

KOSOVA ACADEMY OF SCIENCES AND ARTS  
ACADEMIA SCIENTIARUM ET ARTIUM KOSOVIENSIS  
SECTION OF SOCIAL SCIENCES

# GENOCIDE AND MASSACRES OF SERBIA IN KOSOVA (1998-1999)

Scientific conference

(28 April 2023)



AKADEMIA E SHKENCAVE DHE E ARTEVE E KOSOVËS  
ACADEMIA SCIENTIARUM ET ARTIUM KOSOVIENSIS  
SEKSIONI I SHKENCAVE SHOQËRORE

# GJENOCIDI DHE MASAKRAT E SERBISË NË KOSOVË (1998-1999)

Konferencë shkencore

(28 prill 2023)

Përgatiti për botim: Anëtar korrespondent Frashër Demaj

Këshilli organizues:

Isa Mustafa, Jusuf Bajraktari, Arsım Bajrami, Ramë Manaj, Frashër Demaj.

Redaktor: Anëtare korrespondente Gjyljeta Mushkolaj, Sekretare e Seksionit të Shkencave Shoqërore.



KOSOVA ACADEMY OF SCIENCES AND ARTS  
ACADEMIA SCIENTIARUM ET ARTIUM KOSOVIENSIS  
SECTION OF SOCIAL SCIENCES

# GENOCIDE AND MASSACRES OF SERBIA IN KOSOVA (1998-1999)

Scientific conference

(28 April 2023)

Prepared for publication by: Corresponding member Frashër Demaj

Organizing Committee:

Isa Mustafa, Jusuf Bajraktari, Arsim Bajrami, Ramë Manaj, Frashër Demaj.

Editor: Correspondent member Gjyljeta Mushkolaj, Secretary of the Section of Social Sciences.



Copyright © ASHAK

## CONTENT

Frashër Demaj PREFACE .....	7
Isa Mustafa VIOLENCE AS A TOOL FOR ACHIEVING POLITICAL GOALS.....	9
Josef Martinsen GENOCIDE IN KOSOVA BASED ON MY DOCUMENTATION ....	27
Rudina Jasini PARTICIPATION OF VICTIMS AS CIVIL PARTIES IN INTERNATIONAL CRIMINAL PROCEEDINGS .....	39
Hivzi Islami SERBIAN TENDENCIES FOR DESTROYING THE FOUNDATIONS OF ALBANIAN LIFE .....	61
Ksenofon Krisafi THE TREATMENT OF THE SERBAN MASSACRES IN KOSOVA UNDER INTERNATIONAL LAW .....	87
Arsim Bajrami GENOCIDE OF SERBIA IN KOSOVA: JOINT STATE CRIMINAL ENTERPRISE .....	113
Frashër Demaj THE REÇAK MASSACRE, A CRIME AGAINST HUMANITY ....	141
Salih Krasniqi SERBIAN CRIMES AGAINST ALBANIAN PATIENTS AND HEALTH STAFF .....	161

Mimoza Shahini	
SPECIALIZED TREATMENTS OF MASSACRES SURVIVORS AND GENOCIDE IN KOSOVA.....	179
Muhamedin Kullashi	
THE ILLUMINATION AND DENIAL OF CRIMES IN KOSOVA BY SOME FRENCH POLITICAL AND INTELLECTUAL CURRENTS IN THE YEARS 1998-99.....	193
Teki Kurti	
THE SERBIAN MASSACRES IN KOSOVA ACCORDING TO THE INTERNATIONAL MEDIA (1998-1999).....	217
Ismet Salihu	
MASSACRES OF SERBIAN FORCES IN KOSOVA AND MISSING PERSONS 1998-1999.....	225
Eglantina Kraja Bardhi	
VIOLENCE AND RAPES BY SERBIAN FORCES DURING THE WAR IN KOSOVA 1998-1999.....	233
Ramë Manaj	
TYPOLOGY OF THE WAR MASSACRES IN KOSOVA 1998- 1999.....	241
Jusuf Osmani	
MASSACRES OF WOMEN, ELDERLY, CHILDREN AND PRISONERS IN KOSOVA IN 1998-1999.....	249
Arbër Hadri	
US STATE DEPARTMENT RELATIONS REGARDING THE ETHNIC CLEANSING OF THE ALBANIAN PEOPLE AND SERBIAN CRIMES AGAINST HUMANITY IN KOSOVA (1999) ..	267
Sadik Krasniqi, Besnik Rraci	
THE SERBIAN MASSACRES IN KOSOVA 1998-1999 - ACCORDING TO MUSEUM MATERIAL EVIDENCE.....	281

## PREFACE

The war of 1998-1999 in Kosova had serious consequences which resulted in the loss of human lives, murders, massacres, rapes, looting, burning of houses, kidnappings of people and about 1600 missing persons whose fate is not known even today. The actions of the Serbian forces (police, army and paramilitary formations) commanded by the Serbian military hierarchy which was under the direct orders of the official policy led by the Serbian president Milosevic, used violence and terror against the Albanian civilian population without sparing children, women and the elderly and without respecting at any time the international conventions of war.

Serbia's tendency towards genocide against Albanians began in the first half of the 19th century with "Nacertania" when Serbia started organized anti-Albanian state projects with the aim of killing, displacing and assimilating Albanians and occupying their lands. The continuation of the policy of extermination against Albanians was also demonstrated by Serbia at the time of the Balkan wars and the Conference of Ambassadors in London (1912-1913) when, in addition to Kosova, it sought to conquer other Albanian territories in the north and northeast of the Albanian territories with the aim of conquering and leaving permanently in the Adriatic Sea. All these goals were supported with political and military actions by killing and massacring the defenseless and unarmed Albanian population. The tendencies with genocidal premises were re-emerged by the Serbian state during the First World War (1914-1918) by killing and terrorizing the Albanians of Kosova and other countries remaining outside Albania in 1912-1913. The period between the two world wars was characterized by expropriation, agrarian reform and the colonization of Kosova with Serbian and Montenegrin settlers with the aim of depopulation and changing the demographic balance of Kosova.

During the Second World War 1939-1944, anti-Albanian tendencies continued despite the fact that the latter were part of the anti-fascist coalition and their goals were supported by the Atlantic Charter, NLAY-, NLAA and the great allies of the anti-fascist war after the end of the war and victory against fascism, each nation would determine its own political future. However, the non-inclusion of Kosova and other Albanian countries in the decisions of the II Meeting of the ALCNY, which was held in Jajce, on November 29-30, 1943,

was a warning for ignoring the interests of Kosova and the Albanians after the end of the war.

Serbian violence and terror against Albanians continued with the massacre of Tivar, the establishment of military administration in 1945, the action of collecting weapons in 1956, the violent suppression of the demonstrations of 1968, the demonstrations of 1981, the suppression of the autonomy of Kosova in 1989, the imprisonment of the Albanian leaders of Kosova, the killing and imprisonment of Albanian protesters 1989-1992, the mass forced dismissal of Albanians from work, the expulsion of pupils, students and teaching staff from school and university facilities and the war of 1998-1999.

Many Albanians were forced to move to Turkey (as a result of the Yugoslav-Turkish conventions), to Albania and later to Western countries to avoid repression and not to bow to Serbian state violence.

Serbia using police forces, military, paramilitary units mobilized with local Serbs, others coming from Serbia and mainly Russian mercenaries, from 1997 intensified violence and terror against Albanians in every corner of Kosova. The offensive of the Serbian forces left many women, elderly and children of different ages dead and wounded. The massacre of Reçak, Qirezi, Likoshan, Abria, Izbica, Meja, Korenica, Dobrosh, Guska, Krusha e Vogël, Krusha Madhe, Pastasel, Lubeniç, Kyshku, Rogova, Celina, Beleg, Kralan, Slovia, Ribar i Vogël, Grashtica, Studime etc. brought to the surface the Serbian tendency for genocide against Albanians.

So, the Albanians of Kosova have historically faced violence and repression with the aim of denying their historical, political, economic-property, civil and national rights. The years 1998-99 were characterized by murders, mass executions, massacres accompanied by the disfigurement of victims, beatings and torture of captives and prisoners, rapes, forced deportations, destruction of identity documents, looting, destruction and burning of property of Albanians in villages and cities up to the mass deportation of Albanians, constitutes an organized Serbian state effort for the total destruction of Kosova and Albanians.

Therefore, in order to bring to the surface the historical truth and to address important issues from the period of 1998-1999, and especially to bring scientific arguments for the genocide and massacres of Serbia in Kosova, the Social Sciences Section of ASAK organized multidisciplinary scientific conference to address historical, political, diplomatic, economic, demographic, legal, medical, psychological and museum aspects of the historical truth of this period, which are published in this special volume.

Isa Mustafa

## VIOLENCE AS A TOOL FOR ACHIEVING POLITICAL GOALS

### Abstract

Different stages of history describe suffering and tragedies that peoples have experienced for political, economic, national, cultural and religious reasons. Thus, Kosova Albanians have repeatedly faced various forms of violence and pressure with the aim of their expulsion and ethnic cleansing. The state, political, military and police violence against the Albanians took off on a large scale at the end of the century that we left behind. It was a special case after the Second World War, that a state, like Serbia, with manipulations for political purposes with ethnicity, culture and historical factors, organized and executed the depopulation, expulsion and displacing of more than half of the Albanian population from Kosova and over one fourth expelled out of their homes, doing all this under the mask of internal affairs.

Expulsions, murders, mass executions, massacres followed by dehumanization of victims, beatings, torture, rapes, family separations and missing persons, human shields, identity cleansing, violation of medical neutrality were just some of the Serbian actions that left behind many human victims, houses, villages and cities destroyed. Such forms of violence were used as instruments to terrorize the civilian population, to rob their property, to extort money from citizens-similar to the time of the holocaust, and to force them to leave their homes and Kosova.

The policy of violence and war, which escalated into massacres, was carried out with orchestrated propaganda in order to prepare and convince the population about the rights of the aggressor. It was an unequal war waged by the Yugoslav Army, Serbian Police Force and paramilitary units supported by the Serbian Orthodox Church against the unarmed population and poorly armed KLA volunteer units operating in various areas to protect their homes and country.

The case of Kosova showed the importance of international intervention to avoid a major human catastrophe and marked a turning point in the beginning of the new world order, in which humanitarian values will take precedence over state sovereignty.

*Key words:* violence, politics, police forces, Kosova, KLA, war.

## The foreword

In 1989, Serbia violently suspended the autonomy of Kosova, installed apartheid in the economy, education, health and culture and continued with state violence, which resulted in thousands of deaths, destruction of houses, economy and infrastructure. Serbian discriminatory laws call for the mass and individual murders of Albanians and the confiscation of property and wealth of Kosova and its citizens. The Serbian-led Yugoslav army, as well as the Serbian police, have committed gross violations of human rights, actions that have been assessed as crimes against humanity and genocide. The investigation of these crimes has been hindered by the Yugoslav and Serbian authorities, but there are a number of independent human rights organizations, Kosovar human rights organizations, Serbian human rights organizations, researchers from the United Nations and governments from democratic countries, that have investigated and reported on them as well as several United Nations resolutions that have sought to put an end to violence (Iacopino, 1999). International organizations include Human Rights Watch, Amnesty International, Doctors for Human Rights (DHR), the Society for Threatened Peoples, the International Federation of Human Rights Leagues, the Council for the Protection of Human Rights and Freedoms, the Committee of Helsinki Convention for Human Rights in Serbia, Minnesota Lawyers Committee for Human Rights. American Bar Association, Central and Eastern European Law Initiative (ABA/CEELI), American Association for the Advancement of Science (AAAS), Center for Peace Through Justice. The Secretary General of the UN, Kofi Annan, at the 55th session of the Human Rights Commission in Geneva, on April 7, 1999, stated that in the history of mankind, "among all the most flagrant violence, genocide does not equate to none... signs of which seem to be observed in Kosova as well". The United Nations must develop a way to punish violent countries that claim their ethnic problems are an internal matter in which the world has no right to interfere, Annan said.

Political violence in Kosova escalated in particular after the signing of the Dayton Peace Agreement in late 1995, which bypassed Kosova. Serbia intensified police attacks against Albanians, including the KLA, prominent families and Albanian intellectuals. Meanwhile, the outbreak of the armed war took off in 1998 and gained particular intensity during NATO operations against Serbian military targets in 1999. The offensive of the Serbian and Yugoslav governments in

Kosova that began on March 20, 1999, only four days before the NATO bombing began, (Abrahams, 2001) ended with the signing of the Kumanova Agreement on June 11, 1999.

## Political violence

In the case of political violence, one can speak of more causal determinism, because it is driven by the combination of many factors. Mider, D. (2014) states that " three groups of determinants of political violence can be distinguished. He refers to the first group as *structural determinants* within the social structure. Cultural patterns and norms that operate within the dominant culture or subculture form the second group of sources of violence, referred to as *cultural determinants of violence*. The third group - *the individual* or socio-psychological determinants of violence in politics - are defined as individual, usually subjective, emotion-related factors".

Researchers looking for sources of political violence within power structures have first shown that political need is the main factor, while economic interest is pointed out as another very important factor of political violence. Killings are usually motivated by official state policy and are carried out regardless of age or gender, race, religion or language, for clear political and economic motives.

Addressing ethnic identity and conflicts, Negash, MH (2013) finds that ethnic tension is not the demand of people to secure some benefit; on the contrary, it is used by the political elites as an instrument to advance their interest through the mobilization of the people. Ethnicity, culture and historical factors are mainly manipulated for - political purposes, which in the case of Serbia resulted in violent - repressive and exterminating actions against Albanians in Kosova. According to him, although the main cause of violence is political, experiences have shown that once conflict occurs, ethnic identity, culture and history play a major role in manipulating and encouraging support for the national cause.

Winston Churchill in his speech in August 1941 said: "We are in the presence of a crime without a name (Lemkin, 1946). In fact, it did not last long and political violence took on names and synonyms, such as massacres. Destruction, ethnic cleansing, genocide, holocaust. Their common denominator is the biological and cultural destruction of a people. According to Gallant (2001), massacre is an elastic concept

with a wide range of events. It describes different stages of history, suffering and tragedies that peoples have experienced for political, economic, religious, national and cultural reasons. As such, the massacres are described as *political*, designed to maintain the balance of power through the political cleansing of the population, and as *genocidal*, with the aim of instilling fear or exterminating a certain ethnic group (Uekert, 1995). Indeed, the massacre is considered *a strategy of destruction*, of which one of the strategies aims at *the subjugation of a people*, while the other *aims at its eradication*. This is clearly proven in Kosova. Serbia aimed to subjugate the Albanians, but when it did not succeed, it tried to uproot them.

In addressing the causes of the Dutton massacres, DG (2007) seeks answers to the questions: "How can seemingly normal people be transformed to the point of killing, torturing and enjoying the pain of other people? Is this a potential in all of us, an inherited source of violence? If so, what are its mechanisms? How is it that the people we see as pathological... – rapists, serial killers, sadists – are so often reflected in wars"? Regarding this, the prevailing views are that barbarism is not a biological predisposition, but that it is learned, cultivated and perfected in interaction with others. Acts of massacres, as argued by Semelin, "are not an expression of power by a strong regime, but a sign of its weakness." In the last war, in Kosova, but also in Bosnia and Herzegovina, the massacres were accompanied by dehumanization of the victims, action as a metaphor for beasts, wolves, savages. Mutilation of the body and limbs as a symbolic dimension, according to Dwyer and Ryan (2012), is carried out to instill fear in others, as the basic mission of political violence.

In *The Psychology of Crowds* Gustave Le Bon (1895), (*Psychologie des Foules*), described the behavior of revolutionary crowds in the French Revolution as indicative of what he called "group mind", crowds or "psychological groups". In this form, he said, the suggestibility of the individual is controlled by the group-mob mind. For Freud. S. (1955), the crowd produced fanatical and dangerous leaders, attached to anyone but themselves, and followers who were attached to these leaders because they represented a form of the ideal self. Freud viewed followers as slaves to the leader, coming with a thirst for obedience, which made the leader-follower combination a natural, two-way synergy.

In his work with the highly symbolic title "Don't let anyone tell the history" dedicated to the genocide in Rwanda, Forges, AD (1999)

states that "this genocide came from the deliberate choice of an elite to incite hatred and fear in order to remain in power. The organizers and murderers who executed the genocide were not demons, nor automatons responding to inevitable forces; they were people who chose to do evil." <sup>1</sup>Hardin (1995) rightly observed that in the disintegrated post-communist Yugoslavia it was not the past that shaped the present, but the present that manipulated the past. Using examples from Bosnia and Herzegovina and Rwanda, Hardin explains why hatred alone does not necessarily start wars, but how leaders cultivate hatred to mobilize their people for conflict and war.

The aims and logic of the massacres of the Serbian government are clearly illustrated in the testimony of Professor Paul Williams (2019) before the Committee on Foreign Affairs of the House of Representatives of the US Congress, April 30, 2019, that states "during the Yugoslav wars, the armed forces joined the Serbian regime to commit genocide, mass murder, torture, mass rape, mass expulsion, as a means to achieve Serbia's military and political objectives; this campaign of terror and destruction was designed and implemented at the highest levels of the Serbian regime, which required tens of thousands of individuals willing to commit such crimes, and left hundreds of thousands of victims in its wake."

The international European and world community has been slow; clumsy in decision-making and vacillating in intervention to stop violence, massacres and genocide. Thus, Mider, D. (2014) finds that there is a dangerous dualism in *pere di more* culture that refers to the perception of political violence. On the one hand, it clearly and unconditionally condemns every manifestation of violence, and on the other hand, we are dealing with the phenomenon of abuse and standardization of violence in political practice. According to him, this is a consequence of European culture, which in the past developed through external violence in the form of conquest, wars, colonialism, exploitation and internal violence - on the basis of political and social revolutions, coups and ethnic conflicts.

The policies of violence and war, which end in massacres, are usually accompanied by orchestrated propaganda inside and outside with the aim of preparing and convincing the public for the rights of the

---

<sup>1</sup> In 1994, at least half a million people died in the Rwandan genocide, about three-quarters of the Tutsi population and thousands of Hutus, who opposed the killing campaign and the forces leading it.

aggressor. Looking for an answer to the question of whether propaganda is a means or a goal of war, in the work *Mein Kampf* (My War) by (Adolf H, 1940, pg.156) he says that propaganda is a means and that it must be judged from the point of view of the goal, therefore, the form of propaganda must be adapted to the purpose it serves. Using propaganda to emphasize the inequality between what the adversary says and does has proven to be a powerful strategy in any campaign in asymmetric warfare. Propaganda is used strategically for the intended effects of individual actions (Ingram and Reed, 2016).

Serbian propaganda was great, it was filled with examples of how deception or outright lying in messages could have effects on the credibility that still continued in some circles towards Serbia. That lies are in the being of the Serbian state is best proven by the saying of Čosic.D. (Deobe, 1961), "Lying is Serbian state interest".

