

YUGOSLAVIA (Serbia and Montenegro)

Persecution Persists: Human Rights Violations in Kosovo

"The situation of human rights is excellent in Kosovo. Albanians have more rights than anywhere in the world."

Serbian Deputy Minister of Information Rade Drobac
(Human Rights Watch/Helsinki interview, July 19, 1996.)

"After the fifth day, they started using an electric stick all over the delicate parts of my body. I was completely undressed and they started in the area between my nose and lips, then the neck, under the arms and also the forearms and inner thigh. Three times they went directly to my genitals with the electric stick. Once, when I grabbed it, it left three scars on my hand. Whenever they were about to use the stick, they covered me with water to spread the electricity."

Ethnic Albanian from Kosovo
(Human Rights Watch/Helsinki interview, July 11, 1996.)

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SUMMARY

The international community has appropriately reacted with horror to the present crackdown on anti-government demonstrators and the independent media in Belgrade. At the same time, however, it is poised to squander human rights leverage with the government of Slobodon Milošević and abandon the Albanians of Kosovo.

Since coming to power in 1987, Serbian President Milošević has targeted the 1.8 million ethnic Albanians in the southwestern region of Kosovo. Serb authorities have used police violence, torture and political trials to repress ethnic Albanians and encourage their emigration from the region. As the current crackdown on demonstrators in Serbia shows¹, human rights violations in Yugoslavia are committed against all citizens: the lack of an independent judiciary, state control of the media and a brutal police force have a negative effect on the rights of all people, regardless of ethnicity. However, there is no doubt that minority groups in Yugoslavia are especially susceptible to abuse, especially the Albanians in Kosovo.

Despite this, the international community generally viewed Yugoslavia as a peacemaker after Milošević lent his support to the Dayton peace accord on Bosnia. Most European Union countries reestablished diplomatic relations with Belgrade and, on October 2, 1996, the U.N. lifted sanctions that had been in place for the previous four years. Last month, the European Union was prepared to offer Yugoslavia preferential trade status, withdrawing the offer only when the demonstrations in Belgrade broke out.

Currently, the international community, led by the United States, is maintaining the "outer wall" of sanctions, which keeps Yugoslavia from rejoining the major international organizations, such as the United Nations. If the current crisis in Belgrade subsides, however, this resolve is likely to give way. Western leaders must not make the same mistake twice: the inner wall of sanctions has already been dismantled; the outer wall must remain firmly in place until the human rights abuses throughout Yugoslavia desist and Milošević cooperates with the War Crimes Tribunal on the Former Yugoslavia. Lifting the outer wall while human rights violations are taking place would demonstrate the international community's indifference toward human rights abuses, as well as remove any leverage the international community has to improve the human rights record of Milošević.

Lifting the outer wall prematurely would also send an unambiguous sign to minority groups and the democratic forces in Serbia that they have been abandoned by the international community. In Kosovo, the logical result may be the spread of violent insurgency, as has already occurred in 1996. Violent conflict between ethnic Albanians and ethnic Serbs would most probably draw in other countries in the region and risk a wider war.

Tension in Kosovo is already high. In 1995 and 1996, for example, thousands of Albanians were harassed, detained and beaten by Serbian policemen who act with near total impunity. At least nineteen ethnic Albanians have died as a result of physical abuse at the hands of the police or security forces in the past two years; with few exceptions, the perpetrators escaped without punishment.

At least 200 ethnic Albanians are currently in Yugoslav prisons for political reasons after trials fraught with due process violations. The politically controlled courts consistently reject overwhelming evidence that torture is used by the police and investigators to extract confessions.

The Serbian authorities continue to deny Albanians in Kosovo their right to free association and speech. All Albanian organizations, from political parties to sports clubs, face regular harassment by the police and security forces, including the maltreatment of activists and the confiscation of equipment. Albanian-language television and radio are restricted and censored, while the print media face political and economic barriers imposed by the state.

On September 1, 1996, President Milošević agreed to allow Albanians to go back to schools in their mother tongue. As of mid-December, however, the agreement had not been implemented. Instead, students and teachers were still detained and beaten for wanting to study or teach in their native language.

¹See Appendix I.

Freedom of movement is curtailed. A large number of Albanians have been denied a passport and may not travel. Others were denied reentry into Yugoslavia after time spent abroad. A new citizenship law may be used to strip ethnic Albanians of their Yugoslav citizenship, thus leaving them stateless.

This report is the fifth by Human Rights Watch/Helsinki on the region since 1989² and is intended as a reminder that Kosovo remains a region of persecution and abuse. Human Rights Watch/Helsinki 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. Human Rights Watch/Helsinki also takes no position on the imposition of sanctions. However, once sanctions have been imposed, and linked directly to human rights conditions on the ground, then they should not be lifted until those conditions are met.

RECOMMENDATIONS

To the International Community

Human Rights Watch/Helsinki calls on the international community to maintain the outer wall of sanctions and make human rights conditions on the ground in Yugoslavia a central component of bilateral and multilateral relations. Specifically, the international community should:

- Deny Yugoslavia membership in the United Nations, Organization for Security and Cooperation in Europe (OSCE), Council of Europe, International Media Fund and the World Bank until the Yugoslav government respects human rights without regard to ethnicity, cooperates with the War Crimes Tribunal, and allows the OSCE monitoring mission in Kosovo to return; and
- Refrain from offering any preferential trade status to Yugoslavia until human rights abuses desist.

To the Yugoslav Government

Human Rights Watch/Helsinki calls on the Yugoslav government to abide by its obligations under international and national law to protect the human rights of all citizens, specifically in the following respects:

Police Violence and Abuse in Detention

- Investigate allegations of police abuse and improper treatment of those in detention. The government should prosecute to the fullest extent of the law all officials found to have used excessive force.
- Enact legislation and follow published guidelines that strictly control the use of force by police or by the military in Kosovo, along the following lines: lethal force should only be used when it is "strictly necessary" to prevent crime or effect a lawful arrest, and it should be used in proportion to the circumstances. Civilians aggrieved under such guidelines should be allowed legal redress.

²For information on human rights abuses from 1990 to 1994 see two Human Rights Watch/Helsinki reports: *Yugoslavia: Human Rights Abuses in Kosovo 1990-1992*, October 1992, and *Open Wounds: Human Rights Abuses in Kosovo*, March 1993. For an account of the situation before the Serbian government assumed control of Kosovo in 1990, see: *Increasing Turbulence: Human Rights in Yugoslavia*, October 1989, and *Yugoslavia: Crisis in Kosovo*, with the International Helsinki Federation, March 1990.

- The government should cease its arbitrary and brutal retaliation for the recent violent attacks in Kosovo. A thorough investigation into the acts should be undertaken by the proper authorities to find and punish those responsible.
- Respect Article 31 of the Yugoslav constitution, which requires officials to have a previously issued court warrant and two witnesses when entering a private residence or business to search for evidence.

Manipulation of the Legal System and the Right to a Fair Trial

- Repeal all laws that discriminate against Albanians and lift "special" and/or "emergency" measures in Kosovo, both legally and in practice.
- Reappoint Albanian judges who were fired on account of their ethnicity and/or political beliefs.
- Accord due process to all persons detained and/or accused of crimes, including Albanians accused of "violating the territorial integrity of Yugoslavia" or other "terrorist" activities.
- Inform all detainees immediately of the grounds for arrest and any charges against them.
- Provide all detainees with immediate and regular access to attorneys; accord all detainees with the right to petition for review of their detention without undue delay;
- Allow all detainees time and facilities for the preparation of a defense and the ability to communicate with counsel.
- Drop all charges against those who have been indicted for the peaceful expression of opinion or for membership in a group that has only performed acts which are not criminal under international law, such as peaceful criticism of the government; and refrain from making arrests on such grounds.
- Drop all pending and refrain from bringing future charges based solely on "confessions" extracted by force.
- The Yugoslav government should take steps to reopen the 1995 case of the ethnic Albanian policemen who were convicted of forming a parallel Interior Ministry. There is undeniable evidence that the defendants were forced to sign confessions after torture, and those confessions should, therefore, be withdrawn as evidence. Those responsible for inflicting torture should be held responsible.

Freedom of Association, Speech and the Press

- Allow persons to assemble freely at peaceful gatherings, including meetings that are aimed at criticizing the Serbian government or Serbian rule in Kosovo.
- Immediately cease the harassment, interrogation and arrest of individuals who investigate human rights abuses in Kosovo.
- Allow workers to organize in independent trade unions and recognize them as parties to collective bargaining.
- Allow Albanian-language programs produced by ethnic Albanians to be broadcast on the state television and radio, and grant licences for private radio and television.

- Cease the harassment of the Albanian-language print media and help create the conditions for a free press in Kosovo.

Education, Employment and Health Care

- Immediately cease the harassment, beatings and interrogations of Albanian educators and school children.
- Support continued negotiations over the education system of Kosovo in a neutral setting, under the purview of a neutral moderator.
- Provide education to children who are not ethnic Serbs in a non-discriminatory manner.
- Provide health care to all residents of Kosovo on a non-discriminatory basis, in line with international standards.
- Reinstate all of those unlawfully dismissed from their jobs because of ethnic or political affiliation.

The Right to Monitor

- Cease all interference with the work of local and international human rights monitors; and
- Allow the Organization for Security and Cooperation in Europe (OSCE) and the Special Rapporteur on the Former Yugoslavia to establish monitoring missions in Kosovo.

Freedom of Movement

- Yugoslavia should open all border crossings between Albania and Kosovo and allow people to travel freely between the two countries.
- The Ministry of Interior should grant a passport to every citizen who applies, without regard to ethnicity. All confiscated passports should be returned.
- Border authorities should allow all individuals with a valid Yugoslav passport to reenter the country.

Citizenship

- Adopt liberal criteria for citizenship applicants who lived in Serbia or Montenegro and considered one of these republics their primary community while it was a part of the former Yugoslavia.
- Amend the citizenship law to eliminate the possibility of the revocation of citizenship for people living in Kosovo.

BACKGROUND AND UPDATE

For centuries Kosovo³ has been a point of contention between Albanians and Serbs. Both peoples consider it the cradle of their respective cultures and express a readiness to fight over such “holy land.”

During Tito’s leadership of Yugoslavia, Kosovo was granted autonomous status to better balance the country’s competing ethnic groups. The 1974 Yugoslav constitution declared Kosovo an “autonomous region,” which gave it representation in the federal presidency⁴, as well as its own regional parliament and government. Ethnic Albanians, who make up approximately 90 percent of the local population, held most key positions of power and controlled the education system, judiciary and police. An Albanian-language university was opened in Priština/Prishtina, the capital.

Kosovo’s relative independence began to erode following the death of Tito in 1981. Ethnic Albanians, led by students, took to the streets demanding higher wages, greater freedom of expression, the release of political prisoners and republican status for Kosovo. Their demonstrations were dispersed forcibly by the police and army, resulting in a number of Albanian deaths and many arrests. A new Albanian communist leadership was installed by Belgrade.

The mid- and late-eighties were marked by a distinct rise in Serb nationalism, especially from Serbs living outside of Serbia proper. The most vocal were the Serbs in Kosovo who complained of mistreatment and even “genocide” at the hands of ethnic Albanians. With communism failing as an ideology, Serb politicians utilized this discontent to promote their own rise to power. Most notably, Slobodon Milošević climbed the ranks of the Communist Party and became President of Serbia by manipulating the fears and frustrations of Kosovar Serbs. Massive rallies were held in Kosovo, called the “Meetings of Truth,” in which Milošević invoked Serb glory and the historical importance of Kosovo. It was at such a meeting in 1987 that Milošević boldly told thousands of local Serbs: “No one should dare to beat you!”⁵

In 1988 Milošević proposed amendments to Serbia’s constitution that revoked the autonomous status of Kosovo and Vojvodina. In response, ethnic Albanians called for Kosovo’s secession from Serbia and the creation of an independent Kosovo republic within Yugoslavia. Strikes and protests by Albanians in 1989 prompted the government to deploy the army and impose “special measures” on the region, which amounted to a form of martial law.

³Kosovo is the Serbian spelling of the region. Albanians refer to it as Kosova. For the purposes of consistency, unless referring to a specific Albanian organization with the word “Kosova” in its name, this report uses “Kosovo” throughout. The report provides the names of cities and villages in both Serbian and Albanian the first time the name is mentioned; at each additional reference, the official (Serbian) name is used.

⁴Each of the six republics, Serbia, Croatia, Slovenia, Bosnia, Macedonia and Montenegro, were represented in the presidency, as were the two autonomous regions, Kosovo and Vojvodina.

⁵The phrase was uttered on April 24, 1987, at a large rally in Kosovo Polje/Fushë-Kosovë. It helped catapult Milošević into the political limelight and became the unofficial rallying call of Serbs throughout former Yugoslavia.

In July 1990, the Serbian parliament dissolved Kosovo's predominantly ethnic Albanian legislature and government and took control of approximately sixty enterprises, including the hospitals and energy plants. Two months later, members of the dissolved parliament met secretly and adopted a new constitution that stressed Kosovo's status as a sovereign republic within Yugoslavia. A clandestine government and legislature were elected. Three weeks later, the Serb Assembly adopted a new Serbian constitution that formally revoked the autonomous status of both Kosovo and Vojvodina and provided for direct rule from Belgrade.⁶

Kosovo has been a police state run by Belgrade ever since. A strong Serb military presence, justified by the need to fight "Albanian secessionists," is responsible for numerous human rights abuses. The deliberate economic and social marginalization of Albanians has forced the emigration of an estimated 350,000 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 region, including 16,000 Serb refugees from Bosnia and Croatia.

