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CUESTIÓN DE LA VIOLACIÓN DE LOS DERECHOS HUMANOS Y LAS LIBERTADES
FUNDAMENTALES EN CUALQUIER PARTE DEL MUNDO

Carta de fecha 20 de mayo de 1998 dirigida al Presidente de la
Comisión de Derechos Humanos por el Encargado de Negocios a.i.
de la Misión Permanente de la República Federativa de Yugoslavia
ante la Oficina de las Naciones Unidas en Ginebra

Tengo el honor de escribirle en relación con la carta que le fue dirigida el 8 de abril de 1998 por el Excmo. Sr. J. Dienstbier, Relator Especial sobre la situación de los derechos humanos en Bosnia y Herzegovina, la República de Croacia y la República Federativa de Yugoslavia (E/CN.4/1998/164).

Me complace en tomar nota de que, según el Sr. Dienstbier, su visita, aunque sólo pudo prepararse con poca anticipación, estuvo bien organizada y que se siente satisfecho con la manera como fue recibido por las autoridades yugoslavas así como por su espíritu de cooperación.

Como esta es la primera ocasión en que el Relator Especial entra en contacto con la situación de los derechos humanos en la República Federativa de Yugoslavia, considero que las opiniones, evaluaciones y comentarios que figuran en su carta tienen un carácter preliminar al tiempo que espero con interés un análisis a fondo encaminado a ofrecer una imagen más realista de la situación actual de los derechos humanos en el país, en particular en Kosovo y Metohija. La presente carta, que contiene observaciones y comentarios concretos, junto con informaciones adicionales (véase el anexo)*

* El anexo se reproduce como se presentó, en el idioma original solamente.

relativas a las declaraciones de carácter general del Relator Especial, será de utilidad con tal fin, contribuyendo a la mayor exactitud del informe y a su comprensión.

Los actos de terrorismo cometidos recientemente en Kosovo y Metohija resultan amenazadores, puesto que deben percibirse como conducentes a la secesión de una parte del territorio de Serbia y de la República Federativa de Yugoslavia. La República Federativa de Yugoslavia y la República de Serbia tienen derecho a luchar contra el terrorismo en Kosovo y Metohija y a recurrir para ello a todos los medios legales. Lamentablemente, en el informe se hace referencia a los ataques terroristas contra las fuerzas del Ministerio del Interior de Serbia y la población civil de Kosovo y Metohija, en particular los albaneses leales a la República de Serbia, de manera poco precisa y trivial sin dar detalles acerca de dichos ataques o de la manera perversa como se perpetraron. Falta en el informe una condenación directa e inequívoca de esos actos terroristas y de todas las actividades de los albaneses étnicos terroristas que han estado cometiendo desde hace un tiempo actos de terrorismo, poniendo en peligro la paz y la seguridad, la soberanía de la República de Serbia y la República Federativa de Yugoslavia, todo lo cual es causa de ansiedad.

Asombra observar que los actos terroristas cometidos durante los dos últimos años, que han hecho unas 40 víctimas, así como unos 200 ataques contra la policía y los civiles, se mencionan sólo al pasar. A mi juicio estas cuestiones merecen un examen mucho más detenido, puesto que constituyen una importante amenaza para la estabilidad de la región y la seguridad de los habitantes de Kosovo y Metohija.

Otro detalle chocante es los ataques terroristas contra los civiles y los albaneses étnicos leales a las autoridades -tales como el secuestro y el asesinato de seis albaneses étnicos leales a la República de Serbia, en las inmediaciones de Prizren- no son objeto de una exposición y una explicación más completas, puesto que faltan todos los detalles pertinentes. Este hecho, mencionado en el informe, ocurrió mientras se llevaba a cabo la visita del Relator Especial a Kosovo y Metohija.