War and ethnic cleansing by dictators are promoted as a means of exterminating other peoples and clearing space for the health of the species, strength and development of their nation. The Nazi logic of state authority functioned based on populism, power as force, and tradition. Serbian actions against Albanians, Bosniaks and Croats were indistinguishable from this logic. Nazi views on the Aryan race, as well as on its cultivation; on the danger of the crossing of two beings with different standards, on the weighting of inferior elements over superior ones, if the correction of this condition is not carried out (Adolf, H. 1940, pp.390-411) calls for the disappearance of millions of Jews and other peoples during the Second World War. But for the Germans after the war there was a process of accepting their guilt for the terrible consequences of the war. The Serbian state and the Serbs, even to this day, have shown no feelings of accepting guilt or accepting the cruel crimes they committed in Kosova.

### Paving the way for discrimination and undoing of Kosova Albanians

Serbian ethno-nationalism took deep roots since the Middle Ages, invoking mythology and consistently portraying Serbs as victims of history. The middle years of the 19th century marked the collection and transcription of epic peasant poetry, especially about the Battle of Kosova. It was these attempts to cover their losses with ethnic and national stereotypes, with cyclical narratives about freedom, betrayal,

slavery, exile, captivity and the need for war. Ethnic cleansing is a direct descendant of this approach fueled by past practices; these are the atrocities that marked the massacres and expulsion of Albanians from their lands. In this way, Serbian politics and intellectuals, serving the power, worked to manipulate the past for the purposes of the present time. Agrarian reform between two world wars, Čubrillović's Elaborate of 1937 and 1944 on the expulsion of Albanians, that of Ivo Andrić (Serbian Nobel laureate) of 1939, Ranković's weapons collection action of 1955 and 1956, the Blue Book of the Committee of Serbia of 1977, Memorandum of the Academy of Sciences and Arts of Serbia of 1987. In this form, the spirit from "Načertanije" of Garašanin, of 1844, was continued more deeply for the ethnically homogeneous Greater Serbia, for the migration of Albanians with state pressure, by taking rights and land and destroying their culture.

After the Constitution of Kosova in 1974, when the constitutional reform took place at the level of the former Yugoslavia, Serbia summarized its few points in a document of the time, called "The Socialist Republic of Serbia and the Autonomous Provinces in its composition - constitutional position and practice". The document that became known as the Blue Book, came to light on March 11, 1977, attacked the dual position of the provinces as an equal element in the Federation, the independence of the provinces in the field of defense and their connection with the Federation, the independence of economic policies and legal regulation. For about two years, the Book was an internal initiative of a group of Serbian politicians and intellectuals representing the unitarianism movement. The ideas of the Blue Book returned in the eighties with the Memorandum of the Academy of Sciences and Arts of Serbia (SANU) which appeared in public in 1986 as an "unfinished document " by a group of academics and intellectuals, 206 writers, economists, historians, philosophers and linguists and became the political agenda of Serbia.

The memorandum was an open criticism of the developments in the economy, asserting that the Serbian people had been exploited and stripped politically in the former Yugoslavia, concluding that the victims of all the injustices that were institutionalized with the Constitution of 1974 were the Serbs. The memorandum accused that "the expulsion of the Serbian people from Kosova is a spectacular evidence of the historical defeat and that according to them this special and open war was declared to the Serbian people in the spring of 1981". The rights of the Albanians were described as the Albanianization of

Kosova, alluding that the Albanianization of Kosova was prepared in the most legal way with the unification of the literary language, the national name, the flag, school textbooks - according to the instructions from Tirana. In this form, it was claimed that conspiracies, which are usually hatched secretly, in Kosova were created not only openly, but also demonstratively. SANU emphasized... that the fate of Kosova remains a vital issue for the entire Serbian people. If it is not resolved with a real result of the imposed war, if real security and clear equality are not established, if objective and permanent conditions are not created for the return of the displaced - Kosova will also become a European issue, with the most difficult and unpredictable consequences. In the 1980s and 1990s, a pre-planned campaign was orchestrated involving the police, army, paramilitaries, and armed civilians. This approach contributed to the wars of the 90s, in which the idea of Greater Serbia was attempted. In 1987, as soon as Slobodan Milosvic took power, he was openly threatened that the solution of these issues will be done with Constitution or without Constitution. These threats began to be implemented in 1989 with violent constitutional changes, with the suspension of autonomy and with planned state measures for the expulsion of Albanians from Kosova and its serbization. In this form, the bloody war of disintegration of the former Yugoslavia ended with Kosova. The removal of autonomy was followed by economic deprivation, specifically with apartheid, in the basic areas of the life of Albanians in Kosova.

President Ibrahim Rugova, founder of the Democratic League of Kosova (LDK) in 1989 opposed, with non-violent resistance, the policy of repression and injustice, creating the government, which acted in exile and the institutions of the Republic of Kosova. In addition, since 1991-1992, the defense organization began with the establishment of the Ministry of Defense and the Ministry of Internal Affairs, which were secretly being prepared in Kosova. In 1993, the Serbian government imprisoned the officials of the Ministry of Defense and the Ministry of Internal Affairs, the ministry in which about 3,500 policemen had refused to work for Serbia, and from which 149 people were sentenced to 614.5 years in prison. By avoiding violence, Rugova aimed to avoid the intention of the Serbian government to start a war of tragic proportions in Kosova, believing that it would gradually gain the support of the international community for the independence of Kosova. It is an unusual contribution of Rugova, who with great maturity avoided the start of the war in the early nineties, when it had

just started in Croatia and Bosnia and Herzegovina, while in Slovenia, due to other circumstances, it lasted only a few days.. The assessments of the professionals who in the nineties worked in the field of defense for the Government in exile were that, if war broke out then, Kosova would pay the biggest price. It was estimated that during the first months of the war, Kosova could have around 300,000 human casualties. Rugova did not agree that Kosova was involved in the war at a time when it was completely unprepared and without international support.

The major blow to the peaceful resistance came after the Dayton Agreement of 1995, which did not deal with the situation in Kosova and did not even emphasize it. The failure of the international community in Dayton to provide effective support to the Kosova Albanians was used by Serbia to further radicalize its actions against them. Power was asymmetric, where the Yugoslav Army, the Serbian police, paramilitary groups, the clergy of the Serbian Orthodox Church together with the economy were a great force against an unarmed population.

### Phases and forms of political violence in Kosova

Serbian criminal policies and plans were precisely designed and in no case can we talk about spontaneous actions or individual actions. The genocidal policies (Lemkin 1945) that the Serbian state practiced against the Albanians were built on experiences from the past. The political cohesion of the Albanians was attacked, so that they would give up and become afraid, the Serbization of Kosova took place during the installation of the Serbian minority in Kosova, which did not even make up 10 percent of the population, as the bearers of power. The social structure was destroyed through the closure of Albanian schools and attacks on the Albanian intelligence. Attempts were made to hide cultural achievements by changing the names of streets, schools, squares and inscriptions. They attacked the spiritual power of the muslim and catholic clergy, who had put themselves in defense of national and human rights; the lowest methods of moral humiliation were applied, especially to Albanian women; the economic foundations and living conditions of the Albanians were destroyed and degraded to extinguish the opportunities for cultural and national life. A large number of Albanians, especially young men and women, were forced

to emigrate abroad, in which case the biological development trends were interrupted; outright killings and mass massacres were carried out.

The removal of Albanians from Kosova's educational, cultural and scientific institutions, the discrimination of Albanian students and teachers and the closing of schools and faculties in the Albanian language was a measure that followed immediately after the forced destruction of autonomy. Evidence of political violence in Kosova speaks of police brutality against Albanians, murders, seizures and arrests, torture, mistreatment and discrimination in the administration of justice; obstruction of political parties and associations of Albanians and their activities, mistreatment and imprisonment of their leaders, closure of Albanian language media and imprisonment of Albanian journalists; the practical elimination of the official use of the Albanian language, especially in administration and public services. Throughout the period of the Serbian occupation, the budget of Kosova, which was collected overwhelmingly by the Albanians, was used against the Albanian population and other communities that did not cooperate with the occupier, as well as for purposes of war and genocide.

Among the first steps of Serbia was the imposition of violent administrative measures in social enterprises, information houses, educational, scientific and cultural institutions and the change of leadership structures, replacing Albanian directors with Serbian ones. This was the preparation for the expulsion of about 146 thousand Albanian workers from work, including state institutions, economic enterprises, schools and faculties. In 1992, Serbia transformed the "Trepça" Combine into a joint-stock company, donating the property of this economic system to the Development Fund of Serbia, Jugobanka, Progress of Beograd, while leaving only a quarter of the property to Trepça as share capital. This action was followed by the expulsion of about 12 thousand Albanian workers from this combine.

In the school year 1989/90, 305.562 students attended lessons in the Albanian language in primary education with 12,697 teachers, 67,772 students and 3,402 teachers in secondary schools, 18,918 students and 800 teachers in higher education (Shatri, B. 2010). In order not to miss the lesson, it began to be organized in private home-schools in the school year 1991/1992 and continued until 1999 with the commitment of the LDK, the Rural Party, the League of Albanian Teachers Naim Frashëri (LAT), The Pedagogical Entity of Kosova and the Education Unions of Kosova.

As a result of Serbian policies, the development of Kosova (1990-1999) expressed in gross domestic product per capita decreased by 65 percent (IMF, 2002), lost foreign markets and exports fell by about 82 percent as a result of disinvestment, Serbian state institutions, such as the Fund for the Development of Serbia, the Agency for Capital Assessment, the ministries and the Chamber of Commerce, through fictitious transactions, made Serbia the owner of most of the capital of Kosova<sup>2</sup>. In 1997, Serbia passed the Property Transformation Law, to continue the complete looting of property and real estate in Kosova.

Serbia closed one by one and destroyed the financial institutions of Kosova. Together with these actions, citizens' savings were withdrawn to Serbia not only from Kosova banks, but also from other banks operating in Kosova, such as the Bank of Ljubljana, Jugo banka and Investment Bank of Belgrade. The pension system of Kosova was robbed by attaching it to the Serbian one with all pension and disability funds, which belonged to retired workers and disabled people in Kosova.

The State Department, in the document "Erasing history, ethnic cleansing in Kosova" (1999) states that death represents only one aspect of Serbian actions in Kosova. This document states that on June 10, 1999, NATO forces entered Kosova and the world for the first time saw overwhelming evidence of the atrocities that Serbian forces had committed; estimated that "... schools, places of worship and hospitals were systematically destroyed, the Serbian forces tried to destroy the social identity and the structure of the Kosovar Albanian society".

In the testimony of former President Atifete Jahjaga before the Committee on Foreign Affairs of the US Congress, it is said that during the Kosova War there were more than 100 mass murders, 74 of which were recorded, that more than 13,000 people were brutally killed, including 1,230 children under the age of 18, while around 1,600 are still missing. On November 10, 1999, according to the US Department of State (1999), the Chief Prosecutor of the International Criminal Tribunal for the Former Yugoslavia (ICTY), Carla Del Ponte, stated before the UN Security Council that her office had received reports of more than 11,000 killed in the 529 mass graves and killing sites reported in Kosova divided into three important categories of victims: (1) those buried in mass graves whose locations are unknown, (2) the existence

---

<sup>2</sup> Evaluations of the Kosova delegation for the Vienna negotiations, which the author possesses, as part of the experts on economic and financial issues, 2006.

of a significant number of sites where the exact number of bodies cannot be counted and (3) victims whose bodies were burned or destroyed by Serbian forces. In the list of violently missing persons 6,057 cases were recorded. Now, 23 years after the war 1,617 violently missing people remain unfound.

According to the study with 1197 families and 8605 people (Spiegel, P, & Salama, P. 2000) it results that the mortality rate from February 1998 to June 1999 had increased 2-3 times from the pre-war period (corresponding to 0.72 deaths per month per 1000 inhabitants). The death rate peaked in April 1999 at 3.25 per 1,000 inhabitants per month, coinciding with the intensification of the Serbian campaign of "ethnic cleansing". It finds that such mortality data can be used as evidence that governments and military groups have violated international standards of conduct during war.

The study on political murders in Kosova March-June 1999, commissioned by the US Government, according to the American Association for the Advancement of Science (2000, pg.7), from research (ABA/CEELI and AAAS) <sup>3</sup>, where were interviewed 3.353 respondents that confirm that only during the period March 20-June 12, 1999, which corresponds to the NATO air campaign, Serbian forces killed about 10,500 people, most of them civilians. Findings from this study indicate that most of the documented killings occurred between late March and mid-April 1999. This time is to a significant extent related to refugee flows, when a systematic campaign against the Kosovar Albanian population was underway, therefore, the intensity of murders has been correlated with the intensity of population expulsions from certain regions. There are documented 27 flows of refugees from Kosova, which occurred in three phases: the first phase March 24 - April 6, the second phase April 7 - April 23 and the third phase April 24 - May 11 (American Association for the Advancement of Science (2000), pp. 10-13). The geographical distribution of documented murders in Kosova from March 20 - June 12, 1999 show a substantially higher concentration of murders in the municipality of Skenderaj and Rahovec.

During the first phase, murders were recorded throughout Kosova, but especially in the southwest municipalities, especially in

---

<sup>3</sup> American Association for the Advancement of Science (AAAS), Science and Human Rights Program or the American Bar Association's Central and East European Law Initiative (ABA/CEELI).

Pejë, Gjakovë, Rahovec, Suharekë and Prizren. In the second phase, the concentration of murders has increased in Central Kosova, especially in Istog, Drenas and Lipjan. In the third phase, the concentration of murders shifts to the northeastern part of Kosova, especially in Podujevë, Vushtri and Mitrovicë.

In the document of the Department of State on ethnic cleansing in Kosova (1999), as well as in the document of the organization Human Right Watch, (2002) entitled " Under the Power of Orders - War Crimes in Kosova" the suffering and experiences of Albanians are documented, displaced from their homes and refugees. From surveys conducted by Human Right Watch with refugees and the civilian population, it is clear that Serbian military and police forces and paramilitary units implemented the state plan with a systematic campaign of violence, terror and genocide aimed at ethnic cleansing. The most characteristic forms of this violence were: violent evictions, mass executions, mass graves, displacement of corpses, premeditated murders, rape and sexual abuse, use of human shields, arbitrary arrests and detentions, destruction of private property and buildings of the cult, burnings and looting, robberies, detentions and forced labor, violations of medical neutrality, identity cleansing, pollution of water deposits, but also many other forms.

In 1998 and 1999, the largest population deportation in Europe after the Second World War took place from Kosova. The Serbian ethnic cleansing operation "Horseshoe" (Beaumont&Wintour 1999) aimed for the Serbian military and police to squeeze the KLA and civilians in a three-pronged attack, destroying KLA bases and fighters and forcibly expelling the population, while refugees fled through the open southwestern edge of the horseshoe into Macedonia and Albania. The operation took place on the ground in Kosova, deporting large lines of tired, dehydrated and beaten civilians across international borders, writes "The Guardian".

During the ethnic cleansing campaign, in less than 2 months, nearly 1 million Albanians and other non-Serb minorities of Kosova were forcibly expelled from Kosova and forcibly relocated to neighboring countries, in Albania and Macedonia, but also in Montenegro and Bosnia and Herzegovina. About half a million people were displaced in the territory inside Kosova. According to Allen, B. (1999) migration, even before the current refugee crisis, was large. About 350,000 people left Kosova between 1990 and 1995. According to UNHCR (1999), in May 1999 there were 862,979 Albanians forcibly

expelled from Kosova, while between 500,000 and 600,000 citizens faced internal displacement not counting those who fled before March 1999. About 440 thousand refugees went to Albania, about 320 thousand to Macedonia (of which, 80 thousand were transferred to non-Balkan third countries). Montenegro received about 70 thousand refugees, while Bosnia and Herzegovina more than 30 thousand. This figure did not include those who had sought refuge in Europe before March 1999.

The mass eviction in the spring of 1999 was followed by *robbery and looting*. Often, citizens were robbed before being expelled or during expulsion from Kosova.

According to the study of the World Bank (2000), it is estimated that "as a result of the high number of men who emigrated or were killed during the war, more than 15 percent of families in Kosova remained headed by women, families that are among the most vulnerable in terms of economic and social needs, including employment, food supply, education and health care".

Evidence and documentation of Serbian massacres and *mass executions* is overwhelming. From the massacre of the Jashari family, which until its last breath returned the rifle to the police and the Serbian army; the massacre of Reçak, which alerted the world to crimes against humanity; the massacre of Meja with about 400 killed; massacres in Dubrava prison; of Krusha e Madhe; of Likoshan and Çirezi; Qyshku, Izbica, Rezalla and Pokleku; Sillovisë; Grashtica, Makovci and Koliqi of the Municipality of Prishtina; Podujeva; Kotlina; Nakarada - F. Kosovë and many other ghastly massacres. These are the tragic examples that reflect the mentality, behavior and actions of the Serbian regime in Kosova, but unfortunately also the long-term reluctance of the international community to stop Serbia's crimes.

Serbian forces *exhumed burned, mutilated bodies from mass graves* in an effort to destroy evidence and minimize testimony of their atrocities. In her speech before the UN Security Council, Carla Del Ponte <sup>4</sup>emphasized that "It will never be possible to know the exact number of victims, due to deliberate attempts to burn the corpses or 'hid them in other ways'.

---

<sup>4</sup> Address to the Security Council by Carla Del Ponte, Prosecutor, International Criminal Tribunal for the former Yugoslavia, November 21, 2000, New York - taken from UNDER ORDERS War Crimes in Kosova, HUMAN RIGHTS WATCH, 2002, pg 566.

In addition to the mass executions, the Serbian forces had *planned separate killings*. They targeted the Albanian intellectuals, including political leaders, professors, lawyers and doctors.

In the report of Human Rights Watch, (2000), "*Rape as a weapon of ethnic cleansing*", attention is drawn to the forms of sexual violence and rape of about 20,000 women in Kosova in 1999 as weapons of war and instruments of systematic ethnic cleansing. These forms of violence are believed to have been deliberately used as an instrument to terrorize the civilian population, extort money from families and force people to leave their homes and the country. Human Rights Watch groups rape and sexual abuse into three categories: rape of women in their homes and yards in the presence of other family members; rapes during migration within the territory of Kosova, as well as rapes in detention rooms, temporary detention centers or abandoned houses.

In the Serbian actions, *Albanians were used as human shields* to accompany convoys and military facilities, contrary to the Geneva Convention. The young men and women were separated from the long lines of refugees and forced to form a buffer zone around the Serbian autocolonies.

*Arbitrary arrests and detentions* during the armed conflict of 1998 and the first part of 1999 were also widespread. Men were separated from women and kept in makeshift detention centers, schools and factories, for a certain period of time during which they were interrogated, mistreated, beaten and some of them were killed.

It is estimated that *many private properties and cult objects were destroyed*. About 40 percent of private property was severely damaged and destroyed by the Serbian army, police, and paramilitaries, who used artillery, explosives, arson, bulldozers, and other means (UNHCR, November 1999). Schools and mosques were similarly attacked. According to a damage assessment by the United Nations in 649 schools in Kosova, it turned out that more than a fifth of the examined schools were severely damaged and more than 60% of the damaged ones were completely destroyed. *The burning of houses was a widespread phenomenon*. In 1998 and 1999, many settlements were burned and destroyed in an attempt to ensure that the Albanian population had nowhere to return. One of the most sensational forms of destruction of civilian and public property during 1998 and 1999 was the widespread practice of *polluting water reservoirs*, which is prohibited by the laws of war. According to international estimates based on the testimony of the civilian population, Yugoslav Serb forces deliberately made water

sources unusable by placing chemicals, dead animals, and even human corpses in the water.

