

English version:

Conversation with Bekim Gashi and Dardan Hoti

Dafina Halili: Hello, I am Dafina Halili, a journalist at Kosovo 2.0, and thank you for joining us for Kosovo 2.0's podcast.

In our series of podcasts in collaboration with the Humanitarian Law Center over the last two years we have explored various aspects of transitional justice in order to cover as many angles of the issue as possible. We have recorded oral histories about the enormous efforts survivors of war massacres must make to continue living their lives, as well as the endless searches relatives of missing persons are engaged in. We also tried to understand more about post-traumatic stress on war victims and survivors and the challenges facing institutions in resolving the fate of Kosovo's missing persons.

Today we will have a conversation based on a recent report of the Humanitarian Law Center titled "An Unfinished Process – Challenges in clarifying the fate of missing persons," which was produced within a joint project with Kosovo 2.0.

The report was published on the National Day of Missing Persons in Kosovo, which falls on April 27, the anniversary of the Meja Massacre, in which Serb military forces killed at least 350 civilians.

Today — a great responsibility — I will discuss the main issues addressed in this report, which address the challenges and barriers of clarifying the fate of those missing during the war in Kosovo.

Here with me is the report's author, Dardan Hoti, and also I am honored to have with me Bekim Gashi, who, for all those years, has been struggling to locate his most beloved, and who portrays and illustrates in the most meaningful way all the issues that Dardan and the Fund address in the report.

Bekim Gashi is the survivor of the Tërreja Massacre, where at least 30 people were killed, 22 of whom were his relatives. He is the son of Hyra, the brother of Blerta, Lumturie, Selvete and Luljeta, all of whom were forcibly disappeared by Serbian forces on March 25, 1999.

Bekim and Dardan thank you for being here.

Bekim Gashi, Dardan Hoti: Thank you!

Dafina: Out of us here, but also among people in general, it's true that no one more than you and your family members understands the right to a dignified burial and the right of family members to learn the fate of their loved ones and where the victims of Kosovo's war are buried.

Whenever I think of this, it reminds me of another conversation that we often have with Dardan, where as a main theme of this conversation we mention the report of the Humanitarian Law Center, whose author is Dardan, and the question of how no massacre investigation so far, except two, have been fully completed in Kosovo.

Dardan, I remember we have mentioned several times that it is only the Prekaz massacre, for which the fate of the victims is known and who are all buried, and Rezalla massacre, whose victims were finally identified with the discovery of the mass grave at Kizhevak.

Initially, I would like to leave it to you to elaborate a little more on this part and what exactly this means wrapping up a massacre case means.

Dardan: Yes Dafina, as you said, the Rezalla victims who were found in the mass grave in Kizhevak, constitute the second massacre which has been concluded, which means, all victims who were in that massacre, who were victims, the bodies have been found, while in each other major massacre that occurred in Kosovo, as well as other smaller massacres, there are still people who are missing from those massacres.

We still have many cases. But there is an issue with finding the truth about missing persons connected to the immediate context of the war, and even after the war, and that is that Serbian forces took victims' remains and sent them to different locations in order to hide their crimes. And so, a victim, the body of a victim happened to be found in two or three different places, and just imagine about the massacres, the bodies are scattered in different places.

In our report, I would like to elaborate a bit the findings about Kizhevak, where we did a case study, in Rezalla and Rudnica, also Kizhevak, because the victims of Rezalla, some were found in Rezalla, two of them, and other bodies were found in the mass grave in Rudnica and others in Kizhevak.

This shows that, as you mentioned, the way of hiding the bodies was done in such a way that these bodies could not be found, or that the process would be complicated and delayed so much that in the case of Kizhevak, as it happened, which started six years ago, and it took six years to provide information, to find the place through satellite images and other technical processes to find the bodies in a mass grave.

Dafina: Along with the fact that the mass grave was found in Kizhevak, the groups and institutions that were involved have repeatedly stated that one of the difficulties has been the very difficult geographical terrain. Then, after a very long time, the witnesses' memory has often not been the best, often, that memory may have been so problematic that the excavations could have led you to the wrong place, meaning that, correct and accurate information should be provided before starting an excavation, and this can take many years.

What does this mean to you as family members, do the institutions notify you, do they talk to you, do you have information about all these different challenges that lead to the discovery of a mass grave?

