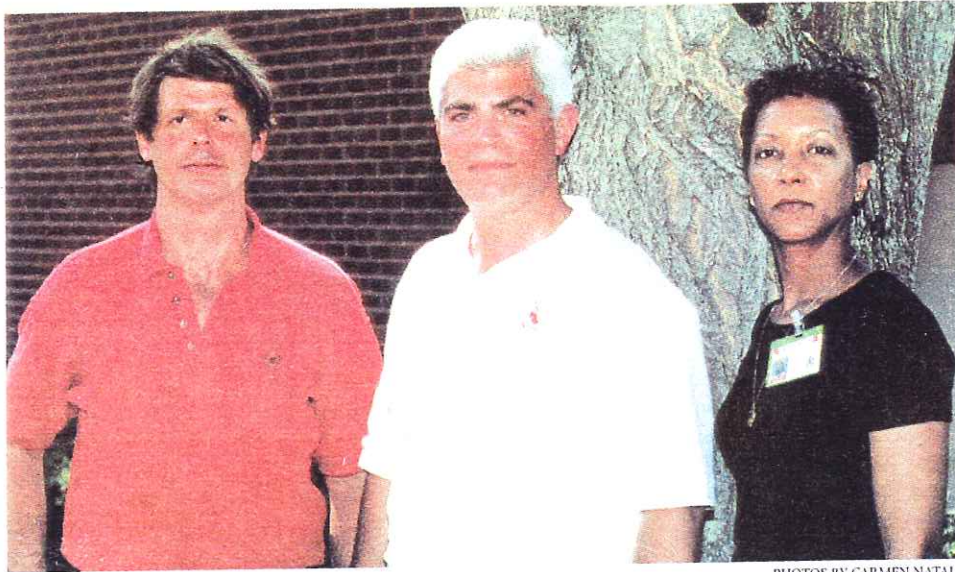


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PHOTOS BY CARMEN NATALE

**EXPERIENCE COUNTS:** Andral Bratton, Michael Miller and Karalenne Gayle, three lawyers with N.J. connections, were chosen from among scores of applicants because of their previous work with refugees overseas.

## Building the War Crimes Case

Volunteer lawyers hear Kosovar refugees' horror stories firsthand, creating the documentary record that may support a prosecution

By Padraic Cassidy

As the last of the refugees from Kosovo were preparing to leave their temporary village at Fort Dix last week, a small band of attorneys was packing up, too.

For weeks, the American Bar Association had been sending groups of attorneys to speak with ethnic Albanian refugees housed at the military base since May 6, to help gather facts that could support a war-crimes prosecution by the United Nations.

As the remaining 200 Kosovars were preparing to leave Saturday for destinations across the United States, the lawyers — including three from New Jersey — were winding up one of the first efforts to create

a database for documenting the torture and misery of forced evacuations during the Balkan conflict.

The information gleaned from hundreds of interviews will be presented to the International Criminal Tribunal for the Former Yugoslavia in The Hague, as part of the ABA's war crimes documentation project.

"The whole point of the project is to actually gather the information and put it in a database so the war crimes tribunal in The Hague can search places where massacres occurred," says Lori Mengri, an Albanian lawyer who also acted as an interpreter during the interviews. This way, she adds, the tribunal may be able to locate

potential witness to massacres or mass burials.

"What we're hoping for is that, ultimately, the tribunal's people will be able to correlate incidents with particular neighborhoods," says Andral Bratton, a lawyer with New York state's disciplinary committee in Manhattan who lives in New Jersey. "They'll probably see patterns — the same thing happening over and over again."

### The Bar's Finest Hour

Scores of attorneys across the country came forward to volunteer their time — two weeks or more — without pay, says Scott Carlson, the Washington, D.C.-based director of the ABA's War Crimes Documentation Project. Competition was stiff for the interviewer slots, says Mengri, who helped make the selections. In the end, 16 attorneys were selected, with preference going to attorneys who had spent time in the former Yugoslavia.

"These sort of opportunities give you a chance to try and make some small contribution to a much bigger effort," says Michael Miller, a New York solo practitioner who is also admitted to practice in New Jersey.

"There has never really been anything quite like this effort," says Miller, who has spent time in Bosnia on volunteer efforts. The lawyers approached refugees and recruited them for interviews, even though many had already given dozens of interviews to aid workers and officials from the Department of State and the Immigration and Naturalization Service.

The attorneys would interview two people a day, with the discussions lasting one to three hours each.

Getting the refugees to talk was not always easy, Miller says. Many of the women found it difficult to discuss sexual abuse and some referred to themselves in the third person while they recounted a hurried flight from Serbian army and paramilitary forces.

"They're reliving horror, a horror that you can't imagine," he adds.

But many were eager to share their stories, according to Bratton, and were able to provide names, addresses and eyewitness accounts of atrocities. Bratton, who like Miller has also worked in Bosnia, told the refugees their accounts would be confidential and only given to the tribunal's war



# War Crimes Case

crimes investigators. "More often than not, their view is 'We don't care who knows, we are telling the truth and want everyone to know about it,'" he says.

Some of the earlier interviews, where refugees have spoken of knowing the location of mines or mass graves, were immediately passed on to NATO and investigators in the former Yugoslavia, Bratton says.

## 'A Vicarious Trip to Hell'

The lawyers are hoping to document in detail the who, what, where, when and why of the abuse, especially while the victims' memories are fresh. The accounts given by the men, women and children who fled to Macedonia were horrifying and remarkably similar to the stories of other refugees who had left the Yugoslavian province when the NATO bombings began.

"It's a vicarious trip to hell," says Miller. "The events that were documented, it's very, very heavy stuff. The first day I was here, after my first interview, I went into the bathroom and threw up."