Serbian forces systematically separated men of military age, *imprisoned them and used them for forced labor*. Many of these were forced to dig trenches, clear bunkers or perform other menial work. A large part of the work done by the detainees was related to the strategic objectives of the Yugoslav Army.

*Violations of medical neutrality* by Serbian forces included the killing, torture, detention, imprisonment and forced disappearance of Kosovar doctors.

*Identity cleansing was applied to Albanians*, by systematically stripping of personal and property documents, including passports, titles of ownership of houses, apartments and land, license plates of vehicles, identity documents, health booklets, driver's licenses and any other document of ownership of movable or immovable property. This documented method of cleaning documents is evidence that Serbia has intended to deprive the citizens of Kosova of evidence, to make it impossible for them to return to Kosova.

### The military-police violence of a Federation and republic against an occupied people

The armed war in Kosova during the period 1998-1999 was characterized by a wide diversity of parties involved with vested interests (Krystman and others 2015), as well as an absolute asymmetry of state organization and military power between Serbia and Kosova.

From *the point of view of the state organization*, on one side was the Federal Republic of Yugoslavia<sup>5</sup>, the Federal Government, the Federal Ministry of Internal Affairs, the Republic of Serbia, the Government of Serbia, the Ministry of the Interior of Serbia. Against this power stood *the Republic of Kosova (proclaimed a state by the Constitution of September 7, 1990 and the popular Referendum of September 1991)* headed by President Dr. Ibrahim Rugova elected in

---

<sup>5</sup> Federal Republic of Yugoslavia, President, Slobodan Milosevic, Prime Minister, Momir Bullatovic, Deputy Prime Minister, Nikola Shainovic, Minister of the Interior, Zoran Sokolovic; Republic of Serbia, President, Milan Milutinovic, Prime Minister, Mirko Marjanovic, Deputy Prime Minister, Milovan Bojic, Ratko Markovic, Dragan Tomic, Vojislav Sesel, Tomislav Nikolic; Minister of the Interior of Serbia, Veljko Strojiljkovic.

1992 and the Government of the Republic of Kosova exile, with prime minister dr. Bujar Bukoshi, formed in October 1991.

*As a military force*, the Serbian force consisted of the Yugoslav army, the Serbian police force, the Ministry of Internal Affairs of the Republic of Serbia, the Serbian paramilitary units: the Tigers of Arkan, the White Eagles of Sesel, as well as armed civilians. On the Kosovar side, *the Kosova Liberation Army fought*, which was organized on a voluntary basis in various areas, including members of the Armed Forces of the Republic of Kosova (AFRK), organized by the government in exile, who fought with the emblem of the KLA, but that in fact neither one nor the other were regular armies. However, there is a tendency for the consequences of the war in Kosova to equate the warring parties, the massacres of the Serbian and Yugoslav regime with all the military machinery and the police with a voluntary organization to protect their homes, property, life and homeland.

The massacres of the Serbian state influenced the involvement of external parties: the United Nations Organization, the Organization for Security and Cooperation in Europe, the North Atlantic Treaty Organization; Former Yugoslavia Contact Group (USA, Russia, UK, France, Germany and Italy).

In conditions of a complete state and military inequality, Kosova was confronted with an extremely powerful machinery of violence to which initially responded with non-violence and later with attempts at armed resistance. An unequal war dictated by the Serbian state that had genocidal features was stopped by the military intervention of the North Atlantic Alliance, led by the United States of America with a strong and significant support of the United Kingdom.

## CONCLUSIONS

In the last three decades of the 20th century, Serbia intensified its efforts and took war actions for the reoccupation of Kosova and the deportation of Albanians. It started with the opposition of the autonomy of Kosova on the changes that happened in 1974, with the Blue Book organized by the state and political leadership of Serbia, continued with the Memorandum of the Academy of Sciences and Arts of Serbia in 1986, with the violent suppression of autonomy in 1989 and 1990 to culminate in the war of 1998 and the first part of 1999. The violence was organized, planned and operationalized by the Serbian state, and

executed by the Yugoslav army, Serbian police and informal units such as paramilitary units organized, financed and armed by the state as well as armed civilians.

The Albanians of Kosova opposed the Serbian occupation, once with a policy of non-violence and then with war, while Serbia undertook actions of ethnic cleansing with mass murder and deportation of them. The expulsion of more than one million Albanians from Kosova, the mass murders and executions speak of clear forms of the genocide of the Serbian state in Kosova in 1998 and 1999.

Serbian political violence against Albanians, based on ethno-nationalism, in terms of the purpose and instruments used, recalled the holocaust of the late twentieth century and prompted international response on humanitarian grounds.

Despite the crimes committed, the Serbian state and Serbian institutions, even after more than two decades after the end of the war, have not shown feelings of guilt, have not accepted their crimes and have not expressed interest in starting the process of repentance. The escape from the truth about the massacres and genocide continues to this day from Serbia. This behavior of the Serbian state makes peace in the Balkans and in this part of Europe fragile, because it says that this state has not given up and has not distanced itself from the politics of violence and crime.

Josef Martinsen

## GENOCIDE IN KOSOVA BASED ON MY DOCUMENTATION

### Abstract

The Trilogy of Kosova is a documentation about what happened in Kosova in 1998-99 during the attacks of the Serbian army of Milosevic in Kosova against the Albanians of Kosova.

The purpose of this statement is to bring before public opinion the truth about the war crimes committed during the years 1998-99. Peace, reconciliation and forgiveness have meaning only with the discovery of the truth about the events of the war and the massacres against defenseless and unarmed civilians, which include children, women, elders and different ages and genders who suffered without any fault. Based on the tasks performed, my factual documentation in the post-war period, many events that prove the tendency of violence, ethnic cleansing and organized state genocide have been illuminated. In this documentation there is a considerable number of facts that speak of violence, murders, massacres, rapes, mass graves, missing persons, missing persons which I have secured in the research procedures to write a book about bodies found in wells throughout Kosova titled "Dødsbrøvenene I Kosova" (Kosova: Death in Wells) was published by Sypress Forlag, Norway in 2005. In 2006, research continued in order to write another book about Kosova since 7 years after the war nothing had been done UN/UNMIK to verify approximately 400 mass graves registered by the International Criminal Court in The Hague and sent to the UN. On this topic after 4 years of research in search of facts in 2010 the publication was published by Sypress Forlag, Norway. All my facts about the genocide have been published in three volumes: "The process after a war", "Kosova the wells of deaths" and "What happened in Kosova 1998-1999".

*Key words: Kosova, violence, massacres, the killed, the missing, mass graves.*

Dear Kosova Academy, I would like to thank The Kosovaro – Swedish Scientific Institute, for inviting me to speak about my war crime documentation from 1998-99.

History was my favourite subject in school, back in the 1940-s. Back then, there was no internet, today I could easily find on the internet information about Kosova Academy first established in 1975.

Over the years in Kosova and Serbia I read some Albanian and Balkan history, I once came across the word “Bese” in Albanian as something sacred and represented an Albanian virtue. For us Norwegians we have something similar “a word is a word”.

During my lecture I may have a digression or two. (Digression, “act of deviating from the main subject matter in speaking”). Here you have the first digression:

The Albanians in the Balkans, unlike many people in Europe, are said to have taken care of Jews on the run from German Nazi’s persecution, during Second World War 1938-45. In Scandinavia, only the Danish and the Swedish people took care of the Jews on the run.

The Norwegians did the opposite, the local Norwegian police gathered Jews in secret planned actions. Early in the morning all Jews were gathered and put on a boat to Auschwitz Concentration Camp. On 25- 26 November 1942 more than 750 were sent and only 26 came back alive after the war. This is a heavy historical burden for Norway.

## The intervention that turned the tide in Kosova

If NATO had not intervened in March 1999 and subjected former Yugoslavia to an extensive air bombing for over 78 days. I think most of the Kosova Albanian population would probably have been refugees all over Europe and in the rest of the world, and Kosova would have remained as part of Serbia in the rest of Yugoslavia.

Well, back to my subject.

In 1948 UN approved a definition to cover the term **Genocide**:

### **Fig 1**

The United Nations Genocide Convention defines genocide as “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, such as:

- killing members of the group;
- causing serious bodily or mental harm to members of the group;

- deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- imposing measures intended to prevent births within the group; and]
- forcibly transferring children of the group to another group."

In 1998, the ICTR (International crime tribunal Rwanda) set the important precedent that systematic rape is in fact a crime of genocide.

The international legal and political community have for some reason avoided using the term Genocide when it comes to crimes committed in Kosova in 1998-99, where 10600 unarmed civilians were deliberately hunted down and murdered. And around half of the Albanian population was deported and forcibly transferred out of Kosova. My documentation presented in 2010 [www.truth-commission.com](http://www.truth-commission.com) clearly shows that Genocide was committed. The asymmetric warfare launched by Yugoslavian army and the Serbs in Kosova under the Milosevic regime from 1998 - 99 resulted in these indictments and sentences:

## **Fig 2**

On 26 February 2009, the following former police and military officials of the former Yugoslavia and Serbia were convicted by Trial Chamber III of the Tribunal for crimes against humanity committed in Kosova in 1999:

1. Former Yugoslav Deputy Prime Minister, Nikola Šainovic, Yugoslav Army (VJ) General, Nebojša Pavkovic and Serbian police General Sreten Lukic were each sentenced to 22 years' imprisonment for crimes against humanity and violation of the laws or customs of war.

2. Yugoslav Army General, Vladimir Lazarevic and Chief of the General Staff, Dragoljub Ojdanic were found guilty of aiding and abetting the commission of a number of charges of deportation and forcible transfer of the ethnic Albanian population of Kosova, and each sentenced to 15 years' imprisonment.

The Prosecution charged the five with crimes committed during a campaign of terror and violence directed against the ethnic Albanian population of Kosova in early 1999. Each of the accused was alleged to

have participated in a joint criminal enterprise, the purpose of which was to modify the ethnic balance in Kosova to ensure continued control by the Serbian authorities. The plan was to be executed by criminal means, including deportations, murders, forcible transfers, and persecutions of Kosova Albanians.”

When UNMIK took over control of Kosova they had no records of the population or archives that could facilitate the work of setting up lists of dead and missing. Most of the office inventory and technical equipment were gone.

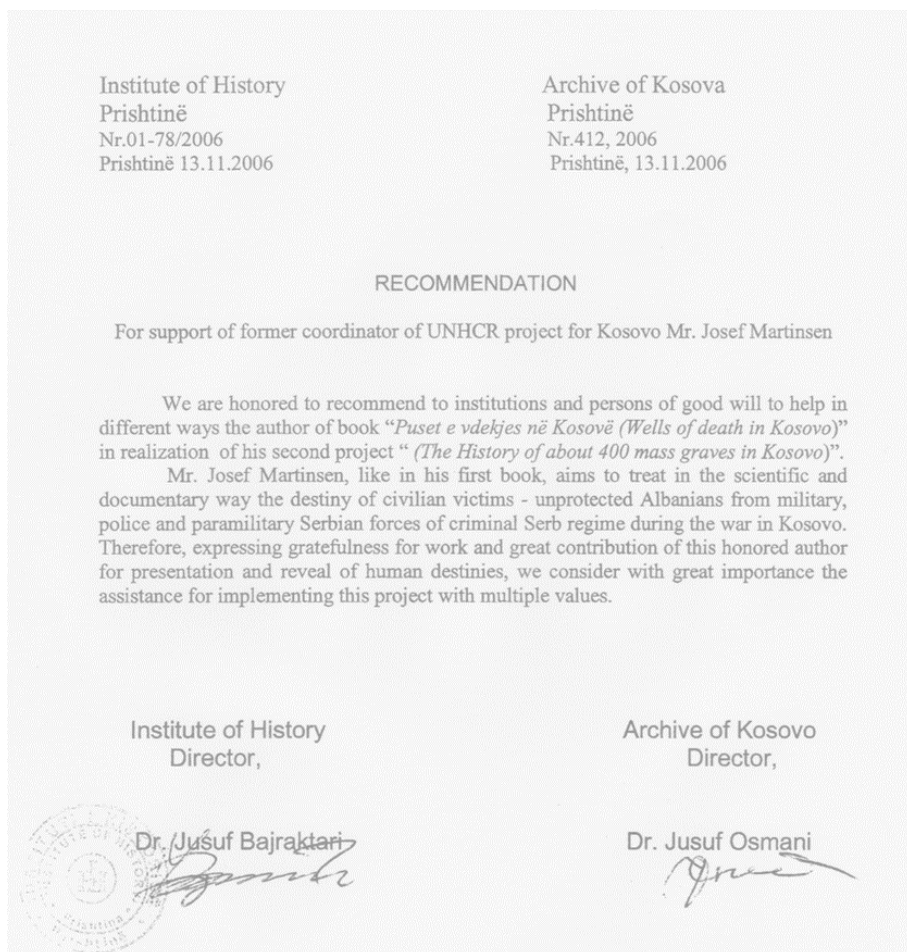
The new authorities and others in Kosova who worked with dead and missing people were very dependent on the lists that were created by international organisations such as the Red Cross, the ICTY and other NGOs. Because three different languages were used, (English, Albanian and Serbian), the lists were to some extent deficient. Many who came and reported could not document who they were and whom they represented.

Serb military, police and paramilitary forces who participated in the forced expulsion of more than half of the civilian Albanian population, took by force all forms of personal ID and other documentation from the population that could prove they belonged in Kosova.

### **Fig 3**

Before I started the book project, November 2006, regarding the 400 mass graves I contacted the Director at the Institute of History Dr. Jusuf Bajraktari and the Director of the Archives of Kosova, Dr. Jusuf Osmani and asked them for advice concerning my book project. To my surprise they said that I should start as soon as possible otherwise evidence could be lost, because it was already seven years after the war. They told me they were barred from acting on this and other cases by UNMIK and the local authorities at the time, since there were no allocated resources to their departments. It is worth mentioning that I first spoke with head of UNMIK JUSTICE section back in 2006, but they told me not to bother doing documentation and book because they had all needed information.

I asked Mr. Bajraktari and Mr. Osmani for a written recommendation for my book project which they issued, see below:

**Fig 4**

Data sources I used thanks to the recommendation issued by Dr. Jusuf Bajraktari Institute of History and Dr. Jusuf Osmani back in November 2006.

- 1 = International Committee Red Cross - Prishtina (ICRC)
- 2 = International Crime Tribunal for former Yugoslavia - the Hague (ICTY)
- 3 = Office for Missing Persons Forensic/UNMIK/EULEX - Prishtina (OMPF)
- 4 = Humanitarian Law Centre - Belgrade (HLC)
- 5 = Author (Josef Martinsen - research work in Kosova) (JM)
- 6 = International Justice - Human Rights Watch (HRW)

- 7 = No Peace Without Justice (NPWJ)  
 8 = International Crisis Group, (Reality Demands) Brussels (ICG)  
 9 = Organization for Security and Co-operation in Europe (OSCE)  
 10 = Council for Defence of Human Rights and Freedoms, Prishtina (CDHRF)

### **Fig 5**

Already early spring of 1998 Kosova Albanians were forced to leave their homes and villages due to heavy shelling against their houses and foot soldiers that came in after the shelling and forced the families out on the roads or to the forests and mountains and burned down their houses. The number of registered persons outside Kosova from March 1998 to February 1999:

March 1998	24 000
April 1998	170 000
October 1998	200 000
November 1998	175 000
January 1999	190 000
February 1999	210 000

### Numbers of refugees displaced from Kosova 23 March-9 June 1999

From 23 March 1999 things escalated dramatically when USA, Britain and NATO started the announced bombing of rest Yugoslavia, including Serbia and Montenegro. Milosevic declared state of war and the Military was official in charge of all actions that took place in Kosova. I will not repeat the numbers but point out that in the course of about 4 months more than 800 thousand were forced out of Kosova.

(Kosova/Kosova As Seen, As Told (OSCE) registered the following number of people who fled or was forced out of Kosova.)

**Fig 6**

Supplementary document 7

**Numbers of refugees displaced from Kosovo 23 March-9 June 1999**  
(Figures represent total arrivals on each given date)

	Montenegro	B-H	FYROM	Albania	HEP	Total
23 March	25,000	10,000	16,000	18,500		69,500
30 March	32,500	13,000	20,500	78,500		144,500
31 March	35,000	14,000	28,000	103,500		180,500
1 April	40,000	15,000	43,000	103,500		201,500
2 April	50,000	16,000	43,000	138,000		247,000
3 April	52,000	17,000	108,000	200,000		377,000
4 April	54,000	18,000	109,000	247,000		428,000
5 April	55,000	20,000	110,125	254,813		439,938
6 April	58,000	21,000	111,250	262,625		452,875
7 April	60,000	22,000	112,375	270,438		464,813
8 April	61,000	23,000	113,500	278,250		475,750
9 April	62,000	24,000	114,625	286,063		486,688
10 April	63,000	25,000	115,750	293,875		497,625
11 April	64,000	26,000	116,875	301,688		508,563
12 April	63,000	27,300	118,000	309,500	7,987	525,787
13 April	67,200	27,700	116,000	314,300	10,780	533,980
14 April						
21 April	70,000	32,300	130,000	57,000	16,911	606,211
28 April	63,300	15,000	142,650	367,200	22,084	610,234
5 May	61,700	17,600	211,340	404,200	28,654	723,494
12 May	64,400	18,500	231,200	427,000	40,518	781,618
19 May	64,000	20,000	226,800	433,300	52,643	796,743
26 May	64,700	21,500	252,600	439,600	63,575	841,975
2 June	68,400	21,700	248,900	442,600	74,014	855,614
9 June	69,700	21,700	247,400	444,200	79,979	862,979

Kosovo/Kosova As Seen, As Told (OSCE)

B-H: Bosnia-Herzegovina.

FYROM: the former Yugoslav Republic of Macedonia.

HEP: Humanitarian Evacuation Programme.

In addition, more than 100,000 Serb IDPs are estimated to have left Kosovo and to have been registered in Serbia and Montenegro.