Meanwhile, the Albanians created their own parallel state. Elections in May 1992 established the Democratic League of Kosova (LDK) as the strongest ethnic Albanian party and a literary figure, Ibrahim Rugova, was chosen president. The LDK collects taxes, runs the school system and represents the "Kosova Republic" abroad.

From the beginning, Rugova followed a policy of peaceful resistance. While pursuing independence, the LDK pleaded with Albanians to avoid violence and support the parallel state. The United States and West European countries have also encouraged Albanians to pursue a moderate approach, knowing that any conflict in Kosovo could spill out of control and engulf the region. Many times since 1991, the West promised the LDK that it was committed to solving the Kosovo issue, but these promises were rarely backed up by improvements on the ground. The Albanians from Yugoslavia were not invited to the Dayton conference on the former Yugoslavia in December 1995, leaving many Albanians with the impression that the Kosovo issue had been forgotten.

In June 1996, the first terrorist acts occurred in Kosovo, resulting in the death of five Serb policemen. A previously-unknown group, the Kosova Liberation Army, claimed responsibility for the attacks. A series of shootings, bombings and arson followed throughout the summer and early fall. In October, the police arrested forty-five ethnic Albanians who, they claimed, were involved in the attacks. Up until that point, however, a large number of Albanians were arbitrarily detained and abused by the police in retaliation.

The first major breakthrough in Serb-Albanian relations occurred on September 1, 1996, when Milošević and Rugova agreed to the unconditional return of ethnic Albanian pupils and students to Albanian-language state schools.⁷ At the time of this writing, however, the accord had still not been implemented. Quite the opposite, the harassment and arrests of ethnic Albanian teachers and pupils have continued unabated.

Publicly, the Serbian government still denies that human rights violations exist and defends the need to protect the integrity of the state. At the same time, ethnic Albanians have not dropped their demand for full independence, although an increasing number of Albanian leaders are willing to accept a step-by-step approach to secession.

⁶By revoking the autonomy of Kosovo and Vojvodina, Serbia gained two additional votes in the six-seat Yugoslav presidency. In coalition with Montenegro, Serbia controlled a clear majority.

⁷The vaguely worded agreement calls for "the normalization of the educational system of Kosovo for Albanian youth," and "the return of the Albanian students and teachers back to schools." A commission of three ethnic Albanians and three ethnic Serbs was established to elaborate on the details, such as the development of curriculum.

The international community is adamantly opposed to secession, in part because an independent Kosovo would have an immediate impact on the fragile balance between ethnic Macedonians and ethnic Albanians in neighboring Macedonia. U.N. peacekeepers have been stationed in that country since 1991 to preserve the unity of the state, which is seen as a vital buffer between competing countries in the southern Balkans. Instead, the international community is encouraging dialogue between Serbs and Albanians through a variety of channels. In July 1996, the U.S. government opened a U.S. Information Agency office in Priština. European and American leaders have also made it clear that the outer wall of sanctions will stay in place until the Kosovo issue is resolved.⁸ However, many European Union countries have reestablished diplomatic relations with Belgrade. In November 1996, the European Union offered Yugoslavia preferential trade status, but withdrew the offer when the anti-government demonstrations broke out in December.

Domestic politics in Serbia and Yugoslavia are another factor. The Yugoslav economy is weak, and the Serb leadership is desperate to reestablish relations with the international community, mostly to gain access to foreign capital. Improvements in Kosovo may come as a result. However, some of the political opposition in Serbia is more nationalist on the Kosovo issue than Milošević. With demonstrators calling for the government's resignation throughout December, it is unclear whether Milošević can make concessions to the Albanians at this point.

Until he does, the ethnic Albanians in Kosovo will continue to suffer. In addition to political persecution, normal citizens are bearing the brunt of discriminatory practices in education, employment and health care. Alcoholism, domestic abuse against women and children and suicide rates are all on the rise.

POLICE VIOLENCE

Police violence is by far the most serious human rights abuse in Kosovo today. Every day, dozens of ethnic Albanians are arbitrarily stopped, detained, arrested or beaten simply on account of their ethnicity. Police acting with near total impunity, maltreat and, on occasion, kill as they wish.⁹

⁸According to the Dayton Agreement, the outer wall of sanctions will stay in place until Yugoslavia meets the following demands: compliance with the terms of the Dayton Agreement, cooperation with the War Crimes Tribunal in The Hague, regulated relations between the successor states of the former Yugoslavia and a restoration of civil and political rights in Kosovo. This position has been emphasized on numerous occasions by European and American diplomats.

⁹Yugoslav law explicitly forbids arbitrary detention (Yugoslav Constitution, Article 23) and the use of force against those in detention (Article 25). Yugoslavia has also ratified the major international human rights documents that protect individuals from lethal force and cruel, inhuman and degrading treatment or punishment, such as the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the U.N. Code of Conduct for Law Enforcement Officials, the U.N. Body of Principles for the Protection of All Persons Under Any Form of Detention and Imprisonment and the U.N. Standard Minimum Rules for the Treatment of Prisoners (and Procedures for Effective Implementation of the Rules).

According to the Priština-based human rights organization, The Council for the Defense of Human Rights and Freedoms¹⁰, sixteen ethnic Albanians lost their lives at the hands of the Serbian police or army in 1995. According to the Kosova Helsinki Committee, the second largest human rights group, three ethnic Albanians died in prison under unclear circumstances and one from police abuse during 1996.¹¹ As far as Human Rights Watch/Helsinki is aware, no policeman or official was held responsible for these acts.¹² Human Rights Watch/Helsinki interviewed the relatives of six ethnic Albanians who had died as a result of torture in the past two years, as well as dozens of police abuse victims from 1996.¹³ In only two cases was a policeman held responsible.

Fazli Balaj, a lawyer with the Council for the Defense of Human Rights and Freedoms, has documented hundreds of police abuse cases since 1990. He told Human Rights Watch/Helsinki:

This is the sixth year that Albanians are outlawed. I say outlawed because there is no law that allows the police to abuse people. Nevertheless, people are constantly abused. From the houses to the roads, in the work places, public places, schools, trains, airports, border crossings, in the fields, and religious places. No place is safe.

Every day we collect evidence of police abuse. Maybe more than 2,000 cases a month - and those are just the reported cases. In 1995, 26,000 cases of police abuse were reported. And we think only 70 percent of the cases get reported because some people are afraid. We are not aware of any case where a Serbian policeman was held accountable.¹⁴

Human Rights Watch/Helsinki's interviews with the victims and witnesses of police violence throughout Kosovo reveal that police abuse takes three basic forms: random beatings on the streets and other public places, targeted attacks against politically active Albanians and arbitrary retaliation for terrorist acts against Serb policemen. In all three types, the victims are often threatened not to report the abuse to human rights organizations or to press charges against the police. On occasion, the victims were denied proper medical care.

Random harassment and maltreatment on the street is the mildest form of abuse. Much more serious is when the police target people active in Albanian organizations, such as political parties, human rights organizations, trade unions or Albanian-language private schools (see the section on freedom of association). The police frequently enter the homes of such people without a warrant on the pretext of an arms search. The men of the household are sometimes

¹⁰The Council for the Defense of Human Rights and Freedoms is the largest human rights organization in Kosovo. It has twenty-six branches throughout Kosovo, with an estimated 2,000 collaborators in every town and village, all of them volunteers. The Kosova Helsinki Committee is the local affiliate of the International Helsinki Federation

¹¹"A Report on the Human Rights Situation in Kosova for the Period January-September 1996," The Kosova Helsinki Committee, Priština, October 1996. According to the committee, 1,786 Albanians were subjected to physical violence by the Serbian police and/or Serbian civilians in the first nine months of 1996.

¹²Human Rights Watch/Helsinki asked the Serbian Ministry of Information for information on the deaths of the sixteen Albanians. Despite promises of a response, no answer was ever supplied. See Appendix II.

¹³A Human Rights Watch/Helsinki monitor also witnessed Serbian policemen beating a young Albanian in a Priština café. On July 17, 1996, around 12:30 a.m., two Serbian policemen with automatic rifles and bulletproof vests entered the bar Hani I Robertëve in Priština and ordered everybody out. One ethnic Albanian, who was apparently drunk, made an inaudible comment and was attacked verbally in front of his peers. He was then taken outside, struck in the head twice by one of the policemen and taken into custody.

¹⁴Human Rights Watch/Helsinki interview with Fazli Balaj, Priština, July 3, 1996. The Council for the Defense of Human Rights and Freedoms later told Human Rights Watch/Helsinki about one policeman, Boban Krstic, who was sentenced to four and a half years in prison for the death of a seven year-old boy, Fidan Brestovci, in 1994. Krstic was released pending appeal and was subsequently promoted to the chief of police in Kačanik/Kaçanik.

beaten in the presence of their families and taken away to the police station where they may be held for a number of days without a formal accusation. Irrefutable evidence points to wide-scale abuse and torture by the police while in detention. If the men are not present, women and children may be taken as hostages until the men report themselves to the police.

Serbian Deputy Minister of Information Rade Drobac claimed that "a few" policemen have been held responsible for using excessive force, although he was not able to provide detailed information. He told Human Rights Watch/Helsinki:

What is the truth in your question is that there is some abuse by the police. And there are some trials against the policemen who did this. I had somewhere the paper that gave the numbers of this, but I don't know where it is. I forget the real number, but there are some founded allegations, but very few.

The general view is that there are many more terrorist acts, trafficking of arms, drugs and pressure against the Serbs than these kinds of problems... You can imagine how the Serbian police in Kosovo feel in this wave of terrorist acts and for all sides of maltreatment. Maybe they feel in danger and they act very aggressive - and they are certainly in danger.¹⁵

Officials at the Ministry of Information promised to supply Human Rights Watch/Helsinki with information on the sixteen ethnic Albanians who had died in 1995, such as the causes of death and whether any policemen had been held responsible, but no answers were ever supplied.¹⁶ Below are some of the more serious cases of police abuse since 1994, confirmed by Human Rights Watch/Helsinki. By no means is this intended as a complete list.

The Death of Shefki Latifi

Shefki Latifi was the cashier for the LDK in Podujevo/Podujevë. On July 4, 1995, the police entered his home, beat him in front of his family and took him into detention. He was released two hours later and died that afternoon. His wife, Xhezide, told Human Rights Watch/Helsinki what happened:

The police came here and searched for him. They found him on the road and brought him here and beat him in front of us. With an electric cable they beat him in front of us. Then they started cursing us and searching the house. We were dragged out into the garden. Then they put him in the car and took him to the station.

Two hours later they dumped him in front of the station and asked my brother to pick him up. When my brother took him to the doctor, the police followed and stopped the car at the gates [of the hospital]. They asked why he had taken him to the doctor and then they did not let him in to see the doctor. They said, "We told you to bring him home and not to see the doctor." They beat my brother and husband in front of the hospital gates. They came home around 12:00 p.m.. My husband demanded a doctor, but after five minutes he died.¹⁷

A member of the Podujevo Council for the Defense of Human Rights and Freedoms, Fadil Lepaja, visited the Latifi house shortly after Shefki's death. He told Human Rights Watch/Helsinki:

¹⁵Human Rights Watch/Helsinki interview with Deputy Minister of Information Rade Drobac, Belgrade, July 19, 1996.

¹⁶See Appendix Two.

¹⁷Human Rights Watch/Helsinki interview with Xhezide Latifi, Podujevo, July 7, 1996.

One half hour after he died, I came here and took photographs.¹⁸ It was a horrifying scene. Perhaps you can only see that in Bosnia. He was becoming black all over. It was a horrifying thing to assist in.¹⁹

The next day, the family went to the police station and demanded an autopsy. According to the family, they were told that an autopsy was not possible at that time, and that there were no documents available on Mr. Latifi's death. They paid 800 DM (U.S. \$520) for a private autopsy that concluded that he had died from a heart attack. Two of the five policemen who the family believes took part in the beating are still working in Podujevo. Mr. Latifi's daughter, Burbuqe, told Human Rights Watch/Helsinki:

We want to start a penal procedure. We believe that the truth will come out. We want those responsible to be held accountable. Even the bones of my father will reveal that he died from the torture. But we never complained to the regime because it was the regime that killed my father.²⁰

The Death of Violeta Dervishaj

On September 8, 1994, Violeta Dervishaj, mother of two, was cleaning the front room of her house in Dečan/Deqan, which overlooks the main road. According to her family and activists from the Dečan Council for the Defense of Human Rights and Freedoms, there was a fight in the cafe across the street. The police arrived and, for no apparent reason, fired four bullets from an automatic rifle into the Dervishaj house, killing Violeta. Violeta's sister-in-law, Valbona Dervishaj, was present when the incident took place. She told Human Rights Watch/Helsinki:

It was a market day and traffic was busy, as usual. On the other side of the street is a cafe. It was filled mostly with [Serbian] refugees. They got into a fight among themselves. I was here with my sister-in-law and my sister doing some cleaning. It was the commander-in-chief of the police who took a huge weapon and simply shot in our direction. Four bullets got her on the left side, close to the heart. I started screaming as she fell down. She was covered in blood. I saw him shoot the weapon - Zoran Nekić. My brother took her right away to the Pejë [Peć] hospital thirteen kilometers away. On the way she died.²¹

A Human Rights Watch/Helsinki monitor saw a photograph of Violeta with bullet wounds in her chest. There was also a bullet hole still in the window overlooking the cafe. According to the family, they tried to open a case against the police, but there has been no response from the prosecutor's office. Zoran Nekić is still the police commander in Dečan.