The most shocking scene one man described was the torture of a suspect accused of carrying a gun. While being held in a police station, the man was castrated and both of his kidneys were removed. His family was given two hours to bury him, but were able to find a doctor to examine his body. The doctor determined the man had been alive during the torture.

"I don't care how many times you hear stories, you can't get numb to something like that," says Bratton, who lives in Kendall Park. "Some of the torture I heard was a little more extreme than I was used to hearing in Bosnia," he says, referring to his previous three trips to that region during the war there. "I go home at night and I don't want to talk to my wife about what I've been hearing."

Those refugees who claim they don't have much to say are the ones who nonetheless made the treacherous journey across the border to Macedonia alive, with nothing but their family members and a few possessions. They say they have nothing interesting to offer, Mengri says, because they have seen whole families shot dead.

One surprising revelation, the lawyers say, was that not all mistreatment came at the hands of Serbs. In Blace, just on the Macedonian side of the border with Serbia, guards brutalized and degraded the

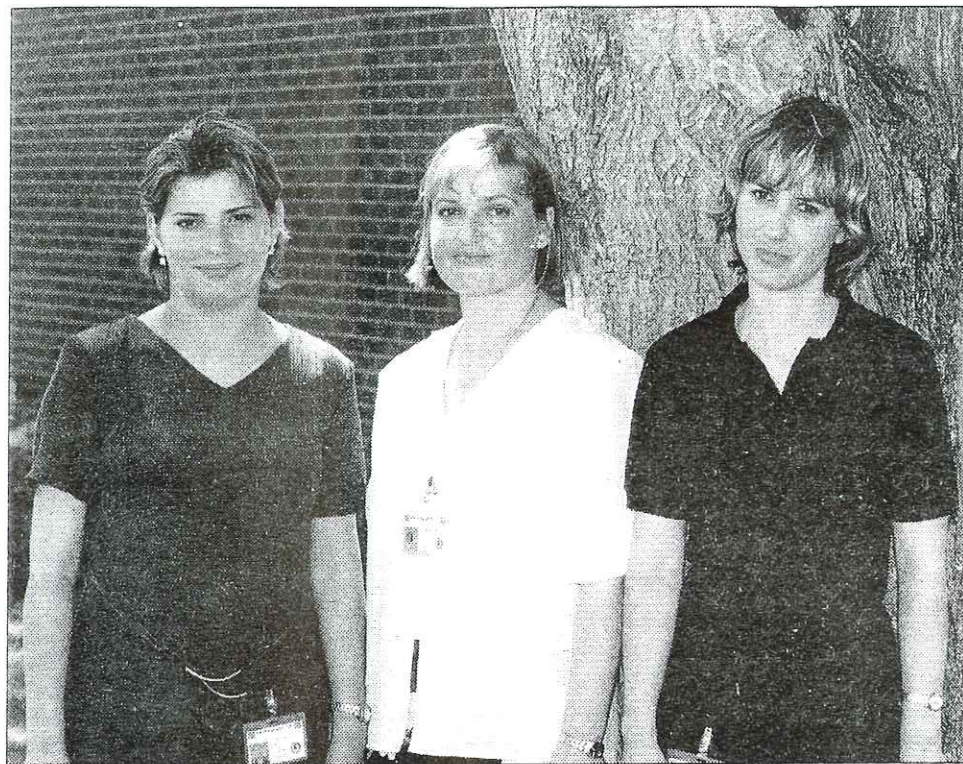


PHOTO BY CARMEN NATALE

**INVALUABLE TOOL:** Lori Mengri, left, an Albanian lawyer, says the point of the project is to gather information so The Hague can search where massacres occurred. Translators Irma Bushati, center, and Rafaela Prifti, right, heard the refugees' stories and relayed them to the lawyers.

refugees. Some refugees said those crimes were worse than those of the Serbian paramilitary forces, according to Mengri. Most of those who made it to Blace already had everything stolen, and soldiers became angry when they had nothing to offer as bribes, the lawyers say.

"One witness I had talked about how he helped bury 15 infants who died from exposure because it was cold out there, and the guards just wanted to dump them in the river," Bratton says.

Also surprising, Bratton adds, is that many of the Fort Dix interviewees were happy about NATO's near-constant bombardment, even though it was the refugees who were suffering under it.

## Strength Amid Adversity

Mixed in with the gruesome details were stories of astounding resilience, says Karalenne Gayle, an Englewood lawyer and associate counsel for the New York Stock Exchange also working on the documentation team.

Gayle, who spent two years working in Bosnia on volunteer projects, especially remembered the accounts of one woman who told of hiding in the mountains during the day, shuttling between families, and returning to town at night to bake bread under the cover of darkness, slipping back

to the hills at daybreak.

To describe as horrendous the conditions that many of the refugees lived through would be an understatement, Gayle says, who adds that she was struck by some of the sheer brutality and scope of the terror.

"The ways that the human mind can devise to torture and harass people, that never ceases to amaze me," she says.

Hearing the stories of rape and abuse has also been stressful for the translators, Irma Bushati and Rafaela Prifti, who must first hear the story in Albanian and then retell it in English to the lawyers. Many of the refugees they spoke to were eager to return to Kosovo, Prifti says, despite having relatives or sponsors in the United States.

The ABA is working to document war crimes simultaneously in Albania and Macedonia and is thinking of operating out of Kosovo, says Mengri, because so many refugees have returned to their homes.

When the last of the refugees leave the Burlington County military base, they will leave behind a record of what they witnessed in Kosovo and Macedonia, an invaluable tool for prosecuting war crimes.

"No one will be able to say no it didn't really happen, because we will have such concrete evidence," says Miller. ■