



DESTINATION JUSTICE

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30 July 2014

Mr. Ariel Dulitzky
Chair-Rapporteur

Working Group on Enforced or Involuntary Disappearances
c/o Office of the High Commissioner for Human Rights
Palais des Nations,
8-14 Avenue de la Paix
CH-1211 Geneva 10
Switzerland
Submitted via email to: wgeid@ohchr.org

cc to

Mr. Pablo de Greiff
Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence
c/o Office of the High Commissioner for Human Rights
Palais des Nations,
8-14 Avenue de la Paix
CH-1211 Geneva 10
Switzerland
Submitted via email to: srtruth@ohchr.org

Dear Mr. Dulitzky,

Please find attached the General Allegation to the United Nations Working Group on Enforced or Involuntary Disappearances in the matter of Ylli Bytyqi, Agron Bytyqi, and Mehmet Bytyqi (the "Bytyqi Brothers").

This General Allegation is submitted on behalf of Fatose Bytyqi, surviving brother of the Bytyqi Brothers, by Destination Justice ("DJ"), in the person of Ms. Silvia Palomba and Mr. Praveen Madhiraju. The letters of engagement are attached to the General Allegation as Annexes I and II.

On behalf of Fatose Bytyqi, Destination Justice and Praveen Madhiraju look forward to working with you and the Working Group and thank you for your prompt attention to this case. Should you have any questions, please contact: Ms. Silvia Palomba at: silvia@destinationjustice.org and/or Mr. Praveen Madhiraju at Praveen_Madhiraju@yahoo.com.

Sincerely,

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GENERAL ALLEGATION TO
THE UNITED NATIONS WORKING GROUP
ON ENFORCED OR INVOLUNTARY DISAPPEARANCES

1. This General Allegation is submitted by Destination Justice (“DJ”) and Mr. Praveen Madhiraju on behalf of Fatose Bytyqi, surviving brother of Ylli, Agron, and Mehmet Bytyqi (the “Bytyqi Brothers”).
2. Destination Justice is a not for profit organization law, governance and development firm registered in Cambodia, France and Australia, with a field office in Cambodia, and affiliated consultants based all over the world. While we offer our consultants’ services to complete successfully projects on behalf of other organizations, we develop and manage our own projects aiming at improving the rule of law and human rights in a sustainable and holistic way. In particular, we seek to address human rights and rule of law issues in a critical, pragmatic and holistic way, and with thorough research and analysis; become a hub for a community of human rights and rule of law professionals who share and collaborate with each other across cultures, languages, legal systems and professions; increase understanding of human rights and rule of law within the broader community through training and research; and increase the role of technology in protecting and promoting human rights and rule of law. We are independent and operate primarily through an agreed distribution of income made through our clients’ projects and our trainings, secondly through private and corporate donations.
3. Mr. Praveen Madhiraju is a US attorney, assisting Fatose Bytyqi on a *pro bono* basis.
4. DJ and Praveen Madhiraju have direct consent from Fatose Bytyqi, surviving brother of the disappeared, to submit this General Allegation to the Working Group on Enforced or Involuntary Disappearances on his behalf (See Annexes I and II).
5. DJ and Praveen Madhiraju are able to convey information between the family and the Working Group. The contact persons for this case are:

Ms. Silvia Palomba - DJ Principal Consultant and Europe Liaison:

- Via e-mail: silvia@destinationjustice.org
- Via telephone: +33 69 87 13 246
- Via Skype: silvis78

Mr. Praveen Madhiraju:

- Via e-mail: praveen_madhiraju@yahoo.com
- Via telephone: +1 202 549 80 94
- Via Skype: praveen.madhiraju

PRELIMINARY INFORMATION

6. Information concerning the identity of Ylli, Agron, and Mehmet Bytyqi (the "Bytyqi Brothers") is presented individually (Paragraph 1).
7. Thereafter, as the Bytyqi Brothers underwent the same arrest, detention, and fate, we present together for each of the brothers:
 - Relevant background and context (Paragraph 2.1);

- Facts concerning the circumstances of arrests, detentions, disappearances and murders of the Bytyqi Brothers (Paragraph 2.2 and 2.3);
- Facts and allegations concerning the forces believed to be responsible for the disappearances of the Bytyqi Brothers (Paragraph 3). The list of the acronyms used throughout the document is attached as Annex III.
- Details on the *superior responsibility* in the Bytyqi Brothers case (Paragraph 4);
- Information concerning the witnesses to the incident (Paragraph 5);
- The actions taken by relatives and stakeholders to locate the Bytyqi Brothers and demand accountability for their disappearances and killings (Paragraph 6);
- The legal basis for the requests addressed to this Working Group (Paragraph 7).

1. INFORMATION CONCERNING THE DISAPPEARED PERSONS

(a)	Family name(s)	Bytyqi
(b)	Given name(s)	Ylli
(c)	Pseudonym(s)	N/A
(d)	Sex	Male
(e)	Occupation/profession	Pizza chef
(f)	Father's name, Mother's name	Ahmet, Bahrije
(g)	Date of birth	20 August 1974
(h)	Place and country of birth	Illinois, United States
(i)	Was the person below 18 years-old at the moment of the disappearance?	No
(j)	Identity document, Number, Date of issue, Country of issue	United States Passport, New York Drivers License
(k)	Nationality(ies)	United States, Albania
(l)	Address of usual residence	Hampton Bay, New York, United States
(m)	Any other place of residence at the moment of the disappearance	Prizren, Kosovo
(n)	Marital status	Single
(o)	Indigenous	No

(p)	Pregnant	No
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(a)	Family name(s)	Bytyqi
(b)	Given name(s)	Agron
(c)	Pseudonym(s)	N/A
(d)	Sex	Male
(e)	Occupation/profession	Construction worker
(f)	Father's name, Mother's name	Ahmet, Bahrije
(g)	Date of birth	9 July 1976
(h)	Place and country of birth	Illinois, United States
(i)	Was the person below 18 years-old at the moment of the disappearance?	No
(j)	Identity document, Number, Date of issue, Country of issue	United States Passport, New York Drivers License
(k)	Nationality(ies)	United States, Albania
(l)	Address of usual residence	Hampton Bay, New York, United States
(m)	Any other place of residence at the moment of the disappearance	Prizren, Kosovo
(n)	Marital status	Single
(o)	Indigenous	No
(p)	Pregnant	No

(a)	Family name(s)	Bytyqi
(b)	Given name(s)	Mehmet
(c)	Pseudonym(s)	N/A
(d)	Sex	Male
(e)	Occupation/profession	Construction worker
(f)	Father's name, Mother's name	Ahmet, Bahrije
(g)	Date of birth	17 February 1978

(h)	Place and country of birth	Illinois, United States
(i)	Was the person below 18 years-old at the moment of the disappearance?	No
(j)	Identity document, Number, Date of issue, Country of issue	United States Passport, New York Drivers License
(k)	Nationality(ies)	United States, Albania
(l)	Address of usual residence	Hampton Bay, New York, United States
(m)	Any other place of residence at the moment of the disappearance	Prizren, Kosovo
(n)	Marital status	Single
(o)	Indigenous	No
(p)	Pregnant	No

2. INFORMATION CONCERNING THE FACTS

2.1 BACKGROUND SITUATION

8. During and around the relevant period, there was an international armed conflict between Serbian-led forces of the Federal Republic of Yugoslavia (FRY) and the NATO member states and a non-international armed conflict between the Serbian forces and the Kosovo Liberation Army (KLA). The facts surrounding the death of the Bytyqi Brothers took place around these events.

9. During much of 1998 and 1999, the Serbian forces attempted, by force, to create an ethnically pure Serbian state in Kosovo. Serbian forces engaged in a campaign of violence and terror that included deportations, murders, sexual violence, willful destruction of property, and forced displacement directed against Kosovo's Albanian civilian population, which made up more than eighty percent of Kosovo's total population of nearly two million people.¹ Most civilians were killed as part of a general attack. However, men of military age, anyone suspected of having fought with and supported the KLA, and other prominent persons, were often specifically targeted.²

10. On 31 March 1998, the UN Security Council condemned the Serbian forces' excessive use of force against civilians and peaceful demonstrations and imposed sanctions against Yugoslavia. On 1 June 1998 Serbian forces launched the first major offensive of the conflict, which lasted until September. Thereafter, negotiations between the international community and the Yugoslav government commenced. On 24 March 1999, with unanimous support of its member states, NATO began a bombing campaign against Yugoslavia aimed at preventing the ethnic cleansing of Kosovo.³ NATO bombings ended on 10 June 1999 with the Kumanovo

¹ Tingsrätt Stockholm, [District Court, Judgment in the case against Milić Martinović], 20 January 2012, p. 7-8; Frontline, Kosovo Facts & Figures, available at <http://www.pbs.org/wgbh/pages/frontline/shows/kosovo/etc/facts.html> (last visited 12 June 2014).

² Tingsrätt Stockholm, [District Court, Judgment in the case against Milić Martinović], 20 January 2012, Affidavit Fred Abrahams, p. 136 and Affidavit Michael Montgomery, p. 139.