Contrariamente a este resumen escaso y casi generalizado de los ataques terroristas, el informe contiene una exposición mucho más detallada de las actividades del Ministerio del Interior de Serbia en su lucha contra los terroristas, haciéndose referencia, en particular, a los hechos ocurridos el 28 de febrero y el 5 de marzo de 1998. Casi siempre se toman como pruebas las declaraciones arbitrarias de los presuntos testigos o testigos oculares, en el supuesto de que el Ministerio se ha excedido en sus atribuciones y ha hecho un uso excesivo de la fuerza.

Cuesta trabajo explicarse por qué en el informe se ponen en duda las razones que animan la acción del Ministerio, puesto que el ataque terrorista, como resultado del cual cuatro policías resultaron muertos y otros dos heridos, se menciona en el mismo párrafo. Todos saben que un ataque terrorista contra la policía se considera el más grave de todos los delitos, sancionable con las medidas más estrictas en todo país civilizado; el hecho

de que no se aplique la misma lógica en este caso es un misterio. Poner en tela de juicio los esfuerzos del Ministerio del Interior por garantizar el orden público y la paz en Kosovo y Metohija y resistir las actividades terroristas resulta, en efecto, muy sorprendente, sobre todo puesto que es evidente que los terroristas han usado armas pesadas como morteros, armas automáticas, granadas de mano, etc., en todos estos conflictos. La cuestión es saber cómo es posible oponerse eficazmente a los terroristas a menos que se lleven a cabo búsquedas para encontrar los núcleos terroristas, reprimir sus actividades y descubrir los escondites en que guardan las armas preparadas por anticipado para sus ataques, como lo ha hecho la policía en todos los países donde se lucha contra el terrorismo.

En vista de las recomendaciones y conclusiones del informe, permítame poner de relieve que el Excmo. Sr. Mirko Marjanovic, Primer Ministro de la República de Serbia, dirigió una carta al Excmo. Sr. Cornelio Sommaruga, Presidente del Comité Internacional de la Cruz Roja, pidiéndole que se estableciera un grupo especial internacional de investigación, integrado por patólogos expertos, para Kosovo y Metohija, a fin de que trabajara en colaboración con los expertos yugoslavos. Puesto que el Sr. Sommaruga explicó, en su respuesta de 19 de marzo de 1998, que nuestra petición no correspondía al mandato del CICR, los Gobiernos de la República de Serbia y de la República Federativa de Yugoslavia hicieron llegar invitaciones a un cierto número de países a fin de que cada uno de ellos nombrara de uno a tres patólogos expertos con objeto de establecer un grupo especial tan pronto como fuera posible. Hasta ahora, esos países han respondido favorablemente, en principio, pero todavía no han presentado los nombres de los respectivos expertos. En cuanto sea establecido, el grupo especial podrá comenzar sus trabajos, puesto que ya se dispone de los documentos judiciales y médicos necesarios y se han creado las condiciones para el buen éxito de sus deliberaciones. Una vez que el grupo termine su labor, se informará a usted de sus resultados.

La República Federativa de Yugoslavia cumple plenamente con todas las normas internacionales en materia de derechos humanos de los detenidos. Según los informes presentados por órganos competentes, no se han aplicado a los detenidos métodos ilegales, ni se ha informado de ningún caso de tortura; a pesar de este hecho, en la investigación antes mencionada, ordenada por el Ministerio del Interior de Serbia, se llevará a cabo un examen según los distintos casos, para comprobar si se ha producido alguna violación de la ley, la paz y la seguridad.

La legislación yugoslava establece los derechos de los detenidos en cumplimiento de las más elevadas normas internacionales, entre las cuales los contactos periódicos con sus familiares y abogados. En cuanto al cuidado de la salud de los detenidos, cada uno de ellos es objeto de un examen médico desde un primer momento y, en caso necesario, enviado a un establecimiento civil de salud o a un hospital penitenciario especializado.