The Death of Abedin Ahmeti

The father of three children, Abedin Ahmeti was taken by the police from his home in Šipolje/Shipol on April 13, 1995, allegedly for questioning about a theft. The next day he died as a result of abuse in detention. Two policemen were sentenced for their role in the death, while four others who participated in the beatings faced no punishment.

The brother of Mr. Ahmeti was also detained on that day and told Human Rights Watch/Helsinki what happened:

¹⁸Researchers at Amnesty International saw a photograph taken of Shefki Latifi after his death which, "clearly shows marks of bruising and lacerations on his body consistent with allegations that he was beaten." *Urgent Action*, AI Index 70/32/95, December 14, 1995.

¹⁹Human Rights Watch/Helsinki interview with Fadil Lepaja, Podujevo, July 7, 1996.

²⁰Human Rights Watch/Helsinki interview with Burbuqe Latifi, Podujevo, July 7, 1996.

²¹Human Rights Watch/Helsinki interview with Valbona Dervishaj, Dečan, July 13, 1996.

He [Abedin] was taken to the secretary of the interior. He was there for one hour, and then came home. Then they took him a second time, and I was taken with him. Here the torture started. One police baton broke from the beatings. We were in the same room for one and a half hours. During this time, it was constant torture. Then we were brought home, so that they could take him once again.

The torture started again, despite my insistence to stop. They refused, although they could see that my brother was unconscious. During this time, it was ongoing torture. Around 12:00 ????? we came home. They left me, but they took him again - in a very bad condition. He was completely unconscious.

The next morning I was called by the secretary to go to the station. As soon as I entered, I asked where my brother is. At midday they took me to the police headquarters. The commander expressed his sorrow, saying that my brother had died in the hands of policemen.²²

According to the Ahmeti family, one policeman, Vladan Šutić, was sentenced to five years of imprisonment. A second policeman received a two-year conditional sentence. Abedin's brother, however, testified in court that six policemen had participated in the beatings. The remaining four are still working as policemen in Mitrovica/Mitrovicë.

The Death of Hasan Cubolli

According to his family, Hasan Cubolli, eighty-three years old, died as a result of abuse in detention in the Podujevo police station. At the end of 1994, police entered Cubolli's house six times to search for weapons. On the seventh time, in mid-December, the police took him to the station at 5:00 p.m. and held him for twenty-one hours. Mr. Cubolli's wife, Zahida, told Human Rights Watch/Helsinki:

When they brought him home he was just dumped in front of our house. We had to tear all his clothes off him because of the blood. It was 5:00 p.m. and we took him to the Prishtina hospital, but they refused to take care of him.²³

One of Cubolli's neighbors and a member of the Podujevo Council for the Defense of Human Rights and Freedoms, Fadil Lepaja, was present when the police brought Cubolli home. He told Human Rights Watch/Helsinki:

When they brought him inside I came in. Hasan was alone, unconscious and not making sense. He had severe bruising. I could not speak to him because he was unconscious.²⁴

Mr. Cubolli passed away the next day. Before he died, he mentioned to his family the names of the two policemen he believed had beat him: Radovic Sveton and Branko Mirovanović.²⁵

The Death of Imer Musa

According to his family, Imer Musa, fifty-eight years old, was taken by the police on November 28, 1995, from his home in Glavnik/Gllavnik. He was returned that day, but died one month later as a result of the beatings he endured while in custody. His son Mustaf Musa told Human Rights Watch/Helsinki:

²²Human Rights Watch/Helsinki interview with Mr. Ahmeti, Šipolje, July 5, 1996.

²³Human Rights Watch/Helsinki interview with Zahida Cubolli, Podujevo, July 7, 1996.

²⁴Human Rights Watch/Helsinki interview with Fadil Lepaja, Podujevo, July 7, 1996.

²⁵Human Rights Watch/Helsinki interview with Cubolli's son, Kajtaz Hasani, Podujevo, July 7, 1996.

It was 11:00 a.m., and my father was sleeping. He woke up and greeted the police. Two of them searched the house for weapons. We had never seen them before. They told my father to report to the police. Then they put him in the car and left. He returned at 1:00 p.m. - three hours in custody. He was beaten. He was exhausted. He couldn't stand. A few days later the internal bleeding started. The doctor came by every day. He died on December 29. He died from the beatings because he was healthy before.

We have no doubts that somebody did this on purpose. My father said the beater was Tomislav Petrović. The people know him as "Toma." He is an inspector from Llubsh to Podujevo.²⁶

The Case of Musa and Ahmet Hajredeni

On April 4, 1995, Musa Hajredeni and his son, Ahmet, were ordered to report to the police station in Gillogovac/Gillogofc with their weapons. They arrived at the station at 9:00 a.m. without any weapons since, they claimed, they had none in their possession. Ahmet Hajredeni told Human Rights Watch/Helsinki what happened next:

We waited until 12:00 p.m.. At 12:00 they asked for us again, and then began the maltreatment. First they hit my father in the belly area with sticks. Then he fell down after being hit with fists and a stick. It was two policemen: Mića and Goran, and another guy called Bulatović. Then my father was put aside, and they beat me in the presence of my father. I was kicked and beaten with a stick on my genitals until 2:00 p.m. I was beaten with wooden sticks and a rifle butt. They threatened me with death. Five times I was brought outside to clean the blood off my face. I was asked how many children I have. I said five. They said, "You have enough so you will give birth to no more." It was 2:00 p.m. when we were released and told to report the next day, which we didn't. The next day we went to the doctor and were treated in the Priština hospital. When the doctor realized that we had not reported ourselves to the police, he tore up all of the medical documents.²⁷

Human Rights Watch/Helsinki saw photographs of Musa and Ahmet Hajredeni taken after their beatings which showed deep marks and serious bruising all over their bodies.

The Case of the Xhemali Family

Members of the Xhemali family have suffered constant persecution and harassment by the Serbian authorities and police since 1979 because of their political activity. Bajrush Xhemali, the head of the Council for the Defense of Human Rights and Freedoms in Uroševac/Ferizaj, is currently in prison. Three of his siblings have fled the country and live abroad. The sixty-two year-old mother, Fatimah, remains in Kosovo with one son, Qamil. She told Human Rights Watch/Helsinki:

First of all, my third son, Emrush, was in prison for three and a half years. He was still there when Bajrush, together with my sister, were imprisoned.

On the 15th or 16th of June [1996] they issued a warrant ordering me to report myself to the police the next day. I was ordered to bring a gun with me. I went to the police around eight in the morning. I didn't bring a gun because I do not have one. They threatened me that I'd be thrown from the second floor. Every day for three days I reported myself. On the last day, Tuesday, I was hit twice in the head. Then they asked me to hit my head against the wall. I refused, so they dragged me across the room.

²⁶Human Rights Watch/Helsinki interview with Mustaf Musa, Glavnik, July 7, 1996.

²⁷Human Rights Watch/Helsinki interview with Ahmet Hajredeni, Gornja Fuštica/Fushticë e Eperme, July 8, 1996.

Then they said, "Buy a gun or we'll kill your son."²⁸ Since we can't find the other two, we will take vengeance on the remaining one." When I was released they said they would cover my walls with blood since they do not want to dirty their own walls.²⁹

Her son, Qamil, told Human Rights Watch/Helsinki about his most recent encounter with the police:

It was around midnight in September - I don't recall the date. Naturally, the pretext was a weapons search. There were five policemen, including Zoran Tasić from Vranje in Serbia... The hits were done with rubber sticks all over my body in the most delicate regions: the knees, kidneys and head. It lasted an hour with some pauses. When Tasić was exhausted, he left it for the others. I was badly injured and had to go the hospital.³⁰

The Case of Jonuz Salihu

Jonuz Salihu is an LDK activist in his village of Komoglavo. On June 3, 1996, he was issued a warrant to report to the police station in the nearby town of Uroševac with his weapons. He told Human Rights Watch/Helsinki:

I went to the police on June 18, room number 85 with inspector Radovan Klavić in Ferizaj. They asked why I had come without my arms. "I'll give you five minutes to bring them," he said. "If you don't bring them, you will face the worst." I said I could not bring something that I do not possess.

Then Klavić took a stick from the table. Another policeman present took a stick from the window which had a kind of handle. Then they hit me on my palm simultaneously with the metal and rubber. The maltreatment was so severe that my arm went blue. Then they started the same on the other hand.

Then they ordered me to sit, and they beat my legs until they went blue as well. I started bleeding from my hands. They told me to put my hands up, and they beat them some more... Then he looked straight into my eyes and said there was a person employed to follow me. And if I tell anyone that I was tortured, then my whole family will have to leave Kosovo. I realized it was not an arms search but the state security intending to spread fear among people for them to leave the country.³¹

The Case of Gani Maxhuni

On June 8, 1995, three policemen came to the home of Gani Maxhuni, allegedly to search for weapons. According to Mr. Maxhuni, he was taken to the police station in the nearby town of Vučiturn/Vustri, where he was physically abused by the police commander, Ljubisha Simić, and another policeman, Slaviša Miletić. Gani Maxhuni told Human Rights Watch/Helsinki:

I got to the station and realized it was not the rifle they were after, but the political issues. The moment I came in the door they told me that my family is the most nationalist and irredentist in town. I was hit three times by Commander Simić. He hit me on the head with his hands like karate and then on the hands with a rubber stick. Another policeman named Slaviša Miletić hit me another five times.

²⁸Human Rights Watch/Helsinki heard from a number of victims that they were ordered to buy a gun from the police. Allegedly, local police make a sizable profit by forcing people to buy weapons, and then confiscating them.

²⁹Human Rights Watch/Helsinki interview with Fatimah Xhemali, Komoglavo/Komogllava, July 9, 1996.

³⁰Human Rights Watch/Helsinki interview with Qamil Xhemali, Komoglavo, July 9, 1996.

³¹Human Rights Watch/Helsinki interview with Jonuz Salihu, Komoglavo, July 9, 1996.

On June 13, 1995, I was again called to the police. I went to the third floor and there began the maltreatment. First Slaviša Miletić hit me with his palms on the side of my face. Then he tortured me for ten minutes. First he grabbed my chest and hit me with his palms, always on my head. I passed out but when I came to they had huge wooden sticks, and they hit my hands again and again.³²

Mr. Maxhuni's son, Adnan, told Human Rights Watch/Helsinki:

My father was brought unconscious and covered in blood. He had bruises on his face and the buttons on his shirt were torn. He was completely unconscious. We took him directly to the hospital in Mitrovica. The doctor said the unconsciousness was the result of severe hits to the neck. While my father was unconscious, the police visited us three times.³³

Gani Maxhuni spent three days in the hospital, from June 16 to June 19, for treatment of his wounds. He spent another twenty-one days in the hospital, beginning August 1, due to medical complications stemming from the attack.³⁴

Retaliation for Terrorist Attacks

Since 1990, the Albanian leadership in Kosovo has pursued independence through peaceful means. Despite this, or perhaps because of it, 1996 saw Kosovo's first incidents of terrorism.

The first attack occurred on February 11, between 9:00 and 10:00 p.m., when bombs were thrown at the gates of Serbian refugee camps in Priština, Mitrovica, Peć/Pejë, Suvareka/Suhareka and Vučiturn.³⁵ No one was injured. On April 21, an ethnic Albanian student, Armend Daci, was shot and killed by a local Serb who thought Daci was breaking into his car. The next day, four assassinations took place within one hour. Stana Radusinovic, a Serbian emigrant from Albania, and Blagoje Okulic, a Serbian refugee from Knin, were killed while sitting in a Serb-owned cafe in the city of Dečan. Two Serbian policemen, Zoran Dasic and Safet Kocan, were wounded. That same night, in the village of Štimlje/Shtimje, another policeman, Miljenko Bucic, was killed. Also, a police car was attacked by machine gun on the road between Mitrovica and Peć, killing a Serbian woman who was in custody.

On June 16, a Serbian policeman, Goran Mitrovic, was wounded by gunfire at the bus station in Podujevo. The next day, policeman Predrag Georgovic was shot dead in the village Šipolje, while his colleague, Zoran Vujkovic, was wounded. The police station in the village of Lluzhan was also attacked. Then, on August 2, four police stations in Podujevo and Priština were attacked, but no one was hurt. Six days later, there were several explosions at a Serbian settlement being built near Dečan.