³ Tingsrätt Stockholm, [District Court, Judgment in the case against Milić Martinović], 20 January 2012, p. 7-8.

agreement.⁴ On 24 June 1999, the FRY parliament revoked its declaration of war, which took effect on 26 June 1999.⁵ However, both sides continued to participate in systemic violence.⁶ This including Serbian forces' continued criminal activity against Kosovar Albanians, which included significant looting, willful destruction of property, rapes, and murders.⁷

2.2 ARRESTS

(a)	Date of arrests	23 June 1999
(b)	Place of arrests	FRY police checkpoint in the village of Merdare near Podujevo
(c)	Date when the Bytyqi Brothers were last seen (when the abduction and disappearance of the Bytyqi Brothers took place)	8 July 1999
(d)	Place where the Bytyqi Brothers were last seen	District prison in Prokuplje, Serbia

2.3 HOW THE DISAPPEARANCES TOOK PLACE

11. The Bytyqi Brothers's disappearance took place within the aforementioned context. Prior to the war, the brothers, US citizens of Albanian origin, were living in New York. As the conflict and mass deportations began, they felt compelled to leave the USA to fight for the KLA's Atlantic Brigade.⁸ They arrived in Europe and entered the then FRY from Albania, without being officially registered with FRY authorities.

12. While engaged in humanitarian activities on 23 June 1999, the Bytyqi Brothers were arrested by Serbian Ministry of Interior (**MUP**) officials. At the time, the brothers were in plain clothes, unarmed, and escorting Roma neighbors Miroslav Mitrović, Minushi Vaxhit, his son, daughter-in-law, and two children, to a safe zone. Romas were increasingly facing violent persecution in Kosovo and the neighbors had asked the Bytyqi Brothers to help them flee to Serbia. While escorting the neighbors, the brothers crossed over an unmarked border between Serbia and Kosovo, were arrested, and later convicted of illegally entering Yugoslavia. They were each sentenced to fifteen days in jail in Prokuplje, Serbia, near the Kosovo border.

13. On 8 July 1999, a judge ordered their release. Miroslav Mitrović, one of the neighbors the brothers helped cross the border, was waiting for the brothers outside the prison, but never saw them exit. Mitrović later testified that prison guard Aleksandar Đorđević told him that the Bytyqi Brothers were taken out a back door of the jail by two men in plain clothes, who drove them away in a white car with no license plate.⁹

⁴ Military Technical Agreement between the International Security Force ("KFOR") and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia, 9 June 1999, available at <http://www.nato.int/kosovo/docu/a990609a.htm> (last visited 26 April 2014).

⁵ Republic of Serbia, District Court in Belgrade, War Crimes Chamber, No. K.V. 3/2006, p. 25, available at <http://bytyqibrothers.files.wordpress.com/2014/03/popovic-and-stojanovic-trial-court-decision-march-2006.pdf> (last visited 12 June 2014)

⁶ Scott Glover, *Serbs Mourn 14 Farmers as Violence Continues*, LA Times, July 29, 1999, available at <http://articles.latimes.com/1999/jul/29/news/mn-60722>.

⁷ Matthew McAllister, *Beyond the Mountains of the Damned*, 30-31, New York University Press (2002).

⁸ New York Magazine, *Bringing Out the Dead*, available at <http://nymag.com/nymetro/news/politics/international/features/5019/> (last visited 26 April 2014). The Atlantic Brigade was a brigade of the KLA made of US residents of Albanian origin who left the US to take part to the hostilities.

⁹ New York Times, *Bodies of 3 New Yorkers Believed Found in a Serbian Grave*, 16 July 2001, available at <http://www.nytimes.com/2001/07/16/world/bodies-of-3-new-yorkers-believed-found-in-a-serbian-grave.html> (last

14. It was later confirmed that the men were officers from a MUP special operations unit. The MUP officers took the Bytyqi Brothers across the country to a special operations training facility in the eastern Serbian town of Petrovo Selo.¹⁰ After repeated inquiries in August, September, and October 1999 as to the brothers' whereabouts, Serbian officials could only produce a copy of the form authorizing the Bytyqis release from the Prokuplje jail. There had been no judicial or other legal authorization for their continued detainment.

15. It was later learned that on or around 10 July 1999,¹¹ the Bytyqi Brothers were taken from the Petrovo Selo training facility to a nearby pit. The pit housed a mass grave of Albanian citizens whose bodies were brought from Kosovo in cold-storage trucks for reburial.¹² Without judicial process or other legal authorization, the Bytyqi Brothers were executed by gunshot wounds to their heads. On 14 June 2001, reports first surfaced that their bodies were found in the same mass grave.¹³

3. FORCES BELIEVED TO BE RESPONSIBLE FOR THE DISAPPEARANCE

3.1 Overview of the Organization of the Forces within the Serbian Ministry of Interior ("MUP")

16. During the relevant period, the Serbian security forces were organized in an extremely complex way. They were made of formal and informal structures and units,¹⁴ which all ultimately took orders from the MUP, which had functions related to the security of the state and its citizens.¹⁵

17. On 15 April 1997, **Vlajko Stojiljković** was appointed Minister of the Interior, a post which he maintained through all of 1999.¹⁶ The Minister of the Interior was accountable for the entire work and functioning of the MUP and represented the Ministry vis-a-vis all other state agencies. On 11 September 1996, the government, at the proposal of the Minister, appointed **Vlastimir Đorđević** as the Assistant Minister of the Interior, for a four-year term.¹⁷

3.1.a. The Public Security Department ("RJB")

18. The main organisational units of the MUP were the Public Security Department (*Resor Javne Bezbednosti "RJB"*) and the State Security Department (*Resor Državne Bezbednosti "RDB"*). The RJB was tasked with maintaining public order and the RDB was responsible for maintaining state security and responding to threats to the state as an entity, including through espionage.¹⁸ **On 30 May 1997, Stojiljković assigned Assistant**

visited 26 April 2014); B92, *Crime and Secret, The Bytyqi Case*, available at http://www.b92.net/specijal/bitici_eng/ (last visited 7 May 2014); B92, *ZAVRŠNA REČ U PREDMETU "BRAĆA BITIĆI*, available at http://www.b92.net/specijal/bitici/zavrsna_rec.php (last visited 7 May 2014).

¹⁰ Republic of Serbia, District Court in Belgrade, War Crimes Chamber, No. K.V. 3/2006, available at <http://bytyqibrothers.files.wordpress.com/2014/03/popovic-and-stojanovic-trial-court-decision-march-2006.pdf> (last visited 12 June 2014).

¹¹ B92, *The Bytyqi Case - Crime and Secret*, available at http://www.b92.net/specijal/bitici_eng/ (last visited 12 June 2014).

¹² The Library of Congress, Bill Text 113th Congress (2013-2014), H.CON.RES.61, available at <http://thomas.loc.gov/cgi-bin/query/z?c113:H.CON.RES.61> (last visited 12 June 2014).

¹³ The New York Times, *Side by Side in Life, and Now, in Death*, 4 March 2002, available at <http://www.nytimes.com/2002/03/04/nyregion/side-by-side-in-life-and-now-in-death.html> (last visited 12 June 2014).

¹⁴ Tingsrätt Stockholm, [District Court, Judgment in the case against Milić Martinović], 20 January 2012, Affidavit Fred Abrahams, p.25.

¹⁵ Prosecutor v. Milan Milutinović et al., ICTY Trial Chamber Case No. IT-05-87-PT, Judgment, para 658 (26 Feb. 2009).

¹⁶ Stojiljkovic committed suicide on the steps of the Federal Parliament in Belgrade in 2002.

¹⁷ Vlastimir Djordjevic was found guilty of deportation, forcible transfer, murder, persecutions on political, racial and religious grounds and sentenced to 18 years of imprisonment by the Appeal Chamber of the ICTY on 27 January 2014 (<http://www.icty.org/cases/party/810/4>). See also Prosecutor v. Vlastimir Djordjevic, ICTY Trial Chamber Case No. IT-05-87/1-T, Judgment, paras 36-37 (23 Feb 2011).

¹⁸ Prosecutor v. Milan Milutinović et al., ICTY Trial Chamber Case No. IT-05-87-PT, Judgment, para 659 (26 Feb.

Minister Vlastimir Đorđević, who at the time was also the chief of the Police Administration, to the post of “Acting Chief” of the RJB.¹⁹

19. The police tasks of the MUP were primarily performed through the RJB which, in turn, acted on the ground through thirty-three Secretariats of the Interior (“SUPs”) established throughout Serbia. Each SUP was headed by a chief of secretariat and had responsibility for the security situation in the zone where it was established. **The SUP chiefs reported directly to Vlastimir Đorđević, the head of the RJB, according to the “single authority principle”.** The SUPs were composed of Municipal Departments/Sectors of the Interior (*Odeljenja Unutrašnjih Poslova* “OUPs”) and local police stations.²⁰

20. Within the RJB, article 6 of the Rules on Organisation of the MUP established the Special Police Unit (*Posebne Jedinice Polcije* “PJP”) and the Special Anti-Terrorist Unit (*Specijalna Antiteroristička Jedinica* “SAJ”).²¹

3.1.b. The Special Police Units (“PJP”)

21. The PJP was entrusted with carrying out special security operations under regular circumstances and during states of emergency.²² Such tasks included the “detection, arrest and destruction” of rebel, sabotage and terrorist groups or individual members.²³ According to the findings of the Trial Chamber of the ICTY, Lieutenant General Obrad Stevanović served as the overall head of the PJP²⁴ from 1 January 1999 to 20 June 1999.²⁵ According to documentary evidence gathered before the ICTY in the proceeding against Vlastimir Đorđević, Goran Radosavljević (aka Guri) replaced Stevanović as chief of the PJP.²⁶

22. **SUP chiefs were responsible for the PJP units in the area of their SUP, and PJP commanders were members of the SUP collegia.** PJP detachments did not usually have a permanent force: a PJP detachment generally consisted of both active and reserve police forces from a SUP, who would sometimes be called upon to undertake specific tasks involving greater risk. Each of the fifteen PJP detachments were

2009) and Prosecutor v. Vlastimir Djordjevic, ICTY Trial Chamber Case No. IT-05-87/1-T, Judgement, paras 39 (23 Feb 2011).

