and attacked Albanian districts of the capital in response to government setbacks.⁵⁴ Just days before the attack in Ljuboten, ethnic Macedonians in Prilep burned a mosque and Albanian homes in a night of rioting following the NLA ambush killing of ten soldiers, most of them from Prilep.⁵⁵

Even if NLA rebels responsible for the antitank mine incident were present in Ljuboten, the attack on Ljuboten by the Macedonian police as documented by Human Rights Watch involved both indiscriminate and deliberate attacks on civilians, in violation of the norms of international humanitarian law and international human rights law.

THE ROLE OF THE INTERNATIONAL COMMUNITY

Organization for Security and Cooperation in Europe

The Organization for Security and Cooperation in Europe (OSCE)'s Spillover Monitoring Mission to Skopje (known as "the Spillover mission") is the OSCE's longest serving mission, established in 1992 to prevent the spillover of the conflict in the former Yugoslavia by monitoring the border between the Federal Republic of Yugoslavia and Macedonia.⁵⁶ The objectives of the Spillover Mission are preserving the territorial integrity of Macedonia; promoting the maintenance of peace, stability and security; and preventing possible conflict in the region.⁵⁷ Although the mandate does not explicitly reference human rights, activities in the OSCE's "human dimension" are certainly implicit in the mandate and have formed part of the mission's work for years. The Spillover Mission currently has sixteen international staff members, a doubling of its previous size in response to the upsurge of violent conflict in Macedonia.⁵⁸

At least two OSCE international observers were present in Ljuboten on Tuesday, August 14, 2001, when international observers and journalists first gained access to the village after the government offensive. According to the international journalists who were on the scene, the OSCE monitors carefully documented the physical evidence at the scene with a video camera, and they spoke to villagers about the events in Ljuboten. The OSCE

⁵² "Terrorist Operate in Kumanovo-Lipkovo Area," Macedonia Information Agency, August 13, 2001.

⁵³ Human Rights Watch, "Macedonia Rioters Burn Albanian Homes in Bitola: Police Fail to Stop Violence, Some Actively Participate," June 8, 2001.

⁵⁴ For example, during a riot in Skopje on June 25, police and army personnel in uniform actively participated in the storming of Parliament and the destruction of Albanian shops in Skopje.

⁵⁵ "Looting, Arson Attacks in Macedonian Town After Rebel Ambush," Agence France Presse, August 8, 2001. Because there were no international observers present during this incident, Human Rights Watch has no information about active police participation in the riots in Prilep.

⁵⁶ OSCE Spillover Monitor Mission to Skopje, "Overview," <http://www.osce.org/skopje/overview/>, (August, 2001).

⁵⁷ OSCE Spillover Monitor Mission to Skopje, "Mandate," <http://www.osce.org/skopje/mandate/>, (August, 2001).

⁵⁸ OSCE Permanent Council, "Decision No. 405: Temporary Strengthening of the OSCE Spillover Monitoring Mission to Skopje," March 22, 2001.

mission has issued no public report of this investigation. One of the OSCE monitors, speaking on condition of anonymity, confirmed to the Associated Press that the OSCE had found the remains of five persons in the village, including an elderly man, and suggested that they might have been killed while running away.⁵⁹

Although the OSCE remained mostly quiet on the events in Ljuboten, the Minister of the Interior Ljube Boskovski—who himself may be implicated in the abuses in Ljuboten (see above)—immediately and fiercely criticized the OSCE for even attempting to investigate the events in Ljuboten. On August 14, he told the media:

OSCE representatives entered into Ljuboten village during the day, and through their information, they are trying to misinform the public that the Macedonian security forces did not kill five terrorists, but five citizens of Albanian nationality from Ljuboten. . . . This behavior of certain OSCE representatives shows that they put themselves in function of carrying out a special propaganda war against the Macedonian security forces. Certain OSCE representatives overstep their authorizations, usurping the legal and legitimate right[s] of the Macedonian police, and not the OSCE, to confirm legally relevant facts and circumstances for causes of death of persons on the territory of the Republic of Macedonia.⁶⁰

During a meeting following Minister Boskovski's criticism, then-OSCE Head of Mission Ambassador Carlo Ungaro reportedly distanced himself from the reported comments of his OSCE monitors, later stating on Macedonian national television MTV that "the misunderstandings occurred as a result of the intentional or unintentional misinterpretations of OSCE information [by] the foreign media."⁶¹ The OSCE later issued a comment saying that "at no time has the OSCE mission to Skopje made any comments about the nature of what happened in the village of Ljuboten."⁶² Not surprisingly, Minister Boskovski expressed "satisfaction with the attitude of OSCE so far."⁶³ No other statement has been issued by the OSCE in connection with the events in Ljuboten.