Bekim: In terms of the information process, we are not informed at all. When a mass grave is discovered, or bodies are found somewhere, the only information we receive, we receive from the media, while from Kosovo institutions, nothing.

We do not get any information, even when the process begins, and also in cases when you, as a family member, get interested personally to request an appointment with them, it is hard to get them to meet with you, to give you the information. On the other hand, we are always hopeful because we think maybe it is our family member or something. So it is a very long procedure, it takes time from the moment of being reported that there is a mass grave to the moment when the excavations begin.

This part, of not being informed by the state bodies of Kosovo, it is so hard. At the same time, when there is news that is published, I understand the pain of family members, because the pain is the same for each victim, the victims are sacred, no matter what nationality they are or to whom they belong. It is very hard, because everyone hopes that their own family members will be identified, and this is the hardest part.

Dafina: Whose responsibility should this have been, maybe you Dardan can help me here, in terms of institutions, who would have been the relevant authority to call for a discussion, a more ongoing type of communication with family members? We know about the Government Commission, but who are the other competent bodies that should maintain the connection between what is being done on the ground, the identification of victims of a particular massacre on the one hand, and communication with the family members?

Dardan: The main responsibility falls to the Government Commission for Missing Persons. This Government Commission previously appointed several people in different municipalities who are responsible for the issue of missing persons and to maintain communication with family members about the process. That means any time any discovery or finding has been made, as well about the reburial process and other issues.

However, during our research we found that — and various experts confirmed — that these people who are responsible in municipalities are not competent to deal with this issue because they have other responsibilities within the municipality, such as commissions for human rights. And in the meantime, they also deal with the issue of missing persons.

We also found out these people are not very well prepared to deal with this issue and often, for example, during one of the interviews we had with one of the EULEX experts, he said that it was difficult for them to communicate with these people because they don't know English, so, this has probably made this communication with family members more difficult.

Also when we have communicated with family members and when we have interviewed family members, they stated that for the last 10 years no one has visited them, no one has gone for

any reason to their door or contact them or communicate with them or maybe often they do not even know who these individuals are. When we asked the Government Commission for Missing Persons, they said that they put in charge some people, in the largest municipalities, with the largest number of the missing, at the same time they tried to train them, but they admitted that these persons are not adequate for the job.

Bekim: Here, about the Government Commission for Missing Persons, I wanted to relate to the point that they do not have an accurate list, with the Red Cross or with the Fund, an exact list of missing persons as it should be. Last year, I had an opportunity... A non-governmental organization published a report and it had put a number of 1,622 or something. It was marked with a sign, the Youth Initiative it was, for human rights. In our family alone there are 14 who are still missing, and among them about six people from our family who weren't part of that list. It means that still, a list with all the numbers is still absent, after 23 years, there is no common database between the existing institutions, that is, the Fund, the Red Cross, NGOs and the Government Commission for Missing Persons, to have a list, as Dardan said, a database, a correct one, to verify them.

Someone says I have it, the other says I have it, this information I got from here, useless excuses.

And these people you mentioned, who are competent to inform the families, how it is possible that they still get paid because as far as I know, every year the government commission allocates funds for NGOs' work, to do the field work, with family members, to visit them. And how do they allocate funds, for example, to a NGO without giving any report of what has been done throughout the year? It would be the same as saying to me, here, take 1,000 euros and then later I'm not able to explain what I did with those 1,000 euros.

Dafina: You come from Tërreja. Tërreja is part of the Suhareka municipality, which in addition to Tërreja, where a great massacre took place and your family members were killed, Suhareka is there, nearby, where another large massacre took place, especially the well-known case of the Berishaj family. In the area of Suhareka there have been other serious crimes, so the municipality of Suhareka should have been one of those municipalities where there are people who are engaged in communication with family members, logically ...

Bekim: This is what I am trying to say...

Dafina: Has anyone visited you during these years or do you have any way of communication with the municipality, through these officials that Dardan is mentioning?

Bekim: No one is visiting us, and there is absolutely no place to turn to, no. Not even on anniversaries are they coming to visit us, as an affected family... No one cares.

Dafina: Bekim, you have participated for many years in a trial in Belgrade, the trial known as the Tërreja case. To explain it a little for our listeners... The war crimes prosecutor's office in Serbia has filed charges against Gavrilović and Rajko Kozlina, both ex-military, for war crimes against the civilian population.