¹⁹ Prosecutor v. Vlastimir Djordjevic, ICTY Trial Chamber Case No. IT-05-87/1-T, Judgement, para 39 (23 Feb. 2011).

²⁰ Prosecutor v. Milan Milutinović et al., ICTY Trial Chamber Case No. IT-05-87-PT, Judgment, para 666 (26 Feb. 2009); Prosecutor v. Vlastimir Djordjevic, ICTY Trial Chamber Case No. IT-05-87/1-T, Judgement, para 57 (23 Feb. 2011).

²¹ Prosecutor v. Milan Milutinović et al., ICTY Trial Chamber Case No. IT-05-87-PT, Judgment, paras 665, 675-676 (26 Feb. 2009); Prosecutor v. Vlastimir Djordjevic, ICTY Trial Chamber Case No. IT-05-87/1-T, Judgement, para 70 (23 Feb. 2011). The SAJ was an additional group within the RJB, established to fight terrorism, address hostage situations, and handle arrests of large criminal groups. From 1 January 1999 until 20 June 1999, the SAJ commander was Živko Trajković, and the deputy commander was Zoran Simatović (a.k.a. Tutinac). The SAJ was divided into three units falling under the SUPs of Belgrade, Novi Sad, and Priština.

²² Prosecutor v. Milan Milutinović et al., ICTY Trial Chamber Case No. IT-05-87-PT, Judgment, paras 660-661 (26 Feb. 2009); Prosecutor v. Vlastimir Djordjevic, ICTY Trial Chamber Case No. IT-05-87/1-T, Judgement, paras 46-52 (23 Feb. 2011).

²³ Prosecutor v. Vlastimir Djordjevic, ICTY Trial Chamber Case No. IT-05-87/1-T, Judgement, para 57 (23 Feb. 2011).

²⁴ Prosecutor v. Milan Milutinović et al., ICTY Trial Chamber Case No. IT-05-87-PT, Judgment, para 666 (26 Feb. 2009); Prosecutor v. Vlastimir Djordjevic, ICTY Trial Chamber Case No. IT-05-87/1-T, Judgement, para 60 (23 Feb. 2011).

²⁵ Prosecutor v. Milan Milutinović et al., ICTY Trial Chamber Case No. IT-05-87-PT, Judgment, para 6 (26 Feb. 2009); Prosecutor v. Vlastimir Djordjevic, ICTY Trial Chamber Case No. IT-05-87/1-T, Judgement, para 1 (23 Feb. 2011).

²⁶ Documentary evidence n. EUP20010201000389, 2 January 2001, Belgrade Glas Javnosti, pag. 1, available on the ICTY Court Records at <http://icr.icty.org/LegalRef/CMSDocStore/Public/English/Exhibit/NotIndexable/IT-05-87/ACE67391R0000250565.TIF> (last visited (22 July 2014)).

comprised of four to seven police companies, which in turn were divided into platoons and squads.²⁷

23. The Police Administration of the RJB was responsible for calling up PJP members and arranging for training and equipment; **the mobilising and engaging of PJPs could be done on orders of the Minister of Interior (Stojilković) and, when approved by the Minister, also on orders of the Chief of the RJB (Đorđević). The conduct of the PJPs on the ground during operations fell within the exclusive authority of the PJP commander (Stevanović and later Radosavljević); the commander of the PJPs remained accountable to the Minister or to the Chief of the RJB (Đorđević).**²⁸

24. In 1999, PJP units in Kosovo included, among others, the 124th Intervention Brigade headed by **Žarko Braković** and created on 18 June 1998 pursuant to a decision of Minister Stojilković. Before this date the 124th Intervention Brigade was known as the 24th PJP Detachment.²⁹

25. Starting from March 1999, the PJP wore green camouflage uniforms (before, they had worn blue), with several shades principally of green and brown. However, the ICTY Trial Chamber found out that at least until 20 June 1999, some PJP removed their insignia and other items from their standard uniforms. Despite this, it remained possible to identify PJP by their weaponry, vehicles and professional demeanour. Of particular relevance to the Bytyqi Brothers case, PJP units would often use civilian vehicles.³⁰

3.1.c. The Operational Pursuit Groups (OPGs)

26. The PJP also included elite units, called Operational Pursuit Groups (*Operativne Poterne Grupe* "OPGs"). OPG members were specially trained persons belonging to PJP units who were competent to combat serious incidents of "urban terrorism with smaller but more effective and mobile forces". OPGs were organized at the level of municipalities and often performed "mopping-up" operations to eliminate remaining targets. Each was led by **a commander directly subordinated to the chief of the SUP to which it belonged.**³¹

27. Miroslav Mijatović, the Deputy Head of the MUP Staff, testified that **Goran Radosavljević (aka "Guri"), Assistant Head for Special Operations Staff and member of the MUP Staff in Pristina**, until at least 31 May 1999 and later a Lieutenant-Colonel within the MUP³² **was put in charge of the training of the OPGs;**³³ **Ljubinko Cvetić³⁴ and Michael Montgomery³⁵ testified that Guri was actually the overall OPG**

²⁷ Prosecutor v. Milan Milutinović et al., ICTY Trial Chamber Case No. IT-05-87-PT, Judgment, paras 666-672 (26 Feb. 2009); Prosecutor v. Djordjevic, ICTY Trial Chamber Case No. IT-05-87/1-T, paras 57-60 (23 Feb. 2011); Tingsrätt Stockholm, [District Court, Judgment in the case against Milić Martinović], 20 January 2012, p. 19.

²⁸ Prosecutor v. Djordjevic, ICTY Trial Chamber Case No. IT-05-87/1-T, paras 61, 62, 118 (23 Feb. 2011).

²⁹ Prosecutor v. Djordjevic, ICTY Trial Chamber Case No. IT-05-87/1-T, para 63 (23 Feb. 2011); VESTIONline, "Zločnima" do apanaže iz budžeta, available at

<http://www.vesti-online.com/Vesti/Srbija/351170/Zlocnima-do-apanaze-iz-budzeta> (last visited 12 June 2014);

Balkan Transitional Justice, *Seeking Justice in Serbia for Kosovo's Lost Sons*, available at

<http://www.balkaninsight.com/en/article/serbia-urged-to-prosecute-commanders-for-kosovo-massacre/1455/4>

(last visited 12 June 2014); Sreten Popovic, involved in the disappearance of the Bytyqi Brothers, belonged to the 124 Intervention Brigade.

³⁰ Prosecutor v. Djordjevic, ICTY Trial Chamber Case No. IT-05-87/1-T, para 64-66 (23 Feb. 2011).

³¹ Prosecutor v. Djordjevic, ICTY Trial Chamber Case No. IT-05-87/1-T, para 68 (23 Feb. 2011); Tingsrätt Stockholm, [District Court, Judgment in the case against Milić Martinović], 20 January 2012, p. 19; Prosecutor v. Milan Milutinović et al., ICTY Trial Chamber Case No. IT-05-87-PT, Judgment, para 674 (26 Feb. 2009).

³² Prosecutor v. Djordjevic, ICTY Trial Chamber Case No. IT-05-87/1-T, para 1353 (23 Feb. 2011); Decision 6D1045 on completion of deployment in MUP Staff for Goran Radosavljević, 30 May 1999, cited in Prosecutor v. Milan Milutinović et al., ICTY Trial Chamber Case No. IT-05-87-PT, Judgment, para 958 (26 Feb. 2009).

³³ Cited in Prosecutor v. Milan Milutinović et al., ICTY Trial Chamber Case No. IT-05-87-PT, Judgment, para 673 [Miroslav Mijatović, 6D1492 (witness statement dated 6 February 2008), para. 37; Dragan Živaljević, T. 24941 (8 April 2008); Duško Adamović, 6D1613 (witness statement dated 30 March 2008), para. 11] and para 958 (26 Feb. 2009); Prosecutor v. Djordjevic, ICTY Trial Chamber Case No. IT-05-87/1-T, para 68 (23 Feb. 2011).