The OSCE's continuing silence about the serious abuses committed by police in Ljuboten is disturbing, because the organization undoubtedly has sufficient information to speak out publicly about the events in Ljuboten and demand a credible and impartial investigation. The OSCE silence has helped the Macedonian government maintain its version of the events in Ljuboten and avoid any further investigation: Antonio Miloski, the government spokesperson, told an international journalist in a videotaped interview just a few days after the event that the OSCE had "confirmed" to the Macedonian government that the persons killed in Ljuboten were "terrorists."⁶⁴

Although the promotion of respect for human rights is a core purpose of the OSCE generally, the OSCE mission in Skopje has remained largely silent on the grave human rights abuses that have been committed by the Macedonian forces throughout the conflict. For example, the OSCE has not issued a single statement about widespread beatings and torture at police stations in Macedonia, even though its monitors have certainly documented an adequate number of such cases to speak with authority. Human Rights Watch researchers were often told by victims that the OSCE monitors had also interviewed them. The OSCE has been much more willing to criticize similarly serious abuses by the NLA.⁶⁵ This imbalance in its public reporting clearly has an impact on the OSCE's credibility and effectiveness in addressing abuses by both sides.

⁵⁹ Dusan Stojanovic, "Ethnic Albanians Claim Village Massacre as NATO Assesses Plans to Disarm Rebels," Associated Press, August 13, 2001.

⁶⁰ "FYROM Interior Ministry Accuses OSCE Personnel of 'Usurping' Rights of Police," World News Connection, August 14, 2001.

⁶¹ "Macedonian interior minister says Albanians shot in Ljuboten were 'terrorists,'" BBC Monitoring, August 15, 2001.

⁶² "OSCE Skopje Mission rejects allegations," August 15, 2001.

⁶³ "Macedonian interior minister says Albanians shot in Ljuboten were 'terrorists,'" BBC Monitoring, August 15, 2001.

⁶⁴ Human Rights Watch interview, Skopje, August 24, 2001.

⁶⁵ In August 2001 alone, the OSCE mission issued three press releases addressing NLA abuses, and none about government abuses, even though both NLA and government forces were responsible for serious abuses during this period. See "Skopje Mission Strongly Condemns Destruction of Lesok Monastery," August 21, 2001; "OSCE Strongly Condemns Recent Violent

The obstacles preventing the OSCE from effectively and publicly carrying out its mandate include the deep hostility of the Macedonian government to most international organizations, as well as the insufficient capacity of the OSCE monitoring mission in Skopje and a lack of support of the OSCE member states for its human dimension activities in Macedonia.

Many Macedonian leaders, in particular ultranationalist members of the government such as Prime Minister Georgievski and Minister of the Interior Boskovski, have been openly hostile to international actors in Macedonia, such as the western media, NATO, the OSCE, and international NGOs. They have accused all of these actors of having a pro-Albanian bias and often whipped up public hostility against them, resulting in several anti-Western riots in the capital Skopje. Virtually all of the Western international actors in Macedonia, including the OSCE, NATO, and the U.S. and E.U. mediators, have been accused of a pro-Albanian bias. In a typical example, Antonio Milosovski, the government's chief spokesperson, stated on July 24, 2001 that "NATO is not our enemy, but it is a great friend of our enemies who are attacking the future of this country."⁶⁶

The ethnic Macedonian media, mostly controlled by interests close to hardline members of the government, have also increased public hostility towards the OSCE and other international organizations by printing false reports about alleged OSCE and NATO support for the ethnic Albanian rebels.⁶⁷ In such a hostile climate, nationalist government officials such as Minister Boskovski can use the threat of public incitement against the OSCE and the internationally sponsored peace process to effectively silence OSCE criticism.

The lack of monitoring capacity of the OSCE mission in Skopje also limits the effectiveness of the mission. Until recently, the OSCE has had only a single, relatively inexperienced, "human dimension" monitor who was supposed to monitor and document the human rights and humanitarian aspects of the conflict. Such a presence is insufficient to adequately and credibly monitor and report on the very serious human rights problems that exist in Macedonia, and which are one of the driving forces behind the conflict. Serious human rights problems continue to plague Macedonia, and it is imperative that the international organizations, including the OSCE, play a greater role in documenting and addressing those problems.