Deseo señalar el hecho de que es peligroso y perjudicial instar a los dirigentes albaneses étnicos de Kosovo y Metohija a que logren sus objetivos con medios pacíficos, como se dice en la recomendación 5.1, sobre todo puesto

que su meta es la secesión abierta. La República Federativa de Yugoslavia y la República de Serbia esperan y exigen que la comunidad internacional condene abiertamente las actividades terroristas en Kosovo y Metohija, así como cualquier intento de secesión o cualquier amenaza contra la soberanía de la República Federativa de Yugoslavia. Por otra parte, es indispensable que se adopten medidas concretas para interrumpir la entrada de fondos que sustentan los actos terroristas en Kosovo y Metohija, fondos que proceden muchas veces de las actividades criminales de la narcomafia albanesa o de los contrabandistas de armas que mantienen centros en Europa occidental y cuyas actividades han sido toleradas por algunos países. En tal sentido, es inadmisibles que el Relator Especial, aunque conoce las exigencias de la minoría albanesa, puesto que se entrevistó con sus representantes en Pristina, ni siquiera mencione, y no ya condene, sus exigencias de secesión.

Mi opinión es que la recomendación relativa al acceso a las organizaciones humanitarias es superflua, puesto que las actividades de estas organizaciones en Kosovo y Metohija no se han interrumpido en ningún momento, a menos que esto haya ocurrido por su propia iniciativa, en raras ocasiones (amenazas anónimas), y durante breves períodos. Los Gobiernos de la República Federativa de Yugoslavia y de la República de Serbia permiten el libre acceso a Kosovo y Metohija a todas las organizaciones gubernamentales y no gubernamentales que han expresado su interés. Los representantes del Alto Comisionado de las Naciones Unidas para los Derechos Humanos, el ACNUR, el CICR y una serie de organizaciones no gubernamentales actúan sobre el terreno de manera permanente. El representante del CICR en Belgrado confirma que no se opone ningún obstáculo a las actividades de esta organización humanitaria en Kosovo y Metohija y que la organización tiene acceso a todos los particulares y todas las regiones de la República Federativa de Yugoslavia que le interesan.

Los tres últimos párrafos de la carta contienen observaciones políticas del Relator Especial que quisiera comentar.

La afirmación de que la "crisis en Kosovo y Metohija" está basada en cuestiones políticas no resueltas es vaga. La raíz del problema es, en primer lugar y sobre todo, la insistencia de parte de los dirigentes extremistas de los albaneses étnicos de llevar a cabo una secesión, y esta es la idea que sustenta su negativa a emprender un diálogo sobre cualquier otra cuestión, en particular de los derechos humanos y los derechos de las minorías.

Es inadmisibles la insistencia del Relator Especial sobre la necesidad de que "ambas partes" inicien de inmediato un diálogo, sin referirse al hecho de que hasta la fecha, en 12 ocasiones, algunas delegaciones de alto nivel de la República de Serbia, junto con representantes del Presidente de la República Federativa de Yugoslavia, se han dirigido a Pristina a fin de mantener conversaciones con los representantes de los albaneses étnicos, pero éstos no se han presentado, aunque, por su parte, los representantes de otras minorías y de grupos étnicos reconocieron la invitación.

La declaración de que "el progreso en la solución de la crisis ha sido mínimo" debe contener un juicio claro de quién tiene la culpa de esa situación. Esto es especialmente cierto puesto que el Acuerdo sobre la Normalización de la Educación en Kosovo y Metohija se ha firmado y se ha aplicado en la práctica casi por completo, debido sobre todo a los esfuerzos y a la buena voluntad de la parte serbia, ya que se ha retirado la fuerza especial de policía de Kosovo y Metohija, habiendo aumentado aún más las tensiones debido a que los albaneses étnicos terroristas dirigen su acción cada vez más y de manera fanática contra los civiles.