³⁴ Former police chief from the Serbian District of Kosovska Mitrovica. Prosecutor v. Milan Milutinović et al., ICTY Trial Chamber Case No. IT-05-87-PT, Judgment, para 673 (26 Feb. 2009); Ljubinko Cvetić, T. 8039 (6 December 2006) and Prosecutor v. Djordjevic, ICTY Trial Chamber Case No. IT-05-87/1-T, paras 68, 106, 119

commander. Natasja Kandić, Executive Director of the Humanitarian Law Center in Belgrade, confirmed that, according to the information gathered by the Humanitarian Law Centre, Guri "stood behind the organisation" of these groups (OPGs) until the end of 1999.³⁶ Milić Martinović, a member of an OPG unit in Kosovo testified that, according to his knowledge, Guri was the head of the OPG for the whole of Kosovo.³⁷

28. No evidence suggests that OPG units had different uniforms from the regular PJP units.³⁸

3.1.d. The Petrovo Selo Training Centre

29. Remains of Kosovo Albanian civilians were discovered in mass graves at the SAJ Centre in Batajnica near Belgrade, also known as the 13 Maj Centre, and at the Petrovo Selo Training Centre that was used as a training ground by the SAJ, the PJP and the RDB. **Both centres fell under the responsibility of Vlastimir Đorđević, as chief the RJB. The ICTY has found that individuals present at these training grounds when the bodies arrived and taking part in the digging of graves and in the burial operations, were Đorđević's subordinates.**³⁹

30. Evidence gathered before the ICTY and the Belgrade War Crimes Chamber shows that **Goran Radosavljević operated as the head of the Petrovo Selo Training Centre and personally oversaw the training of the MUP forces at that facility after the withdrawal of Serbian forces from Kosovo on 20 June 1999. Radosavljević has admitted as much during his December 2008 testimony before the Belgrade War Crimes Chamber.** At this time, Radosavljević had achieved the rank of Lieutenant-Colonel and was also the Commander of the Petrovo Selo Training Centre.⁴⁰

4. SUPERIOR RESPONSIBILITY IN THE BYTYQI BROTHERS CASE

31. During the relevant period, **Sreten Popović** was the company commander of an OPG unit belonging to the 124th intervention brigade of the PJP and was also Deputy Commander of the Petrovo Selo Training Center.⁴¹

32. Popović has previously been charged with ordering **Miloš Stojanović**, commander of a section of the same OPG unit,⁴² and his subordinate to detain and bring the Bytyqi Brothers to the Petrovo Selo Training Center as soon as they were released from the prison in Prokuplje. Both Popović and Stojanović, together with **Radomir**

(23 Feb. 2011).

³⁵ Tingsrätt Stockholm, [District Court, Judgment in the case against Milić Martinović], 20 January 2012, p. 137.

³⁶ Tingsrätt Stockholm, [District Court, Judgment in the case against Milić Martinović], 20 January 2012, Affidavit Natasja Kandise, p. 140. See also ICTY documentary evidence n. EUP20010201000389, cited note 25, according to which "Colonel Goran Radosavljevic was appointed chief of the Special Police Units [PJP], replacing Lt. Gen. Obrad Stevanović. Radosavljevic is currently in Bujanovac, as the commander of the Operative-Search Groups."

³⁷ During an interrogation at the request of the Belgrade war crimes prosecutor, Milić Martinović provided information on the role of the OPG and the types of assignments that the OPG performed during and after the war. The District Court has classified the contents of this hearing (Case 242) under Chapter 18 § 17 Public Access to Information and Secrecy (international judicial cooperation). Tingsrätt Stockholm, [District Court, Judgment in the case against Milić Martinović], 20 January 2012, p. 121.

³⁸ Prosecutor v. Djordjevic, ICTY Trial Chamber Case No. IT-05-87/1-T, para 69 (23 Feb. 2011).

³⁹ Prosecutor v. Djordjevic, ICTY Trial Chamber Case No. IT-05-87/1-T, paras 1262, 1978 (23 Feb. 2011).

⁴⁰ Prosecutor v. Djordjevic, ICTY Trial Chamber Case No. IT-05-87/1-T, para 1353 (23 Feb. 2011); FN 5208 : Vlastimir Djordjevic. T 9973-9975; see also Exhibit P1508 (Testimony of the Accused before the War Crimes Chamber of the Belgrade District Court on 26 June 2009), pp 3-7, 15.

⁴¹ Republic of Serbia, District Court in Belgrade, War Crimes Chamber, No. K.V. 3/2006, p. 24 available at <http://bytyqibrothers.files.wordpress.com/2014/03/popovic-and-stojanovic-trial-court-decision-march-2006.pdf> (last visited 12 June 2014).

⁴² Republic of Serbia, District Court in Belgrade, War Crimes Chamber, No. K.V. 3/2006, p. 24 available at <http://bytyqibrothers.files.wordpress.com/2014/03/popovic-and-stojanovic-trial-court-decision-march-2006.pdf> (last visited 12 June 2014).

Derić were the assistants of Lieutenant-Colonel **Goran Radosavljević**.

33. Testimony before the Belgrade War Crimes Chamber indicates that on 8 July 1999, together with **Aleksandar Nikolić** and **Dejan Stamenković**, both members of the same OPG unit,⁴³ Stojanović took the Bytyqi Brothers to Petrovo Selo where they were handed over to Popović and locked in an empty warehouse at the Training Center.⁴⁴

34. On or around 10 July 1999, Popović allegedly handed the Bytyqi Brothers to unidentified members of the SAJ and MUP, who tied the victims hands with wire and drove them to the waste disposal pits located within the Training Center.⁴⁵

35. In his testimony before the War Crimes Chamber of the Belgrade District Court, Đorđević said that Minister Stojilković assigned him the task to organize the transfer of the Bytyqi Brothers from Prokuplje to the Petrovo Selo Training Centre. Specifically, Đorđević had to order the officers of the Training Centre to go to the District Prison and take over the three brothers. Accordingly, Đorđević called the Training Centre and gave Popović the order to designate men "who would report to the District Prison in Prokuplje and take over there the three American citizens." A few days later, Popović confirmed Đorđević that the order was executed.⁴⁶ When asked why they did not have a written deportation order from General Đorđević, Popović and Stojanović said that in their unit an oral order had the same effect as a written one.⁴⁷

36. These facts are supported by the testimony of Đorđević at his own trial before the ICTY⁴⁸ and various other sources. Đorđević also affirmed that he tried to contact Goran Radosavljević, at the time the Commander of the Petrovo Selo PJP Centre, to pass on the order, but he could not reach him.⁴⁹ That is why he conveyed the instruction to Popović instead.⁵⁰ However, some Serbian police reports suggest that Goran Radosavljević was in fact present at the Petrovo Selo Centre during the Bytyqi Brothers' detention. Police told US embassy officials that they found inconsistencies in Radosavljević's claims that he had been absent from Petrovo Selo during the period in question and that at least one document signed by Radosavljević might indicate that he was present at the camp. There is also some evidence that Radosavljević's daughter visited her father in Petrovo Selo during the relevant period.⁵¹

37. In summary, the evidence shows:

⁴³ Republic of Serbia, District Court in Belgrade, War Crimes Chamber, No. K.V. 3/2006, p. 21 available at <http://bytyqibrothers.files.wordpress.com/2014/03/popovic-and-stojanovic-trial-court-decision-march-2006.pdf> (last visited 12 June 2014).

⁴⁴ Republic of Serbia, District Court in Belgrade, War Crimes Chamber, No. K.V. 3/2006, p. 21 available at <http://bytyqibrothers.files.wordpress.com/2014/03/popovic-and-stojanovic-trial-court-decision-march-2006.pdf> (last visited 12 June 2014), Testimony of Milenka Arsenijevića, Dejan Stamenkovic, 8 February 2007, pag. 2, available at <http://www.hlc-rdc.org/wp-content/uploads/2012/02/26.-Bitici-Izvestaj-sa-sudjenja-11.03.2008.pdf> (last accessed 27 April 2014).

⁴⁵ Republic of Serbia, District Court in Belgrade, War Crimes Chamber, No. K.V. 3/2006, p. 29; Republic of Serbia, Office of the War Crimes Prosecutor, Indictment against Sreten Popovic and Milos Stojanovic, 23 August 2006, pag. 2, available at http://www.tuzilastvorz.org.rs/html_trz/OPTUZNICE/O_2006_08_23_ENG.pdf (last accessed 27 April 2014).

⁴⁶ Republic of Serbia, District Court in Belgrade, War Crimes Chamber, No. K.V. 3/2006, Transcripts of audio record of the trial held on 26 June 2009, p. 4-5, Exhibit P01508.E, available on the ICTY Court Records at <http://icr.icty.org/LegalRef/CMSDocStore/Public/English/Exhibit/NotIndexable/IT-05-87%231/ACE78800R0000306148.TIF> (last visited 22 July 2014).

⁴⁷ The Humanitarian Law Centre, *Report on War Crime Trials in Serbia, 2011-2012*, para 10, available at <http://www.hlc-rdc.org/wp-content/uploads/2012/07/Report-on-War-Crimes-Trials-in-Serbia-in-2011-July-202012-f.pdf> (last visited 15 April 2014).

⁴⁸ Prosecutor v. Djordjevic, 23 Case No. IT-05-87/1-T, para 1978 (23 Feb. 2011).

⁴⁹ See also Republic of Serbia, District Court in Belgrade, War Crimes Chamber, No. K.V. 3/2006, p. 26-27.

⁵⁰ Prosecutor v. Djordjevic, 23 Case No. IT-05-87/1-T, para 1978 (23 Feb. 2011).

⁵¹ Wikileaks, *Serbia - Sustaining Pressure on Serbia on the Bytyqi Murder Case*, 19 July 2006, available at https://www.wikileaks.org/plusd/cables/06BELGRADE1153_a.html (last visited 12 June 2014).

- a. That Minister Vlajko Stojilković gave the initial order to detain the Bytyqi Brothers, which was also passed on through Assistant Minister Vlastimir Đorđević.
- b. As chief of the RJB, the Petrovo Selo Training Centre fell under Assistant Minister Đorđević's responsibility. Đorđević had command responsibility over all MUP personnel at the Petrovo Selo Centre, included the individuals taking part in the digging of graves and burial operations in the nearby pit.
- c. There was a superior-subordinate relationship between Đorđević and Sreten Popović, who was "most certainly" obliged to carry out the task that Đorđević entrusted him.⁵²
- d. Evidence gathered before the ICTY and the Belgrade War Crimes Chamber support that Goran Radosavljević, at the time a Lieutenant-Colonel in the MUP and Commander of the Petrovo Selo Training Centre, engaged in the training of PJP and special units of the RDB at the Petrovo Selo PJP Centre. As the overall commander of the Petrovo Selo Training Centre, Radosavljević had effective control and responsibility over all prisoners and personnel present at the facility during the relevant period, including the Bytyqi Brothers and all Serbian personnel responsible for their detention and murders.
- e. During the relevant period, there was a superior-subordinate relationship between both Minister Stojilković and Vlastimir Đorđević and Radosavljević. As such, Radosavljević was obliged to carry out tasks that either Stojilković or Đorđević entrusted to him.
- f. Sreten Popović was Goran Radosavljević's direct subordinate. Additionally, Popović, Miloš Stojanović and others who aided in the Bytyqi Brothers' detentions and murders in Petrovo Selo were subordinate to Radosavljević while on or near the Petrovo Selo Training Centre premises, as Radosavljević was Commander of the facility.