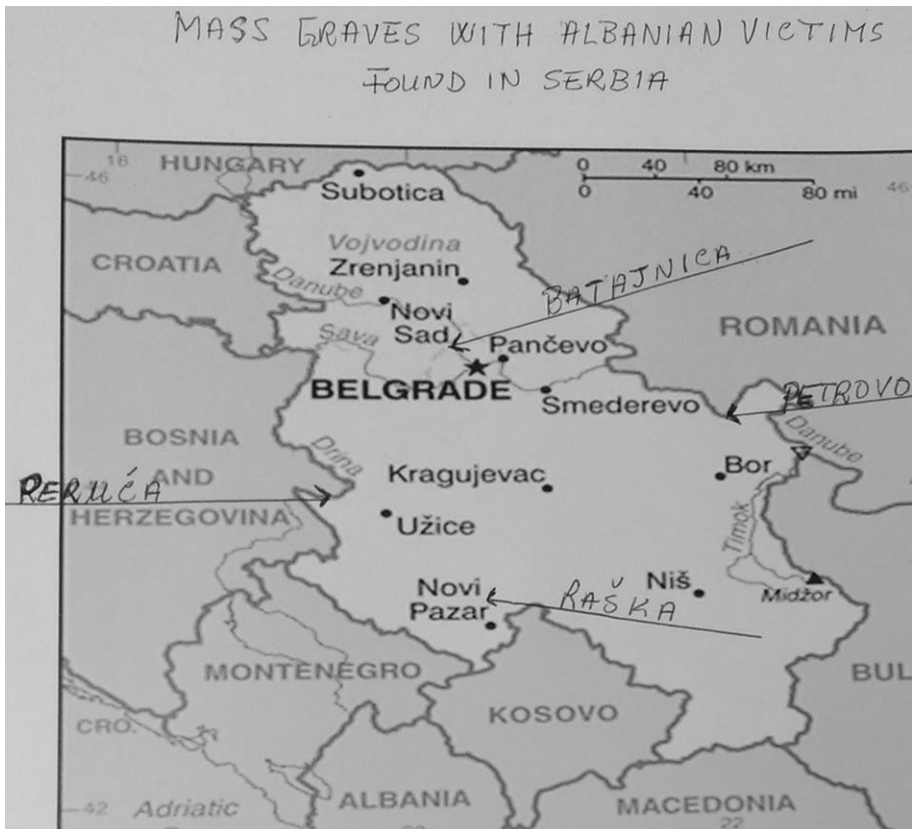
Source: UNHCR, Geneva, 15 October 1999.

## Mass graves found in Serbia with Albanian victims

During 1998 and first six months of 1999 several thousand Kosova Albanians disappeared inside Kosova. More than 836 were found in mass graves in Serbia. The dead victims were transported from

mass graves in Kosova on trucks to mass graves inside Serbia in order to cover up criminal acts committed by Serbian military, police, and paramilitary forces. These covert activities were revealed when a lorry with dead bodies was involved in a traffic accident and the lorry ended in a river and dead Kosova Albanian bodies began to float in the river. More than two thousand Kosova Albanians are still missing. Here I have some pictures, showing a map section and photos of places where dead Albanians were found inside Serbia.

**Fig 7**



**Fig 8 and 9**  
Batajnica

In this location in Batajnica mass graves were found, in long underground tunnels (50-100 m) which earlier were used to grow mushrooms, now used to store bodies taken from mass graves in Kosova.

**Fig.8**



**Fig 9**



Photo: Dr. Arsim Sh. Gërxhaliu (2002)

**Fig 10****Raska**

Additional information as late as 10 May 2010 from Serbia shows new mass grave found in Raska near the border to Kosova. (Photo Scanpix/Reuters)



All that I have presented point at Genocide. For further information concerning my documentation see:

[www.truth-commission.com](http://www.truth-commission.com)

**Last part of my lecture**

It is very strange how time has flown for me since 2010 when I presented my war crimes documentation. For everyone else also time has clearly flown, except for the raped women during the war in Kosova, especially for the first 423 raped women who found the courage to sign a document, when asked for by UNMIK and the local authorities, for them time has almost stood still. UNMIK and the new Albanian political authorities needed in 1999 documented evidence of abuses against civilians committed by the Serbs in Kosova in 1998-99. The group of 423 raped women signed and were promised protection, support and help in the local environment when they moved home, but help never came! Since 2010 after having the first meeting with some of the women who were raped, I understood that my work in Kosova could not end yet. A new page cannot be opened in the lives of these women without first filling the empty space that was created. The political leaders cannot move on in life with other tasks until given promises are fulfilled. For years I have sent letters to the previous and

current Prime Minister for the 423 female war victims, to compensate for the lack of support that was promised, but nothing happened.

**Fig 11**

Three books were written since 2003 by local female writers and I wonder how many politicians have read these books?

- *Histori te tmerrit 1998-1999 (History of Horror)* of Sanije Gashi (2010)

- *Rrefime Tronditëse 2003*, Luljeta Selimi (*Femrat e Dhunura Gjatë Luftës së Kosovës*)

- *Pa Apologji (Without Apology)* by F. Ramosaj (2005), Printed by Dukagjini

**Well, here is the second digression:**

(In religion, a **prophecy** is a message that has been communicated to a person by a supernatural entity. Here the other night I got a prophecy like this:

"There will rest a curse upon Kosova until the 423 female war victims have got their rightful excuse and compensation."



Rudina Jasini

## PARTICIPATION OF VICTIMS AS CIVIL PARTIES IN INTERNATIONAL CRIMINAL PROCEEDINGS

### Abstract

Justice for victims has often been described as *the raison d'être* (fr. 'reason for existence') and the highest mission of international criminal justice mechanisms. This noble goal has underpinned the work of hybrid and ad hoc international criminal tribunals, as well as the International Criminal Court (ICC) itself, but, again, criticism that these mechanisms have not done enough for victims of mass crimes and war crimes has not have been absent. The biggest challenge these institutions have encountered lies in the ambiguity of what 'justice for victims' means and what form this justice takes in the context of international criminal justice. Understanding the role and scope of material and procedural rights in the protection of these victims has been an important issue that almost all international tribunals have faced, especially the ICC. Given the special characteristics of international criminal proceedings, including subject matter limitations, the structure and composition of international criminal courts, as well as the large number of cases and the nature of mass victimization – distinguishing them in many important respects from domestic criminal proceedings– the participation of victims in international criminal proceedings raises some unique and specific questions and topics, which in turn, as this article will show, bring very complex challenges and answers. Undoubtedly, victim participation is still in the developing stages in international criminal justice, and its *sui generis nature* characterizes all its application in practice.

The research work related to victim participation so far has shown that there is currently a critical need for well-developed standards, at both levels - legal and normative - as well as general standards to guide the application of the legal mechanism of 'participation of victims'.

*Key words:* Victim, Victims' participation, International Criminal Law, Victimology, Transitional Justice

Justice for victims has often been described as the highest goal and mission of international criminal justice mechanisms. This objective has been at the basis of the work of hybrid and *ad hoc international criminal* tribunals, as well as the International Criminal Court (ICC) itself, but again, criticism that these mechanisms have not done enough

for the victims of crimes against humanity and crimes against humanity and war crimes has not been absent. <sup>1</sup>The biggest challenge that these institutions have encountered lies in the ambiguity of what "justice for victims " means and what form this justice takes in the context of - international criminal justice. Understanding the role and scope of - material and procedural rights in the protection of these victims has been an important issue that almost all international tribunals have faced, especially the ICC. Given the particular characteristics of - international criminal proceedings, including subject matter limitations, the structure and composition of international criminal courts, as well as the large number of cases and the nature of mass victimization – distinguishing them in many important respects from domestic criminal proceedings – the participation of victims in international criminal proceedings raises some unique and specific questions and topics, which in turn, as this article will show, bring very complex challenges and answers. Undoubtedly, victim participation is still in the developing stages in international penal justice and its *sui generis nature* has characterized all its application in practice.

The research work related to victim participation so far has shown that there is currently a critical need for well-developed standards, at both levels - legal and normative - as well as general standards to guide the application of the legal mechanism of 'participation' in practice. of victims'. Besides the need to address the fundamental question: "*What role should victim participation play in international criminal justice processes?*" Specifically, this article argues (at least in theory) that while victim participation can lead to the realization of restorative justice aspirations, the way in which victim participation has been conceptualized and interpreted up to date raises important questions about the role and the impact of this representation on the functionality of judicial processes, the rights of the accused and the rights of the victims themselves.<sup>2</sup>

---

<sup>1</sup> M. Cherif Bassiouni, 'International Recognition of Victims' Rights' (2006) 6 Human Rights Law Review 203.

<sup>2</sup> R. Jasini, 'Participation of victims in transitional justice: the case of the Extraordinary Chambers in the Court of Cambodia (ECCC)', report prepared for Impunity Watch, April 2016.

See <https://www.impunitywatch.org/victim-participation-and-transition>

## 1. Introduction

Recognizing the participation rights of victims in criminal processes constitutes an innovation in international criminal law.<sup>3</sup> The inclusion of victims as civil parties (*partie civile*) in international criminal court processes marks a very important development for the rights of victims. This development evidenced throughout the 1980s and 1990s was in fact the product of a broad movement and parallel advancements in domestic and international legal systems towards greater recognition of victims' rights. It was also a response to the growing criticism coming from various organizations regarding the marginalization of victims in the criminal justice process.<sup>4</sup> The highlighted growing trend of victim representation at the international level was reflected within the Rome Statute and the work of the ICTY.<sup>5</sup> The ICC thus became the first international criminal tribunal that supported and approved the active participation of victims, through their recognition as 'participants' in the judicial process.<sup>6</sup> This new dimension of victims' rights was further strengthened in Cambodia (ECCC), mainly because this tribunal provided an unprecedented characterization of victims as 'parties' with full rights, rather than simply as a participant in the judicial process.<sup>7</sup> Also, this trend was reflected in the Special Tribunal for Lebanon (STL).<sup>8</sup> The evolution and strengthening of

---

<sup>3</sup> William A. Schabas, 'Introduction to the International Criminal Court' (2nd edition Cambridge University Press 2004) 328; Antonio Cassese, "The Statute of the International Criminal Court: Some Preliminary Reflections" (1999) 10 *European Journal of International Law* 144, 167; See also Emily Haslam, 'Victim Participation at the International Criminal Court: A Triumph of Hope over Experience?' in Dominic McGoldrick, Peter Rowe and Eric Donnelly (eds), *The Permanent International Criminal Court: Legal Policies and Issues* (Hart Publishing 2004) 315.

<sup>4</sup> Lucia Zedner, *Criminal Justice*, Clarendon Law Series (Oxford University Press 2004) 143.

<sup>5</sup> Rome Statute of the International Criminal Court, 1 July 2002, art 1. See <<http://www.icc-cpi.int/NR/rdonlyres/ADD16852-AEE9-4757-ABE7-9CDC7CF02886/283503/RomeStatutEng1.pdf>>

<sup>6</sup> *Ibid*, art 68.3. Under the Rome Statute, victims are given the right to "present their views and concerns" to the Court and to do so "where their personal interests are affected".

<sup>7</sup> ECCC Internal Rules, r 23. See <[http://www.eccc.gov.kh/sites/default/files/legal-documents/Internal\\_Rules\\_Rev\\_9\\_Eng.pdf](http://www.eccc.gov.kh/sites/default/files/legal-documents/Internal_Rules_Rev_9_Eng.pdf)> (accessed 14 January 2023).

<sup>8</sup> Statute of the Special Tribunal for Lebanon, art. 28 (1), S/RES/1757 (2007). See <http://www.specialtribunalforlebanon.org/en/documents/TSL-documents/statute/223-statute-of-the-special-tribunal-for-lebanon>

victims' rights have found expression in two important international legal instruments: first, in the 1985 United Nations Declaration on Fundamental Principles of Justice for Victims of Crime and Abuse of Power (Declaration of Victims); and secondly, in the 2006 Basic Principles and Guidelines on the right to judicial redress and compensation for victims of serious violations of international law and serious violations of international humanitarian law (the Basic Principles), which is described as 'an international legal code of victims' rights, with a primary focus on victims of international crimes'.<sup>9</sup> A host of measures and reforms have contributed to the increasingly prominent role given to victims in contemporary international criminal law.<sup>10</sup> These developments have come about and have been influenced by many factors, in particular the Fundamental Principles, the expansion of victims' rights in international law and international humanitarian law, accompanied by the growing recognition of victims' rights in the jurisprudence of the European Court human rights tribunal (ECHR) and the Inter-American Court of Human Rights (IACtHR). The creation of various *ad hoc* and hybrid courts, and then the ICC, have made other important contributions to progress in this area, leading to increased fundamental and procedural rights for victims. Indeed, it is precisely the ECCC that has attributed to the victims of crimes the most extended and advanced form of the right to participate, reflected in the granting of their right to participate as civil parties in the process and not simply as witnesses.

While victims' rights advocates and intergovernmental organizations generally argue that where participation gives victims the opportunity to present their views and observations, thus enhancing the prospects of both retributive and restorative justice, such participation gives and the international community an important opportunity to fulfill the objective "not only to bring criminals to justice, but also to help the victims themselves achieve justice."<sup>11</sup> However, it seems that the liberal discourse on victim participation has often obscured the need to critically ask how this participation is taking place in practice and what consequences it is bringing.

---

<sup>9</sup> M. Cherif Bassiouni, 'International Recognition of Victims' Rights' (2006) 6 Human Rights Law Review 203.

<sup>10</sup> William A. Schabas, *Introduction to the International Criminal Court* (2nd ed., Cambridge University Press 2004) 323.

<sup>11</sup> See [http://www.icccpi.int/en\\_menus/icc/structure%20of%20the%20court/victims/Pages/victims%20and%20witnesses.aspx](http://www.icccpi.int/en_menus/icc/structure%20of%20the%20court/victims/Pages/victims%20and%20witnesses.aspx)

## 2. Advancing victims' rights: models of participation in national and international criminal justice

The development of the modern, centralized nation-state and the growing influence of retributivist thought in the development of domestic criminal justice systems increasingly overlooked victims: the focus has been more on the offender and the state as investigator, prosecutor, judge and executor. Concern for victims' rights was expressed in various legal systems, belonging to both civil and Anglo-Saxon ("common law") traditions. Furthermore, regional and international human rights treaties have traditionally had a legalistic approach,<sup>12</sup> the lack of expressing precise references to the rights and interests of crime victims was considered an obstacle to any protection under international humanitarian and human rights law. The reasons that brought a greater focus and advancement of the procedural rights of victims in national legal systems during the 1970s and 1980s were: the development of the movement for the rights of victims, of victimology as a separate discipline, of social sciences and of the doctrine of human rights, as reflected in the activity of regional judicial and non-judicial human rights bodies, as well as the interpretation of international human rights instruments. Thus, existing provisions in many civil law systems were reinstated, such as the civil party model in German and French law, and new mechanisms were added, such as victim impact statements in a number of traditional jurisdictions. Anglo-Saxon (common law). The distinctive nature of transnational crimes and their association with mass victimization have been some of the main drivers for the expansion and development of victims' rights in the international arena. This development has been part of a wider process which has seen a gradual evolution of the role played by victims, first as mere complainants and witnesses, then as givers of victim statements before the decision of the trial and up to recognizing them as participants or parties with full rights in the judicial process. The culmination of this development has come with the recognition of the victims as civil parties in the ECCC, which is also the court that has offered the victims the highest level of procedural rights.

---

<sup>12</sup> M. Cherif Bassiouni, 'International Recognition of Victims' Rights' (2006) 6(2) *Human Rights Law Review* 203, 204.

## *2.1 Human rights instruments of the United Nations Organization*

The United Nations have been a key actor in advancing the rights of victims. The impact of the principles and work of the UN has been felt both nationally and internationally and has come in the form of two legal instruments adopted by the UN General Assembly.

### *2.1.1 Declaration of the victims of 1985*

Article 8 of the Universal Declaration of Human Rights provides - that everyone "has the right to an effective remedy by competent national courts for acts that violate fundamental rights guaranteed by the constitution or law." <sup>13</sup>As will be seen below, the general provisions in various human rights instruments regarding the right to an effective legal remedy have been the means through which specific rights for victims have been created and elaborated. Article 8 has been the fundamental basis for the creation of the Victims' Declaration, <sup>14</sup>adopted by the UN General Assembly on November 29, 1985. Although not legally binding, it has been cited in many national, regional and international courts and tribunals. The <sup>15</sup>Declaration has had also an important influence on the design of national policies aimed at increasing the rights of victims.<sup>16</sup>

Article 1 of the Declaration defines victims as:

Persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional distress, economic loss, or substantial violation of their respective rights, through acts or omissions that are in violation of criminal laws that operate within member states, deleting those laws that prohibit the abuse of power.

---

<sup>13</sup> Available at <http://www.un.org/en/documents/udhr/> .

<sup>14</sup> 1985 United Nations Declaration on Fundamental Principles of Justice for Victims of Crime and Abuse of Power, A/RES/40/3.

<sup>15</sup> Brianne McGonigle Leyh, *Procedural Justice, Victim Participation in International Criminal Proceedings* (Intersentia 2011) 96.

<sup>16</sup> See for example Principles and Guidelines on the Right to a Fair Trial and Legal Assistance, DOC/05/(XXX)247 (2001).

Thus, the Declaration is addressed to the victims of crimes and abuses of power, which is reflected in its structure; part A deals with victims of crime and part B with victims of abuse of power. It should be noted that the reference to the definition of victims to the laws in force in the member states, clarifies that the Declaration is applicable to victims of national criminal offenses and not to international ones.

Part A contains a number of important rights for victims, including the right to access to justice and fair treatment,<sup>17</sup> as well as the rights to restitution,<sup>18</sup> compensation<sup>19</sup> and legal assistance.<sup>20</sup> There, the dignity of the victims is emphasized<sup>21</sup> and measures are ensured for the right to information and assistance. Article 6 (b) states that 'when their personal interests are affected, the views and concerns of the victims must be expressed and "taken into account at the appropriate stages of the procedure", bearing in mind here also the rights of the accused to due process of law. As will be seen below, this language is repeated in other victims' rights instruments. Specifically, although Article 7 does not provide for restorative justice mechanisms, it nevertheless refers to "informal mechanisms for resolving disputes", thus listing mediation, arbitration and assistance for "reconciliation and compensation of victims".

Although it is clear that the Victims' Declaration contains significant rights for victims, and undoubtedly constitutes a noble aspiration in this respect, it should be noted that victims are not given any special right to participate in court proceedings. According to the Declaration, the victims do not even have the right to request a review of the prosecution's decisions. A more detailed reading of it makes it clear that states are given a large margin of discretion in implementation and, as noted above, the Declaration is not even legally binding. However, the Victims' Declaration constitutes an important statement of principle in the field of victims' rights in general. It represents the first successful global attempt to create an instrument that sets out the standards that states should seek to achieve within their national legal systems, and its influence can be seen in a number of contexts. The Victims' Declaration has also influenced subsequent developments in this area, such as the 2006 Guiding Principles.

---

<sup>17</sup> Declaration of Victims, art. 4-7.

<sup>18</sup> Ibid art. 8-11.

<sup>19</sup> Ibid art. 12-13.

<sup>20</sup> Ibid art. 14-17.

<sup>21</sup> Ibid art. 4.

## 2.1.2 Basic principles of 2006

Unlike the Victims' Declaration, the main objective of the 2006 Basic Principles and Guidelines<sup>22</sup> is international criminal justice. Like the Victims' Declaration, the Principles are not legally binding,<sup>23</sup> although they are intended to broadly reflect 'existing legal obligations under international, human rights and international humanitarian law.'<sup>24</sup> The basic principles are the product of the work of two well-known legal experts appointed by the UN Human Rights Committee (UNHCR), Professors van Boven and Bassiouni.<sup>25</sup> The General Assembly adopted them by consensus on 21 March 2006.