El Gobierno de la República de Serbia está dispuesto a resolver todos los problemas de Kosovo y Metohija mediante un diálogo directo y sin condiciones con los representantes de los partidos políticos albaneses étnicos, así como con las demás minorías o grupos étnicos de la región -musulmanes, gitanos, turcos, croatas, etc.

El Sr. Milan Milutinovic, Presidente de la República de Serbia, se dirigió a Pristina el 7 de abril dispuesto a participar en el diálogo inicial, pero los representantes de los partidos políticos albaneses étnicos no se presentaron. En lugar de ello, viajaron a Tirana para lograr un acuerdo.

Todas las propuestas e iniciativas del Gobierno de la República de Serbia están basadas en las normas europeas e internacionales, en particular en la Convención para la Protección de los Derechos Humanos y las Libertades Fundamentales del Consejo de Europa, la Convención Marco del Consejo de Europa para la protección de las minorías nacionales y la Carta Europea de Autonomías. Es justamente con esta orientación que el Presidente del Gobierno de la República dirige en todo momento un llamamiento a los dirigentes de los partidos políticos albaneses étnicos para que se sienten en torno a una mesa e inicien un diálogo.

Me permito reiterar que el Gobierno de la República Federativa de Yugoslavia ha propuesto a la Oficina del Alto Comisionado para los Derechos Humanos que concierte un acuerdo sobre el estatuto de su oficina en Belgrado, que se elevará al más alto nivel posible, de conformidad con la Convención de Viena sobre las Relaciones Diplomáticas y el Convenio sobre Privilegios e Inmunidades de las Naciones Unidas.

Permítame terminar diciendo que la República Federativa de Yugoslavia espera con interés trabajar con el Relator Especial, desarrollando y promoviendo aún más esta colaboración, conforme a su interés común de proteger y fomentar los derechos humanos al tiempo que se cumplen los principios internacionales aceptados universalmente.

En tal sentido, creo apropiado que la Oficina del Alto Comisionado para los Derechos Humanos en Belgrado mantenga una cooperación aún más estrecha con los representantes de los órganos judiciales del país. La insistencia en acusaciones no documentadas y en echar la culpa a las autoridades locales tiene por resultado una imagen distorsionada de los hechos ocurridos en

Kosovo y Metohija. En consecuencia, algunas recomendaciones y conclusiones del Relator Especial no son una imagen razonable de la situación, ni sirven para proteger y fomentar los derechos humanos.

Me permito rogarle, señor Presidente, tenga a bien hacer llegar esta carta, junto con su anexo, al Sr. Dienstbier, distribuirlos a todos los miembros de la Comisión de Derechos Humanos, y disponer que se publiquen como documento oficial del 55º período de sesiones, con arreglo al tema 9 del programa.

(Firmado): Miroslav Milošević
Encargado de Negocios a.i.

Anexo

A. Background to the actions of February and March 1998

The motives for the events covered by this section should be sought far back in history, rather than in the two-year period mentioned in the report. The ethnic Albanian terror in Drenica has not been practised "since yesterday", it first developed in the past, stretching further into World War II and afterwards, with Drenica being the stronghold of Albanian ballist gangs (who were fascist allies), serving as a nucleus for breeding outlaws and terrorist groups, as confirmed by reliable documents and evidence. The terrorist attacks under way for several months now - in particular those in the Srbica region - which have been threatening safety in several road directions and resulting in numerous casualties among the civilians, creating general insecurity among the population, have made it incumbent upon the police authorities to provide road safety by setting up police checkpoints, first and foremost in the Srbica region. However, on several occasions, the implementation of these measures has been hampered, inter alia, by ethnic Albanian terrorist actions, particularly by the Adem Jasari group, which mounted an ambush against the police patrols on 28 February, shot dead four policemen, injuring two more.