38. The evidence gathered shows that the elements of the *Superior (or Command) Responsibility* are satisfied. In particular, it shows that:

- a. A superior-subordinate relationship existed between:
- A. Vlajko Stojilković and Vlastimir Đorđević;
 - B. Vlastimir Đorđević and Goran Radosavljević;
 - C. Vlajko Stojilković and Goran Radosavljević;
 - D. Goran Radosavljević and Sreten Popović (and other personnel present at the Petrovo Selo Training Facility and nearby pit and mass grave);
 - E. Vlastimir Đorđević and Sreten Popović (and other personnel present at the Petrovo Selo Training Facility and nearby pit and mass grave);
 - F. Vlajko Stojilković and Sreten Popović (and other personnel present at the Petrovo Selo Training Facility and nearby pit and mass grave);
 - G. Sreten Popović and Miloš Stojanović
- b. Vlajko Stojilković, Vlastimir Đorđević, and Goran Radosavljević knew or should have known that their subordinates were about to commit a crime or had committed a crime under international law.
- c. The superiors - i.e Vlajko Stojilković, Vlastimir Đorđević, and Goran Radosavljević - failed to take necessary and reasonable measures to prevent the commission of the crime or to submit the matter to the competent authorities for investigation and prosecution.

⁵² Prosecutor v. Djordjevic, ICTY Trial Chamber Case No. IT-05-87/1-T, para 1978 (23 Feb. 2011).

5. WITNESSES TO THE INCIDENT⁵³

39. Approximately seventy MUP personnel were present at the Petrovo Selo Training Facility where the Bytyqi Brothers were detained and murdered.⁵⁴ Additional MUP personnel were present in Prokuplje (where the brothers were initially kidnapped) and other places where such orders originated. The following is a list of suspected witnesses, but is not comprehensive.

1. **Miroslav Mitrović:** Was with the Bytyqi Brothers when they were first arrested on 23 June 1999. Later, was present on 8 July 1999 when the brothers failed to be released from the Prokuplje prison.
2. **Ajša Mitrović:** Was present on 8 July 1999 with her husband, Miroslav, when he went to inquire about the Bytyqi Brothers at Prokuplje.⁵⁵
3. **Aleksandar Đorđević:** Prokuplje prison warden present the day of the supposed released of the Bytyqi Brothers from the prison.
4. **Aleksandar Nikolić:** Present when Stojanović took the Brothers to Petrovo Selo.
5. **Dejan Stamenković:** Present when Stojanović took the Brothers to Petrovo Selo.
6. **Sreten Popović:** Present in Petrovo Selo.
7. **Miloš Stojanović:** Present in Petrovo Selo and Prokuplje.
8. **Zarko Braković:** The Head of the 124th Intervention Brigade.
9. **Marjan Mijatović:** Head of Security in the District Prison in Prokuplje,⁵⁶ present in Petrovo Selo⁵⁷ and Prokuplje (unconfirmed reports).
10. **Milovan Vučević:** Chief of the SUP in Prokuplje,⁵⁸ present in Petrovo Selo⁵⁹ and Prokuplje (unconfirmed reports)
11. **Vladan Krstović:** Member of the 124th Intervention Brigade PJP, present in Petrovo Selo where he stayed for training⁶⁰ (unconfirmed reports)
12. **Milenko Arsenijević:** MUP Head of the PJP,⁶¹ present in Petrovo Selo and and Prokuplje (unconfirmed reports)
13. **Miroslav Mirković:** Instructor at the Training Center in Petrovo Selo,⁶² present in Petrovo Selo (unconfirmed reports).
14. **Goran Đuretić:** Instructor at the Training Center in Petrovo Selo.⁶³

⁵³ The witnesses mentioned in this paragraph, except for Miroslav Mitrović, Ajša Mitrović, Zarko Brakovic, Ljuba Aleksic, testified before the District Court in Belgrade at the trial held against Sreten Popovic and Milos Stojanovic. The testimonies are available at <http://www.hlc-rdc.org/Transkripti/bitici.html> (last accessed 30 April 2014).

⁵⁴ Wikileaks, *July 19, 2006, U.S. State Department Diplomatic Cables 19*, available at https://www.wikileaks.org/plusd/cables/06BELGRADE1153_a.html (last visited 12 June 2014).

⁵⁵ *Slučaj Bitići - zločin i tajna*, available at <http://www.b92.net/specijal/bitici/> (last visited 12 June 2014).

⁵⁶ *Politika, Proširena istraga u slučaju braće Bitići*, 1 March 2007, available at <http://www.politika.rs/rubrike/Hronika/t21067.lt.html> (last visited 12 June 2014).

⁵⁷ *B92, ZAVRŠNA REČ U PREDMETU "BRAĆA BITIĆI*, available at http://www.b92.net/specijal/bitici/zavrсна_rec.php (last visited 12 June 2014); *Politika, Proširena istraga u slučaju braće Bitići*, 1 March 2007, available at <http://www.politika.rs/rubrike/Hronika/t21067.lt.html> (last visited 12 June 2014).

⁵⁸ *Naslovi.net, Zločin u režiji države*, available at <http://www.naslovi.net/2009-09-16/e-novine/zlocin-u-reziji-drzave/1326246> (last visited 12 June 2014).

⁵⁹ *B92, ZAVRŠNA REČ U PREDMETU "BRAĆA BITIĆI*, available at http://www.b92.net/specijal/bitici/zavrсна_rec.php (last visited 12 June 2014); *Politika, Proširena istraga u slučaju braće Bitići*, 1 March 2007, available at <http://www.politika.rs/rubrike/Hronika/t21067.lt.html> (last visited 12 June 2014).

⁶⁰ *Balkan Transitional Justice, Witness Says He Knew Nothing About Bitici Brothers*, 7 February 2012, available at <http://www.balkaninsight.com/en/article/witness-did-not-hear-about-bitici-brothers>, (last visited 12 June 2014).

⁶¹ *Politika, Proširena istraga u slučaju braće Bitići*, 1 March 2007, available at <http://www.politika.rs/rubrike/Hronika/t21067.lt.html> (last visited 12 June 2014).

⁶² *B92, Svedočili instruktori kampa*, 13 December 2007, available at http://www.b92.net/info/komentari.php?nav_id=276370.

⁶³ *B92, Svedočili instruktori kampa*, 13 December 2007, available at

15. **Filipov Dragana**: Present at the Training Center in Petrovo Selo when the car with the Bytyqi Brothers arrived from Prokuplje.⁶⁴
16. **Božidar Protić**: Police officer driving a truck.⁶⁵
17. **Nenad Lekic**: Present in Petrovo Selo (unconfirmed reports)
18. **Milić Martinović**: Present in Petrovo Selo (unconfirmed reports)
19. **Radomir Đerić**: Assistant to Goran Radosavljević in Petrovo Selo.⁶⁶
20. **Goran Radosavljević**: Commander of Petrovo Selo training centre.
21. **Predrag Milić**: A guard working in the reception area of the Prokuplje prison.
22. **Zoran Vasić**: A guard at the Prokuplje prison⁶⁷
23. **Vlastimir Đorđević**: Assistant Minister of Internal Affairs, Chief of the RJB.⁶⁸
24. **Obrad Stevanović**: Chief of Police and the supreme commander of the PJP.⁶⁹
25. **Ljuba Aleksic**: Deputy Chief of Police.⁷⁰
26. **Milisav Vučković**: Chief of the SUP Rovinj.⁷¹

6. INFORMATION CONCERNING THE ACTIONS TAKEN AFTER THE DISAPPEARANCE

40. Since their disappearances on July 8, 1999, the Bytyqi family, the Humanitarian Law Center (HLC) in Belgrade, the United States government, and others have taken repeated and frequent actions to: (1) first locate the bodies of the Bytyqi Brothers, and (2) later ensure that Serbian authorities properly investigated and prosecuted the case. The following are a representative sample of such attempts.

8 July 1999: Miroslav Mitrović, a neighbor of the Bytyqi Brothers who was with them at the time of their initial arrest, inquired about their whereabouts at the District Prison in Prokuplje where the Bytyqis had been detained.⁷²

19 August 1999: Nataša Kandić of the HLC wrote Warden Aleksandar Đorđević of the District Prison in Prokuplje to inquire about the Bytyqi Brothers' whereabouts.⁷³

http://www.b92.net/info/komentari.php?nav_id=276370.

⁶⁴B92, *ZAVRŠNA REČ U PREDMETU "BRAĆA BITIĆI*, available at

http://www.b92.net/specijal/bitici/zavrсна_rec.php (last visited 12 June 2014).

⁶⁵ B92, *ZAVRŠNA REČ U PREDMETU "BRAĆA BITIĆI*, available at

http://www.b92.net/specijal/bitici/zavrсна_rec.php (last visited 12 June 2014).