As has been foreseen, the verdict did not bring justice to the victims, Gavrilović was released, and for all this journey that has lasted for years and years, with frequent travel to Belgrade, about which we have talked several times. As I remember, it was very important for you not to miss any court hearing, not only for the sake of your right and the right of your family members to ask for a piece of justice from the Belgrade Court, but also for the sake of your right, to be informed, thinking that, maybe, you might hear new information. And often you had to face the war criminals themselves, the perpetrators themselves. This great journey and all this effort to be part of it, despite the very unpleasant confrontations every day with the perpetrators... Do you have pessimism and a lack of hope in institutions about whether they can find out and clarify the fate of your loved ones? More or less you took this fight for justice into your own hands...

Bekim: In fact, it was a fight for justice, meaning that, all the delays that were made in Kosovo, at the end when they were identified, in 2022...

Dafina: ...in Batajnica.

Bekim: ...I participated in all the processes that took place, with all the delays, bringing the bodily remains to Kosovo, even when the judicial process started in 2008, all the way until 2019. It was a very long battle. I was alone without any support. The only support was the Fund. They supported me and never left me alone. I risked myself, leaving my family, in search of justice and in the end it resulted in nothing. I did this because it feels like a moral obligation to my family to do it. I knew that those who committed the crimes would never come to justice. But I had the hope that I would somehow find them. But seeing that Kosovo's institutions are being silent, they are saying that they are doing something, but they are not undertaking any steps. All this pushed me to start this process, and in the end it turned out to have no result.

Dafina: This experience, this story of yours, is also the story of many other family members in Kosovo, unfortunately. Dardan do you think that it is related to a central problem that has been mentioned for over 20 years, that is the opening of archives, where not only family members, but neither family members nor citizens, nor relevant institutions have access to archives?

Dardan: In fact, opening the archives is one of the challenges we have addressed in our report. Both countries claim that there are still unopened archives. There are not only the archives of the state of Serbia which Kosovo believes to exist. Through a research conducted by the Fund, for Humanitarian Law Center, after the request that the Fund has made, for the brigade 37, if I am not mistaken, just to be sure, those archives have been classified as a state secret for the next 30 years, and this, more or less, it makes you doubt that archives related to the war in Kosovo really exist.

At the same time, Serbia claims that Kosovo has KLA [Kosovo Liberation Army] archives. Kosovo, though, says that the KLA was a guerrilla organization that did not keep archives, and did not have any archives. However, after that, we have the archives of the International Criminal Tribunal. The International Committee of the Red Cross has started to have access to those archives from 2018-19, and this access has been successful, because after accessing

those archives some findings have been made, such as Kizhevak, which is also a result of satellite images that have been secured and archives have been found.

Then, after the war, there were many organizations, institutions, such as KFOR, the Hague Tribunal, which gathered information, evidence, exhumed bodies. Even that information, for example. When we asked UNMIK, they did not declare whether they had received all those archives, whether they preserved them or what they did with them. Then it went from UNMIK to EULEX. EULEX says that a number of files have been thrown away, because they were not complete, and some copies were damaged. EULEX also says that out of 1,200 files, 500 were rejected because they did not contain usable evidence. And so, gradually, since the war until now, the archives are inaccessible, some of the documents have been lost, and no one has a complete answer about when these archives will be transferred to the institutions of Kosovo.

Then KFOR, as a military organization, we could not have access to the KFOR archives. KFOR has dealt with a large number of cases, gathered a lot of information, has been present in various reports and there have been a total of five battalions in different regions of Kosovo, and their archives are closed.

When we made some requests about research and we sent some questions to KFOR, to receive an answer about this, a year after we did the request, we had to repeat it three times and we still didn't get any answer about how we can get access to those archives, or how it is all regulated. Because, separately, each of them had their battalion, now, each state separately has its own regulations as to how long those archives are kept secret because it was a military thing.

The worst thing is that, except for the ICRC [International Committee of the Red Cross] that has started to have access, they still do not have a strategy and still have not started to require those archives to be open, and there is no set timeline, there is no strategy. Right now, the only institution that plays an important role in the issue of the missing persons is the International Committee of the Red Cross, who are doing a great job and also have a list, a database with some information that is accessible for the public and is only basic information.