On August 28, three grenades were thrown at the police station in Lolopak/Lollopak near Peć, causing no casualties but substantial material damage. That same day, an inspector with the Serbian police, Ejup Bajgora, was killed by automatic gunfire near his home in Lupc/Donje Lupce near Podujevo. Finally, on October 26, a Serbian police officer, inspector Milos Nikic, and an employment office employee, Dragan Rakic, were ambushed and killed by unknown attackers in the village of Surkiš/Surkish near Podujevo.

Albanian leaders and Serbian officials both denied any involvement in the violence and accused the other side of provoking conflict. Meanwhile, a previously unknown organization called the Kosova Liberation Army claimed responsibility for the attacks. In letters sent to the media, they criticized the "passive" approach of the ethnic Albanian leadership and promised to continue their terrorist activities until Kosovo was free from Serbian rule.

³²Human Rights Watch/Helsinki interview with Gani Maxhuni, Novoselo/Novosella e Maxhunit, July 10, 1996.

³³Human Rights Watch/Helsinki interview with Adnan Maxhuni, Novoselo, July 10, 1996.

³⁴Medical Report No. 3213, Mitrovica Hospital.

³⁵"Shots From the Dark," *Koha Summary*, No. 109, June 26, 1996.

The first arrests took place in early October, when fifteen ethnic Albanians were charged with committing terrorist acts. Later in the month, another thirty Albanians were arrested. As of mid-December, none of them had been brought to trial.

Up until their arrests, however, there was a clear pattern of arbitrary and brutal retaliation by the police and special security forces against ethnic Albanians who happened to live in the area where the attacks took place. Police broke into private homes without a warrant and detained ethnic Albanians, often abusing them physically. Many individuals traveling through the area were stopped, interrogated and beaten.

The Council for the Defense of Human Rights and Freedoms in Podujevo, for example, reported thirty-five cases of abuse during the night of June 16 after the Serbian policeman was shot. Sulejman Blaku, secretary of the local Council for the Defense of Human Rights and Freedoms, told Human Rights Watch/Helsinki:

The whole city was blocked with checkpoints. Random pedestrians and people going home after 10:00 p.m. when the incident took place suffered injuries. It was a huge concentration of police forces. Armored vehicles paraded around all night. It was a high level of military preparation. The most severe beatings were done by the police from other cities.³⁶

Agim Sheholli told Human Rights Watch/Helsinki what happened to him in Podujevo on June 16 at 11:30 p.m.:

I was on my way back from Priština, and there was a police check point at the entrance to Podujevo. They stopped me under the pretext of checking my ID. Then it turned out to be something completely different.

I was dragged from my car and asked for my name. They didn't ask for the ID. Within two seconds, they grabbed my hair and pulled me from behind while the other policeman hit me in the stomach, cutting my breath. That is how they started the check. Then the torture started. It was very severe. They used the rifle butt, which caused some serious wounds on my head.³⁷

Human Rights Watch/Helsinki saw a photograph of Mr. Sheholli with a large wound on the side of his head. Sheremet Rrustemi, a farmer from a village near Šipolje, had policemen take him from his home on June 18 after the June 16 attack. He told Human Rights Watch/Helsinki:

It was 4:00 a.m. and we were all asleep. The police broke into the house. They broke the front gate. My father was sleeping in the front room, and the police knocked on the window ordering him to get up, swearing and cursing. My father was dragged out, and they continued to the window of my room where they broke the glass with the rifle butt. They were swearing in Serbian, cursing my mother.

Around 7:30 or 8:00 a.m. they came again. The plain-clothed police were armed with machine guns. They told me to come with them to the police headquarters. My daughter said "Daddy, come home." They told her, "Your Daddy will die." They told me they would tear my heart out. When I got into the car, they slammed the door hard on my foot. On the way, a policeman turned back and tried to punch me, but I avoided it.

³⁶Human Rights Watch/Helsinki interview with Sulejman Blaku, Podujevo, July 7, 1996.

³⁷Human Rights Watch/Helsinki interview with Agim Sheholli, Podujevo, July 7, 1996.

At the police station they told me to stand on my tip-toes. Then one of them hit me with his fists, and I broke a tooth. I could feel the blood, but I swallowed it so they couldn't see. He asked if I had heard anything like a shot. I said no. Then he hit me on the other side of my face. I felt like I would go unconscious. Then he told me to put my hands on the table, and he hit me on my arms with a rifle butt. I don't know how many times he hit me on my arms. He hit me with the butt on my stomach. I don't know how often. He ordered me to take off my clothes. I refused. He tried to hit my head but I blocked it. He took out his gun and said he'd shoot me right away if I didn't tell him who was hanging around that night. My arm still hurts. Also, my vision is still not clear.³⁸

A similar story was relayed to Human Rights Watch/Helsinki by Ragip Islami from Šipolje. He said:

I was at the bus station with my colleagues [on June 18]. We were stopped there by four policemen who asked for our IDs. When they realized I was from Shipol, they said they would deal with me specially. They took us to the police station at the Mitrovica bus station. My colleague was first to be interrogated, and they released him in one minute. Then me. I sat down with the police on both sides of me. I was asked when I went to bed. They hit me lightly on the head. Then the one on my right hit me on my left. The one on my left kicked me on the right. It was very professionally done. I was hit twenty or thirty times.

I infuriated them because I wasn't afraid and did not scream. Then they grabbed my hair and hit me on the face. Then they began kicking and beating me. I asked why I was being mistreated and one said: "You killed my best partner last night." I told him that I didn't know what had happened. A third policeman then entered. He brought me to my feet and asked to see my hands. He hit my palms and arms with sticks. The one on the left joined in while the other kicked me from behind. He came around the front and kicked me in the solar plexus, knocking me down.³⁹

Similar abuse took place in Štimlje after the Serbian policeman was murdered on April 22. One ethnic Albanian woman who didn't want to give her name told Human Rights Watch/Helsinki:

They took my father the next morning [April 23] at 9:00 a.m. They returned him at 5:00 p.m. Two weeks later, fifteen policemen came into the house. They just rang the bell and entered. They searched the house and said nothing - they showed no document. It was about 12:00 p.m. An armored vehicle was outside the house, and they took my father. At 7:00 p.m. my brother and I were also taken. They said it was to threaten my father. We were separated at the police station in Shtimje. I was kept until 12:30 a.m. My brother and father were taken to the jail in Ferizaj until the next day at 4:00 p.m.

³⁸Human Rights Watch/Helsinki interview with Sheremet Rrustemi, Ljušte/Lushtë, July 5, 1996.

³⁹Human Rights Watch/Helsinki interview with Ragip Islami, Šipolje, July 5, 1996.

While I was at the station, I heard my brother screaming in pain. Their hands were black and blue. My father had a scratch on his cheek, and his ears were black and blue. And his feet, too. He said he was had been beaten mostly on his hands and feet.⁴⁰

VIOLATIONS OF DUE PROCESS

Since 1990, hundreds of ethnic Albanians have been imprisoned on political grounds. Most often they are accused of threatening the integrity of the state by forming parallel institutions, such as an Albanian Ministry of Defense or a "para-police force."⁴¹

Violations of Serbian, Yugoslav and international law most often take place from the moment of arrest.⁴² Detainees are not informed of the reasons for their arrest, denied access to a lawyer and held in detention longer than the three days allowed by law.⁴³ Indisputable evidence points to wide-scale abuse and torture committed by the police during the investigation period to extract confessions. Attempts by lawyers to introduce evidence, witnesses or proof of torture in detention are often dismissed out of hand.

Many of these abuses are related to the generally weak nature of Serbia's legal system. Since coming to power, Slobodon Milošević has undermined the rule of law and breached the separation of powers, making the courts the judicial organs of the ruling Socialist Party. However, while violations of due process are endemic to all of Yugoslavia, there is no question that the Albanians in Kosovo are especially prone to abuse.

Adem Bajri has been the lawyer for approximately 200 political prisoners since 1981. He told Human Rights Watch/Helsinki that it is common for defendants to spend the three days in detention allowed by law, or more, handcuffed to furniture and tortured by the police or state security until they sign a confession. Afterwards they are handed over to the investigator, although on occasion they are then returned to the police for more abuse. Lawyers are often granted access to their clients only after the maltreatment is over and a confession has been secured. He told Human Rights Watch/Helsinki:

⁴⁰Human Rights Watch/Helsinki interview with anonymous person, Štimlje, July 9, 1996.

⁴¹The most common accusations are "endangering Yugoslavia's territorial integrity," according to Article 116 of the Yugoslav Penal Code, or "treason," according to Article 116.

⁴²Yugoslav laws guarantees all defendants the right to due process. Article 23 of the federal constitution forbids arbitrary detention and obliges the authorities to inform a detainee immediately of the reason for his or her detention and grant that person the right to a lawyer. Article 24 obliges the authorities to inform the detainee in writing of the reason for his or her arrest within twenty-four hours. Detention ordered by a lower court may not exceed three months, unless extended by a higher court to a maximum of six months. Article 25 outlaws torture against a detainee, as well as any forcible extraction of confessions or statements. The use of force against a detainee is also a criminal offence.

In addition, Yugoslavia is obliged to respect all international laws governing the right to due process and the use of force against those in detention, such as the International Covenant on Civil and Political Rights and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

⁴³Yugoslav Law of Penal Procedure, Article 196, Paragraph 3.

There is no law or regulation respected in the political trials. All laws are abused in order to reach the desired aim... There is plenty of physical torture, but the psychological torture is a story in and of itself. The methods are numerous and unique. I'm not a psychologist, but the most severe consequences remain for life. From 1981 until today, in all the political trials in which I have taken part as a lawyer, there is not one exception where psychological torture did not take place.⁴⁴

Fazli Balaj from the Council for the Defense of Human Rights and Freedoms told Human Rights Watch/Helsinki:

Our clients urinated blood, they went deaf from the blows, they lost the ability to orient themselves. They suffered broken bones and contusions while the prison guards, in many cases, dragged defendants from the state security to the prison in blankets.⁴⁵

The Case of Heset Sahiti

On August 10, 1993, Heset Sahiti was arrested with a large group of ethnic Albanians who were accused, under Article 136 of the Yugoslav Penal Code, of participating in a "hostile organization," namely, the Ministry of Defense of the Republic of Kosova. He was held in detention at the state security office in Priština, where he was brutally abused and forced to sign a confession. He told Human Rights Watch/Helsinki:

They hit my hands and legs with rubber sticks, and on my back. I was propped up and they hit my face, head, back and front. There were times when my ears started to bleed. Hundreds of blows came on my shoulders and on both arms. They hit my head against the wall until I went unconscious. They brought some cans with water, and I was forced to put my legs in the cans. And then they forced my head under water until I [nearly] suffocated.

After my fifth day, they started using an electric stick all over the delicate parts of my body. I was completely undressed and they started in the area between my nose and lips, then the neck, under the arms and also the forearms and inner thigh. Three times they went directly to my genitals with the electric stick. Once, when I grabbed it, it left three scars on my hand. Whenever they were about to use the stick, they would cover me with water to spread the electricity.

I was told to drink chemicals. I am sure it was a drug because afterwards I had hallucinations. I told this to the court, and more, since I cannot describe everything to you in this short time... But I knew what I said would have no effect.⁴⁶

The court refused to accept Mr. Sahiti's claim of torture, despite overwhelming medical evidence. In response to his complaints, the court issued the following statement:

⁴⁴Human Rights Watch/Helsinki interview with Adem Bajri, Peć, July 14, 1996.

⁴⁵Human Rights Watch/Helsinki interview with Fazli Balaj, Priština, July 12, 1996.

⁴⁶Human Rights Watch/Helsinki interview with Heset Sahiti, Poturovac/Poturovc, July 11, 1996.

All of this does not indicate the application of any kind of force or the threat toward the defendant in order for him to write a statement...⁴⁷

Mr. Sahiti was sentenced to one year in prison while the eighty-five other defendants in the case received between two and seven and a half years of imprisonment.

The Case of the Former Albanian Policemen

In November and December 1994, 136 ethnic Albanians were arrested for forming a parallel Albanian police force. All of them were formerly Yugoslav policemen and were active in the police trade union. At various times during 1995, 117 of them were found guilty and sentenced to terms of imprisonment ranging from one to eight years. As of October 1996, some of them had been released.⁴⁸

Human Rights Watch/Helsinki spoke with lawyers of the defendants, as well as some of the defendants themselves. Without doubt, there were numerous procedural violations, including the use of torture during the first days of detention to extract confessions.

Adem Bajri defended nine clients at the trial in Peć, one of whom attempted suicide because of the torture. He told Human Rights Watch/Helsinki:

At the first moment, perhaps from their arrest warrants, the process deviated from legal norms. Because two months before there was an intense propaganda in the state media to destroy the parallel systems of Albanians in Kosovo.

Each of my clients was physically tortured during the first three days [in detention]. But the investigator also used psychological torture, warning him that he must accept the statement he made to the police.

I had nine clients. Some of them I contacted three days after their arrest, but for some it was up to six days. In all of them I could see signs of torture: bruises, broken fingers. I could sense their horrible fear. They demanded a medical exam and to punish those responsible, but to no effect. The court sentenced them, and the verdict was based on the statements given to the investigator. During the trial the defendants pleaded innocent and claimed that they had signed under torture.

⁴⁷Court document No. p.ur. 14/94 and 35/94, issued July 15, 1994.

⁴⁸Local human rights groups did not know the precise number of former policemen still in prison, since the number is constantly varying.

