



# Transitional Justice Bulletin

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## The Bytyqi Brothers Murder Trial: an interview with Fatos Bytyqi

*The Office of the War Crimes Prosecutor raised an indictment on August 23, 2006 against Sreten Popović and Miloš Stojanović, members of Special Police Units of the Serbian Ministry of Interior, for the murder of three Bytyqi brothers, all US citizens, after 8 July 1999 when they were taken from the jail in Prokuplje by unidentified members of the Serbian Ministry of Interior. The bodies of the Bytyqi brothers were found in 2001, in a mass grave in Petrovo Selo, near Kladovo, eastern Serbia. The trial began on November 13, 2006.*

HLC: Seven years passed before anyone was charged with the murder of your brothers... How did you feel in that time?



Fatos Bytyqi: Yeah, a lot of time passed. I didn't believe that my brothers' murderers would be brought to justice. I didn't trust MUP [Serbian Ministry of Interior]. I didn't trust the

War Crimes Prosecutor. I didn't trust any of them. And, even though the War Crimes Prosecutor raised an indictment, it doesn't go far enough. The indictment was raised because of pressure exerted by the US.

HLC: What is wrong with the indictment?

Fatos Bytyqi: I wanted the Prosecutor to show General Guri's [Goran Radosavljević] responsibility for the murder of my brothers. He is far more important than Sreten Popović and Miloš Stojanović. Guri was in charge of the Petrovo Selo police training camp where they were held captive and killed. I think he is the main guilty person. I expected him to be arrested. But the prosecutor said he hadn't got enough evidence. Because no investigation of Guri was launched, he was able to flee the country.

I said to Vukčević that no-one could've brought my brothers to Petrovo Selo without Guri's knowledge. He said: Look, I've got these two guys from Prokuplje who transported your brothers from Prokuplje to Petrovo Selo. I just asked him: but who gave the order [to kill my brothers]? Who gave the order?" He didn't answer my question.

HLC: And why do you think Goran Radosavljević, Guri, was not indicted?

Fatos Bytyqi: The murder of my brothers isn't just a war crime but a political case. Guri was in Serbia. The police and the prosecutor knew that he is the key to the whole case, but they let him leave the country. The murder of my brothers isn't the only case that links Guri with war crimes. He was the deputy commander of a special police unit in Kosovo. Even though the authorities knew of the mass graves in Serbia, they protected him, and allowed him to get away.





HLC: You've become publicly known in Serbia as a tireless investigator of the murder of your brothers. How in reality does that look?

Fatos Bytyqi: it's like this; you go to MUP [Ministry of Interior of Serbia], they say: you need to speak with the War Crimes Prosecutor. So I go to the Prosecutor, but sometimes he doesn't have time to see me, and when he does he makes excuses for the police and says he has lots of work. He then tells me that I should speak with the Ministry of Interior. So I go there and they welcome me and then send me to see someone else who calls on someone else. That is one circle. When they see me they smile and are pleasant but they all know the truth and they all know that the truth will not come out in court. They all protect Guri, Vlastimir Đorđević and Obrad Stevanović. That Stevanović was a commander of a special police unit in Kosovo. Last year I met the President of Serbia, twice I met the Minister of Interior, Jočić, the Director of Police, Veljović, but none of this helped to shed light on what happened or to arrest those who are responsible. Sometimes I see from their faces that they think that my brothers were members of the KLA and that it's okay that they were killed. If anyone should say that, I'd tell them that my brothers deserve dignity, they showed that they were prepared to help their nation and others, like the Roma, when they were in a difficult position.

HLC: In February, you gave testimony in court. How did you feel?

Fatos Bytyqi: Well. Before I gave testimony, I saw how other witnesses, witnesses for the defence, gave testimony and how they lied. The judge let them lie. I understand that the judge can't force them to tell the truth, but what's the point of a trial when everyone lies or remains silent. I had the chance to see what the members of the JSO, the Red Berets, look like. They come and monitor the trial. Just seeing them is enough to make you scared. They would be in condition to kill again. For them killing my brothers was nothing, a minor detail in relation to the

crimes in which they must surely have been involved in Kosovo.

I can only assess the court from what I've heard in the trial. Judge Krstajić is okay. He questions the criminals who protect the indictees and all the others that are involved in murder and war crimes. The other judges sit and act as if they're not interested.



The building in the JSO camp in Petrovo Selo where the Bytyqi brothers were held captive

HLC: There is strong suspicion that the decision to execute your brothers was made as early as when they were arrested. What are your thoughts about this?

Fatos Bytyqi: When my brothers were arrested, they had their KLA badges with them and photographs of them wearing KLA uniforms. So it's unusual that the head of State Security and head of Public Security in Prokuplje decided to charge my brothers with only a misdemeanour and sentence them to just 15 days in prison. This shows the decision to kill my brothers was made at the time of their arrest. Because, if they'd been dealt with by an investigative judge in a criminal, rather than misdemeanour, case, it would have been almost impossible to have them killed. So, as soon as they were arrested, it was reported to Belgrade and from there came a directive to try them for misdemeanours which after a short period in jail would allow them to be taken away and shot.





## HLC: What result would bring justice?

Fatos Bytyqi: I'm going to be happy when the person who organized the killing of my brothers is arrested, when the one who gave the order is arrested, when the one who carried out the order is arrested. And they should be tried in the US, even though Serbia says it has laws that mean its citizens can't be extradited. These people should stand trial in the US. I've seen some of the Đinđić murder trial. It's a farce. The court doesn't have the power to judge those who are guilty. So if Serbia can't establish justice for their own, not even its former Prime Minister, what kind of justice will my brothers get? It's a disaster... Only the political key will open the door...

I want to see Petrovo Selo. I want to know where my brothers were imprisoned and to see the ditch in which they were thrown with other Albanians who were killed in Kosovo and taken to Serbia. What kind of police dig ditches, bring bodies from Kosovo, bury them in the ditches, and then do their training right next to them. In court, nothing is a surprise.

Only one policeman who was on training admitted before the court that he had noticed a strong smell when a lorry carrying bodies arrived at the camp. The others denied that anything like that ever happened.

I don't expect that the families of the killers and the commanders have sympathy for me, my brothers and my family. I believe that they think it was necessary to kill my brothers.

I am proud of my brothers. They were not taught to hate but to help others. They helped Miroslav, a Roma, even though his son was in the Serbian army in Kosovo killing Albanians."

## Victims-Witness Support and Counselling

In July 2003, Serbia established a War Crimes Chamber in order to try war crimes cases in its national courts. Since then, the War Crimes Chamber has completed three trials (Ovčara, Lekaj and Scorpions cases) and three others are ongoing (Zvornik, Suva Reka and Bytyqi

In accordance with the Criminal Procedure Code, the HLC Executive Director and Attorney at Law, Dragoljub Todorović represents the victims in the Bytyqi and other cases before the War Crimes Chamber of the Belgrade District Court.

The HLC team supports domestic war crimes trials by offering support to victims and witnesses, encouraging victim-witnesses to give testimony and enabling the victims' family to monitor trials in Serbia.

In addition, HLC has given the War Crimes Prosecutor use of its documentation which is relevant to ongoing trials and investigations.

The project: Victims-Witness Support and Counselling is supported by USAID and the Institute for Sustainable Communities (ISC).