⁶⁶ Republic of Serbia, District Court in Belgrade, War Crimes Chamber, No. K.V. 3/2006, 22 September 2009, available at

<http://bytyqibrothers.files.wordpress.com/2014/03/popovic-and-stojanovic-trial-court-decision-march-2006.pdf>.

⁶⁷ Naslovi.net, *Zločin u režiji države*, available at

<http://www.naslovi.net/2009-09-16/e-novine/zlocin-u-reziji-drzave/1326246> (last visited 12 June 2014);

http://www.b92.net/specijal/bitici/zavrсна_rec.php.

⁶⁸Naslovi.net, *Zločin u režiji države*, available at

<http://www.naslovi.net/2009-09-16/e-novine/zlocin-u-reziji-drzave/1326246> (last visited 12 June 2014); B92,

ZAVRŠNA REČ U PREDMETU "BRAĆA BITIĆI, available at http://www.b92.net/specijal/bitici/zavrсна_rec.php (last visited 12 June 2014).

⁶⁹ Naslovi.net, *Zločin u režiji države*, available at

<http://www.naslovi.net/2009-09-16/e-novine/zlocin-u-reziji-drzave/1326246> (last visited 12 June 2014); B92,

ZAVRŠNA REČ U PREDMETU "BRAĆA BITIĆI, available at http://www.b92.net/specijal/bitici/zavrсна_rec.php (last visited 12 June 2014).

⁷⁰ Naslovi.net, *Zločin u režiji države*, available at

<http://www.naslovi.net/2009-09-16/e-novine/zlocin-u-reziji-drzave/1326246> (last visited 12 June 2014); B92,

ZAVRŠNA REČ U PREDMETU "BRAĆA BITIĆI, available at http://www.b92.net/specijal/bitici/zavrсна_rec.php (last visited 12 June 2014).

⁷¹ B92, *Svedočenje policajca iz Prokuplja*, available at

http://www.b92.net/info/vesti/index.php?yyyy=2007&mm=05&dd=22&nav_id=247806, last visited 12 June 2014.

⁷² B92, *Crime and Secret (2006)*, available at http://www.b92.net/specijal/bitici_eng/index.php; Humanitarian Law Center, *Tell the Mother the Truth* (July 11, 2001), available at

<https://groups.yahoo.com/neo/groups/balkanhr/conversations/topics/2507>.

⁷³ R. Jeffrey Smith and Peter Fin, *Three Americans Found in Serbian Mass Grave Site*, THE WASHINGTON POST (July 15, 2001), available at

3 September 1999: Nataša Kandić and the HLC wrote the Serbian Ministry of Internal Affairs inquiring about the Bytyqi Brothers' whereabouts.⁷⁴

20 September 1999: Nataša Kandić and the HLC wrote the Serbian Ministry of Internal Affairs inquiring about the Bytyqi Brothers' whereabouts.⁷⁵

4 October 1999: Nataša Kandić and the HLC wrote the Serbian Ministry of Internal Affairs inquiring about the Bytyqi Brothers' whereabouts.⁷⁶

April 2001: Fatose Bytyqi asked officials from the District Prison in Prokuplje for information on his three brothers' whereabouts.⁷⁷

Between April – July 2001: Through their lawyer, Bajram Krasniqi, the Bytyqi family wrote a letter to former president Slobodan Milošević, pleading for information about the three brothers.⁷⁸ Bahrije Bytyqi also went to the District Prison in Prokuplje and asked for information about her three sons.⁷⁹

October 2000 – July 2001: U.S. Ambassador William Montgomery and other U.S. officials petitioned the Yugoslav Ministry of Foreign Affairs several times for information about the Bytyqi Brothers whereabouts.⁸⁰

6.1 Complaints

February 2004: Fatose Bytyqi made repeated phone call petitions to Serbian Minister of Internal Affairs Dušan Mihajlović to fully investigate and prosecute those responsible for his brothers' deaths.⁸¹

<http://www.gpo.gov/fdsys/pkg/CREC-2001-07-27/html/CREC-2001-07-27-pt1-PgS8338.htm>; Humanitarian Law Center, *Tell the Mother the Truth* (July 11, 2001), available at <https://groups.yahoo.com/neo/groups/balkanhr/conversations/topics/2507>.

⁷⁴ R. Jeffrey Smith and Peter Fin, *Three Americans Found in Serbian Mass Grave Site*, *The Washington Post* (July 15, 2001), available at

<http://www.gpo.gov/fdsys/pkg/CREC-2001-07-27/html/CREC-2001-07-27-pt1-PgS8338.htm>; Humanitarian Law Center, *Tell the Mother the Truth* (July 11, 2001), available at <https://groups.yahoo.com/neo/groups/balkanhr/conversations/topics/2507>.

⁷⁵ R. Jeffrey Smith and Peter Fin, *Three Americans Found in Serbian Mass Grave Site*, *THE WASHINGTON POST* (July 15, 2001), available at

<http://www.gpo.gov/fdsys/pkg/CREC-2001-07-27/html/CREC-2001-07-27-pt1-PgS8338.htm>; Humanitarian Law Center, *Tell the Mother the Truth* (July 11, 2001), available at <https://groups.yahoo.com/neo/groups/balkanhr/conversations/topics/2507>.

⁷⁶ R. Jeffrey Smith and Peter Fin, *Three Americans Found in Serbian Mass Grave Site*, *THE WASHINGTON POST* (July 15, 2001), available at

<http://www.gpo.gov/fdsys/pkg/CREC-2001-07-27/html/CREC-2001-07-27-pt1-PgS8338.htm>; Humanitarian Law Center, *Tell the Mother the Truth* (July 11, 2001), available at <https://groups.yahoo.com/neo/groups/balkanhr/conversations/topics/2507>.

⁷⁷ R. Jeffrey Smith and Peter Fin, *Three Americans Found in Serbian Mass Grave Site*, *The Washington Post* (July 15, 2001), available at

<http://www.gpo.gov/fdsys/pkg/CREC-2001-07-27/html/CREC-2001-07-27-pt1-PgS8338.htm>.

⁷⁸ R. Jeffrey Smith and Peter Fin, *Three Americans Found in Serbian Mass Grave Site*, *The Washington Post* (July 15, 2001), available at

<http://www.gpo.gov/fdsys/pkg/CREC-2001-07-27/html/CREC-2001-07-27-pt1-PgS8338.htm>.

⁷⁹ R. Jeffrey Smith and Peter Fin, *Three Americans Found in Serbian Mass Grave Site*, *The Washington Post* (July 15, 2001), available at

<http://www.gpo.gov/fdsys/pkg/CREC-2001-07-27/html/CREC-2001-07-27-pt1-PgS8338.htm>.

⁸⁰ R. Jeffrey Smith and Peter Fin, *Three Americans Found in Serbian Mass Grave Site*, *The Washington Post* (July 15, 2001), available at <http://www.gpo.gov/fdsys/pkg/CREC-2001-07-27/html/CREC-2001-07-27-pt1-PgS8338.htm>.

⁸¹ B92, *Ubistvo braće Bitići* (February 21, 2004), available at http://www.b92.net/info/emisije/katarza.php?yyyy=2004&mm=02&nav_id=133439.

January 2006: Fatose Bytyqi petitioned President Boris Tadić to fully investigate and prosecute those responsible for his brothers' deaths.⁸²

9 June 2006: Deputy Chief of Mission of the U.S. Embassy to Serbia and other U.S. diplomatic officials met with and petitioned local police investigators, prosecutors, and Milan Dilparić, the investigative judge working on the Popović and Stojanović trial, to properly investigate and prosecute those responsible for the Bytyqi Brothers' deaths.⁸³

26-28 July 2006: U.S. Ambassador-at-Large for War Crimes Issues Clint Williamson met with Serbian Minister of Internal Affairs Dragan Jočić, War Crimes Investigative Judge Milan Dilparic, War Crimes Prosecutor Vladimir Vukčević, and other officials from each of their respective offices, to urge them to more pro-active in investigating and prosecuting those responsible for the Bytyqi Brothers' deaths.⁸⁴

23 August 2006: The Serbian War Crimes Chamber indicted Sreten Popović and Miloš Stojanović, the two OPG officers who helped transfer the Bytyqis from Prokuplje to Petrovo Selo. It charged the two with having abetted the brothers' deaths and denied the brothers their basic human rights.⁸⁵ The two were eventually acquitted of the charges due, in part, to their minimal involvement in the murders.⁸⁶

12 February 2007: Fatose Bytyqi testified in the trials of Sreten Popović and Miloš Stojanović, petitioning Serbian authorities to fully investigate and prosecute those responsible for his brothers' deaths.⁸⁷

April 2008: The U.S. Regional Legal Advisor in Serbia urged War Crimes Prosecutor Vladimir Vukcević to investigate and prosecute those responsible for the Bytyqi Brothers' deaths.⁸⁸

October 2008: U.S. embassy officials in Belgrade met with and petitioned War Crimes Prosecutor Vladimir Vukčević to investigate and prosecute those responsible for the Bytyqi Brothers' deaths.⁸⁹

April 2009: U.S. Ambassador Cameron Munter urges War Crimes Prosecutor Vladimir Vukčević to investigate and prosecute those responsible for the Bytyqi Brothers' deaths.⁹⁰

⁸² Pravda.RU, *Serbian president Boris Tadic promises to bring killers of Americans of Kosovo origin to justice* (January 18, 2006), available at <http://english.pravda.ru/news/world/18-01-2006/74278-0/>.

