

VIEW FROM THE HAGUE

LLAPUSHNIK CAMP VICTIMS DESERVE JUSTICE

On Monday, the trial of three former members of the Kosovo Liberation Army (KLA) accused of committing crimes against Kosovo Albanian and Serb victims began before the International Criminal Tribunal for the former Yugoslavia. Media in Serbia and Montenegro note that this is the first trial of KLA members. In Kosovo, the beginning of the trial saw accusations against the Tribunal that it is a political instrument.

In its opening statement, the Prosecution stated that it will present evidence that Fatmir Limaj, Haradin Bala and Isak Musliu, abducted, unlawfully detained in brutal and inhumane conditions, beat, tortured and murdered Albanian and Serb victims at the Llapushnik camp near Glogovac in central Kosovo between May and June 1998.

According to the Prosecution, forces under the command of Fatmir Limaj, the regional KLA commander responsible for the Llapushnik camp, abducted more than thirty Serb and Albanian men and detained them at the camp. KLA soldiers took the victims from their homes, sometimes in the presence of their family members, or out of their cars at KLA checkpoints, while returning from a funeral, farming or searching for a missing relative. They were virtually all civilians and none of the detainees could be said to have taken up arms against the KLA.

The Prosecution asserts that the conditions in the camp were brutal and inhumane: the walls and floors of the cowshed, where 10 to 15 detainees were held in a space designed for 3 to 4 cows, were covered with animal faeces, and at another point with human blood and excrement. Some detainees were fed every three to four days at most and nothing at all in the last six days before the camp closed. Despite regular and severe beatings, the detainees, with only two exceptions, received no medical treatment.

As the Prosecution contends, Limaj was aware of what was occurring at the camp and Musliu, the local KLA commander responsible for the Llapushnik camp, issued orders to beat the detainees at the camp, as well as participating in beatings himself. Bala, a KLA soldier and guard at the camp, is also alleged to have personally beat prisoners. The detainees were hit, kicked, beaten with sticks, rifle butts, axe-handles and electrical cables.

According to the Prosecution, the accused were also involved in interrogating detainees for their alleged "collaboration" with Serbs. The Prosecution contends that this was based on a wide range of suspicions and assertions, none of which could have justified the violence or brutal camp conditions the detainees were subjected to.

The Prosecution alleges that these three accused are responsible for murdering at least twenty of the Albanian and Serb detainees. The Prosecution named each of these victims, showed the court their photograph, and described who they were and their role in their

communities. One of these victims was Ajet Gashi, who was severely beaten on 12 June 1998, then dragged by Musliu and another soldier out of the room by his hair. He was transported in the boot of a car to a point 15 km away where he was executed. Also, it was alleged that Serb detainees were regularly beaten in the camp. When the camp closed on 26 July 1998, Bala marched between 20 and 25 detainees into the Berisha mountains. The Prosecution alleges that Bala and other KLA soldiers shot to death ten of the prisoners from this group.

Limaj, Musliu and Bala will have an opportunity to contest all of the Prosecution's allegations. They will be able to cross-examine prosecution witnesses and to present their own. According to the Tribunal's procedures, Limaj, Musliu and Bala are innocent until the Prosecution proves their guilt beyond a reasonable doubt.

In its opening remarks, the Prosecution stated that its case against Limaj, Bala and Musliu is based on evidence that they committed crimes. As the Prosecution has made clear, its case against these accused is not a case against the KLA or against the Kosovo Albanian people; nor does the Prosecution seek to justify or condemn the KLA's broader policies or that of any other party to the armed conflict in Kosovo in 1998 to 1999. The Prosecution did not issue this indictment, and a Tribunal judge did not confirm it, in order to satisfy Serb public opinion, influence politics in Kosovo or, as critics in Kosovo contend, to create a balance of guilt between Serbs and Kosovo Albanians.

This case is being heard because Ajet Gashi and the other Albanian and Serb victims of murder and torture at the Llapushnik camp deserve justice. As the Prosecution stated on Monday, "no cause, however just, legitimizes indiscriminate murder."

Outreach Programme

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