The OSCE mission has made some progress since its disappointing performance in Ljuboten, which may indicate that it will become more effective in human rights monitoring. Unrelated to the events in Ljuboten, the OSCE has appointed a new head of mission in Skopje, Ambassador Craig Jenness. Ambassador Jenness has extensive human rights experience, and it is hoped he will be an effective advocate on human rights concerns. Secondly, discussions are currently underway to significantly expand the monitoring capacity of the Skopje mission by adding another twenty international members to the Skopje team. These are positive steps, but the success of the human rights dimensions of the Skopje mission will depend primarily on the international support it receives to address the continuing hostility of the Macedonian government.

International Criminal Tribunal for the former Yugoslavia

The International Criminal Tribunal for the former Yugoslavia (ICTY), set up by the U.N. Security Council in 1993, has jurisdiction to prosecute violations of international humanitarian law committed throughout the territory of the former Socialist Federal Republic of Yugoslavia, which includes the now-independent Former Yugoslav Republic of Macedonia. The tribunal's subject matter jurisdiction extends to Grave Breaches of the Geneva Conventions of 1949 (Article 2 of the ICTY Statute), Violations of the Laws or Customs of War (Article 3), Genocide (Article 4), and Crimes Against Humanity (Article 5).

Acts in Former Yugoslav Republic of Macedonia," August 8, 2001; "OSCE Skopje Mission Concerned About Misuse of Religious and Cultural Sites," August 7, 2001.

⁶⁶ John Ward Anderson, "Macedonians Attack U.S. Embassy: Stone Throwing Crowd Dispersed; Fighting in Major City Threatens Cease-Fire," *Washington Post*, July 25, 2001.

⁶⁷ OSCE, "Skopje Mission Speaks Out Against 'Patently False and Potentially Dangerous' Media Reporting," May 25, 2001.

ICTY officials have repeatedly asserted that the tribunal has jurisdiction over the conflict in Macedonia. On March 21, 2001, the ICTY Prosecutor asserted that “the jurisdiction of the ICTY covers on-going events in Kosovo, south Serbia, and the Former Yugoslav Republic of Macedonia because the continuing violence in each area does indeed satisfy the legal criteria for the definition of armed conflict for the purposes of crimes set out in the statute of the Tribunal.”⁶⁸ On June 13, 2001, the Office of the Prosecutor stated that it “had already warned all sides in Macedonia ... that all individuals responsible for crimes under the Tribunal’s competency ... could be punished for their acts,” and added that it “was closely monitoring the situation in Macedonia and had people in the field collecting information.”⁶⁹

Because of its established track record in bringing war criminals to justice for the massive violations of international humanitarian law in the wars in Croatia, Bosnia, and Kosovo—boosted by the recent arrest and transfer of former Yugoslav President Slobodan Milosovic to ICTY custody—the ICTY’s role in the Macedonian conflict has the potential to have an important deterrent effect. Almost immediately after the allegations about serious abuses in Ljuboten became public, a discussion erupted in Macedonia about the possibility that the perpetrators of the abuses in Ljuboten could end up indicted by the ICTY. Although Minister Boskovski shrugged off a possible ICTY indictment—stating “I fear only my people’s tribunal, not the political one that was set up by America in The Hague”⁷⁰—the very fact that he was responding to speculation about an ICTY investigation demonstrates the impact this important international institution can have.

The ICTY does not comment on ongoing investigations, so it is not possible to say whether it is actively investigating the events in Ljuboten. However, it has opened an office in Skopje, and investigators from the tribunal are regularly visiting Macedonia to carry out investigations into abuses. Considering that the abuses in Ljuboten are among the most serious committed in the conflict so far, an ICTY investigation is likely.

International support for an ICTY role in the Macedonia conflict is crucial. Unfortunately, many international diplomats seem concerned about an active ICTY role in Macedonia, suggesting in meetings with Human Rights Watch that the ICTY should remain out of Macedonia for the moment, as an active ICTY role could complicate the sensitive political negotiations taking place in Macedonia—an attitude reminiscent of the lack of adequate international support for ICTY’s initial efforts in Bosnia. To the contrary, Human Rights Watch believes that the role of the ICTY to put the warring parties on notice that violations of the laws of war will not be tolerated, complements the efforts of international diplomats in an important and valuable way, and deserves their full support.

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⁶⁸ ICTY Press release, March 21, 2001.

⁶⁹ ICTY Press briefing, June 13, 2001.

⁷⁰ Rod Nordland, “Dealing with Bad Guys,” *Newsweek* (International Edition), September 3, 2001, p. 28.

Human Rights Watch
Europe and Central Asia Division

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