⁸³ Wikileaks, *July 19, 2006 U.S. State Department Diplomatic Cables*, available at <http://cablegatesearch.net/cable.php?id=06BELGRADE1153&q=bytyqi%20serbia>

⁸⁴ Wikileaks, *August 1, 2006 U.S. State Department Diplomatic Cables*, available at <http://cablegatesearch.net/cable.php?id=06BELGRADE1211&q=bytyqi%20serbia>.

⁸⁵ Indictment of Sreten Popovic and Milos Stojanovic, District Court in Belgrade, War Crimes Chamber (August, 23, 2006), available at http://www.asser.nl/upload/documents/DomCLIC/Docs/NLP/Serbia/Bitici_District_Court_indictment_25-8-2006.pdf.

⁸⁶ Appellate Judgement in War Crimes Case Against Sreten Popovic and Milos Stojantovic, Higher Court Belgrade, War Crimes Department (March 28, 2013), available at <http://bytyqibrothers.files.wordpress.com/2014/03/popovic-and-stojanovic-appellate-court-decision-january-2013.pdf>. For an account of the trial, Humanitarian Law Center, *Report on war crimes trials in Serbia in 2012*, January 2013, pag. 50, available at <http://www.hlc-rdc.org/wp-content/uploads/2013/02/Report-on-war-crimes-trials-in-Serbia-in-2012-ENG-FF.pdf> (last visited 30 April 2014).

⁸⁷ Humanitarian Law Center, *Trial Testimony of Fatose Bytyqi* (February 12, 2007), available at http://www.hlc-rdc.org/images/stories/pdf/sudjenje_za_ratne_zlocine/srbija/Bytyqi/04-12.02.2007..pdf.

⁸⁸ Wikileaks, *April 22, 2008 U.S. State Department Diplomatic Cables*, available at <http://cablegatesearch.net/cable.php?id=08BELGRADE412&q=bytyqi%20serbia>.

⁸⁹ Wikileaks, *October 22, 2008, U.S. State Department Diplomatic Cables*, available at <http://cablegatesearch.net/cable.php?id=08BELGRADE1097&q=bytyqi%20serbia>.

⁹⁰ Wikileaks, *April 30, 2009, U.S. State Department Diplomatic Cables*, available at <http://cablegatesearch.net/cable.php?id=09BELGRADE379&q=bytyqi%20serbia>.

July 2009: United States Principal Deputy Assistant Secretary of State for Political-Military Affairs Thomas Countryman urged Deputy Prime Minister and Minister of Internal Affairs Ivica Dačić to investigate and prosecute those responsible for the Bytyqi Brothers' deaths.⁹¹

30 June 2009: **U.S. embassy officials** urged Deputy Prime Minister and Minister of Internal Affairs **Ivica Dačić** to investigate and prosecute those responsible for the Bytyqi Brothers' deaths.⁹²

September 2009: U.S. embassy officials urged the Serbian War Crimes Prosecutors Office, the Serbian Ministry of Internal Affairs Internal Control Department, and Deputy Prime Minister and Minister of Internal Affairs Ivica Dačić to investigate and prosecute those responsible for the Bytyqi Brothers' deaths.⁹³

October 2009: U.S. Ambassador-at-Large for War Crimes Issues Stephen Rapp urged Aleksandar Kostić, chief of the Serbia's War Crimes Investigating Service, and War Crimes Prosecutor, Vladimir Vukčević, to investigate and prosecute those responsible for the Bytyqi Brothers' deaths.⁹⁴

January 2010: U.S. embassy officials urged First Deputy Prime Minister and Minister of Internal Affairs Ivica Dačić to investigate and prosecute those responsible for the Bytyqi Brothers' deaths.⁹⁵

February 2010: U.S. Ambassador to Serbia Mary Warlick urged First Deputy Prime Minister and Minister of Internal Affairs Ivica Dačić to investigate and prosecute those responsible for the Bytyqi Brothers' deaths.⁹⁶

22 October 2013: U.S. Congressman Tim Bishop introduced a concurrent resolution in the US House of Representatives urging the Government of Serbia to make it a priority to investigate and prosecute as soon as possible those current or former officials believed to be responsible, directly or indirectly, for the Bytyqi deaths.⁹⁷

November 2013: Fatose Bytyqi met with First Deputy Prime Minister Aleksandar Vučić, Prime Minister Ivica Dačić, Serbian police and officials from the Serbian War Crimes Prosecutor's Office, including War Crimes Prosecutor Vladimir Vukčević, and urged them to investigate and prosecute those responsible for the his brothers' deaths.⁹⁸

6.2 Other Steps Taken

Ongoing since June 1999: Since the Bytyqi Brothers' initial arrest and disappearance, the Bytyqi family and United States officials have made repeated appeals in the press for Serbia to investigate and prosecute those responsible for the three deaths. Many of these are referenced in the previous section. In addition, the following are a sampling of additional appeals:

⁹¹ Wikileaks, *July 13, 2009, U.S. State Department Diplomatic Cables*, available at <http://cablegatesearch.net/cable.php?id=09BELGRADE667&q=bytyqi%20serbia>.

⁹² Wikileaks, *August 21, 2009 U.S. State Department Diplomatic Cables*, available at <http://cablegatesearch.net/cable.php?id=09BELGRADE934&q=bytyqi%20serbia>.

⁹³ Wikileaks, *September 23, 2009 U.S. State Department Diplomatic Cables*, available at <http://cablegatesearch.net/cable.php?id=09BELGRADE1092&q=bytyqi%20serbia>.

⁹⁴ Wikileaks, *October 22, 2009 U.S. State Department Diplomatic Cables*, available at <http://cablegatesearch.net/cable.php?id=09BELGRADE1222&q=bytyqi%20serbia>.

⁹⁵ Wikileaks, *January 22, 2010 U.S. State Department Diplomatic Cables*, available at <http://cablegatesearch.net/cable.php?id=10BELGRADE118&q=bytyqi%20serbia>.

⁹⁶ Wikileaks, *February 12, 2010 U.S. State Department Diplomatic Cables*, available at <http://cablegatesearch.net/cable.php?id=10BELGRADE29&q=bytyqi%20serbia>.

⁹⁷ H.Con.Res. 61, 113th Congress, 2013–2015. Text as of Oct 22, 2013, available at <https://www.govtrack.us/congress/bills/113/hconres61/text>.

⁹⁸ Branka Mihajlović, *Fatos Bitići: Za rasvetljavanje ubistva moje braće ključan je Guri*, Radio Free Europe (November 22, 2012), available at <http://www.slobodnaevropa.org/content/fatos-bitici-za-rasvetljavanje-ubistva-brace-bitici-kljucan-je-guri/25176920.html>; KOHAnet, *Presioni amerikan për arrestimin e vrasësve të vëllezërve Bytyqi* (December 12, 2013), available at <http://www.koha.net/arkiva/?page=1,15,168105>.

February 2004: Fatose Bytyqi made appeals in the press (B92 and Danas) for Serbia to investigate and prosecute those responsible for the three deaths.⁹⁹

November 2007: Fatose Bytyqi did a published interview with the HLC, urging the Serbian government to properly investigate and prosecute his brothers' deaths.¹⁰⁰

10 May 2012: U.S. State Department Spokesperson Victoria Nuland issued a statement saying, "We expect Serbian authorities to bring to justice all individuals at all levels who are responsible for [the Bytyqi] deaths without further delay. This also remains a high priority on our bilateral agenda with Serbia."¹⁰¹

2 October 2013: U.S. Ambassador Robert Bradtke issued a statement saying that there has never been a proper accounting of those who ordered and carried out the Bytyqi murders.¹⁰²

December 2013: U.S. Ambassador Michael Kirby said in a magazine interview that Serbia's failure to properly investigate and prosecute the Bytyqi case will burden Serbia's bilateral relationship with the United States.¹⁰³

7. FOUNDATIONS/JUSTIFICATIONS OF THIS GENERAL ALLEGATION AND REQUESTS

41. In accordance with the WGIED *Revised Methods of Work*, sample communication form, and General Comments, this General Allegation is submitted to the WGIED with the intent to highlight the obstacles the relatives of the Bytyqi Brothers have encountered since 1999 in attempting to clarify what happened to Ylli, Agron, and Mehmet Bytyqi.

42. These obstacles pertain to the inadequate implementation of the 1992 Declaration on the Protection of All Persons from Enforced Disappearance in Serbia.

43. Ylli, Agron, and Mehmet Bytyqi disappeared fifteen years ago and their bodies were found two years thereafter. Notwithstanding the actions taken by the Bytyqi family, by the people and the organizations assisting them, and the international pressure put on Serbia by the United States of America, the Government of Serbia has not properly investigated nor ascertained those in the chain of command responsible for giving the order to disappear and execute the Bytyqi Brothers as well as the persons responsible for carrying out their disappearances and murders.

44. The Bytyqi Brothers case is exemplary of an ongoing situation of impunity in Serbia for crimes committed during the war between the KLA and the FRY. The Humanitarian Law Centre, Human Rights Watch, the European Commission, Amnesty International¹⁰⁴ and others have reported that despite Serbian Minister of

⁹⁹ B92, *Ubistvo braće Bitići* (February 21, 2004), available at http://www.b92.net/info/emisije/katarza.php?yyyy=2004&mm=02&nav_id=133439.