Article 8 of the Basic Principles defines victims in terms very similar to those of the Victims' Declaration. However, there are two important differences between these two instruments: first, the definition refers to victims of 'serious violations of human rights and international law or serious violations of international humanitarian law', not violations of national legislation, thus reflecting the international focus of principles. Second, unlike the Victims' Statement, the Basic Principles expand the term 'victim' to include, where appropriate, family members, dependents and all those who have tried to help the main victim and who have suffered harm as consequence. This definition is consistent with the description attributed to the term 'victim' in most international and regional human rights instruments.

Article 11 defines the structure for the rest of the Fundamental Principles, including in the rights that victims have: the right of access to justice; the right to adequate, effective and immediate compensation; as well as the right to receive information. The right of access to justice applies both on an individual and collective basis.<sup>26</sup> The right and

<sup>22</sup> United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Serious Violations of International Law and Serious Violations of International Humanitarian Law, A/RES/60/147 (March 21, 2006).

<sup>23</sup> Anne-Marie de Brouwer and Mikaela Heikkilä 'Victims' Matters: Participation, Protection, Reparation and Assistance' in Göran Sluiter, Håkan Friman, Suzannah Linton, Sergey Vasiliev and Salvatore Zappalà (ed) *International Criminal Procedure: Principles and Rules* (Oxford University Press 2013) 1337.

<sup>24</sup> UNHRC, "Draft Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Violations of International Human Rights and Humanitarian Law" UN Doc E/CN.4/2004/57, 26.

<sup>25</sup> Cherif Bassiouni, 'International Recognition of Victims' Rights' (2006) 6 Human Rights Law Review 203, 249-250.

<sup>26</sup> Parimet Themelore, art. 13

obligation of states to provide an effective solution is complemented by a number of positive obligations on states, such as the obligation to disseminate information.<sup>27</sup> Moreover, the right of access to justice also implies the duty of the authorities to prosecute, which is further expanded in Article 4. Victims of international crimes have the right to compensation, which includes restitution, compensation, rehabilitation, satisfaction and guarantee of non-repetition<sup>28</sup>; compensation must be proportionate to the damage suffered.<sup>29</sup> Finally, the Basic Principles recognize the right of victims to seek and find the truth, although Article 24 does not expressly link this right to any procedural right or right to participation. However, according to Prof. Bassioun, some feel that the 'victims' right to the truth is best exercised through a criminal process, even in a situation where a state offers alternative remedies such as truth commissions.<sup>30</sup> The extensive catalog of thematic Principles relating to the rights of victims of international crimes is to be appreciated. Although they do not directly refer to the right of participation of victims in international criminal judicial processes, it can be argued that the Fundamental Principles imply the right to participate, in particular the right of access to justice and the right to reparation.

Three regional human rights instruments have been particularly influential in this area: the European Convention on Human Rights and Fundamental Freedoms (ECHR), the American Convention on Human Rights (ACHR) and the African Charter on Human Rights. and of the People (AfCHR).

### 3. Victims and International Criminal Justice: models of participation

The notion of international prosecution of individuals, including high-ranking state officials, for human rights violations dates back to the post-World War I period.<sup>31</sup> These efforts only materialized at the end of the Second World War, with the establishment of the Nuremberg

---

<sup>27</sup> Ibid art. 12.

<sup>28</sup> Ibid art. 18.

<sup>29</sup> Ibid art. 15.

<sup>30</sup> M. Cherif Bassiouni, 'Njohja Ndërkombëtare e të Drejtave të Viktimave' Rights' (2006) 6 Human Rights Law Review 203, 265.

<sup>31</sup> Antonio Cassese,, *E Drejta Penale Ndërkombëtare* (1st edn Oxford University Press 2003) 327.

and Tokyo military tribunals, which represented, as Minow asserts, 'the possibility of giving some legal answers, rather than answers derived from power politics or of military aggression.'<sup>32</sup> The development of modern international criminal law and international criminal justice has been a slow and laborious process, divided into different and distinct stages, which Cassese categorizes into: (i) early attempts to failed (1919-1945); (ii) prosecutions after the Second World War in the context of the Nuremberg and Tokyo Tribunals (1945-1947); (iii) elaboration of the statute for a permanent court by the International Commission; (iv) the "new world order" after the Cold War and the creation of two *ad hoc Tribunals* (1993-1994); and (v) the drafting of the Statute of the ICC (1994-1998). It should be emphasized that until the adoption of the Rome Statute of the ICC, victims - including those affected by international crimes - have often been marginalized and neglected in international criminal courts.<sup>33</sup> This is mainly due to the retributive approach of international criminal justice and its focus on the prosecution and punishment of the perpetrators of international crimes. The following section explores the development of the role and substantive and procedural rights afforded to victims in international criminal law, beginning with the Nuremberg and Tokyo Tribunals; then continues with a review of *ad hoc* and hybrid courts, including ICTY, ICTR, SCSL, courts in East Timor and Kosova; and concludes with a brief overview of the new era of active victim participation. The analysis of the above-mentioned courts and tribunals is aimed at assessing the progress of the victims' rights.

### *Nuremberg and Tokyo military tribunals*

World War II is the deadliest war in history, involving more than 30 countries and resulting in 50 to 85 million military and civilian deaths. In its wake, the Allied Powers (the United States, the United Kingdom, France, and the Soviet Union) demanded that the perpetrators be prosecuted and held accountable for their atrocious crimes.<sup>34</sup> On

---

<sup>32</sup> Martha Minow, *Midis Hakmarrjes Dhe Faljes: Përballja Me Historinë Pas Gjenocidit Dhe Dhunës Masive* (Beacon Press 1998) 127.

<sup>33</sup> Luke Moffett, *Drejësia për viktimat para Gjykatës Ndërkombëtare Penale* (Routledge 2014) 58.

<sup>34</sup> Telford Taylor, *Anatomy of the Nuremberg Trials: Personal Recollections* (Knopf Doubleday 1992) 32; M. Cherif Bassiouni, *Introduction to International Criminal Law* (Transnational Publishers 2003) 403. See also Gary Bass, *The Hand of*

October 18, 1945, the Nuremberg Tribunal, officially known as the International Military Tribunal (IMT), was established by the Allies to prosecute members of the political, military, and economic leadership of Nazi Germany who were suspected of planned, committed or participated in the Holocaust and other war crimes.<sup>35</sup> This was followed by the establishment of the Tokyo Tribunal, the International Military Tribunal for the Far East (IMTFE), on 5 May 1946 for the purpose of prosecuting Japanese leaders for crimes committed in the Pacific Ocean and Asia.<sup>36</sup> The trials held in these courts marked a historic achievement in the development of modern international criminal law and continue today to influence the way this law and justice following a conflict are conceived.<sup>37</sup> These trials had the mission of providing symbolic justice<sup>38</sup> to the victims of the most atrocious crimes, as well as to punish high-ranking officials in the Nazi and Japanese leadership.<sup>39</sup>

Both Tribunals were characterized by a litigious approach typical of *common law systems*, mainly due to the American influence in their drafting. What is more important is that in these judicial processes there were no provisions for the participation, protection and support of the victims except in relation to their role as witnesses. Furthermore, there is no evidence that the idea of including victims as civil parties was ever suggested or discussed during the negotiations, not even by representatives of states that recognize the participation of civil parties in their domestic legal systems. The Nuremberg and Tokyo tribunals have been the subject of both praise and criticism. Although their influence on the

---

*Vengeance: The Politics of War Crimes Tribunals* (Princeton University Press 2001) 150-181.

<sup>35</sup> Established by the Agreement for the Prosecution and Punishment of Major European Axis War Criminals, and the Charter of the International Military Tribunal, London, 8 August 1945 (London Charter).

<sup>36</sup> Established by the Charter for the International Military Tribunal for the Far East, Tokyo, 19 January 1946 (Tokyo Charter).

<sup>37</sup> Guénaël Mettraux, *Perspectives on the Nuremberg Trials* (1st edition Oxford University Press 2008).

<sup>38</sup> Susanne Karstedt, 'The Nuremberg Tribunal and German Society: International Justice and Judgment at the National Level in Post-Conflict Reconstructions' in David A. Blumenthal and Timothy LH McCormack (eds), *Nuremberg's Legacy: Civilian Impact on Institutionalized Retribution*, Humanitarian Law Series 13-35, (Martinus Nijhoff Publishers 2008) 18.

<sup>39</sup> Sam Garkawe, 'The Role and Rights of Victims at the Nuremberg International Military Tribunal', in Herbert Reginbogin, Christoph JM Safferling and Walter R. Hippel (eds), *The Nuremberg Trials: International Criminal Law Since 1945* (Kluwer 2006) 86.

advancement of international criminal law is widely acknowledged, the trials held in these Tribunals have been full of legal shortcomings.<sup>40</sup> One of the main shortcomings was that these court processes did not provide a forum for victims, although the suffering and pain of victims were routinely cited and used during the negotiations that led to the creation of the Tribunals.

The Nuremberg and Tokyo tribunals recognized the victims of three crimes under their jurisdiction, namely: crimes against peace, war crimes and crimes against humanity.<sup>41</sup> A total of 94 witnesses, including 14 victim-witnesses, testified before the court.<sup>42</sup> In IMT, victims played a limited role. This was largely the result of the Tribunal's heavy use and reliance on documentary evidence rather than direct testimony. The situation was slightly different at the IMTFE, where judges had to rely more on the testimony of victim-witnesses, due to the fact that they had less documentary evidence available (since the Japanese had previously destroyed most of their military documents). Under these conditions, the IMTFE heard 416 witnesses, including 27 victim-witnesses, and accepted statements and depositions from a further 779 individuals, many of whom were victims. The selection of victims who were called to testify highlighted another glaring shortcoming of the trials at these tribunals. Only the direct victims were called there, as their testimony would provide a greater contribution to proving the guilt of the accused. In addition, no rape victims were summoned to these tribunals, despite the fact that rape was a widespread crime in areas controlled by Nazi and Japanese forces.<sup>43</sup> The selective and exclusionary approach followed by these tribunals was manifested not only in relation to the type of victims (direct or indirect) and in the exclusion of victims of specific crimes, but also in the failure of these institutions to recognize and represent all victims of atrocities carried

---

<sup>40</sup> Kirsten Stellars, 'Imperfect Justice in Nuremberg and Tokyo' (2011) 21(4) *European Journal of International Law* 1085. The trials at the Nuremberg and Tokyo Tribunals have been the subject of a great deal of legal commentary. There are those who believe, as Stellars argued, that "World War II was an exceptional event requiring special legal remedies" and commended the courts for advancing international law. Others condemned them for their legal shortcomings and asserted that some of the charges were retroactive and applied selectively' (at 1085).

<sup>41</sup> Karta e IMT Art 6; Karta e IMTEF Art 5

<sup>42</sup> M. Cherif Bassiouni, *Hyrje në të Drejtën Penale Ndërkombëtare* (Transnational Publishers 2003) 403, 411.

<sup>43</sup> Ibid See also, Henry Nicola, *Dëshmitar i Përdhunimit: Kufijtë dhe Potenciali i Gjykimeve të Krimeve Ndërkombëtare të Luftës për Viktimat e Dhunës Seksuale Gjatë Luftës*" ((2009) 3 *International Journal of Transitional Justice* 114, 115.

out during the war. This is especially important when considering crimes committed by the Allies, such as the United States' use of atomic bombs on Hiroshima and Nagasaki, as well as the rape of German women and many other crimes that were never investigated or prosecuted.<sup>44</sup> The highly selective recognition of the suffering of the victims, which covered important truths and historical facts, has in some cases also led to the secondary victimization of the victims.

In their final verdicts, the Nuremberg and Tokyo Tribunals found 19 high-ranking Nazi officials and 25 Japanese leaders guilty of international crimes. For the first time at the international level, the suffering of the victims was recognized and publicly condemned. However, these judgments did not empower the victims of the Holocaust and other horrific crimes of the Second World War, not responding adequately to their needs and not giving the victims greater procedural and material rights.<sup>45</sup> The evolution of victims' rights at the international level has to some extent mirrored the evolution of international criminal justice itself. Later courts, as we will see below, have contributed more to advancing the rights and interests of victims.

### 3.2 *The two ad hoc tribunals for Yugoslavia and Rwanda*

The systematic violence against civilians that erupted in the former Yugoslavia and Rwanda served, as Cassese asserts, 'to rekindle the sense of anger felt in the post-World War II period.'<sup>46</sup> In response to the crimes committed in the former Yugoslavia and Rwanda, the UN Security Council established two *ad hoc tribunals* in accordance with its powers under Chapter VII of the UN Charter; the International Criminal Tribunal for the former Yugoslavia (ICTY) in 1993 and the<sup>47</sup> International - Criminal Tribunal for Rwanda (ICTR) in 1994.<sup>48</sup> Chapter VII of the UN

---

<sup>44</sup> Christian Tomuschat, (2006) 4(4) The legacy of Nuremberg, *Journal of International Criminal Justice* 830, 834.

<sup>45</sup> Especially in relation to reparations, although there were some references to Article 28 of the Nuremberg Charter and the Potsdam Declaration, a preparatory document of the Tokyo Tribunal. However, none of the courts managed to deal with the case and there were no such references in the trials.

<sup>46</sup> Antonio Cassese, *International Criminal Law* (1st edn Oxford University Press 2003), 335.

<sup>47</sup> UNSC RES 808, UN Doc S/RES/808 (1993).

<sup>48</sup> Statute for the International Criminal Tribunal for Rwanda, UNSC RES 955, S/RES/955 Annex (1994).

Charter specifically provides for the taking of necessary measures to maintain or restore peace and international security. The creation of these two *ad hoc tribunals* ushered in a new era in international criminal law and international criminal justice in general. By virtue of their statutes, these tribunals had jurisdiction over individuals accused of grave violations of the Geneva Conventions, violations of the laws and customs of war, and crimes against humanity.<sup>49</sup> Given that before the creation of the ICTY there was no code of international criminal procedure, the judges were entrusted with drafting the rules; various proposals submitted by states and organizations were considered, as well as drafts submitted by the judges themselves.<sup>50</sup>

With regard to the rights of victims, neither the Statute nor the Code of Procedure and Evidence of the ICTY and ICTY provide for any form of active and direct involvement of victims, except as witnesses. The Statute of the ICTR provides for a number of procedural rights, such as the right to protection and support under Article 22, and the right to return (restitution) under Article 24(3). Almost identical provisions on the procedural rights of victims are provided in the TPNR Statute, which is similar in structure and content to the TPNY Statute.<sup>51</sup> Underlying the structure and functioning of the TPNY as well as the TPNR are obstacles and limitations, which have made these courts reluctant to expand the participation rights of victims beyond the existing legal provisions. There are three ways in which victims can participate before the ICTY and ICTR: as witnesses; *amici curiae*; and as a provider of Victim Statements.<sup>52</sup>

### 3.2.1 Victims and witnesses

A victim is defined in both tribunals as 'a person against whom a crime is alleged to have been committed over which the Tribunal has

---

<sup>49</sup> Statuti i TPNJ, art. 2-5; Statuti i TPNR, art. 2-4.

<sup>50</sup> See Virginia Morris and Michael P. Scharf, *Një Udhëzues i Brendshëm për Tribunalin Penal Ndërkombëtar për Ish-Jugosllavinë* (Martinus Nijhoff Publishers 1995) 176. According to Morris and Scharf, the US submitted 'the most comprehensive proposed rules with comments'. This may explain to some extent the more litigious approach that the Tribunal applied.

<sup>51</sup> Mark Drumbl, 'Punishment, Post-Genocide: 'Ndëshkimi, Post-Gjenocidi: Nga Faji në Turp në Qytetari në Ruandë' (2000) 75(5) *New York University Law Review* 1221, 1231.

<sup>52</sup> *Ibid.*

jurisdiction.<sup>53</sup> More than 4,500 witnesses have testified before the ICTY since the first trial of this court in 1996<sup>54</sup> and more than 3,000 at the ICTR<sup>55</sup>. In contrast to the abundant documentary evidence of the Nuremberg and Tokyo Tribunals, the judges at the ICTY and ICTR have relied more on testimony, and this is clearly reflected in the significant number of victims called to testify. According to studies conducted by Stover (2005) and Hodžić (2010), the participation of victims as witnesses has been characterized by a wide range of experiences, both positive and negative.<sup>56</sup> Various factors have contributed to their perceptions and attitudes towards participation in the process, including:

Their personal experience of testifying, the perceived preferential treatment of the accused compared to the victims, the lack of knowledge and understanding of these procedural mechanisms related to the process and, most importantly, the length of the sentences given to them towards the accused and the early release of convicted persons.<sup>57</sup>

Despite the importance of the role of victims as 'protagonists of the facts', giving evidence can often be discouraging for victims, given the narrow focus and procedural structure of the trial process. In ICTY and ICTR, the testimony of victims has often been limited and controlled by the questions asked, which has hindered the ability of victims to tell their story in a narrative form and in a calm and safe environment.<sup>58</sup> This shortcoming of these processes is particularly important if we consider that one of the main needs of victims is the need to tell their story of suffering, a feeling shared by almost all victims of genocide and war crimes. It was in the context of these criticisms against the ICTY and ICTR that various groups of victims' rights lawyers began to campaign for greater recognition and representation of victims.

---

<sup>53</sup> TPNJ and TPNR Code of Procedure and Evidence, Common Rule 2(a).

<sup>54</sup> Witness Statistics, ICTY at <http://www.icty.org/sid/10175>.

<sup>55</sup> See ICTY Annual Reports 1996-2014 to the UN General Assembly and the Security Council.

<sup>56</sup> Eric Stover, *Dëshmitarët: Krimet e Luftës dhe Premtimi i Drejtësisë në Hagë* (University of Pennsylvania Press 2005); Refik Hodžić, "Të Jetosh Trashëgiminë e Krimeve Masive: Perspektiva e Viktimave Mbi Gjyqet e Krimeve të Luftës" (2010) 8 *Journal of International Criminal Justice* 113.

<sup>57</sup> *Ibid* Hodžić 123.

<sup>58</sup> Brianne McGonigle Leyh, *Drejtësia Procedurale? Pjesëmarrja e viktimave në procesin penal ndërkombëtar* (Intersentia 2011) 141.

### 3.2.2 Amicus Curiae

Amicus curiae, which translates to 'friend of the court', is a legal mechanism whereby an individual or organization, which is not a party to a legal proceeding, can submit information or submissions about the case to the court. Rule 74 of the ICTY and ICTY Code of Procedure and Evidence provides that if it deems it appropriate for the proper adjudication of the case, a Chamber may invite or permit a State, organization or person to appear before and make submissions on any matter specified by the Chamber itself. The tribunal has discretion to decide whether to accept or reject a request to act as *amicus* and such a decision depends 'on the importance of the information to the fair trial of the case'.<sup>59</sup> *Amicus curiae* has been applied in proceedings at the ICTY and ICTR, and both Tribunals have invited 'friends' in various legal matters.<sup>60</sup> In principle, victims' and victims' rights organizations can take advantage of the opportunity to participate as *amici curiae* in the criminal process.<sup>61</sup> In practice, those who act on behalf of the interests of the victims, have asked to participate as friends in some cases.