It is worthwhile recalling that in the region of the Autonomous Province of Kosovo and Metohija, in the period 1991 - 27 April 1998, ethnic Albanian separatists mounted 317 terrorist actions, killing 64 persons (42 civilians and 22 members of police). These have been perpetrated mainly in 1998, as evidenced by the fact that, in less than four months - from 1 January to 27 April - 183 terrorist actions were perpetrated, i.e. 57.7 per cent of the total number of terrorist acts committed in the last seven years. On 61 occasions, terrorists mounted attacks on the facilities and members of the Ministry for Internal Affairs of the Republic of Serbia (Srbica -29, Klina - 7, Glogovac - 4, Urosevac, Prizren, Kijevo and Podujevo - 3 each, Orahovac, Pristina and Decani -2 each, Istok, Vucitrn and Stimlje - 1 each), killing 9 members of the Ministry, inflicting severe injuries on 19 of them, and light bodily injuries on 10 among them. In 53 cases, the attacks against the members of police were committed when they were on duty (on three occasions, firing even at the Ministry helicopters), 7 times on housing facilities and the homes of the members of police; in one case, a private passenger car was stopped by armed masked terrorists. In the same period, 16 citizens were killed, and a number of civilians sustained severe or light injuries. The following civilians were killed: Orahovac: 6 ethnic Albanians; Klina: 2 Serbs and 2 ethnic Albanians; Glogovac: 3 ethnic Albanians; Srbica: 1 Serb and 1 ethnic Albanian; Decani: 1 Serb; 11 persons sustained severe bodily injuries - Djakovica: 3 ethnic Albanians; Pec: 2 Serbs; Decani: 1 Serb; Podujevo, Klina, Djakovica, Decani, Suva Reka and Srbica: 1 ethnic Albanian each. Nine ethnic Albanians and 9 Serbs sustained light bodily injuries.

In these terrorist actions, Albanian terrorists - either individually or in groups - used heavy armaments, such as mortars, machine-guns, hand mortars and bombs, automatic rifles and snipers, explosives and pistols.

The above facts fully substantiate justification for the Ministry's anti-terrorist operations against the nucleus of terrorist gangs in the area of Drenica - the villages around Srbica - where the largest number of attacks was perpetrated in the period.

The allegations whereby the members of the Ministry are responsible for operations in the villages of the Srbica district on 26 November 1997, when heavily armed Serbian police units, supported by armoured vehicles and helicopters surrounded a number of villages near Srbica, reportedly to apprehend a group of armed individuals suspected of having attacked the police a few days earlier, are unfounded, the actual facts being the following:

On 26 November 1997, a team consisting of an investigation judge, the district public attorney and the Ministry's authorized officials from Kosovska Mitrovica, was sent for the second time to the village of Vocnjak, the Srbica district, for on-the-spot investigation of a terrorist attack perpetrated the previous day against two Kosovska Mitrovica District Court employees. At 10.15 a.m., on the road leading to this village, a large number of terrorists deployed atop two hills and a forest, attacked the team on the road leading to this village, with automatic weapons, hand mortars and hand grenades. In order to defuse the attack and protect lives, the members of the Ministry also used firearms. This terrorist attack lasted one and a half hour, three policemen sustained injuries, one of them was heavily injured. When retreating, on the road to the village of Turicevac, and when entering the village of Lausa, the members of the Ministry and the whole team were attacked again, but to no avail.

It is claimed in the report that the Serbian police, in response to attacks by the so-called Kosovo Liberation Army, searched for weapons houses and entire villages in Kosovo and Metohija, including the village of Drenica. The allegations of arrests, severe ill-treatment and torture of large numbers of ethnic Albanians are tendentious and false, unsubstantiated by any fact or evidence - sheer fabrication constantly resorted to and propagated by Shiptar separatists, their henchmen and mentors from inside and outside of the country. For instance, in referring to terrorist attacks in Likosani and the villages of the Drenica district of Glogovac, of 28 February and 1 March 1998, some Yugoslav and foreign media launched falsehoods on alleged torture of arrested and detained ethnic Albanians. The Serbian Ministry for Internal Affairs rejected these allegations most emphatically in its Statement issued by the Tanjug national news agency on 6 March 1998. It is indicated in the Statement, inter alia, that a number of persons were detained for establishing their identity and for informative talks, that nine persons were released the same day, that another five were kept in detention since they had on them substantial quantities of weapons, ammunition, mine and explosive devices.