One client, Dergut Bibaj, was a drastic case of torture. He was arrested on December 14, 1994. The next day at 1:00 a.m. he needed medical care. The diagnosis was massive bruises all over and malfunctioning of the heart. He was put in intensive care. On the 16th, he was taken from intensive care to the investigator where he gave his statement without the presence of a lawyer. Then they brought him back to the hospital where I visited him. He looked horrible. He was black and blue all over. They refused to examine him professionally. He was sentenced to five years in prison. According to his statement, he admitted that he did it and wanted to establish a Republic of Kosova.⁴⁹

One of the defendants, who did not want to give his name, told Human Rights Watch/Helsinki:

From November 24 [1995] until February 22 it was non-stop mistreatment. We were constantly in chains. After every day, we were interrogated at night until the morning. The most brutal methods were applied on us, up to the threats of liquidation. They used methods like threatening our family, like they would expel them from our flat... Several of them used violence against me. Each had his own methods: fists, with water, forcing you to stand on your feet. All of us were beaten. Some suffered more than I, and some were left with permanent consequences.⁵⁰

Fazli Balaj defended twelve of the former policemen, all of whom were arrested between November 24 and December 7, 1994. He was allowed contact with some of his clients after six days. He told Human Rights Watch/Helsinki about one particular case of torture and the judge's response:

I went inside [the prison] to visit my client, Isak Aliu. He came to the corridor to meet me. When he came I saw that he was black and blue. I asked him to get undressed and I could see that he had been beaten all over.

At that moment, the jail door opened and the investigating judge, Danica Marinković, came in. I said to her, "Look what they did to my client." She said, "Well, colleague, I am not a doctor. Address me in writing."⁵¹

Human Rights Watch/Helsinki saw a letter written by Mr. Balaj to Judge Marinković that detailed the injuries of his client, Mr. Aliu.⁵² He received no response. He also wrote to the Ministry of Interior and the Ministry of Justice, but never received an answer.

Mr. Balaj then tried to press charges against the two responsible policemen, Rajko Doder and N. Zelenovic, but the prosecutor rejected the charges without an explanation.⁵³ The prosecutor informed Mr. Balaj that his client could sue the policemen in a civil case, but Mr. Aliu was not willing to open such a case.

On April 8, 1995, Mr. Balaj was attacked by unknown assailants in his Priština apartment, six weeks before his clients went on trial. He told Human Rights Watch/Helsinki:

⁴⁹Human Rights Watch/Helsinki interview with Adem Bajri, Peć, July 14, 1996.

⁵⁰Human Rights Watch/Helsinki interview with anonymous person, July 7, 1996.

⁵¹Human Rights Watch/Helsinki interview with Fazli Balaj, Priština, July 16, 1996.

⁵²Letter No. 161-a/94 from Fazli Balaj to Judge Danica Marinković, dated December 8, 1994.

⁵³Document No. 41/95, Priština, December 15, 1994, signed by Deputy Prosecutor Jovica Jovanović.

I opened the front door and saw a white gun held by a masked civilian and another guy holding a gun to my chest. I wanted to close the door but they blocked it. Then I got into the hallway and they hit me with the butt of the gun on my mouth and the top of my head. The other hit me near the kidney, and then they ran down the stairs.”

Human Rights Watch/Helsinki saw a photograph of Mr. Balaj that showed a large cut on his head.

Not all of the defendants' lawyers were ethnic Albanians. Two lawyers who work with the Serbian Helsinki Committee, Milan Vukovic and Orhan Nevzati, also helped defend some of the forty-three former policemen on trial in Prizren. According to the 1995 annual report of the Serbian Helsinki Committee, on June 14, 1995, the defendant Jaha Esat testified in court about the torture he had endured:

He was brought under custody to the police station at Orahovac for an interview and ordered to take off a ring while three police officers held truncheons over him. The questioning began with threats and insults, followed by the first blow; a person others address as “chief” hit him on the face with a fist. The other inspectors told him to extend his arms and beat him on the palms with truncheons. Afterwards, he was taken to Prizren where the interrogation continued and the “chief” resumed his “work.” He was twice hit on the head with a truncheon, and again on the palms of his hands and told that the beating would stop if he told the truth. A statement was typed and he was told to sign it unless he wanted to be beaten in front of his children. He signed the statement. They took him to the investigating magistrate who read the statement to him. The investigating magistrate did not ask why his hands were all red (from the blows), and he did not ask where he had been before because the State Security had forbidden him to.

After the questioning by the investigating magistrate, he was taken back to the State Security premises and tied to a radiator for seventeen hours. In the district court he was ordered to lie on the floor and put his feet on a chair so that they could beat him on the soles of his feet.⁵⁴

Likewise, the defendant Rexhep Oruqi was also severely abused by the state security while in detention. According to the Serbian Helsinki Committee, attempts to register the abuse with the court were rejected by the judge:

Oruqi was beaten on the soles of his feet, palms, on his hands, spine, hit on the head with fists, kicked with boots in the abdominal region, threatened with a pistol and blackmailed with the arrest of his family.

He appeared before the investigating magistrate physically and mentally exhausted, could not walk, his jaw was stiff. The investigating magistrate paid no attention to the injuries. The defense insisted to have the visible injuries put on the record, but he denied their motion saying that he was not a physician.⁵⁵

Another defendant, Djelal Canziba, was abducted from his workplace in Skopje, Macedonia, by individuals who identified themselves as Serbian and Macedonian police. According to the Serbian Helsinki Committee, they presented no identification, struck Canziba on the head with a pistol butt and drove him across the international border to Serbia, where he was physically abused in an unidentified cellar for six days.⁵⁶

⁵⁴*Report of the State of Human Rights in Serbia in 1995*, Serbian Helsinki Committee, Belgrade, December 1995.

⁵⁵*Ibid.*

⁵⁶*Ibid.*

RESTRICTIONS ON FREEDOM OF ASSOCIATION

Since 1990, the Serbian police and legal system have systematically harassed all Albanian organizations, from sports clubs to political parties. Police beatings, unwarranted arrests and confiscation of equipment have been used against all Albanians who attempt to organize themselves. According to the Council for the Defense of Human Rights and Freedoms, 677 individuals from different political parties or humanitarian organizations were ill-treated in 1995 alone. Below we provide some examples from 1995 and 1996 confirmed by Human Rights Watch/Helsinki.⁵⁷

Harassment of the Ethnic Albanian Political Parties

The Democratic League of Kosova (LDK) is the largest and most important ethnic Albanian political party in Kosovo. Since 1992, the authorities have tolerated the LDK's existence, and have not arrested or beaten its top leadership, including President Ibrahim Rugova. Still, many of the party's activists and members are regularly called in for "informative talks" and occasionally maltreated. According to Hydajet Hyseni, vice president of the LDK, 700 to 800 LDK activists were harassed during 1995.⁵⁸ The party offices in the districts are often searched, and material is confiscated. A recent development seems to be the raiding of LDK offices when large amounts of money, usually intended for the private schools, are on the premises. Often these funds are simply taken by the police. Some of the most recent incidents include:

- On July 5, 1996, police surrounded and entered the LDK office in Glogovac without a warrant. They confiscated some computers and all of the documentation regarding the financial assistance for Albanian schools, including 2,000 DM. Zarie Podrimçaku, the cashier, and Idriz Hajdari, who works with the school system, were detained and interrogated. According to Mehdi Bardhi, chairman of the LDK in Glogovac and a member of the Kosovo parliament, such police actions have occurred several times in the last few years. Mr Bardhi himself has been in prison on three separate occasions. Each time he claimed he was beaten by the police or security forces.⁵⁹
- Over the last few years in Podujevo, seven individuals from the LDK's fifteen-member presidency have been beaten by the police, including the chairman of the presidency, Ilaz Pireva. One member of the presidency, Muharrem Avdiu, told Human Rights Watch/Helsinki that he was interrogated three times on June 30, 1995. On the third time, three policemen beat him with truncheons, asking "for the names of the people in the LDK presidency in Podujevo and the names of the activists in the other political parties of the area."⁶⁰ Human Rights Watch/Helsinki saw a photograph of Mr. Avdiu taken in early July 1995 which showed red marks on his back and arms and swollen hands.
- According to the Council for the Defense of Human Rights and Freedoms in Uroševac, eighteen LDK activists were harassed in the city during the first six months of 1996. On January 17, 1996, for example, the police forcibly entered the LDK offices and confiscated 52,000 DM intended for private Albanian schools. Ibush Ademi, the cashier, was interrogated and beaten. He told Human Rights Watch/Helsinki:

⁵⁷Article 46 of the Yugoslav constitution guarantees the right to free association. Article 48, however, qualifies this right for minorities. It states that minorities are allowed to foster unhindered relations with conationals within Yugoslavia and outside its borders with conationals in other states and to take part in international non-governmental organizations, "provided these relations are not detrimental to the Federal Republic of Yugoslavia or to a member republic."

⁵⁸Human Rights Watch/Helsinki interview with Hydajet Hyseni, Priština, July 5, 1996.

⁵⁹Human Rights Watch/Helsinki interview with Mehdi Bardhi, Priština, July 5, 1996.

⁶⁰Human Rights Watch/Helsinki interview with Muharrem Avdiu, Podujevo, July 7, 1996.

I was about to distribute the money to the cashiers of the other schools when the police broke in the door and greeted us in Serbian. They had guns in their hands and asked for our identification... Then we were taken into the police cars. Only then did I realize how many police were surrounding the office. They had helmets and machine guns, ready for action... They asked how we were collecting the money to buy weapons. They wanted to know how I got the money. Since I had nothing to admit, they began to beat me. The most severe blows were on my head. Twice I was undressed forcibly. Altogether there were eight of us. They took about 52,000 DM. I have the documentation that they took it.⁶¹

Other political parties have also experienced police harassment and abuse. On June 1, 1996, the police went to the home of Zahir Pajaziti, an activist of the Kosova Parliamentary Party in the village of Orlane/Orllan, allegedly to search for weapons. Since Pajaziti was not home, they took his seventy-two year-old father, Qerim, whom they abused physically. According to the Council for the Defense of Human Rights and Freedoms, this was the third time a Kosova Parliamentary Party activist had been harassed in the last year.

In the first six months of 1996, the police also maltreated an activist from the Unikomb Party. On August 15, 1996, the police raided the Unikomb office in Priština, breaking up a meeting and seizing party documents.⁶²

Harassment of Human Rights Organizations

Foreign and domestic organizations that monitor human rights in Kosovo have encountered repeated harassment by the state. In July 1993 a monitoring mission of the CSCE (now OSCE) was expelled from the country. The United Nations Special Rapporteur on the Former Yugoslavia is still not allowed to open an office in Priština, and Amnesty International was denied a Yugoslav entrance visa in 1993. Human Rights Watch/Helsinki, as well as other international human rights organizations, were allowed into the country in 1996.⁶³

During its 1996 mission, Serbian authorities granted Human Rights Watch/Helsinki all of the necessary permits to travel in the region and interview citizens. The Human Rights Watch/Helsinki representative was repeatedly stopped at police roadblocks, although, with one exception⁶⁴, the police just checked documents and allowed the car to travel on. However, despite repeated attempts, Human Rights Watch/Helsinki had great difficulty arranging meetings with Serbian government officials. Human Rights Watch/Helsinki requests for information about police abuse, recent trials and terrorist acts in Kosovo were never answered.⁶⁵

⁶¹Human Rights Watch/Helsinki interview with Ibush Ademi, Uroševac, July 9, 1996.

⁶²*Kosova Report #945*, Kosova Information Center, Priština, August 15, 1996.

⁶³Human Rights Watch/Helsinki last visited Kosovo in January 1994. During that time, the police detained and interrogated a Human Rights Watch/Helsinki representative for four hours in Prizren.

⁶⁴The exception occurred on the road outside of Vučiturn, where the police detained the Human Rights Watch/Helsinki representative, his translator and the chairman of the local Council for the Defense of Human Rights and Freedoms for approximately thirty minutes. The local police chief, Ljubiša Simić, briefly questioned the Human Rights Watch/Helsinki representative about his work, and then interrogated and threatened the translator and Council for the Defense of Human Rights and Freedoms activist, Sabit Kadriu, telling them "Some things we don't show the foreigners," and "We know who you are." All three people were then allowed to proceed.

⁶⁵See Appendix II.

The two main domestic human rights organizations are the Kosova Helsinki Committee and the Council for the Defense of Human Rights and Freedoms, both based in Priština. The Helsinki Committee is limited mostly to the capital while the Council for the Defense of Human Rights and Freedoms has a broad network of collaborators, with twenty-six offices throughout Kosovo and investigators in every village. Both groups have experienced constant difficulties because of their activities, including the harassment and physical maltreatment of their activists.⁶⁶

With its wide-spread network, the Council for the Defense of Human Rights and Freedoms is the more threatened of the two organizations: members, or those who supply information, are harassed, detained and, on occasion, physically abused. The council's regional offices are often searched; many offices keep their documents hidden to avoid confiscation by the police. Victims of torture or other human rights abuses are often warned by the police not to report their cases. As a result, the Council for the Defense of Human Rights and Freedoms estimates that only 80 percent of all human rights violations get reported.