### 3.2.3 Statements of the victims

The role of victims' statements in Anglo-Saxon law jurisdictions has also found practice in the jurisprudence of the ICTY and ICTR. More specifically, even though the ICTY and ICTR Statutes do not provide for the active participation of victims, both Tribunals have

---

<sup>59</sup> Ibid 142.

<sup>60</sup> Examples of decisions containing amici curiae include: ICTY, *Prosecutor v. Tadic*, Case no. IT-94-1, Order Denying Leave to Appear as Amicus Curiae, Trial Chamber II, 25 November 1996; *Prosecutor v. Blaskic*, Case no. IT-95-14, Order Granting Leave to Appear as Amicus Curiae, Trial Chamber I, 11 April 1997; *Prosecutor v. Furundzija*, Case no. IT-95-17/1, Order Granting Leave to File Amicus Curiae, Trial Chamber II, 10 November 1998; *Prosecutor v. Furundzija*, Case no. IT-95-17/1, Order Granting Leave to File Amicus Curiae, Trial Chamber II, 11 November 1998; See also from TPNR, *Prosecutor v. Akayesu*, Case no. ICTR-96-4-T, Order Granting Leave to Appear for Amicus Curiae, Trial Chamber I, 12 February 1998; *Prosecutor v. Musema*, Case no. ICTR-96-13-T, Decision on an Application by African Concern for Leave to Appear as Amicus Curiae, Trial Chamber I, 17 March 1999.

<sup>61</sup> See Virginia Morris and Michael P. Scharf., *Një Udhëzues i Brendshëm për Tribunalin Penal Ndërkombëtar për Ish-Jugosllavine* (Martinus Nijhoff Publishers 1995).

allowed the victim's statements to be given in the context of the accused's sentence. Moreover, Rule 92bis of the Code of Procedure and Evidence of the ICTY and ICTR provides that:

- (a) a Trial Chamber may accept, in whole or in part, the testimony of a witness in the form of a written statement in lieu of oral testimony which is received as evidence in a case...
- (b) the fact that the evidence in question relates to the impact of the crimes on the victims is a factor in the admissibility of the evidence in the form of a written statement.

The importance of victim statements at the sentencing stage of the process is significant when considering the gravity of the crimes committed. In the *Kristic case* before the ICTY, the Trial Chamber argued that, 'a proper assessment of the individual circumstances and consequences] gives 'voice' to the suffering of the victims.'<sup>62</sup> Thus, the statements provided an opportunity for the victims to convey to the judges the pain and damage resulting from the crimes committed by the accused.

### 3.2.4 Protection of victims

One of the most worrying aspects in the participation of victims in judicial processes is their protection and safety. Article 20 of the Statute of the ICTY and Article 19 of the Statute of the ICTR state that judicial proceedings must be conducted by giving 'due attention to the protection of victims and witnesses.' Moreover, Courts must take all necessary measures to ensure the protection of victims and witnesses, inside and outside the courtroom, as well as the protection of their identity.<sup>63</sup> In addition to these articles, the provisions that speak about the protection of victims and witnesses are also presented in the Code of Procedure and Evidence of the ICTR. Undoubtedly, these provisions represent the greatest advancement of the procedural rights of victims since the establishment of the Nuremberg and Tokyo Tribunals. Another important reform is related to the creation of the Victims and Witnesses Section (VWA) of the ICTY and the Witness and Victim Support Section of the TPNR (VSS). These bodies aimed to

---

<sup>62</sup> ICTR *Prosecutor against Krsitic*. Issue no. IT-98-33, Judgment, Trial Chamber I, 2 August 2001, para 703.

<sup>63</sup> TPNJ Article. 22 of the Statute; Article 21 of the TPNR Statute.

encourage victims and witnesses to testify, offering them the necessary security conditions and a dignified environment to testify. Judges have had to strike a balance between the accused's rights to a public trial and the victims' and witnesses' rights to protection and safety throughout the decision-making process on victim protection measures, issues of confidentiality and anonymity. The jurisprudence of the ICTY and ICTR is, in fact, so full of decisions and interpretations of protective measures for victims that this topic could easily constitute a separate field of research. However, it is important to note that despite the considerable efforts made by both Tribunals to guarantee functional protection measures for victims and witnesses, they have failed in this regard. In many cases, criticism has been made of both the ICTY and the ICTR, especially regarding the issue of secondary victimization.<sup>64</sup>

### 3.2.5 Basic material rights of victims: Compensation

In recent years, both ICTY and ICTR have taken significant steps in addressing victims' demands. Despite these efforts, both tribunals have adopted a very conservative approach, which is best reflected in their narrow interpretation of justice for victims. The lack of reparations for victims is perhaps the most disturbing example of this approach. However, the right to compensation has never been part of the mandates of the ICTY and ICTR, and none of the Tribunals has had jurisdiction to provide compensation to victims. In response to the protest of the victims regarding the lack of reparations, both ICTY and ICTR appealed to the UN Security Council, although to no avail.<sup>65</sup> Undoubtedly, the lack of action on the part of the Security Council has undermined the tribunals' intentions to deliver justice to the victims. This was also acknowledged by the president of ICTY:

---

<sup>64</sup> For specific references to the defense issue, see inter alia *Prosecutor v. Tadic*, Case No. IT-94-1, Decision on Prosecutor's Motion Requesting Protective Measures for Victims and Witnesses, 10 August 1995, paras 46-5; *Prosecutor against Ramush Haradinaj et al.*, Case no. IT-04-84-A, Appeals Chamber Decision, 21 July 2010, para 37.

<sup>65</sup> See letter dated 12 October 2000 from the President of the International Tribunal for the Former Yugoslavia to the Secretary-General, S/2000/1063, 3 November 2000; Letter dated 9 November 2000 from the President of the International Criminal Tribunal for Rwanda to the Secretary-General, S/2000/1198, 15 December 2000.

The lack of proper addressing of this issue constitutes a serious failure in providing justice to the victims of the former Yugoslavia. The court cannot bring peace and reconciliation to the region only through its rulings, other legal remedies must complement criminal trials if lasting peace is to be achieved, and such a remedy must be appropriate compensation for the suffering of the victims.<sup>66</sup>

Such shortcomings in meeting the needs and expectations of victims, especially in relation to reparations, highlight the limitations of international criminal courts, whose main objective is to prosecute those responsible for the crimes committed, rather than to provide a broader concept of justice for victims, which also includes their compensation.

### *3.3 Hybrid courts*

*Ad hoc* tribunals marked a new era of international criminal justice, which saw a proliferation of various internationalized criminal institutions that became precursors to the International Criminal Court. It is interesting that this type of internationalized tribunal has continued to expand even after the ICC, with the creation of institutions such as ECCC and TSL. These courts are commonly called 'hybrid' because of their unique structure that combines international and national elements.<sup>67</sup> Some of the hybrid courts that preceded the ECCC are the SCSL, the Special Panels for Serious Crimes in East Timor, and the UNMIK/EULEX Panels for War Crimes in Kosova. Each of these courts has a special approach regarding the participation of victims in the process. However, what can be observed is that there has been a gradual expansion and increase in the procedural and material rights of victims, culminating in the participation of victims as civil parties in the ECCC.

---

<sup>66</sup> Biennial Final Report to the UN Security Council, S/2010/588, 19 November 2010, paragraph 78.

<sup>67</sup> The classification of a court as 'hybrid' depends on a number of criteria, which range from the legal basis of the court, its subject matter jurisdiction, the composition of the court's personnel and its location within or outside a domestic court system. See John Cerone and Clive Baldwin, 'Explaining the UNMIK Judicial System' in Cesare PR Romano, André Nollkaemper and Jann K. Kleffner (eds) *Internationalized Criminal Courts: Sierra Leone, East Timor, Kosova and Cambodia* (1st edition Oxford University Press 2004) 41, footnote 2.

### 3.3.3 UNMIK/EULEX panels on war crimes in Kosova

The establishment of the United Nations Interim Administration Mission in Kosova (UNMIK) after Kosova's war in the former Yugoslavia (1998-1999) led to the creation of a Kosovar judicial system tasked with maintaining civil law and order, as well as protecting and the promotion of human rights.<sup>68</sup> An important task of this new judicial system was the prosecution and trial of those responsible for the atrocities in Kosova. In terms of structure and legal framework, this judicial system was characterized by the coexistence of local and international judicial personnel. The legal framework of this system was partly based on Regulation 1999/24 and partly on the Constitutional Framework.<sup>69</sup> Under this new system, international judges sat on judicial panels throughout Kosova and reviewed cases on a case-by-case basis. The war crimes panels in Kosova constitute a complex system of courts whose approach to the role of victims was instructive on a number of levels. It is important that victims, based on this new judicial system, had many participatory rights, at least theoretically: in addition to the victim-complainant and victim-witness model, victims had the right to participate as civil parties, assistant prosecutors, or private prosecutors. However, from the available data it appears that the number of victims who have exercised these rights is very low. The number has remained low even after the European Union replaced the UN and established the European Union Rule of Law Mission in Kosova (EULEX).<sup>70</sup>

### *3.4 Active participation of the victim*

Appeals and lobbying for more procedural and material rights for victims at the international level have been met with the recognition of the role of victims of mass crimes in international criminal justice, which has been growing. This tendency is reflected in the approach of

---

<sup>68</sup> UNSC Res 1244, UN Doc S/RES/1244 (1999) para 10.

<sup>69</sup> See UNMIK Regulation 1999/24, 12 December 1999, and the Constitutional Framework.

<sup>70</sup> Council of the European Union, Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosova, EULEX Kosova, 4 February 2008; Kosova, Law No. 03/L-053 On Jurisdiction, Selection of Cases and Appointment of EULEX Judges and Prosecutors in Kosova.

international criminal courts that have been established recently. The most notable development has been the creation of the Permanent International Criminal Court,<sup>71</sup> which is the first international institution of criminal justice to envisage and apply the active participation of victims in its proceedings and to expressly provide for reparation measures.<sup>72</sup> This evolution marked a new era in international criminal justice emphasizing a victim-oriented approach and paved the way for victim participation in the ECCC and TSL.<sup>73</sup> The regime of victim participation in the ICC has been hailed as a major achievement of modern international criminal justice.<sup>74</sup> However, as practice has shown through its growing jurisprudence, victim participation remains one of the most fraught aspects of the ICC and an element that this Court has faced since its inception. This new legal mechanism of the ICC has also been the object of an increased focus of academic and scientific debate.

#### 4. Conclusions

The analysis presented in this article has shown how the nature and characteristics of a legal system, such as based more on the tradition of Anglo-Saxon law (common law) or codified law, shapes and influences the extent and parameters of procedural and material rights granted to victims. National and international systems are closely interconnected and as a result victim participation patterns in one system often overlap and adapt to another. International criminal courts have faced a significant challenge in reconciling the expansion of victims' rights with what Weber has called "formal rationality," meaning that courts operate under strict procedural

---

<sup>71</sup> Rome Statute of the International Criminal Court, July 1, 2002, art. 1.

<sup>72</sup> *Ibid.* art. 75.

<sup>73</sup> The Special Tribunal for Lebanon (TSL) was established on 30 May 2007 under UNSC Resolution 1757, which included the agreement between the UN and Lebanon on the establishment of the TSL. The procedural framework of the TSL allows for the participation of victims at all stages of the procedure, including sentencing, but only after indictment.

<sup>74</sup> Christine H. Chung, Pjesëmarrja e 'Viktimave' në Gjykatën Penale Ndërkombëtare: A Janë Koncesionet e Gjykatës duke e Turbulluar Premtimin?' (2008) 6 *Northwestern Journal of International Human Rights* 459. See also, Christine Van den Wyngaert, 'Viktimat Para Gjykatave Penale Ndërkombëtare: Disa Pikëpamje dhe Shqetësime të një Gjyqtari të GJPN (2012) 44 *Case Western Reserve International Law Journal* 476.

standards of the legal trial process, mainly directed at the accused.<sup>75</sup> Thus, while the role of victims in the Nuremberg and Tokyo Tribunals was very limited and remained that of witnesses, later international tribunals such as the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda, whose statutes are referred to in limited way of victims' rights, provided for the right to participate in the roles of witness, *amicus curiae* and provider of statements. A weakness of these models of participation, in particular the victim-witness role in an essentially litigious system, is that they offer very limited opportunities for victims to tell their stories from their own perspective, as testimony is usually not given in a narrative form. Criticism leveled against these courts for the seemingly limited rights they afforded victims of mass crimes resulted in the enhancement of victims' rights in the proceedings of the International Criminal Court, the Extraordinary Chambers in Cambodia and the Special Tribunal for Lebanon. The more inquisitorial approach adopted by these courts has been helpful in this regard. However, a number of shortcomings in terms of basic material rights of victims still remain. Guidance documents and field practices may not always match, as experience of victim participation in many courts has been limited. Finally, it should also be noted that efforts to further develop victims' rights through the creation of instruments that provide reparations are minimal and likely to remain limited in the future.

---

<sup>75</sup> Martin E. Spencer, 'Weber për Normat dhe Autoritetet Legjitime (1970) 21 British Journal of Sociology 123, 128.

Hivzi Islami

## SERBIAN TENDENCIES FOR DESTROYING THE FOUNDATIONS OF ALBANIAN LIFE

### Abstract

The article includes the following points of consideration: the destruction of the former state by hegemonic forces began in Kosova; Serbian speculation about population migrations; Macedonia as a model for the persecution and migration of Albanians; Serbian privileges extended to three levels (Kosovar, Serbian and Yugoslav); jeopardizing the Albanian demographic perspective and existence; the Serbo-Yugoslav segregationist and racist program for Kosova; the law on property as pressure for the expulsion of Albanians and the measures to establish the ethnic balance in Kosova; Serbian settlers from Croatia and BiH and Serbo-Montenegros from Albania; The main objective of Serbian chauvinism was the destruction of the foundations of Albanian life.

The Serbian militarist regime attacked with all means against the ethnic, historical and cultural identity of the Albanians and against the foundations of their life. Through mass deportation and the disappearance of personal (identity and property) documents of Albanians, this regime wanted to dehumanize the entire Albanian people of Kosova and sever any legal connection of Albanians with their geo-ethnic territory, destroy an ethnicity, a culture, a society with all its institutions.

*Key words:* Serbian hegemony, Albanians, demographic being, racist program, genocide, migrations, settlers, expulsion, dehumanization of an ethnic group, destruction of a society

### 1. The collapse of the former state by hegemonic forces began in Kosova

The Yugoslavia of Versailles (1918-1919), just as it was created on the basis of military force and Serbian hegemonic politics, was also destroyed by the operation of the unitary and hegemonic state concept.<sup>1</sup> Serbia and the Serbs had been preparing for the collapse of communist Yugoslavia. They were only waiting for Tito's death; he died on May 4, 1980. In the entire system of former Yugoslavia, Kosova was the

---

<sup>1</sup> More in: P. Garde, *Vie et mort de la Yougoslavie*, Fayard, Paris, 1992.

weakest link and here was the most suitable opportunity to start the collapse of the former state. After the annexation of Kosova by force in 1989, the constitutional and legal functioning of the Assembly of Yugoslavia was virtually paralyzed, since Kosova with the Constitution of 1974 had a high degree of independence from Serbia and was a constituent element of the former Federation, as it had the right of veto in this Federation.

Serbia continued with the complete destruction of (federal) autonomy, the suppression of the legal bodies of power (the Assembly, the Government, the Presidency), the exclusion of Albanians from the institutions of the system, the closure of the means of information, the closure of schools and University, the poisoning of students, the mass exclusion of Albanians from economic organizations, social, humanitarian, health, cultural and scientific institutions, the destruction of the economic base of Kosova, the looting of technology and the private property of Albanians and with pressure measures police, military, political and economic displaced a large number of Albanians. But to all forms of violence and terror, Albanians responded with non-violent behavior as a means to avoid conflict and realize their political will.

After 1981, the regime started with the killing of demonstrators, mass imprisonment of young people, differentiation and isolation of intellectuals, arbitrary arrests, torture and ill-treatment of prisoners, poisoning of students, raids and punitive expeditions. Discrimination and brutal police and military repression began against Albanians. The medieval methods of police lynching in Kosova were on the rise: only in the period 1981-1988, more than 584,000 Albanians were treated by the police, mostly young people, up to the age of 25.<sup>2</sup> While how many were imprisoned, processed by the police and convicted in trials after this year and how many were treated by these bodies in Macedonia, Montenegro and the Presheva Valley was not known.

The former Federation and the former non-Serbian republics, convinced that Serbia will stop in Kosova, gave full support to the police and military actions and materially helped the repression and segregation against the Albanians; they gave their consent for the state of emergency to be imposed in Kosova. Milosevic made good use of this support from the former Yugoslavia and by manipulating the myth

---

<sup>2</sup> Raport i përgjegjësit të Punëve të Brendshme të Kosovës para delegatëve të Kuvendit të KSA të Kosovës, Rrahman Morina. Shih: Rilindja, 15. 10. 1988, Prishtinë.

about Kosova and instrumentalizing the Serbs of Kosova, he strengthened his power, just like Vucic does today.

By slandering the thesis on the discriminatory, degrading and inferior position of Serbia and the Serbs in the economic, political and legal plan in the former Yugoslavia, Milosevic's militarist establishment mobilized the energies of the Serbian people for confrontation and wars with other peoples. The support that the other republics gave to Serbia against Kosova and the Albanians very quickly turned into a boomerang for all of them and the crisis escalated into an open confrontation between Serbia and the Serbs with other ethnic communities with the aim of realizing the expansionist project "*All Serbs in one single state*" - that is, in a "*Serbian Yugoslavia*" or "*Greater Serbia*". Populist rallies, ethnic homogenization and mobilization continued; The memorandum of the Serbian Academy of Sciences and Arts alerted the Serbian public about the danger to the Serbian people; a terrible danger psychosis was created"! The Serbian government incites the nationalist intelligentsia, gathered around the Academy of Sciences, the Writers' Association, the University of Belgrade, as well as the media and the Orthodox Church for confrontations with all non-Serb peoples. "Memorandum preceded by the 1981 riots in Kosova, then the Serb movement, which was instigated and organized by Dobrica Cosic, who reinforced the role of the 'father' of the nation".<sup>3</sup>

The EU and the international community in general, with the conferences on the former Yugoslavia, made mistakes with great consequences when they did not treat Kosova equal to the other units of the former Federation, but started from the situation created after 1989, put with police vehicles and army rockets. With the indifference towards violence in Kosova until 1991 and with the acceptance of the factual situation, created after the suppression of religious autonomy, the international factor supported *the fait accompli* policy or the policy of the completed act, which encouraged Serbia to behave even more aggressively towards the Albanians.. "Western diplomacy had turned into a kind of cynical theater" and "diplomacy without force had become an empty, powerless and ridiculous weapon", wrote the last ambassador (1992) of the USA in Belgrade, W. Zimmermann.<sup>4</sup>

---

<sup>3</sup> L. Perovic, *Dominantna i nezeljena elita (Beleske o intelektualnoj i politickoj eliti u Srbiji – XX-XXI vek)*, II izdanje, Belgrade, 2016, p. 45.