B. Concerns pertaining to the right to life

This section relates to alleged human rights violations by the members of the Ministry for Internal Affairs of the Republic of Serbia, who are ascribed responsibility for terrorist attacks by ethnic Albanian separatists in the villages of Likosane and Cirez, near Glogovac, on 28 February 1998; in Prekaz, on 5 March, in Glodjani and Dubrava on 24 March 1998, and for the violation of international human rights and humanitarian rights by alleged extra-judicial executions of detainees and indiscriminate firing on unarmed civilians. These allegations are unfounded, the actual facts being the following:

1. Likosani and Cirez

On 28 February 1998, between 11.30 a.m. and 12.20, on the Likosane village road, the district of Glogovac, police units on regular patrol in service vehicles were ambushed by ethnic Albanian separatists in several synchronized terrorist attacks. The terrorists used hand mortars, hand grenades, and automatic fire arms, killing policemen Vujkovic Miroslav (1971), Radojcic Goran (1968), Ivanovic Radoica (1969) and Jovanovic Milan (1971), while Damjanovic Pavle (1960) and Matejic Slavisa (1970) sustained heavy injuries. Several service vehicles were damaged during the attack. In the course of the police intervention aimed at containing resistance and thwarting the attack, when lives of policemen were threatened, 16 terrorists were killed. Five persons were denied freedom, substantial quantities of fire arms - mine-explosive devices and other armaments - were found on them. As for the searches of the area and the houses wherefrom terrorist attacks were committed, two automatic rifles, 4 rifles, 130 hand grenades, 24 mines for hand launchers, 13 kg of explosives, 40 detonator powder charges, 3 clock mechanisms, some 3,000 bullets and 80 hand grenade lighters were found.

2. Prekaz

In the early morning of 5 March 1978, a group of terrorists committed a new attack on the police patrol in the vicinity of Donje Prekaze, district of Strbac. Once the police responded, the terrorists retreated and barricaded in the Jasari family compound, in the said village. In conformity with law and the service rules, upon surrounding the compound, the police invited the terrorists to surrender, and other individuals to leave the spot in two hours' time. Several dozens of citizens obeyed and safely left the compound. Upon the repeated appeal to surrender, the Adem Jasari terrorist group responded by fire, using heavy armaments - mine launchers, machine guns and bombs - automatic rifles and snipers.

In this ethnic Albanian separatists' terrorist attack, which took 27 hours, 51 persons were killed in the course of the Ministry members' intervention. It was established later that, regrettably, among those killed were some members of the Jasari family who failed to surrender since prevented by terrorists. The detail that Jasari in person killed his nephew in order to prevent him surrender illustrates Jasari's cruelty. As a matter of fact, Jasari had been hiding, since considered responsible for several

killings and wounding of citizens and members of police, out of which reasons he had been sentenced to 20 years' imprisonment in absentia. As most of those from among the terrorists, Jasari had attended military training courses in Albania (in 1990), setting up an illegal terrorist gang in the Prekaz area afterwards.

During this terrorist attack, ethnic Albanian separatists killed policeman Rade Radakovic (1961), whereas policeman Andreas Koncarevic (1972) was shot dead during the operation aimed at thwarting the terrorists' resistance, with eight policemen sustaining heavy injuries. On the whole, 67 persons on the side of terrorists were killed in the two operations - on 28 February and 5 March.

Bodies of several persons who were killed in the 28 February operation, were taken from the spot by the terrorists.