On July 8, 1996, Human Rights Watch/Helsinki interviewed Muharrem Xhemjalaj, an activist with the council in Glogovac, as he was returning from an "informative talk" at the local police station. He told Human Rights Watch/Helsinki about the harassment of the previous week:

On July 2, the police confiscated fifteen notebooks from the council and the complete documentation of cases from June, as well as a dossier we had compiled for the Hague. Then, on Friday, July 5, I was compiling the information for our monthly report when the security forces came to my office and asked for Shabani, the head of the council. I told them I was a member of the council. They confiscated the material I was working on and told me to report to the station today.⁶⁷

Harassment of Trade Unions

The Union of Independent Trade Unions of Kosova is the largest union in Kosovo. It includes twenty-two different unions and has more than 200,000 members, 123,000 of whom have been fired for ethnic or political reasons since 1990.⁶⁸

Since its inception in July 1990, the union has been under constant pressure from the state. Police have raided the union's office in Priština twenty-seven times since 1990, once confiscating three computers. A majority of the union's leadership and many activists have been detained and maltreated by the police. The union's president, Hajrullah Gorani, spent sixty days in prison in August-September 1990 after he organized a wide-scale, one-day strike to protest the discriminatory treatment of Albanian workers. Mr. Gorani told Human Rights Watch/Helsinki:

Our activity as a union is allowed because of the state's wish to represent itself to the world as a democratic state. Whenever we were of some influence, however, they used the most drastic measures to hinder our work... Whenever we organize a strike, the police intervene in our meetings. When I organized the general strike, I was imprisoned.⁶⁹

⁶⁶For more information, see *Open Wounds: Human Rights Abuses in Kosovo*, Human Rights Watch/Helsinki, March 1993.

⁶⁷Human Rights Watch/Helsinki interview with Muharrem Xhemjalaj, Glogovac, July 8, 1996.

⁶⁸*Discrimination of Workers and UITUK Activity*, Union of Independent Trade Unions of Kosova, Priština, 1996., p. 51. For a full description of the mass layoffs and employment discrimination, see *Open Wounds: Human Rights Abuses in Kosovo*, Human Rights Watch/Helsinki, March 1993.

⁶⁹Human Rights Watch/Helsinki interview with Hajrullah Gorani, Priština, July 17, 1996.

One day after meeting with Human Rights Watch/Helsinki, the union's office was raided by the police. They searched the union's files and interrogated the activists present, including Mr. Gorani.⁷⁰

Harassment of Albanian Private Schools

Problems with Albanian-language education began after the revocation of Kosovo's autonomy in 1990.⁷¹ In August of that year, the Serbian parliament passed a series of laws that abolished the independence of the Kosovo educational system and instituted a new curriculum to be administered centrally from Belgrade. Albanian teachers were forced to sign a loyalty oath; those who refused were dismissed.

Special measures enacted on June 28, 1990, allowed the Serbian authorities to fire Albanian university administrators and replace them with Serbs and Montenegrins, as well as to reduce the number of Albanian students at the university in Priština to the number of Serbian students -- a disproportionate allocation given that 90 percent of the high school graduates in Kosovo are ethnic Albanian.

Throughout 1990, the government began closing most of the Albanian schools and, in January 1991, it stopped paying most Albanian high school teachers. By October 1991, all Albanian teachers had been fired; only fifteen Albanian professors remained at the university in Priština, and they all taught in Serbian.

In response, Albanians organized a parallel system of private schools funded by donations and voluntary taxes. For six years, Albanian school children and university students attended classes in private homes, empty businesses and abandoned school buildings. Teachers, students and administrators engaged in the private schools were regularly harassed, detained and beaten by the police and security forces. Funds collected for educational purposes were sometimes confiscated by the police.

On September 1, 1996, Serbian President Milošević and Kosovar Albanian President Rugova signed an agreement that allowed ethnic Albanian pupils, students and teachers to return to Albanian-language schools. A committee of three ethnic Albanians and three ethnic Serbs was formed to implement the accord. As of mid-December, however, the arbitrary harassment and detention of ethnic Albanian teachers and pupils has not stopped. Some of the more serious violations from 1995 and 1996 are documented below, including some that occurred after the September accord.

It should be noted that Human Rights Watch/Helsinki does not take a position on the obligation of the state to provide minority-language education. However, Human Rights Watch/Helsinki believes that all citizens may engage in private education based on their right to free assembly and association and, in the case of minorities, the right to protect and preserve their culture. Clearly, we also condemn any use of unnecessary force or police violence directed against those engaged in educational activities.⁷²

⁷⁰Kosova InfoFax #207.

⁷¹For a full description of school closures and discrimination in education, see *Open Wounds: Human Rights Abuses in Kosovo*, Human Rights Watch/Helsinki, March 1993.

⁷²The Yugoslav constitution allows education in the languages of minorities. Article 46 states, "Members of the national minorities shall have the right to education in their own language, in conformity with the law." Article 47 says, "national minorities shall have the right to establish educational and cultural organizations or associations, in conformity with the law."

- Qazim Azemi is principal of the school Muharrem Bekteshi, a school with 1,372 pupils in Vučiturn. In the last three years, he has been physically maltreated three times and held in detention twice, once for twenty-five days in 1993 and once for twenty days in 1994. In September 1995 he was accused of holding an unauthorized meeting and implementing a “school program in opposition to the curriculum of the Republic of Serbia.”⁷³ The most recent beating occurred on November 7, 1995. Mr. Azemi told Human Rights Watch/Helsinki:

They left a warrant for me to report myself. Me and my brother who is also a teacher and the secretary of our school. We were taken for two hours. I was the first to be interrogated. They started the provocations. And then they beat me with a rubber stick. My answers were useless. They threatened they would kill all of us... Their names were Čeda and Shanti Petrević.⁷⁴

- Adem Lami is a teacher of history at Naim Frasherri high school in the town of Glavica/Gllavicë. In recent years, more than ten of the school’s seventy-three teachers have been physically maltreated. He told Human Rights Watch/Helsinki:

On May 16 [1996] I was interrogated from 8:00 a.m. to 9:30 a.m. It was about my activities in the school. Every five minutes I was interrogated in order for me to admit something, for instance how we work as teachers.

They told me to return at 1:30 p.m. When I entered the premises they asked if I had brought anything new. I said no. Then they hit me with their fists on the brow. They were civilians. One was called Čedo. Then the others grabbed me, kicking and hitting, and they put me into a larger room. The [uniformed] police left, and I was alone with a civilian. He kicked me and hit my hands and then he wanted to knock me down, but I defended myself. Then the uniformed police entered and knocked me over. I fell unconscious and don’t know what happened after that.

Afterwards, I was put in the hallway. The commander came out, Dragan Gjugović. His first words after he looked at a list were, “Your brother is one of the most dangerous journalists in Kosovo.”⁷⁵ He wanted me to explain what arms we have and who deals with arms.⁷⁶

- On occasion, students are also mistreated. Naim Halilaj, a pupil from the village of Novo Čikatovo/Çikatovë e Re, told Human Rights Watch/Helsinki:

I am a high school student in the first year. We were just going for a quiz at the school in Gllobarë. It was a Tuesday in May 1995. As we entered the school yard, the police stopped our car. Two of them got out and surrounded us. They hit our teacher, Besim Demaku. They wanted to put us all into their car but since we were too many they took only me and my teacher.

⁷³Document No. 3-252-340/95, dated September 21, 1995, Mitrovic, signed by Police Commander Ljubiša Simić.

⁷⁴Human Rights Watch/Helsinki interview with Qazim Azemi, Vučiturn, July 10, 1996.

⁷⁵Mr. Lami’s brother is a journalist with the Albanian-language newspaper *Bujku*.

⁷⁶Human Rights Watch/Helsinki interview with Adem Lami, Glavica, July 9, 1996.

At the station they took me to the hall. Then they beat my teacher severely. They put his hands on the table and hit them with a stick. Then they took me inside. One policeman started beating me. He hit my hands with a stick. It lasted for twenty minutes.⁷⁷

- One severe beating of a teacher occurred on October 19, 1994. Sinan Thaçi, principal at the elementary school in Lapušnik/Llapushnik, was called into the police station in Glogovac and heavily abused, requiring him to seek medical attention in Germany. Human Rights Watch/Helsinki saw a photograph of Mr. Thaçi taken after the maltreatment showing deep lacerations and bruising. According to his written testimony submitted to the Council for the Defense of Human Rights and Freedoms:

I was called to the police station on the 18th due to weapons. I went to Glogovac on the 19th. There were four police with sticks in their hands and one asked, "Principal, did you bring your gun?" I said that I do not possess one. Immediately they started the beating. I was asked if I would confess. I said no. They started again. This time I was asked about our school curriculum. They asked why I teach only Albanian and not Serbian.⁷⁸

- On October 5, 1996, Dr. Musli Bajraktari, Dean of the Mechanical Engineering Faculty at the University of Priština, was interrogated by the police. Shortly thereafter he was charged with "falsification of documents," under Article 233 of the Serbian Criminal Code, for having signed diplomas of the parallel Albanian university.
- According to the Kosova Helsinki Committee, the elementary school teacher Hajdar Muja from Jablanice/Jabllanicë was physically maltreated by a Serbian police patrol on September 12, 1996. On November 19, 1996, a Priština court sentenced Ibrahim Geci, an elementary school teacher in Prapashtica village, to sixty days in prison for having organized an illegal gathering with pupils and their parents on September 7, 1994.⁷⁹

Closure of the Soros Yugoslavia Foundation

Beginning in late 1995, the Serbian government initiated a full-scale attack in the government-controlled media against the Soros Yugoslavia Foundation, a prominent philanthropic organization that supports democratic development in the country. Since 1992, the foundation has given away millions of dollars to support the independent media, nongovernmental organizations and independent cultural groups.

On February 23, 1996, the Supreme Court of Serbia ruled that the foundation was improperly registered, thereby forcing it to halt its activities in each of its offices: Belgrade, Novi Sad, Podgorica and Priština. The foundation remained closed until June 7 when, after substantial international pressure, the government announced it would recognize the newly registered Fund for an Open Society - Yugoslavia.

The pretext of the sixteen-week closure was the allegedly improper registration. But officials at the Soros Foundation maintain that the state's actions were an attempt to stop the work of independent organizations in Serbia. Director of the Soros office in Priština, Shkelzen Maliqi, told Human Rights Watch/Helsinki:

⁷⁷Human Rights Watch/Helsinki interview with Naim Halilaj, Novo Čikatovo, July 8, 1996.

⁷⁸Written testimony submitted to the Council for the Defense of Human Rights and Freedoms for the Defense of Human Rights and Freedoms, October 21, 1994.

⁷⁹Kosova Daily Report, November 19, 1996.

The official reason was very prosaic, very formal. They said that when the foundation was formed in 1992-93, there were some procedural mistakes... They used this, although the real motivation was strictly political.⁸⁰

In an interview given after the foundation reopened, Sonja Licht, executive director of the foundation in Yugoslavia, said that the government's actions were part of larger policy to undermine Yugoslavia's independent institutions:

The claim was that the foundation had been improperly registered, but it is important to understand the closing in the wider context of the government's efforts to silence not only all opposition, but any sort of independent voice or institution whatsoever... In fact, the government is so much on the defensive that any entity they don't control is perceived as a threat, even if its activities, like those of the foundation, benefit society as a whole.⁸¹

RESTRICTIONS ON FREEDOM OF THE PRESS

Both Serbian and Yugoslav law guarantee freedom of the press and expression.⁸² Despite this, the republic and federal governments continue to hinder the work of newspapers, magazines and radio and television stations that disseminate information critical of the state. Such government restrictions occur against all media in Yugoslavia, regardless of ethnicity.⁸³

In Kosovo, there has been a targeted attack against the Albanian-language media since 1990. On July 5, 1990, the police occupied the Radio-Television building in Priština and denied the employees entrance. A Serb hand-picked in Belgrade was appointed the new editor-in-chief, and 1,300 Albanian employees subsequently lost their jobs for alleged disloyalty to the state. A similar fate befell the Rilindja publishing house, which published the main Albanian daily newspapers.⁸⁴ Serbs took over the business, renaming it Panorama.

Since then, the government has made a concerted effort to repress Albanian-language media in all its forms. The state-run television broadcasts only ten minutes of Albanian-language programming each day: a direct translation of the Serbian-language news that is heavily controlled by state censors. Programs toe the official line of the Serbian Socialist Party, which has fostered distrust and tension between Serbs and Albanians. In addition, authorities have not granted licences for private Albanian television or radio stations, even though Yugoslav law allows private electronic media. Independent news is only available through satellite transmissions, through which Kosovars may receive

⁸⁰Human Rights Watch/Helsinki interview with Shkelzen Maliqi, Priština, July 12, 1996.

⁸¹"A Conversation with Sonja Licht," Open Society News, Summer 1996, p. 16.

⁸²Article 36 of the Yugoslav constitution guarantees freedom of the press, including the right to set up radio and television stations in accordance with the law, while Article 38 forbids censorship. Article 45 guarantees freedom of expression specifically for minorities, and Article 46 grants minorities the right to information media in their own language.