<sup>4</sup> W. Zimmermann, *Sources of a catastrophe*, Tirana, 1996, p. 230-231.

After the Dayton Agreement (November 1995), the USA managed to stop the war in Bosnia and Herzegovina, but no political solution was made for this country and the Balkans were not politically calmed down.<sup>5</sup> After this Agreement, "Kosova Albanians realized that without war they would never realize their national goals. Because the Dayton Agreement did not include Kosova, and this would prove to be a big mistake. Supporters of the Agreement rightly argue even today that if Kosova had been included, the Agreement with Milosevic and Serbia would never have been reached. Critics on the other side also rightly argue that the non-involvement of Kosova has only opened the way for the next war. Sometimes diplomacy was faced with tasks that it cannot solve, with tragic situations. Dayton was such a situation."<sup>6</sup> Even the Secretary of State, Madeleine Albright (1937-2022), who made superhuman efforts until the decision was made to bomb the Serbian forces to liberate Kosova and save the Albanians in 1999, emphasized that after the Dayton Agreement, the Albanians felt abandoned aside, after Croats, Slovenes, Bosniaks and Macedonians broke away from Yugoslavia and created their own states. "Albanians had the same desire, but the Dayton Agreement did nothing for them."<sup>7</sup> According to her, NATO's motto was: "Serbs out, NATO in, refugees at home."<sup>8</sup>

## 2. Serbian speculations about population migrations

Throughout communist Yugoslavia, in the period 1945-1990, there were massive spatial and social movements of the population in different directions and from all types of settlements. In this period, the migrations of various national communities to the centers of the then republics and provinces, where various functions were concentrated, intensified. The cores and territories of the national centers or towards the national "mothers" were created: *Serbs* from all territories, first of

---

<sup>5</sup> See more widely the scientific contributions in the publication: *Les Balkans après la bataille (Sous la direction de Jacques Rupnik)*, Espace international, Éditions Complexe, Paris, 1996, pp. 1-169; see also: P. Garde, *Les Balkans*, Dominos, Flammarion, Paris, 1999.

<sup>6</sup> J. Fischer, *Vitet kuq-gjelbër. Politika e jashtme gjermane – nga Kosova e deri më 11 shtator*, Koha, Prishtinë 2008, p. 99-100.

<sup>7</sup> *Zonja Sekretare (Autobiografi) Madeleine Albright*, (Përkthim nga anglishtja), Botimet Dudaj, Tiranë, 2004, p. 443.

<sup>8</sup> *Ibid.*, p. 479. See further pages 441-497.

all from BiH, Croatia and Kosova went towards Serbia and its capital Belgrade and Vojvodina and its capital Novi Sad; *Croats* from BiH and Serbia in the direction of Croatia and the capital Zagreb; *Muslims* from Serbia, Montenegro, Kosova and Macedonia went to BiH and its capital Sarajevo; *Albanians* from Macedonia, Montenegro and the Luginë e Preshevës in the direction of Kosova and its capital Prishtina.

The population of large nationalities was oriented to the metropolises that were territorially close, with language, culture and close ethnic features and especially if the territory or center offered better living conditions.<sup>9</sup> According to the 1981 population census, more than 9 million inhabitants changed their place of birth, which constituted 41.0% of the total population of the former Yugoslavia, while the borders of the former republics and provinces have exceeded nearly 2 million inhabitants, mainly members of those ethnic communities whose national "natives" had in other regions. 637,399 Serbian residents came to Serbia from other territories (from Vojvodina 144,075 or 22.6%, from BiH 111,828 or 17.3%, from Croatia 110,704 or 17.3%, from Kosova 110,675 or 17.3%, from Macedonia 50,011 or 7.8%, and from Montenegro 42,755 or 6.7%).<sup>10</sup> However, only the migration of Serbs and Montenegrins from Kosova to Serbia became a problem, a figure that brought them up to 400,000 people, although in the official census of 1991 there were 194,190 resident Serbs in Kosova.<sup>11</sup>

In the framework of the broad campaign against Kosova and the Albanians after 1981, the discourse about migrations in and around Kosova was unfortunately developed in a complete absence of rational judgment, with a seductive and chauvinistic approach. The whole discourse about ethnic migrations was focused on the migrations of Serbs and Montenegrins, who were supposedly persecuted by Albanians, while the migrations and life problems of Albanians were completely ignored. The accusations against the Albanians that were repeated as a refrain in everyday life, were very serious slanders for the Albanian

---

<sup>9</sup> *Migracije stanovništva Jugoslavije*, Centar za demografska istraživanja, Institute of Social Sciences, Belgrade, 1971; *The Population of Yugoslavia*, The Demographic Research Center, Institute of Social Sciences, Belgrade, 1974.

<sup>10</sup> Source: 1981 population census materials; edited by the author.

<sup>11</sup> Burimi: *Census of population, households and apartments in 1981. National composition of the population by municipalities*, Statistical Bulletin 1295, Federal Statistical Office, Belgrade, 1982, f. 16; *Population and households of FR Yugoslavia according to the 1991 census*, Population 47, Federal Statistical Office, Center for Demographic Research of the Institute of Social Sciences, Belgrade, 1995, f. 213.

people, because they were intended to be presented as a community genetically prone to anti-social acts and misdeeds, but fortunately they were dismissed by the Albanians without any argument. The Albanians had already been found guilty of being responsible for everything and a dubious nation in the former Yugoslavia.

The peak of the speculation is the assessment of the Serbian Academy (SANU) in the infamous Memorandum of 1986, which states: "The expulsion of Serbs from Kosova and Metohija to Socialist Yugoslavia in terms of volume and character surpasses all previous stages of this great pursuit of Serbian people. Jovan Cvijic, in his time, estimated that in all the flows, from the big one under Arsenije Čer nojevic in 1690 to the first years of our century, more than 500,000 Serbs were driven out; of this number between 1876 and 1912 about 150,000 Serbs were forced to leave their homes under the savage terror of the local and privileged Albanian brigands. During the last war (World War II-HI) more than 60,000 Serbs, colonists and natives were driven out, but after the war this wave of migration experienced a real tide: in the last twenty years, about 200,000 Serbians have left Kosova and Metohija. The remaining part of the Serbian people is not only constantly and at an unprecedented pace leaving their country, but, according to all knowledge, pursued through persecution and physical, moral and psychological terror, is preparing for the final exodus. For less than the next 10 years, if things do not essentially change, there will be no more Serbs in Kosova, while Kosova is "ethnically pure", this clearly manifested goal of the ethnic Albanian racists, introduced already in the programs and actions of the League of Prizren 1878-1881, will be fully realized".<sup>12</sup>

The uneducated and careerist leadership of Kosova, not knowing the political background of this thesis and not recognizing the complicated character of the migration process, from the beginning, very easily, accepted Serbia's assessment that until only one Serb moved or Montenegrin from Kosova, the political situation in Kosova could not be considered stable! The main factor of migrations was the economic and social underdevelopment of Kosova. Until recently after the Second World War in Kosova, there was no investment in processing capacities and labor-intensive branches. Although all the goals of economic development were oriented towards the development of agriculture, even this branch, despite the favorable conditions, was not transformed; it

---

<sup>12</sup> *Memorandum of SANU*, Belgrade, 1986.

remained extensive, natural and autarkic. Despite the efforts and achievements in the economic and social development of Kosova and especially the construction of industrial facilities and infrastructure in the 70s, which was related to the advancement of its political-constitutional status in the former Yugoslav Federation, Kosova remained until in the destruction of the former Yugoslavia, the most underdeveloped territory, both in absolute and relative terms, and the differences between Kosova and other regions continued to increase. E.g. by the mid-80s it was six times less developed than Slovenia, four times less developed than Croatia and Vojvodina, three times less than Serbia and the average of the former Yugoslavia, and two times less developed than the other less developed former republics (BiH, Montenegro and Macedonia).

In the 80s and 90s of this century, Kosova turned into a colony and an area of classic Serbian occupation. Due to the lack of industrialization and the mainly agrarian structure of Kosova, until recently after the Second World War, an unfavorable type of economic structure of the active population resulted, with the dominance of the primary sector, which was also reflected in other features of the population and in urbanization flows. The overview of the type of economic structure between Kosova and the territories of the former Yugoslavia shows a big difference. Slovenia e.g. had managed to reduce the proportion of the agricultural population to about 20% in 1971 (Kosova 51.1%) and to less than 10% in 1981 (Kosova 24.6%). The level of this population in Slovenia was lower in 1948 (46.7%) than in Kosova in 1971. Slovenia had achieved the most favorable type of economic structure in the former Yugoslavia, with a significant decline in the primary sector and with significant growth of the secondary and tertiary-quaternary sector, followed by Croatia and others, while Kosova remained at the bottom of the economic scale, with the dominance of the primary sector in the years 1961-1971 and with a significant increase in the absolute number of the agrarian population as most unfavorable phenomenon in the process of economic development. In 1970 BC e.g. the gross national product per capita in Slovenia was \$1,550, while in Kosova it was five times lower or about \$300 (former Yugoslavia \$860).

For Kosova Serbs, it was a different situation. In addition to Belgrade and other big cities, Serbia also had several other economic, urban and cultural centers in its south, such as Vranja, Leskovci, Kurshumlia, Prokupla, Aleksinci, Krushevci, Kraleva, Čačaku, Uzhica,

etc. Considering their proximity, in the context of intensive rural-urban migrations, the Kosova Serb population, when they decided to leave the countryside, moved directly to these cities, while only a small number came to the cities of Kosova. The situation was identical with the Albanians, who, leaving the villages and urban centers of the Lugina e Preshevës, Macedonia and Montenegro, directly came to the big cities of Kosova, especially Prishtina. Serbian peasants, by selling their property at very high prices in Kosova, bought land, houses, economic facilities and work tools in the agricultural regions, mainly around the cities, at many times lower prices in relation to those of sale.

No data spoke in favor of the thesis that Serbs and Montenegrins in the 70s and 80s of the last century were discriminated against, while the Albanians, as the majority of the population, were privileged. The absolute number of workers employed in the social sector was constantly increasing in this period: in 1970 32,739, in 1980 45,183 and in 1986, at the time of the anti-Albanian hysteria, 48,429 (in the period 1970-1986 their employment had marked increase for 47.9%). According to the 1971 census, the employment rate was 22.7 for Montenegrins, 14.3 for Serbs, 5.8 for Albanians and 5.0 for Turks (Kosova average 7.8), while in 1981 this rate increased for all, but it was much higher among Montenegrins (27.5) and Serbs (21.5) than among Albanians (9.3) and Turks (17.9). Or, in 1971, every fourth Montenegrin, every seventh Serb, every ninth Turk and every seventh Albanian was employed in the social sector (Kosova average 8.9). Serbs and Montenegrins were mostly employed in administration, in directorates, in banks, in accounting, in social protection and health, in the former BVI, then as leading persons, in trade, communication, hospitality and in the operation of secondary taxes, while the Albanians rather in the activities of the primary sector (agricultural professions) and in the Kurbs (former Yugoslavia and the outside world).

Serbs and Montenegrins had higher rates of urbanization and lower rates of rurality in Kosova. According to the 1961 census, 36.3% of Montenegrins and 20.3% of Serbs lived in cities, while in 1981 these percentages increased to 70.0% for Montenegrins and 38.1% for Serbs. Albanians, on the contrary, had the lowest degree of urbanization and the highest degree of rurality in Kosova: in 1961 16.7% and in 1981 28.9% of them lived in the city (the Kosovar average 19.7% and 24.4%). Serbs and Montenegrins were concentrated in the cores of urban centers, mainly in state housing (urban way of life), while Albanians in the outskirts of cities and mainly in private houses, often without

elements of urban systems (rural way of life). According to the 1981 census, of the total number of socially owned dwellings in Prishtina (8,075 dwellings, which constituted 1/3 of the Kosova fund), 41.0% belonged to Albanians (70.1% of the city's population), 38.0% Serbs (15.6% share in the population), 11.0% Montenegrins (3.8% share in the population), 3.0% Muslims (2.3% share in the population), 2.0 % to Turks (to 1.7% in the population) and 1.0% to Roma (to 1.4% in the population). Social housing was mostly owned by Montenegrins (84.7%), "Yugoslavs" (82.7%), Serbs (70.3%) and Muslims (60.5%), while Albanians (26, 9%) and Turks (35.9%).<sup>13</sup>

For the reasons mentioned, it is estimated that from 1966-1981, about 60,000 people of all ethnic groups have moved directly from Kosova, while from the special evidence, from 1981-1988, about 20,000 Serbs have left Kosova; the vast majority of those displaced settled in Serbia, mainly in the urban area of Belgrade (about 40%) and other large and medium-sized cities, which offered much better living and working conditions. But for this entire period, even though the balance of migrations is negative, there was also the arrival of Serbs within marriage migrations and the stimulation of the recolonization of Kosova after 1981.

After the destruction of the constitutional system and the mechanisms of Kosova's autonomy by violence, with tanks in March 1989, the Albanian "pressures" and "genocide" against the Serbian - Serbs with the aim of chasing them from Kosova are no longer remembered. Apart from the conflicts, which were common in common life, burdened with socio-economic problems, these works were never even carried out. The "pressure" of the Albanians against the Serbian-Montenegrins was a serious slander and on this construction an anti-Albanian climate and strategy was created not only in Serbia, but in the whole of former Yugoslavia. But when the strategy of "pressure" against the Serbs after Kosova began to be carried over to the territory of BiH, Croatia and other countries, according to the need of Serbia's political goals, what was the case with Knin, Ljubljana, Stara Pazova, etc., then Serbian politics appeared naked before the Yugoslav public. The Serbian government now did not consider the migration of Serbs and Montenegrins a problem, because it could no longer blame the Albanians in front of the world and Serbian opinion. If it accepted the fact of the migration of Serbs after the annexation and full occupation

---

<sup>13</sup> *Sociološka studija grada Prištine*, Ekonomski institut, Priština, 1986, p. 40-41.

of Kosova, this government would publicly accept its failed policy in Kosova.

### 3. Macedonia as a model for the persecution and migration of Albanians

Serbia, through the former Yugoslav Federation, wanted to use Macedonia as a testing territory not only to limit the demographic growth of Albanians, but also to reduce Albanian education and the perspective of Albanians in Kosova. Immediately after the 1981 demonstrations in Kosova, the Serbian-Montenegro-Macedonian block was created on the anti-Albanian line, while after half of these years, Bosniaks, Croats and Slovenians were also included in this front. Macedonia seemed to fear even more from the number of Albanians and their natural demographic dynamics. The official number of Albanians in 1981 in Macedonia was 377,726 or 19.8% of the total population (only 6.7% participated in employment).

Under the banner of aggressive Albanian nationalism, the Macedonian government constantly emphasized the problem of the birth rate of Albanians and their "massive" arrival from Kosova to its territory. It strictly prohibited the arrival of Albanians from Kosova and other ethnic Albanian territories, while towards the Albanian population in Macedonia, it undertook a series of measures to reduce rights in the field of education and public communication in the Albanian language, in employment restrictions, in allowances of children, in the health protection of "surplus" children, etc. This power also issued the law for limiting the arrival of Albanians in the country of residence in Macedonia, where again, as with the birth rate, it started from Tetova.<sup>14</sup> The power was afraid that from the mechanical increase (immigration) and the natural increase, the Albanians might create the "Second Kosova in Macedonia, the "Second Albania" in Macedonia and the "Greater Albania". The thesis about the "flow" of Albanians from Kosova to Macedonia was used as an unprecedented attack against the Albanians there. Every elementary human and constitutional demand of the Albanians from the official policy of Macedonia and Yugoslavia was qualified as a "counter-revolutionary" demand.

---

<sup>14</sup> S. Drakulic, "Natalitet i represija", *Danas*, br. 310, 26. siječnja 1988, Zagreb, p. 30.

The qualification of the 1981 demonstrations as "counter revolutionary" was at that time the most serious accusation against Kosova and the Albanians. Llatinka Perovic emphasized that "The Yugoslav political class failed the exam in Kosova. Due to the pressure of a part of the Yugoslav political leader (such as L Lazar Mojsov, cadre from Macedonia, Raif Dizdarevic from Bosnia and Herzegovina, etc. - HI), but also from the Serbian one, the leadership of Kosova accepted it, perhaps half-heartedly, but unfortunately accepted it, the assessment that the demonstrations were counter-revolutionary"! <sup>15</sup>Then everything devastating followed for Kosova and Albanians throughout the former Yugoslavia.

The thesis about the "flow" of Albanians from Kosova to Macedonia was used as an unprecedented attack against the Albanians there. Many times it has been spoken and written after 1981 about the false thesis that only in the municipality of Tetova in recent years more than 15,000 Albanians have come from Kosova, although according to the official census of 1981 in the entire territory of Macedonia from Kosova there were 21,245 people arrived in all periods (from 1941 and earlier), while the largest arrival was recorded in the period 1946-1970 (marriage migrations and the motive of employment dominated), while according to the registration-registration data, of 1.6.1983 to 31.12.1988, a total of 1,154 people came from Kosova to Macedonia. It is true that Macedonia was "attractive" for Albanians in the 50's and 60's of the last century, when migration to Turkey through Skopje was intense. Here the nationality was changed to the Turkish one and passports and visas (visikas) were obtained here. The exact number of arrivals from Kosova and other countries in Macedonia is not known, just as, as we pointed out, the exact number of Albanians who moved to Turkey is not known either, because these data were state secrets. In the circumstances when

---

<sup>15</sup> Llatinka Perovic died in December 2022. She was a well-known politician and historian in Serbia and the former Yugoslavia. In the years 1968-1972, she was the secretary of the Central Committee of the LK of Serbia. In the party and political establishment of Serbia there were three former ambassadors and ministers of foreign affairs of Yugoslavia, educated in the West: Mirko Tepavac (minister in these years), Marko Nikezic, Chairman of the Central Committee of the LK of Serbia, ambassador of Yugoslavia in many countries, including the USA, and Koca Popovic, also ambassador to many countries (and to the USA) and Minister of Foreign Affairs. All were pro-Western and anti-Russian. Known as representatives of the liberal current, they demanded the decentralization of power in Yugoslavia, free elections and therefore the removal of Tito, but they were defeated and Tito removed them.

the efforts to reduce the rights of Albanians and the great repression against them in Macedonia were increasing in an expansive manner (imprisonment, dismissal of teachers from work, closing of schools, demolition of walls, <sup>16</sup>persecution of craftsmen, etc.) it was completely clear that this republic could not be attractive for Albanian immigrants from Kosova and other regions. The goal of the Macedonian government, as well as the Serbian-Yugoslav government, was to create a climate of intolerance and for them to take the path of abandoning their country. The chain of migration to Turkey seemed to collapse before the Fourth Plenum of Brion (1.07.1966), when A. Rankovic was ousted by the police and communist power. "In front of the world, socialist Yugoslavia could no longer commit itself to extreme Serbian interests, as it is the revival of Serbian Kosova"!<sup>17</sup>

After the 2001 conflict, in order to resolve inter-ethnic tensions and to improve the overall position of Albanians, in 2004 the Ohrid Agreement was signed, under international supervision, through which the civic and national rights of Albanians had to be realized. Many provisions of this agreement have not yet been implemented. The political struggle of Albanians for their position, including the constitutional one, continues. Since the appearance of political pluralism in the former Yugoslavia, the Macedonian Albanians also formed political parties around which they gathered and articulated their demands for equality on all levels. Since 1991, when the Macedonian state was formed, everyone participated in the institutional life, in the Parliament and in the Government; at least one Albanian party was always a participant in the Government. But the Macedonian state even in the 90s treated the Albanians badly. One of the staunch anti-Albanians for many decades, the highest-ranking Macedonian official, Stojan Andov, in a recent interview, stated: "Unfortunately, in 1991 under the influence of the inherited regime of Milosevic in Serbia, we in Macedonia failed to gather strength to oppose that propaganda and for this reason we made several mistakes, especially towards our Albanian citizens" and "if we had come to an agreement with the Albanians, the armed

---

<sup>16</sup> The destruction of the walls of the Albanians was part of the elaboration of V. Cubrillović of 1937. What was left unrealized then, the Macedonian communist government started to realize it after 1981. The campaign was stopped after an incident in the village of Haracin, which ended with an Albanian choked by the ruined wall; the gathered mass took the coffin and left on foot to Skopje in front of the Assembly of Macedonia, where they exhibited the coffin.