3. Other incidents

Police operations of 24 March 1998, in Glodjani and Dubrava, when three persons were killed and another 20 injured, are discussed in this section of the report as if being incidental. In this connection, the facts are the following:

On 24 March 1998, at 10.45 a.m., in the village of Dubrava, district of Decani, a terrorist attack was committed on the police patrol which was carrying out its regular activity in a service vehicle. An ambush followed from the houses close by with hand grenades and automatic firearms, and policeman Miodrag Otovic was shot dead. Police teams of Djakovica and Decani were sent to the spot to help but, even before entering the village of Dubrava, they were ambushed with hand mortars and automatic firearms.

In order to check the attack which indeed put in jeopardy their lives, the policemen used firearms, organized pursuit and managed to defuse terrorists into small groups. In the centre of the village of Glodjani, at 3.45 p.m., one group of terrorists launched an attack on the police unit, using hand mortars and automatic firearms and injuring seven policemen. In the course of this operation, three machine-guns, three automatic and two semi-automatic rifles and 10 hand grenades were seized, along with substantial quantities of ammunition and military equipment of Chinese production, owned by the Albanian army units.

In the police operation that followed, two terrorists were killed. In the village of Glodjane, Rasim Sulemani was detained, another 14 persons were held for informative talks. The terrorist arrested, Rasim Sulemani (Chairman of the Ibrahim Rugova Democratic Alliance of Kosovo for Glodjane) stated that this ambush had been perpetrated by some 30 armed terrorists from Albania.

The allegations based on testimony by eye-witnesses at the Office of the United Nations High Commissioner for Human Rights, whereby one protestor was

shot dead and five others wounded during the Pec demonstrations of 18 March, and the claim that police wounded several protesters in Istok on 9 March, are false. The facts are the following:

Ethnic Albanian demonstrations, not previously notified to the authorities and in support of terrorist actions of ethnic Albanian separatists, were mounted in March in major Kosovo and Metohija cities. Concurrently, out of the same reason, ethnic Albanian women gathered in front of the United States of America Information Centre. At the same time, public order and peace were infringed in some other cities, with protesters throwing stones and various articles, thus provoking police to intervene. On the occasion, one policeman was heavily injured (on 2 March in Pristina), with six others sustaining light injuries. Individual cases of firearms shots on the members of police and on the houses owned by ethnic Albanians loyal to the Republic of Serbia were recorded. Five persons - all of them Serbs and Montenegrins - were injured during these demonstrations, whereas 16 vehicles, a number of houses and some shops were damaged. On 19 March 1998, in Pristina, at the crossroads of Vidovdanska and Kralja Petra streets, demonstrators started banging vehicles, beating a number of citizens - passengers and drivers in the vehicles stopped at semaphore red lights. A timely police intervention prevented heavier fighting between citizens and demonstrators. Attempts of ethnic Albanian protesters at the Pristina university students' hostels and the University building itself to launch attacks on Serbian and Montenegrin students, with prospects of large-scale fighting, were thwarted. On 19 March in Gnjilane, protesters stoned the kindergarten building accommodating refugees. Altogether, 18 protesters were detained by police in March, and released after talks with them.

During a protest of some 2,000 ethnic Albanians in Istok, on 9 March 1998, on two occasions, hunting rifle shots were heard from within the masses of protesters. There was a case of one protester's self-inflicting injuries, thus sustaining heavy bodily injuries.

On 18 March 1998, during the Pec protests, firearms shots were heard on several occasions. The protesters were shooting at policemen and at a house, property of an ethnic Albanian who had not joined them. Police did not intervene.

Hence, the report allegations whereby police fired on demonstrators, killing one on 18 March in Pec, are false. In this connection, the Ministry of the Interior denied the rumours carried by some foreign and a segment of domestic media, and announced on 19 March 1998 the irrefutable fact: members of police had not used firearms during the demonstrations, nor has a single citizen been registered as injured or shot dead with the Ministry or any health establishment in the region of Kosovo and Metohija.