⁸³For example, Slobodon Milošević conducted a purge of the Serb state television in Belgrade in 1990, appointing journalists and editors who were loyal to the Socialist Party. More recently, in November 1994, the government seized the assets of the independent daily newspaper *Borba*, alleging it had been illegally privatized in 1991, and appointed the minister of information as editor-in-chief. The staff moved to Novi Sad and opened another paper under the name *Naša Borba* (Our Borba). In December 1996, the government attempted to shut down independent radio stations, like B-92, Radio Indeks and Boom 93, that were reporting on the anti-government demonstrations.

⁸⁴For background on the press, see two Human Rights Watch reports, *Open Wounds: Human Rights Abuses in Kosovo, March 1993*, and *Threats to Press Freedom: A Report Prepared for the Free Media Seminar, Vol. 5, Issue 21, November 1993*. Human Rights Watch/Helsinki

evening programs of the state-run television from Albania, as well as a wide range of European stations. On radio, they receive the Albanian-language broadcasts of the BBC, Deutsche Welle and Voice of America.

There are a number of Albanian-language newspapers and periodicals, but they are restricted by high operating costs, limited distribution and direct harassment by the state, including the occasional beating and arbitrary detention of journalists and editors.⁸⁵

The magazine *Zeri*, with a weekly distribution of 6,000-7,000, has been closed by the authorities four times since 1990. Editors at the magazine told Human Rights Watch/Helsinki that their journalists are constantly monitored by the secret police and summoned for "informative talks." Court cases are currently open against two *Zeri* editors, Blerim Shala and Bardh Hamzaj, for fomenting ethnic hatred and distributing false information, respectively. Mr. Shala told Human Rights Watch/Helsinki:

Last September they reopened the investigation against Mr. Hamzaj. Since then, we have no information. Any day they can call you into court. In my case they did nothing for five years. But in May they reopened the case for the third time and said they are collecting witnesses. Without pressure from the U.S. government, we would all be in prison.⁸⁶

In 1996, Serb authorities also tried to shut down the weekly news magazine, *Koha*. The action was apparently in response to a satirical picture *Koha* was planning to run of President Milošević and Nazi soldiers under the headline "Anschluss '89" -- a reference to the abolition of Kosovo's autonomy.

On April 6, six policemen closed the printing house where *Koha* is printed and summoned the director of the press, Lutfi Zhilivoda, who was released some hours later. Police informed the editors of the magazine that the new issue could not be printed unless all material was handed over to them ahead of time. But the editorial board decided not to provide their material to the police before publication. After a flood of international protest, the magazine was allowed to continue publication as normal on April 10.⁸⁷

The only Albanian-language daily, *Bujku*, closely affiliated with the LDK, has also experienced regular restrictions on its work. Editors at the newspaper complained of having to pay the state inflated prices for rent, publishing and distribution. Vice editor-in-chief Veli Bytyçi told Human Rights Watch/Helsinki:

The contract with the printing press is not respected by the Serbs. There are numerous cases of blackmail. Whenever they feel like it, they simply do not publish the paper. As far as interrogation is concerned, every second journalist of ours has been taken. They are under pressure on a daily basis. They harass our offices. The telephones are cut. In other words: we face abnormal working conditions.⁸⁸

According to Mr. Bytyçi, five *Bujku* journalists were physically mistreated by the police or security forces in 1995 and 1996:

- Jusuf Saliu, Podujevo
- Riza Rishani, Uroševac

⁸⁵According to the Council for the Defense of Human Rights and Freedoms, nine ethnic Albanian journalists were abused by the police in 1995.

⁸⁶Human Rights Watch/Helsinki interview with Blerim Shala, Priština, July 3, 1996. Mr. Shala is also a founding member of the Kosova Youth Parliament.

⁸⁷Statements by *Koha* editor-in-chief Veton Surroi, April 6, 8 and 11, 1996, and Human Rights Watch/Helsinki interview with *Koha* journalist Ylber Hysa, Priština, July 3, 1996.

⁸⁸Human Rights Watch/Helsinki interview with Veli Bytyçi, Priština, July 12, 1996.

- Rexhep Rifati, Uroševac
- Durr Mazreku, Dečan
- Berat Luzha, Kačanik

Riza Rishani, who also spent two months in prison in 1991, told Human Rights Watch/Helsinki:

On December 16, 1995, I was arrested with my editor Berat Luzha. Despite the fact we said we were journalists, the police kept us with our hands up for two hours. They took my notebook with material that had already been published. They also took my passport because of two visits I had taken to Albania. Now there is an open procedure, and I expect to be called any day.⁸⁹

According to the International Federation of Journalists, on August 2, 1996, an unidentified journalist with *Bujku* was stopped by the police near Peć and beaten. He was then transferred to the security station in Peć where he was questioned about his work as a journalist. On July 31, 1996, a freelance journalist with the Albanian Radio and Television, Gani Kosumi, was detained for several hours after the police broke up a meeting of the Kosovo Football Federation. Agim Muhaxheri, a reporter with *Bujku*, was also held in detention by the police in Uroševac and interrogated about his work.⁹⁰

RESTRICTIONS ON FREEDOM OF MOVEMENT

According to Article 30 of the Yugoslav constitution, "Citizens shall be guaranteed freedom of movement and residence and the right to leave and return to the Federal Republic of Yugoslavia." Despite this guarantee, there were consistent restrictions in 1995 and 1996 on the right to free movement, especially against ethnic Albanians in Kosovo.

The most widespread problem is the state's unwillingness to grant passports to ethnic Albanians. Human Rights Watch/Helsinki spoke with a large number of ethnic Albanians, especially political activists and journalists, who had been denied passports by the Serbian Ministry of the Interior and were, therefore, unable to leave the country legally. Some of them had had their passports arbitrarily confiscated.⁹¹

Up until April 1, 1996, a law was in effect that made it illegal for Yugoslav citizens to visit Albania without a Yugoslav exit visa. Any person found to have been in Albania immediately lost his or her passport and faced imprisonment for one month. Even though the exit visa requirement was dropped in April 1996, on July 1, 1996, a prominent ethnic Albanian professor, Agim Vinca, was sentenced to fifteen days in prison because he had visited Albania on November 8, 1993. According to the Council for the Defense of Human Rights and Freedoms, 119 people had their passports confiscated in 1995 due to an "unauthorized" trip to Albania. Some Albanians working in Eastern Europe reportedly also had their passports confiscated and were forced to pay the police up to 11,000 DM (approximately US \$8,500) to get them back.

Another problem is the growing number of ethnic Albanians who wish to return to Yugoslavia after time spent abroad. According to the Kosova Helsinki Committee, twenty-seven ethnic Albanians from Kosovo who had sought asylum in West European countries were denied reentry into Yugoslavia in the first six months of 1996, even though they possessed valid Yugoslav passports.

⁸⁹Human Rights Watch/Helsinki interview with Riza Rishani, Uroševac, July 9, 1996.

⁹⁰IFEX Action Alert, August 28, 1996

⁹¹Article 30 of the Yugoslav constitution allows the government to restrict a person's movement only if, "required for criminal proceedings, to prevent the spread of contagious diseases, or for the defense of the Federal Republic of Yugoslavia."

The refusal to grant them entry was based on a government instruction from November 1994 that limits the reentry of so-called “false asylum-seekers.” According to the instruction, a Yugoslav citizen who has sought asylum abroad can reenter the country only after proving the authenticity of his or her passport. In addition, the person must present working or residence papers or a tourist visa from the country he or she has come from. Deputy Minister of Information Rade Drobac told Human Rights Watch/Helsinki that many ethnic Albanians were not real asylum-seekers because they are “not oppressed politically.”⁹² In December 1994, an official at the Ministry of Foreign Affairs defended the government’s instruction by saying:

While the use to be made of Albanians who have been granted asylum remains to be seen (depending on the course events take), the return to the Federal Republic of Yugoslavia of over 200,000 false asylum-seekers when we already must contend with sanctions and the care of some 700,000 refugees and displaced persons from the former Yugoslav republics is designed to have immediate impact: the introduction of new destabilizing elements in the domestic social, economic and political spheres. This kind of calculated pressure on a country is not new in modern history.⁹³

The first instance of denied reentry recorded by human rights groups occurred on December 24, 1995. According to the Belgrade-based Humanitarian Law Fund, eight ethnic Albanian Yugoslav citizens arrived at Priština airport from Switzerland and Germany with valid Yugoslav passports. After being held for three days at the airport, one woman and two children were allowed to enter Yugoslavia, but the five others were sent back to Germany and Switzerland.⁹⁴ The authorities there deported them back to Yugoslavia, but they were again denied entry and returned once more.⁹⁵ According to the Kosova Helsinki Committee, five Albanian asylum-seekers were deported from Germany on March 3, 1996. They were detained in Priština and then Belgrade for one week, reportedly without adequate food or water.⁹⁶ Another group of eleven Albanian asylum-seekers with valid Yugoslav passports were detained for nine days at the Belgrade airport, reportedly maltreated and returned to their countries of origin on April 29, 1996.⁹⁷

⁹²Human Rights Watch/Helsinki interview with Deputy Minister Rade Drobac, Belgrade, July 19, 1996.

⁹³*Medjunarodna Politika*, No. 1029, Vol. XLV, November-December, 1994.

⁹⁴Four of the people were Sadri Rexhepi, Bedri Kafexholli, Nuri Bujashi and Valdet Kopriva.

⁹⁵*Spotlight*, Newsletter of the Humanitarian Law Fund, No. 21, Belgrade, May 1996. The same information was also in the *1995 Annual Report of the Kosova Helsinki Committee*.

⁹⁶The names of the five Albanians are: Vjollca Tahiri, Muhamet Mazreku and Sofie, Mirita and Ardita Mirenaj.

⁹⁷The group included Aziz Berisha, Abdullah Kryeziu, Shefki Llugaxhiu Idriz Kaligani and Ymer Gashi.

THE YUGOSLAV CITIZENSHIP LAW

On July 16, 1996, the Yugoslav parliament approved a new citizenship law, which will come into effect on January 1, 1997. While a new law was desperately needed to regulate citizenship following the breakup of the Socialist Federal Republic of Yugoslavia (SFRY), Human Rights Watch/Helsinki believes that the law does not comport with international standards and may result in cases of statelessness, especially for ethnic Albanians from Kosovo who were citizens of SFRY.⁹⁸

Our concern with respect to citizenship entitlement is twofold: first, Article 15 of the Universal Declaration of Human Rights stipulates that every individual has the right to a nationality.⁹⁹ The Convention on the Reduction of Statelessness, to which Yugoslavia is a party, requires contracting states not to deprive a person of nationality if such deprivation would render that person stateless, except in certain narrow circumstances.¹⁰⁰ Second, citizenship provides individuals with a broad array of civil and political rights, such as the right to take part in the conduct of public affairs, the right to vote and be elected, and the right to have access to public service¹⁰¹, as well as a range of social and economic rights that often hinge upon citizenship.¹⁰²

While the law is problematic in a number of areas, there are some specific concerns that affect ethnic Albanians in Kosovo. First, according to the law, the Federal Ministry of Internal Affairs may revoke the citizenship of individuals in Kosovo if it determines that citizenship was obtained by false statements or the intentional omission of important facts.¹⁰³ But the law does not state what criteria the authorities will use to determine if citizenship was falsely obtained, nor does it specify any clear procedure for an appeal. Deputy Minister of Information Rade Drobac explained the reasoning of the article to Human Rights Watch/Helsinki:

All legal states must respect the law. Kosovo has a complicated history, especially in the last fifty years, because it was run by the Albanians, who became the big authority and persecuted the Serbs. They used this power to let many people enter from Albania. But for some of them, they found papers, maybe by misusing the law or maybe by falsification. For some, there were none. These people are still there without any legal basis.¹⁰⁴

Human Rights Watch/Helsinki is deeply concerned about any attempt by the Serb authorities to revoke citizenship. Article 17 of the Yugoslav constitution states that "a Yugoslav citizen cannot be deprived of citizenship, expelled from the country or extradited to another state." Although the Convention on the Reduction of Statelessness

⁹⁸According to the Serbian Helsinki Committee, which produced a detailed legal analysis of the law, as many as one million people may be denied FRY citizenship. Press Release of the Serbian Helsinki Committee, Belgrade, July 13, 1996.

⁹⁹The principle that every child has the right to acquire a nationality is recognized explicitly in the International Covenant on Civil and Political Rights, Article 24(3) and the Convention on the Rights of the Child, Article 7(1).

¹⁰⁰Articles 7 and 8 of the Convention on the Reduction of Statelessness specify under which conditions contracting states may deprive a person of nationality, even when that deprivation would render the person stateless. Article 8(2b), for example, allows contracting states to deprive a person of nationality if "the nationality has been obtained by misrepresentation or fraud." Even so, Article 8(4) forbids contracting states from depriving an individual of citizenship without providing them "the right to a fair hearing by a court or other independent body."

¹⁰¹International Covenant on Civil and Political Rights, Article 25.

¹⁰²The International Covenant on Economic, Social and Cultural Rights allows developing countries to determine to what extent they may grant that covenant's economic rights to non-nationals.

¹⁰³Specifically, Article 15 of the citizenship law allows "the annulment of an illegal decision to grant citizenship."