We have presented that information through the exhibit that shows the name, surname, day of disappearance, date, place of disappearance, but, yet, some other documents and other things are still not public. This set of analysis from the ICRC collects all the information and sends it to the groups that have been formed within the two states, and then an initiative and analysis is made, to find a place, the mass grave or other clandestine graves, or other small graves where bodies are hidden, as in the case of Mitrovica.

It is a very complicated process, a long process, it requires a larger group of people working here, with a more serious approach, a more serious strategy. Because, more or less, it has already been shown... we have demonstrated it in several ways, how every institution can contribute and what should be done in order to come to some results. We are hoping that after all these years they will have a certain strategy, both countries, our institutions and those of Serbia, but this topic should also have an approach in the dialogue process where it is important

and from which it depends a lot. It is known that in the dialogue, the issue of missing persons has not been brought up as of the end of 2020.

Dafina: What is that part that you, Bekim, think that we, as media, should pay more attention to? What should be reported to the public more often? What is something that the government, the various government institutions, should do in order to put this topic more in the spotlight?

Bekim: As much as has been done so far, it has raised awareness, and each time, the topics about missing persons are being more and more discussed, until 2018 or 2019 very little has been done.

Dafina: Do you think that now there are more... more improvements the media has done?

Bekim: Yes, there are a lot of improvements, except for this part, the lack of accurate information, giving the wrong information, to this part there should be given more attention. When there isn't concrete information, it shouldn't yet be brought up publicly, because this can hurt families. When you take into account the pain they already have gone through... and once they hear that misinformation, it is very hard.

The media has been more sensitive to the issue and the issue has been put in the spotlight more. After 23 years people know what happened to me, when earlier, one could have talked to me and there wasn't that information out there. It is good that in this aspect, it is receiving more attention, while the other part, the government commission for missing persons and others, I think that they should bring more pressure about the issue in the dialogue with Serbia... that the missing persons issue should become a condition, but this topic is not being discussed at all.

Dafina: Bekim, for the end, in your opinion, what exactly isn't being understood properly, by organizations or institutions, or from us as part of civil society? Because often when we talk about missing persons, I mentioned it earlier, at the beginning of conversation, we often do not understand what is the life of a family member, who is constantly waiting for a certain justice, but mostly, it is waiting to understand what has happened to their loved ones.

Bekim: Normally, family members need, most of them, need to be supported morally. A part of society just doesn't want to hear about these topics. They say, forget whatever has happened, start your life from the beginning. But this is a huge problem for a family member, despite the fact that those who find [their family members' remains] now have a kind of spiritual healing, they accept the fact that they are killed, they know where their body is and they accept that fact. But for those of us who still haven't found them, it is very difficult.

Kosovo's institutions should be more supportive, and the society should do more about this. Some need to be morally supported, with consultations, discussing these topics more. When you talk about this topic to others, despite the fact that the pain is heavy, it seems to you that someone is listening to you, it seems that they are easing the pain a little, it is taking some of the pain, you are sharing it with them, and it becomes easier for these families. Through counseling, through training, and for example through various psychologists. Nobody is visiting them, most of them need treatment with psychologists, to be consulted, to talk to them.

Dafina: Yes of course because it is a very emotional and psychological condition.

Bekim: Even war traumas do not appear during the first or second year after the war, traumas start after three to four years, when the person creates a shelter, because after the war, there are still worries about where to live. After finding solutions to these problems, life begins, and then the greatest pain begins. I think we should support them more, but no one has dealt with these cases, they have not been interested so far.

Dardan: Some family members are getting tired, a case that happened to me, when I wanted to conduct the interviews, some were completely against it. We do not want to speak to you, [they'd say], meaning that, they are getting tired of hearing inaccurate information, or not hearing any information at all, but some others have had that approach that at least someone is coming and is visiting us and are willing to hear our story, or what they are feeling now, or at least are coming to our door. And how welcome you feel, just mentioning them, bringing them back to some memories, reminding them about their most beloved people who still continue to be missing.

Dafina: Bekim, thank you very much, because it is not the first time that you have spoken for us, and I know that you have often told your story to the media with all the great difficulties to speak it and re-speak it.

Bekim: Thank you too.

Dafina: Thank you Dardan.

Dardan: Thank you Dafina.

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