

Most of the cases presented here are of civilians who lost their lives or were forcibly disappeared as a result of violations of international humanitarian law. However, the *Kosovo Memory Book, 1998*, is not a list of war crimes victims or even of victims in a strictly legal sense. Rather it is a complete list of all those who were killed or were forcibly disappeared. As such, it includes both civilian and military casualties. Our task was not to define their legal status (as combatants or civilians), nor to establish a legal definition of the acts that led to their deaths. That should be the responsibility of the courts and of expert groups whose task is to examine the legal status of the persons who died or were forcibly disappeared during the armed conflicts, or in connection with them.

While attempting to establish the scale of human casualties among the Albanians, we encountered a serious difficulty in confirming KLA casualties. While checking the data and comparing the figures gathered in 1998 and updated over five years later, we discovered that the new, updated figures considerably increased the number of KLA soldiers who had lost their lives or had been forcibly disappeared in 1998. This discrepancy resulted in a correspondingly significant drop in the number of civilian victims. Having obtained the new data (such as, for instance, the belated declaration that certain persons who had died or had been forcibly disappeared were fallen combatants; the certification by the KLA Veterans' Association that an individual had been a member of the KLA; welfare benefits issued to the families of dead veterans; as well as the changes to statements made by family members on the status of their relatives who had died or disappeared), we were obliged to reclassify approximately 10% of the original number of registered civilian victims as members of the KLA. Efforts to establish the numbers of the Serbian forces, of the KLA, and of the civilians who died as combatants presented us with a new dilemma. Among the Albanian casualties, we identified a considerable number of civilians who joined the KLA to defend their village or to protect fleeing refugees, but who later, as soon as the Serb forces had withdrawn, returned to their daily lives, only to be killed as KLA combatants during a fresh attack on their village. To their families they are soldiers: their monuments depict them in military uniform and the local community honours them as combatants and defenders of Kosovo. We accepted this point of view, although according to the legal arguments, civilians who take part in the defence of their village retain their civilian status.

In the case of Serb forces, we registered several instances of casualties ascribed by the MUP or the VJ to the KLA, whereas the HLC managed to ascertain that the death was accidental, or had occurred in a way which excluded responsibility by the opposing side. A considerable number of Serb civilians also died in combat while defending their homes and villages from KLA attacks. Their families, however, speak of them as civilians. There is no evidence that any of them were subsequently declared combatants.

These tendencies require detailed debate and analysis from the legal and sociological aspects, as only in this way can the problem of the legal status of the persons who lost their lives or were forcibly disappeared be resolved.

It is our task to provide the families, the public, researchers, experts and future genera-