¹⁰⁴Human Rights Watch/Helsinki interview with Deputy Minister Rade Drobac, Belgrade, July 19, 1996.

allows contracting states to revoke a person's citizenship when it was obtained through misrepresentation, that person must also be granted a fair hearing by a court or other independent body.

As the new law stands, the Interior Ministry may arbitrarily decide who did and did not follow the proper application procedures without providing individuals a proper right to appeal. The pattern of discrimination against ethnic Albanians in Yugoslavia and the fact that Kosovo has been singled out as the region in which falsifications allegedly took place suggest that the law may be used by the state to strip ethnic Albanians of their Yugoslav citizenship. Such people would then become stateless, which is contrary to Yugoslavia's obligation under the Convention on the Reduction of Statelessness. Indeed, the falsification of documents is a punishable offense under Articles 233, 234 and 235 of the Serbian Criminal Code. If ethnic Albanians in Kosovo did obtain Yugoslav citizenship illegally, then the state may press charges in a court of law where the defendant is granted the right to due process.

In addition to the possible revocation of citizenship for Kosovar Albanians, the new law's vague terminology allows the state to deny citizenship to individuals who spent all or most of their lives in Serbia or Montenegro and have genuine links to the territory of the newly-formed Yugoslavia. According to the new law, Yugoslav citizenship is immediately granted to all citizens of SFRY who also held republic citizenship of Serbia or Montenegro.¹⁰⁵ Citizens of the other SFRY republics (Slovenia, Croatia, Bosnia or Macedonia) who resided in Serbia or Montenegro on the day the new Yugoslav constitution was ratified (April 27, 1992) must apply for Yugoslav citizenship within twelve months.¹⁰⁶ However, the law does not stipulate what criteria the authorities will use to determine who will be granted citizenship, which opens the door for the arbitrary application of the law. According to the law, the Ministry of Interior will decide who gets citizenship:

[U]pon the assessment of the reasons quoted in the application and taking note of the interests of security, defense and international status of Yugoslavia.

Based on the Yugoslav government's human rights record, there is reason to fear that the government will use these poorly defined criteria to deny citizenship to individuals of other ethnicities or to people who have expressed criticism of the state.

Regarding citizenship in newly-formed states, Human Rights Watch supports the "zero option," i.e., the granting of citizenship equally to all who were permanent residents at the time the new state came into existence, and who were citizens of the predecessor state. Any other option presents the possibility that citizenship will be denied to individuals who had significant links to the territory of the state in question, in this case the Serbian or Montenegrin republics.¹⁰⁷

¹⁰⁵In SFRY, individuals had citizenship of the Yugoslav federation as well as the republic in which they lived. Republic citizenship was of secondary importance and could be changed by simple application.

¹⁰⁶A period of three years is allowed under special circumstances.

¹⁰⁷For a complete discussion on citizenship in the successor states of the SFRY, see two Human Rights Watch/Helsinki reports: *A Threat to Stability: Human Rights Violations in Macedonia*, July 1996, and *Civil and Political Rights in Croatia*, October 1995.

TREATMENT OF REFUGEES

According to the Serbian government, between 700,000 and 800,000 refugees from Croatia and Bosnia are presently in Serbia. The largest influx occurred in August 1995 when an estimated 200,000 ethnic Serbs fled the Krajina region of Croatia following the Croatian Army's "Operation Storm" offensive.¹⁰⁸

Since August 1995, approximately 16,000 refugees have been relocated in Kosovo, very often against their will. The majority live in collective centers, such as sports halls and hotels, and receive support from the Yugoslav government and international agencies like the Red Cross and UNHCR. Many ethnic Albanians in Kosovo consider the refugees "colonizers," and see them as part of a Serbian policy to alter the demographics of the region.¹⁰⁹

In all of Serbia, refugees complain that they are not receiving adequate support from the state. Sonja Biserko of the Serbian Helsinki Committee, a local human rights group that offers legal services to refugees, told Human Rights Watch/Helsinki:

The government does not care about these people. It's highly political. They are not covered under the Dayton Agreement, and they are the worst treated refugees in the war.¹¹⁰

International aid workers confirmed that refugees' conditions in Yugoslavia are poor, with the worst being in Kosovo. Allegedly, refugees in the rest of Serbia are threatened with being sent to Kosovo. In the Kosovo capital, Priština, they are threatened with being sent to the most remote areas of Kosovo, such as Kačanik. In the town of Djurakovac/Gjyrakofc, for example, refugees are living in a minimum security prison. In Rosevac/Rosevc twenty-four people are living in a metal container. One international aid worker told Human Rights Watch/Helsinki about the terrible conditions faced by refugees in a school in Peć:

The school in Peć is a terrible place. It has really, really bad conditions. No heating, some stoves and no running water. People are living like animals. To repair it would cost the same as building a new school. Now there are about 360 people there. It was 520.¹¹¹

Representatives of the Serbian government admit that the conditions of refugees are inadequate, but assert that the state is providing all it can. Deputy Minister of Information Rade Drobac told Human Rights Watch/Helsinki:

¹⁰⁸On August 4, 1996, the Croatian Army launched "Operation Storm" to retake the Krajina region, which had been controlled by separatist Serbs since early 1991. Abuses by the Croatian Army during and after the offensive included the bombing of retreating civilians and the summary executions of elderly and infirm Serbs who remained behind. See *Croatia: Impunity for Abuses Committed During "Operation Storm" and the Denial of the Right of Refugees to Return to the Krajina*, Human Rights Watch/Helsinki, August 1996.

¹⁰⁹The Serb government is building settlements for refugees in Vučiturn, Stari Trg/Stari Tërg, Dušanovo/Dushanovë, Suvareka, Uroševac, Gnjilane/Gjilan and Priština.

¹¹⁰Human Rights Watch/Helsinki interview with Sonja Biserko, Belgrade, July 18, 1996.

¹¹¹Human Rights Watch/Helsinki interview with anonymous person, Priština, July 16, 1996. The person requested anonymity.

Refugees have a low material standard, but a high level of solidarity. There are approximately 800,000, and they are confronted with all economic problems - mostly a result of the sanctions. We cannot offer them more than we have. We offer our solidarity and protection.¹¹²

International aid workers, however, maintain that the Serbian government has not demonstrated the political will to improve refugees' living conditions. From May to August, 1996, they point out, the government imposed a 26 percent tax on local purchases made by UNHCR, which limited the amount of food that UNHCR could provide to refugees. In addition, there is a high level of corruption in the government's allocation of aid, especially on the local level. The managers of the collective centers often demand that they be the distributors of aid rather than have it given directly to the refugees. In addition, an international aid worker told Human Rights Watch/Helsinki that his organization had seen evidence of physical maltreatment of refugees by the management of a collective center in Kišnice/Kishnicë.¹¹³

Aside from poor conditions, refugees in the other parts of Yugoslavia have faced repeated abuses by the Serb authorities. The independent media¹¹⁴ and human rights organizations in Yugoslavia, such as the Serbian Helsinki Committee and the Humanitarian Law Fund, have documented cases of forced conscription,¹¹⁵ forced repatriation and restrictions on free movement, all of which violate Yugoslavia's commitments under the U.N. Convention on the Status of Refugees.¹¹⁶

LEGAL STANDARDS

Domestic Law

The federal constitution of Yugoslavia, promulgated in 1992, established Yugoslavia as a democratic state "founded on the rule of law." The forty-nine articles of the section on rights and freedoms guarantee all Yugoslav citizens their basic civil and political rights, such as free speech, free association and the right to a fair trial.

Regarding minority rights, the constitution guarantees the rights of minorities to "preserve, foster and express their ethnic, cultural, linguistic and other attributes, as well as to use their national symbols, in accordance with international law."¹¹⁷ Article 20 states that:

Citizens shall be equal irrespective of their nationality, race, sex, language, faith, political or other beliefs, education, social origin, property, or other personal status.

Articles 46 and 47 guarantee minorities the right to education and media in their mother tongue, as well as the right to establish educational and cultural associations. Article 48, however, places some restrictions on free association for minorities. It states:

¹¹²Human Rights Watch/Helsinki interview with Deputy Minister Rade Drobac, Belgrade, July 19, 1996.

¹¹³Human Rights Watch/Helsinki interview with anonymous aid worker, Priština, July 15, 1996.

¹¹⁴See, for example, *Vreme*, June 26 and September 4, 1995, *Politika*, June 16, 1995, and *Naša Borba*, June 17, 20 and 21, 1995.

¹¹⁵See *Spotlight On: Human Rights in Serbia and Montenegro*, Humanitarian Law Center, 1996,

¹¹⁶According to the Humanitarian Law Fund, for instance, in June 1995 between 2,000 and 4,000 Serb refugees were abducted by the Serbian Ministry of Interior and transported to the Republika Srpska and Krajina Srpska Republik in order to fill the ranks of their depleted armies. In June 1996, thirty of them filed suit against the Serbian government.

¹¹⁷Constitution of the Federal Republic of Yugoslavia, Article 11.

Members of national minorities have the right to establish and foster unhindered relations with conationals within the Republic of Yugoslavia and outside its borders with conationals in other states, and to take part in international non-governmental organizations, *provided these relations are not detrimental to the Federal Republic of Yugoslavia or to a member republic.* [Emphasis added.]

The Yugoslav constitution also guarantees that the government will respect international law. Article 10 states:

The Federal Republic of Yugoslavia shall recognize and guarantee the rights and freedoms of man and the citizen recognized under international law.

Article 16 adds:

The Federal Republic of Yugoslavia shall fulfill in good faith the obligations contained in international treaties to which it is a contracting party. International treaties which have been ratified and promulgated in conformity with the present Constitution and generally accepted rules of international law shall be a constituent part of the internal legal order.

International Law

The human rights violations described in this report demonstrate that Yugoslavia has failed to guarantee equality and nondiscrimination to all its citizens, in violation not only of its own law but of the principles clearly set forth in the International Covenant on Civil and Political Rights (ICCPR), the Helsinki Final Act and subsequent Conference on Security and Cooperation in Europe (CSCE) Conferences on the Human Dimension in Copenhagen (1990), Paris (1990), Cracow (1991) and Geneva (1991). In particular, among other violations of international human rights laws and principles, Human Rights Watch/Helsinki emphasizes the following:

- The police brutality and abuse in detention described above violates Articles 6 and 7 of the International Covenant on Civil and Political Rights (ICCPR), the U.N. Basic Principles on the Use of Firearms by Law Enforcement Officials, the U.N. Code of Conduct for Law Enforcement Officials,¹¹⁸ the U.N. Body of Principles for the Protection of All Persons Under Any Form of Detention and Imprisonment,¹¹⁹ the U.N. Standard Minimum Rules for the Treatment of Prisoners (and Procedures for Effective Implementation of the Rules), and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- The arbitrary arrests and cases of detention are in contradiction to Article 9 of the ICCPR, which holds that "[n]o one shall be subject to arbitrary arrest or detention" and that "[n]o one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by international law;"
- The cases in which the accused are in fact detained solely on account of non-violent expression of political views is a violation of Article 19 of the ICCPR, which declares that "everyone shall have the right to freedom of expression;"

¹¹⁸ General Assembly of the United Nations, Resolution 34/169, December 17, 1979.

¹¹⁹ General Assembly of the United Nations, Resolution 43/173, December 9, 1988.

- The restrictions on freedom of association violate Articles 21 and 22 of the ICCPR, which protect the rights to "assembly" and "association;" Article II, Section 9.2 of the Concluding Document of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe (CSCE),¹²⁰ which affirms that "everyone shall have the right to peaceful assembly and demonstration;" and The Charter of Paris which similarly recognizes the right to "freedom of association and peaceful assembly;"¹²¹
- The banning of or interference with the Albanian press violates Article 19 of the ICCPR, which grants the media freedom to "impart information," declaring that "everyone shall have the right to freedom of expression" as well as Article 27 which provides that members belonging to ethnic minorities shall have a right "to enjoy their own culture" and "use their own language;"
- Unwarranted raids on and searches of houses violate Article 17 of the ICCPR, which states that "no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home...;"
- The denial of a fair trial and other due process guarantees violates Articles 9 and 14 of the ICCPR (as noted above), as well as the CSCE Vienna Concluding Document (Section 13.9); and the Copenhagen Concluding Document (Section 5.16);
- Employment discrimination on the basis of ethnicity and political belief, including the mass layoffs of Albanian health care professionals, educators, and other workers, violates the International Labor Organization Convention Concerning Discrimination in Respect of Employment and Occupation; and
- The harassment, detention and interrogation of local and international human rights groups violates not only freedom of the press and of association but also Principle VII of the CSCE Final Act which allows for monitoring a state's internal human rights situation.

¹²⁰ Yugoslavia signed the CSCE document in June 1990.

¹²¹ Yugoslavia signed the Charter of Paris in November 1990.

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This report is based on a fact-finding mission conducted by Fred Abrahams, a research associate of Human Rights Watch/Helsinki, in Kosovo from July 2 to July 21, 1996. It was written by Mr. Abrahams and edited by Jeri Laber, senior advisor to Human Rights Watch, Holly Cartner, executive director of Human Rights Watch/Helsinki, and Cynthia Brown, program director of Human Rights Watch.

Human Rights Watch/Helsinki

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APPENDIX I: Statement on Events in Serbia