

**Mandates of the Special Rapporteur on trafficking in persons, especially women and children, and  
the Special Rapporteur on extrajudicial, summary or arbitrary executions.**

19 October 2011

Reference KSV1/2011

Dear Mr. Thaci,

We have the honour to address you in our capacities as Special Rapporteur on extrajudicial, summary or arbitrary executions, and Special Rapporteur on trafficking in persons, especially women and children pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 17/5 and 17/1.

In this connection, we would like to bring to your attention allegations that certain individuals from Kosovo were implicated in trafficking in persons for the removal of organs and trafficking of women for the purpose of sexual exploitation.

According to the information received:

Beginning at the latest in 1998, a number of Kosovo individuals allegedly engaged in organized crimes, including trafficking in persons and human organs. It is reported that immediately after the end of the armed conflict in Kosovo in June 1999, they abducted and detained civilians at secret locations. 470 persons reportedly disappeared after the arrival of the NATO's Kosovo Stabilisation Force ("KFOR") on 12 June 1999, 95 of whom were Kosovo Albanians and 375 non-Albanians, mainly Serbs.

An ad hoc network of detention facilities was maintained by these individuals at various locations in Albania, including Bicaj, Burrel, Rripe and Fushë-Krujë. The captives were reportedly moved to at least two detention facilities or "way stations" in different locations and forced to undertake a blood test and medical examination. After this process of "filtering", a selected group of the captives was taken to a makeshift clinic where they were killed and their organs were removed.

To further illustrate these allegations, we would like to bring to your attention the information which suggests that between 100 and 300 people were abducted from Kosovo and taken by truck and van to detention facilities in or near the towns of Kukes and Toropoje in northern Albania. The captives in the detention facility near Tropoje last seen in late July or early August 1999 included: A, B, C, D, E, and F. The ethnic Serbian captives who were delivered to the detention facility in

Kukes on or about 20 July 1999 included G from Silovo and H from Prizren. According to the drivers who transported the captives to these locations, the Serbian captives were overwhelmingly civilian men between the ages of 25 and 50. They also received unusual orders not to harm the captives and not to hit captives in the torso with guns or other blunt instruments.

Beginning in August 1999, some of the captives in the detention facility at Kukes, ranging between 24 and 100, were transferred to secondary detention facilities in central Albania, mainly near the town of Burrel. The captives were moved in small groups again to a house in the south of Burrel in the hands of a man named X. The house was set up as a makeshift clinic which contained medical equipment to extract organs from the captives. A foreign doctor and an Albanian doctor called Dr. A were reportedly present at this house/clinic to run medical tests on the captives. After the organs are removed, they were allegedly transported to the Rinas airport near Tirana and shipped out of Albania for the international “black market” of organ transplantation, while the human remains were buried behind and near the house.

Similarly, the information received suggests that a two-storey house located in Fushë-Krujë was also one of the “end points” of the organ removal processes, where the captives were killed by a gunshot to the head and their kidneys were removed.

Many of the captives were not aware of their ultimate fate when they were abducted in Kosovo. During their transfer to the detention facilities, they were often told by their captors that they would be made to work in farms or to cut trees. Some of the captives reportedly pleaded to be killed immediately, rather than being “chopped into pieces”, once they became aware of what awaited them at the end of the transfer.

In addition, it is alleged that the Kosovo residents were implicated in trafficking a large number of women and girls for the purpose of sexual exploitation. It has been reported that groups of women were often transported between different detention facilities as prostitutes. More specifically, it has been alleged that a significant number of women and girls were brought to the house of the K. family in R, also known as the “Yellow House”, and sexually exploited by certain Kosovan individuals as well as some members of the R community.

Without prejudging the accuracy of the information provided to us, we note the cross-border nature of the allegations raised that individuals from Kosovo were involved in the alleged organ trafficking. We would like to bring to your attention basic principles on the effective prevention and investigation of extra-legal, arbitrary and summary executions in particular Principle 9 of the Principles on the Effective Prevention and

Investigation of Extra-legal, Arbitrary and Summary Executions which requires States to conduct a “thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death in the above circumstances”. Further principle 18 which provides that “Governments shall ensure that persons identified by the investigation as having participated in extra-legal, arbitrary or summary executions in any territory under their jurisdiction are brought to justice.” Governments shall either bring such persons to justice or cooperate to extradite any such persons to other countries wishing to exercise jurisdiction. This principle shall apply irrespective of who and where the perpetrators or the victims are, their nationalities or where the offence was committed”.

Without in any way implying any determination on the facts, we would like to recall relevant international law, which defines “trafficking in persons” to mean “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. “Exploitation” in this context includes, “at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”. Under international law, States have an obligation to prevent and combat trafficking in persons, paying particular attention to women and children.

In addition, we would like to draw your attention to the Recommended Principles and Guidelines on Human Rights and Human Trafficking (“Recommended Principles and Guidelines”), issued by the Office of the High Commissioner for Human Rights in July 2002. In particular, principle 13 provides that States shall effectively investigate, prosecute and adjudicate trafficking, including its component acts and related conduct, whether committed by governmental or by non-State actors. We would also like to highlight Guideline 11, which recommends States to consider, inter alia, “developing procedures and protocols for the conduct of proactive joint investigations by law enforcement authorities of different concerned States” and “ensuring judicial cooperation between States in investigations and judicial processes relating to trafficking and related offences, in particular through common prosecution methodologies and joint investigations”.

As it is our responsibility under the mandate provided to us by the Human Rights Council to seek to clarify all cases brought to our attention, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of the case accurate?

2. Please provide details, and where available the results, of any investigation, judicial or other inquiries which may have been carried out in relation to A, B, C, D, E, F, G and H, who were last seen in July 1999 or early August 1999 and whose whereabouts are unknown to date.
3. Please provide details, and where available the results, of any investigation, judicial or other inquiries which may have been carried out in relation to allegations of trafficking in women and girls for sexual exploitation. If there have been such investigations, please provide information on the number of victims, their identities, the timeframe and circumstances in which they were allegedly trafficked, and the progress the authorities have made so far in holding the perpetrators accountable.
4. Please provide information on the framework of cooperation with the EULEX and/or the Albanian authorities in carrying out investigations into the above allegations. Please also provide details of measures undertaken by the Kosovo authorities in ensuring that the investigations are carried out in an impartial and independent manner with due regard to the protection of witnesses.
5. Please indicate whether the victims or the families of the victims have access to adequate procedures of reparations for damages from those legally responsible.

We would appreciate a response within sixty days. We undertake to ensure that your response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

Please accept, Mr. Thaci, the assurances of our highest consideration.

Joy Ngozi Ezeilo  
Special Rapporteur on trafficking in persons, especially women and  
children

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