4. Comments and observations

This section of the report contains evidence given by alleged eye-witnesses who are accusing the police of extrajudicially executing detained persons and of indiscriminately shooting civilians. However, police

intervened in order to extend aid to the policemen attacked on regular duty, since their lives were in jeopardy, and in order to evacuate the wounded and killed policemen. During this intervention, the police units were under intensive fire from various weapons, activated simultaneously from several directions and facilities, thus compelling them to respond by using service firearms. No case of overstepping of power has been recorded.

Those who surrendered were not shot dead by police, nor were the killed terrorists massacred. Possibly though, terrorists have massacred the killed whose bodies were not accessible to police, or those shot dead, once their bodies were handed over to their families. Another possibility is that by using bombs and armaments of larger calibre - used by both the terrorists and policemen - the bodies of the killed were further injured, thus giving rise to wrong and ill-intentioned conclusions that they had been massacred.

In case any overstepping of power did take place, the competent bodies shall carefully examine it in the course of its regular investigation and apprise the public in due time. If established, any overstepping of power shall entail corresponding legal measures against those responsible for such acts.

The post-mortem examination and exhumation of bodies of those killed during ethnic Albanian separatists' terrorist attacks on the members of the Ministry for Internal Affairs is the responsibility of the Ministry of Justice.

C. Missing and detained persons

The allegations from reports received by the Office of the United Nations High Commissioner for Human Rights from various sources whereby, in the aftermath of the conflicts with terrorist gangs in Prekaz and Drenica, some persons are missing, have not reached the Ministry for Internal Affairs of the Republic of Serbia. Once a person is registered as missing, it is incumbent upon the Ministry to undertake all the measures envisaged for locating him/her.

The thing is that there are cases of missing Serbs, Montenegrins or ethnic Albanians loyal to the authorities of Serbia and the Federal Republic of Yugoslavia, subsequently established to have been kidnapped by ethnic Albanian terrorists, who perpetrate the severest of torture against them. Ultimately, some of these kidnappings end in the death of the kidnapped. Such was the case in the district of Klinë, in the night of 2 April 1998, when a group of armed persons in fatigue uniforms, with the Republic of Albania Army's insignia and emblems, kidnapped six ethnic Albanians. Their bodies, drilled with automatic weapons bullets, have been uncovered at the Orahovac-Malisevo road, at a location called "Carevac".

D. Torture

This section of the report contains allegations whereby the police and State security forces arrested and detained five ethnic Albanians in Prizren, on 27 February 1998, still in custody, and subjected them to electric shocks and torture. This allegation of police abuse or torture is false. The members of the police carry out their duties in full compliance with the Constitution and respective legislation, where equal protection and the constitutionally laid down freedoms and rights for every man and citizen are provided, thus protecting human dignity. Accordingly, any form of discrimination or "act of torture" as stipulated under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and ratified by our country, is excluded.

On several occasions, the report carries inaccurate and arbitrary allegations of police use of heavy armaments, including tanks, during the anti-terrorist operations in some villages of the Drenica region. However, the members of the police used the routine police armaments exclusively, tanks not being among those. This Ministry has in its possession a number of helicopters, used on these occasions for evacuation of the injured only.

In conclusion, I would like to point to indirect and direct interference of the Republic of Albania in the events occurring in Kosovo and Metohija and to terrorist incursions from Albania aimed at committing diversions and terrorist operations in our country. On some occasions, the Army of Yugoslavia thwarted the attempts to enter into our country to armed terrorist groups from Albania, whose past operations have been conducive to escalation of terrorist actions in Kosovo and Metohija in the first quarter of 1998. The number of liquidated terrorists, the quantity and origin of the firearms and military material seized, the number of border incidents and the kidnappings, torture and killings of civilians and members of police of the Republic of Serbia is in testimony to this. The largest number of terrorists have been trained at military firing ranges of Albania, with the best among them being further sent to West European countries for attending additional, advanced sabotage-terrorist courses.