¹⁰⁰ Humanitarian Law Center, *The Bytyqi Brothers Murder Trial: an interview with Fatos Bytyqi*, Transitional Justice Bulletin (November 2007), available at <http://www.hlc-rdc.org/wp-content/uploads/2013/07/Bulletin-An-interview-with-Fatos-Bytyqi-05.-11.-2007.-ff.pdf>.

¹⁰¹ Victoria Nuland, *Bytyqi Murder Case U.S. State Department Press Statement*, (May 10, 2012), available at <http://www.state.gov/r/pa/prs/ps/2012/05/189604.htm>.

¹⁰² Ambassador Robert Bradtke, *Session 14: Rule of Law I – Democratic lawmaking; Independence of the judiciary; Right to a fair trial*, USOSCE Statement (October 2, 2013), available at http://osce.usmission.gov/oct_2_13_sessionxiv.html

¹⁰³ Naslovi.net, *Kirbi: Ubistvo braće Bitići i paljenje ambasade opterećuje odnose Srbije i SAD* (December 11, 2013), available at <http://www.naslovi.net/2013-12-11/telegraf/kirbi-ubistvo-brace-bitici-i-paljenje-ambasade-opterecuje-odnose-srbije-i-sad/8124677>

¹⁰⁴ Marija Ristic, *Top Officials Accused of Evading Justice in Serbia* (July 8, 2014), available at <http://www.balkaninsight.com/en/article/high-officials-still-evading-justice-in-serbia-report>; Fred Abrahams, Human Rights Watch, *Dispatches: In Kosovo, Justice Welcome But Incomplete*, 18 February 2014, available at <http://www.hrw.org/news/2014/02/18/dispatches-kosovo-justice-welcome-incomplete> (last visited 12 June 2014); Commission Staff Working Document, *Serbia 2013 Progress Report, Accompanying the document Communication from the Commission to the European Parliament and the Council, Enlargement Strategy and*

Justice Nikola Selaković's proclamation that "big fish would no longer escape justice [..]" this has not been applied to crimes committed during and around the conflict between the KLA and the FRY.

The Humanitarian Law Center has described it in this way:

For example, the Belgrade Office of the War Crimes Prosecutor [has] brought charges almost exclusively against the direct perpetrators, mostly members of paramilitary units, and only rarely against police and army members. This conveys the impression that the crimes were committed by 'renegade individuals' and 'uncontrollable groups', without orders from or the knowledge of their superiors, and, most importantly, that the country's most senior leaders played no part in them.¹⁰⁵

45. This pattern fits the Bytyqi case. Only Sreten Popović and Miloš Stojanović, two low-ranking officials marginally involved in the crimes, have been indicted and eventually acquitted. The fact that Vlastimir Đorđević and Goran Radosavljević have been neither seriously investigated nor indicted for the disappearances and the murders of the Bytyqi Brothers is quite astonishing. As discussed in this communication, sufficient evidence exists to investigate and indict both Vlastimir Đorđević and Goran Radosavljević for their command responsibility over the personnel and facilities involved in these crimes. The existing evidence is also sufficient to warrant a proper investigation into the level of their direct involvement.

46. There is another aspect of the case which deserves to be settled through additional investigations. Despite the evidence gathered during the proceedings held before national and international tribunals and the actions taken by numerous stakeholders,¹⁰⁶ it is still not clear who took the Brothers from Petrovo Selo to the nearby pit and executed them.¹⁰⁷

47. Finally, no proper resolution in the Bytyqi Brothers case can occur without the Working Group intervening to boost the Government of Serbia to address the "wall of silence and protection" that has protected high-ranking officials, including Goran Radosavljević, from being properly investigated in this case. Both NGOs and Serbian prosecutors have indicated that witnesses are reluctant to come forward and testify due to intimidation and improper influence from Radosavljević or those around him.¹⁰⁸

Main Challenges 2013-2014, available at

http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/sr_rapport_2013.pdf (last visited 12 June 2014); Amnesty International, *Serbia: Ending Impunity for Crimes Under International Law*, 5 (2014), available at

<http://www.amnesty.org/en/library/asset/EUR70/012/2014/en/e9c810d8-8632-4279-9baa-e07f0b26d6b7/eur700122014en.pdf>.

¹⁰⁵Humanitarian Law Center, *Transitional Justice Should Be Part of Serbia's Accession to the EU*, p.7, available at http://www.hlc-rdc.org/wp-content/uploads/2014/04/throughACCESSIONtowardsJUSTICE_02.pdf (last visited 12 June 2014). See also: Humanitarian Law Center, *Report on war crimes trials in Serbia in 2012*, January 2013, pag. 5, available at

<http://www.hlc-rdc.org/wp-content/uploads/2013/02/Report-on-war-crimes-trials-in-Serbia-in-2012-ENG-FF.pdf> (last visited 30 April 2014). See also, Amnesty International, *Serbia: Submission to the UN Universal Periodic Review, 15th Session of the UPR Working Group, January-February 2013*, pag. 3-4, available at

<http://www.amnesty.org/en/library/asset/EUR70/022/2012/en/0ea5b589-2343-460b-a17b-b284aef0663b/eur700222012en.pdf> (last visited 1 May 2014); UN Human Rights Committee, *Concluding Observations on Serbia, CCPR/C/SRB/CO/2*, 24 March 2011, paragraph 13 (CCPR/C/SRB/CO/2).

¹⁰⁶ See thereafter Paragraph 6.

¹⁰⁷Allegedly, the Brothers were killed by members of the SAJ and MUP wearing plain clothes. It is worth recalling that some PJP members (who had uniforms similar to the OPGs) removed their insignia and other parts of their standard uniforms and that they often use civilian trucks to perform their duties.

¹⁰⁸ Wikileaks, *April 22, 2008 U.S. State Department Diplomatic Cables*, available at https://www.wikileaks.org/plusd/cables/08BELGRADE412_a.html (last visited 12 June 2014).

7.1 Legal Justifications

48. The Working Group on Involuntary and Enforced Disappearances has the mandate to act as a channel of communication between governments and families with a view to ascertaining the fate or the whereabouts of the disappeared and also to monitor the progress of States in fulfilling their obligations deriving from the Declaration.

49. Despite strenuous efforts to ascertain the exact circumstances of the disappearances and killing of the Bytyqi Brothers, to identify the perpetrators and to bring them to justice, Fatose Bytyqi and his family are still waiting to know the truth concerning their loved ones. As a consequence, the enforced disappearance of the Bytyqi Brothers still causes anguish and sorrow to Fatose Bytyqi and his family.

50. While this Working Group has recognized that *the right to know the truth about the circumstances of the disappearance is not absolute*,¹⁰⁹ it has clearly stated that, "*regardless, [...] the State has an obligation to bring any person alleged to have perpetrated an enforced disappearance 'before the competent civil authorities of that State for the purpose of prosecution and trial' [...]*".¹¹⁰ This includes those superiors, like Vlastimir Đorđević and Goran Radosavljević, who knew or had reason to know that crimes were about to be committed or were committed, but failed to take necessary and reasonable measures to punish the perpetrators.¹¹¹

51. Serbia has failed to fully implement the 1992 Declaration and, with particular reference to the Bytyqi Brothers, Serbia has failed to accomplish its duty deriving from the following articles of the Declaration:

1. Article 5, according to which "enforced disappearances render the perpetrators and the State or State authorities which organize, acquiesce in or tolerate such disappearances liable... without prejudice to the international responsibility of the State concerned in accordance with the principles of international law."
2. Article 13, paragraph 6, according to which "An investigation, in accordance with the procedures described above, should be able to be conducted for as long as the fate of the victim of enforced disappearance remains unclarified."
3. Article 14, according to which "Any person alleged to have perpetrated an act of enforced disappearance [...] shall, when the facts disclosed by an official investigation so warrant, be brought before the competent civil authorities of that State for the purpose of prosecution and trial unless he has been extradited to another State wishing to exercise jurisdiction in accordance with the relevant international agreements in force [...]."
4. Article 19, according to which "The victims of acts of enforced disappearance and their family shall obtain redress and shall have the right to adequate compensation, including the means for as complete a rehabilitation as possible. In the event of the death of the victim as a result of an act of enforced disappearance, their dependants shall also be entitled to compensation."

52. For the above mentioned reasons, we kindly request this Working Group to take into consideration our allegations and to:

¹⁰⁹ The WG has clarified that it is inappropriate to release the names of the perpetrators in processes such as "truth commissions", when perpetrators do not benefit from the legal guarantees normally granted to persons in criminal processes, in particular the right to be presumed innocent. This does not seem, however, the case for the situation in Serbia, at the present time.

¹¹⁰ Working Group on Involuntary and Enforced Disappearances, General Comment on on the Right to the Truth in Relation to Enforced Disappearances, para 8.

¹¹¹ UN General Assembly, *International Convention for the Protection of All Persons from Enforced Disappearance*, art. 6, 20 December 2006, available at <http://www.refworld.org/docid/47fdfaeb0.html> (last visited 22 July 2014).

a) transmit this General Allegation to the Government of Serbia for its response;

b) call on the Government of Serbia to ensure the right to know the truth for the relatives of the Bytyqi Brothers and therefore take all necessary measures in accordance with the 1992 Declaration to investigate the case and to bring the perpetrators to justice. This would greatly contribute to maintaining the transitional justice item on the agenda of the new government, until relatives of disappeared people are granted their rights to justice, truth, and reparation.

We do not request confidentiality with respect to the Bytyqi Brothers case and we remain at full disposal of this Working Group for any clarification or further information the Working Group would deem necessary to shed light on the facts recalled in this General Allegation.

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