<sup>17</sup> Sh. Maliqi, "Nacionalizmima treba vaditi kvadratni koren", *Thema*, nr. 7, Prishtinë, 1986, p. 44.

conflict in 2001 would have been avoided. The first mistake was that we did not agree with the Albanians on what to call the issue of the referendum, and that procedure makes us Macedonians take a great responsibility that the Albanians did not go to the referendum in 1991. This also led to the fact that the Albanian deputies in the Assembly did not vote for the first Constitution for independent Macedonia".<sup>18</sup>

#### 4. Serbian privileges extended to three levels (Kosovar, Serbian and Yugoslav)

After the mass demonstrations of Albanians in 1981, the Serbo-Yugoslav government started implementing concrete development programs only for those areas in Kosova where Serbo-Montenegrins lived, while from 1987 it formed several new municipalities where Serbo-Montenegrins either dominated or constituted up to 50% in the entire population (Zubin Potok, Zveçan, Fushë-Kosova, Shtime, Shtërpçë, Obiliq, Novobërdë, Graçanicë), in which the establishment of several industrial and infrastructure departments immediately began, while in the municipality of Malisheva, as a municipality of the only new one that was inhabited by Albanians, since its establishment in 1985, no industrial or infrastructural facilities had been built. Serbo-Montenegrins enjoyed privileges from three levels: Kosovar, Serbian and Yugoslav, while Albanians experienced brutality from these three levels.

The organs of the party state and the police were aware of Serbian nationalism, and no one in the Yugoslav society, nor the leadership of Kosova, was worried about the non-returning emigration of Albanians from Macedonia, Montenegro and Kosova to the USA and the developed countries of Europe, nor about the arrival of from other countries in Kosova due to brutal behavior and the reduction of education in the Albanian language of Albanians from other countries, as well as the fact that no one was sentenced to a single day in prison for persecution of Albanians in Serbia, breaking their shops (267 cases in the period 1984-1987), boycotting services, even killing them. According to the data of the Association for Endangered Peoples (Gesellschaft für Bedrohte Völker) in Göttingen (FR, Germany), only until the end of the 80s, for economic and political reasons, about 250,000 Albanians had abandoned their territories in the former Yugoslavia and about 100,000

---

<sup>18</sup> *tesheshi.com* interview, November 8, 2015 (interviewed Mensur Krasniqi).

were settled in Federal Germany, about 60,000 in Switzerland, about 40,000 in other western countries and about 50,000 in the northern parts of the former Yugoslavia. <sup>19</sup>Tens of thousands of Albanians sought - political asylum in Western countries, while the expulsion of hundreds and thousands of Albanians from Kosova, allegedly from Albania, was being discussed and planned.

Even the Socialist League of Kosova was involved in the persecution of Albanians. She asked for unverified actions and pseudo-acts, as well as for ordinary conflicts in daily life between Serbo-Montenegrins and Albanians. The latter were faced with double norms: with positive laws in force and with negative customary norms, what was e.g. the segregation. The professor of the Faculty of Law, academician Syrja Pupovci, who previously as a researcher of the norms of the Kanun of Lekë Dukagjini had stood up against the application of patriarchal-feudal consciousness and norms, in 1986, at the time of anti-Albanian hysteria, persistently demanded their implementation towards the Albanians, even, as he said, "in an exemplary way", <sup>20</sup> as in the medieval times. It was incredible how big the discrepancy was in the application of laws against Albanians and against others for the same crimes. For Albanians, e.g. more than 10 times more severe punishments were imposed than for Serbs and Montenegrins: the Albanian minor from the village of Plemetin near Prishtina for attempted rape of a minor of Serbian nationality (conspired) was sentenced to 10 years in prison, while the adult Serb from Staro Sello for the rape of an Albanian minor was sentenced to only one year in prison, etc.<sup>21</sup>

In the wake of the persecution of the Albanians, the daily insinuations and slanders of the evil acts of the Albanians against the Serbs, such as the rapes, the destruction of the cemeteries, etc., which the then Kosovar leaders did not dare to publicly say that they are lies, and even, in some cases, with the unreserved support they gave, they themselves were leading in such lies. Thus, until September 1988, according to the

---

<sup>19</sup> These data were published by Amnesty International (London), while the biggest newspapers, such as Frankfurter Allgemeine (Frankfurt), Corriere della Sera (Milan), Le Monde (Paris), etc., published them. in the fall of 1988.

<sup>20</sup> S. Pupovci, "How to fight deviant phenomena and behavior in Kosova", *Rilindja*, 13. 12. 1986. Regarding this, see the critical view: H. Islami, "Albansko obi c ajno pravo in socialisti norme Pupovcija po uveljavanju usaknih norm Zakonika Leke Dukagjinija danes), *Casopis za crítico znanosti*, s t. 103/104, Ljubljana, 1987, pp. 36-45.

<sup>21</sup> H. Islami, "Demografski problemi Kosova i tijono tovolvore", in the publication *Kosova-Srbija-Yugoslavija*, Knjizna zibrica, KRT, Ljubljana, 1989, p. 66.

officials of the Kosova bodies, 12 cases of rape of Serbian-Montenegro women by Albanians were defamed, on which a whole anti-Albanian strategy was built. <sup>22</sup>Every criminality, even in the economy, was given a national or nationalist stamp, and according to the previously prepared scenario, the *a priori culprit* was known - the Albanian! Conversations with doctors, judges, psychologists "rapists" and "raped" were never organized to clarify rape as an act, as a criminal and anti-human act. Also, <sup>23</sup>the name of any Albanian who "destroyed" the Serbian Orthodox cemetery was never given. Prof. Branko Horvat, author of the well-known book on the issue of Kosova ("Kosovsko pitanje"), <sup>24</sup>was looking for data and clarifications about these works, as they are ethnically inspired, but he did not get to them, because they were never made public. <sup>25</sup>Under the slogan of stabilizing the situation in Kosova and before the ban on the migration of Serbs and Montenegrins due to the "pressures" of the Albanians, special laws were issued in Kosova and that without the consent of Kosova and the Albanians, such as the law on the language, the use and form of the flag, the sale and purchase, isolation, schools and the University, the forced retirement of teachers, the return of settlers and many other laws, which reduced the rights of Albanians and increased repression against them.

The implementation of repressive measures and the police and

---

<sup>22</sup> "Rilindja"12.11.1988.

<sup>23</sup> Albanians were also accused of perverse cases, what was the case of Martinović, when this sick Serb from Gjilan, in May 1985 in his field, for self-indulgence (perverse) motives, had put a bottle in his butt! For this occasion, also qualified as "physical genocide" of Albanians against Serbs, a book of hundreds of pages was written. See: S. Stanojević, *Slučaj Martinović*, Belgrade, 1986, p. 1-485.

Even the Serbian Academy (SANU) in its Memorandum politicized this case to the extreme to accuse the constitutional-legal position of Kosova, underlining: "The case of Martinovic is important not only because of the special, unprecedented violence that it reminds of the darkest Turkish times of obscurity, but also because of the energetic refusal to prove and accept the truth in the regular judicial procedure. Instead of being a reason to prove the supreme values of law and human rights, this case in Kosova has been understood as a circumstance to highlight the sovereignty of the Province, which it does not even have according to the Constitution, and, on the other hand, that the principle of "non-interference in the internal affairs" of the Province be imposed on the RS of Serbia, as if it were a question of interstate, international relations" (*SANU Memorandum*, Belgrade, 1986).

<sup>24</sup> B. Horvat, *Kosovsko pitanje*, Globus, Zagreb, 1988, (two publications).

<sup>25</sup> B. Horvat, "Fenomen mlade nacije i pitanja ekonomskog razvoja Kosova", *Pogledi, Casopis za kriticku teoriju drustva i kluture (Kosovo danas i sutra)*, No 2, Split, 1988, p. 467

military occupation at the end of the 80s reached the peak: hundreds of thousands of Albanians passed through the hands of the police, hundreds killed and injured, tens of thousands dismissed from work, unprecedented looting of money and collectives, hundreds isolated, thousands poisoned, the mounted political processes and the so-called ideological differentiation of the inquisitorial character, implemented only in the darkest periods of the countries of orthodox communism and Stalinist persecutions. The protests of more than half a million Kosova Albanians in November 1988 were the last warning that this cannot continue.<sup>26</sup>

## 5. The danger of the Albanian demographic perspective and existence

In all Serbian goals and projects of the XX century towards Kosova and the Albanians, as part of the Serbian national program, *the fertility of the Albanian woman was considered as one of the biggest obstacles in defeating the Albanian demographic factor* and in realizing the aspirations of the Serbian state. Already in the first fascist essay against the Albanians, Cubrilovic singled out this element of the demographic growth of the Albanians, underlining that "In our case, it should be taken into account that we are dealing with a living, powerful and fertile race, for which the late Cvijic said that it is the most expansive race in the Balkans and that the fertility of Albanian women has influenced our policy of colonization." The policy of expelling Albanians continued throughout the first half of the 20th century, but even after the Second World War, the main preoccupation of Serbia and the former Yugoslavia was to solve the problem of Albanians again by moving to Turkey, mainly to the deserts of Anatolia and by assimilation.

The Serbian government and other counties, such as the Orthodox Church, the Writers' Association, the Serbian Academy of Sciences and Arts, which were also the instigators of violence and crimes in Kosova, greatly manipulated the migration of Serbs from Kosova. But their migration from Kosova after 1966 was not due to the pressure of the Albanians against them, allegedly with the aim of creating "ethnically pure Kosova" and "Greater Albania", as presented by the Serbian-

---

<sup>26</sup> H. Islami, "Demografski problemi Kosova i njihovo tumacenje ", in the publication *Kosova-Serbia-Yugoslavia*, Book collection, KRT, Ljubljana, 1989, p. 66.

Yugoslav communist government after 1981, but due to the loss of the privileges they had until then and the non-tolerance of the equality of the Albanians with them. A large number of displaced Serbs were of colonizing origin, from the first and second wave of the colonization of Kosova, that is why they returned to their homes, in Serbia and Montenegro. Another number of displaced Serbs belonged to military superiors, who, in the context of changing the place of service, were identified as displaced, even under "pressure" from the Albanians.

From the beginning of the 80s of the XX century, in the framework of the broad campaign against Kosova and the Albanians, this government, supported without any reservations by the former republics and other non-Serbian peoples, again returned to the discourse, manipulations and speculations about the Albanian demographic factor and the institutional activities of public against it. The demographic problems of the Albanians were not posed with the aim of improving the quality of biological reproduction and the social life of the Albanians, of humanizing the relations between the sexes, or of a fair solution to the Kosova issue, as was justified at the time. Afraid of the large number of Albanians, the wide and territorially compact extent and their demographic perspective and perhaps because of the jeopardy of the Serbo-Yugoslav space and the geodemographic, national, political and economic prosperity of the South Slavs, all the former counties the Yugoslavs began to count the Albanians and extend Albanianophobia to all regions and social strata of the South Slavs, especially Serbs, Macedonians and Montenegrins. Any embedding of Albanians in South Serbia, in Central Macedonia or elsewhere was explained as "expansion of the nationalist map of Greater Albania".<sup>27</sup> The state, with its repressive apparatus, continued to be openly committed to defeating the numerical and reproductive superiority of the Albanians and establishing the ethnic balance through the colonization of the Serbs and the expulsion of the Albanians. In function of this goal, several waves of colonization of Serbs and migration of Albanians from Kosova followed. In this way, the fight against the Albanian demographic factor became an integral part of the anti-Albanian strategy. Albanianophobia was so transparent that the neo-malthusianist, racist and genocidal background was not hidden at all.

---

<sup>27</sup> S. Suvar, "Kosova events and nationalist euphoria", *NIN*, no. 600, Belgrade, 1981, f. 15.

All Serbian and Yugoslav institutions, from political and state to scientific, cultural, journalistic, informative, church, etc., began to slander various theses, among which the most transparent were: that Albanians in an organized way, are buying the land from the Serbs and giving birth to many children for nationalist reasons in order to chase the Serbs from Kosova and create "ethnically pure Kosova" and "Greater Albania". Meanwhile, one of the highest party-state leaders of the former Yugoslavia, S. Dolanc (from Slovenian nationality), did not hesitate to declare: "We know very well one of the main slogans of irredentism: buy land and have children".<sup>28</sup> One of the most transparent and at the same time interesting constructions was the thesis of the well-known Serbian demographer, M. Macura, one of the authors of the "Memorandum", who throughout the 80s of the XX century had an extreme and chauvinist attitude towards the birth rate of Albanians: "No one has effectively tried to calm down the explosive demographic process until today. This process is advancing without hindrance, with the moral support of the secessionist ideology, based on national exclusivity, summed up in the idea of an ethnically pure Kosova and the extreme demand that Kosova become a Republic".<sup>29</sup>

The anti-natalist and, in essence, anti-Albanian indoctrination had already taken large proportions in all layers of the Serbian-South Slavic society, seriously insulting the Albanian woman, who was described in every political forum, in the media, on the street as a "machine for the production of children". In the populist nationalist rallies, where the ethnic mobilization of the Serbian masses took place and where all the energy of the Serbian people was used against the Albanians and the preparation for confrontation with all the non-Serb peoples, slogans and demands with purely racist and genocidal content were issued, such as "Albanians multiply more, but their seed is spoiled", "Albanians should be expelled from Kosova", "Albanians should be killed" etc.<sup>30</sup> "The ideas of the Christian intellectuals," emphasized Ambassador Zimmermann, "dominated everywhere in Serbian society, from shopkeepers to

---

<sup>28</sup> S. Dolanc, member of the Presidency of the RSFJ from Slovenia, interview in "Telex" magazine, Ljubljana, November 1988.

<sup>29</sup> , *Perspektive, ciljevi i nacela politike obnavljanja stanovništva* (prosirene teze za uvodnu rec u diskusiji oko okruglog stola, 21. I 22. V. 1987)SANU, Belgrade, 1987, p. 11-12.

<sup>30</sup> The anti-Albanian hysteria had reached its climax in the Serbian chauvinist rallies in the second half of the 80s (H.Islami, "Demografski problemi Kosova i njihovo tumacenje", Zbornik *Kosovo-Srbija-Jugoslavija*, KRT, Ljubljana., 1989, pp. 42-43).

peasants and journalists," to continue: "I remember one evening I met an art historian. She was a tall, attractive and sensitive woman who had been to New York many times and loved America and its culture. After a great conversation about a wide range of issues, I asked her how she would handle the Kosova problem. "Quite simply," she said. "Put all Albanians against a wall and shoot them!"<sup>31</sup>

Albanians understood these and other requests for reducing the birth rate through so-called birth control and family planning very correctly: as requests that entered the genocidal model of thinking and behavior of the former state towards them. The well-known Croatian victimologist, then rector of the University of Zagreb, prof. Zvonimir Sheparovic was among the rare people in the former Yugoslavia who had the courage to call the campaign for "birth control" and "family planning" among Albanians a genocidal commitment. He wrote: " - There are some calls, which come from concerns due to the biological expansion of the population in the undeveloped environment, what is Kosova, that such uninational calls to prevent the birth of such a large number of Albanians... it has something in itself that enters the genocidal pattern of thinking and behavior".<sup>32</sup>

However, fortunately, as expected by the Albanians, none of the results expected from the Serbian fascist regimes were fulfilled.

After the atmosphere was created for the collective blaming of the Albanians, from the repression of the police state and the communist party, a significant wave of their fled followed, mainly of young people, while after the violent dismissal of more than 150,000 Albanian workers from 1990 and hence, emigration for existential reasons intensified even more. After the war started in Slovenia and Croatia (1991) and in Bosnia and Herzegovina (1992), Albanian soldiers, not wanting to fight on the side of the aggressor Serbo-Yugoslav army and against innocent non-Serb peoples, abandoned this army and fled mainly to Western countries. A large number of Albanians found political refuge in these countries, especially young people. The former YPA, since 1981, had mounted many political processes against Albanian soldiers, in which case it had imprisoned and killed many Albanians, whom it returned to hermetically sealed coffins, offering no evidence to either the families or the public for killing them.

---

<sup>31</sup> W. Zimmermann, *Burimet e një katastrofe*, Tiranë, 1996, p. 17-18.

<sup>32</sup> Mr. Sheparovic, interview in "Start" magazine, no. 526, Zagreb, 18. 03. 1989, p. 17.

The new wave of terror under the pretext of searching for weapons was the other factor directly affecting the migration of Albanians. In this function was also the exclusion of Albanian workers from work, the destruction of the economic base of Kosova through the looting of funds and technology, taxes and punishment of Albanian businessmen, the continuous pursuit of Albanian recruits, as well as the occupation of school and university spaces for Albanian pupils and students and hindering the functioning of Albanian education at all levels. After the mass exodus of Kosova Albanians from the Serbian genocidal enterprises during the bombings (March 24 to June 10, 1999), many Albanians took refuge in various countries in Europe and abroad, where a number remained there. But this remnant of them seems not to have changed much the numerical situation in relation to the one before March 24, 1999. It is estimated that today outside the geo-ethnic space of Albanians in the western countries there are more than 1 million Albanians and about half of them immigrated to these the last five decades, while when emigration from Albania is included, first of all to Greece and Italy, this number reaches more than 2 million people. Our compatriots spared nothing to help materially, morally, politically and militarily the occupied Kosova and the frustrated Albanians in all the ethnic areas in the former Yugoslavia, especially in the years when the conflicts and the war broke out between the Albanians of Kosova and Serbia (1998- 1999), the Albanians of the Lugina e Preshevës and Serbia (2000-2001) and the Macedonian government and the Albanians (2001). Today, this number from Kosova alone has at least doubled.

## 6. Serbo-Yugoslav segregationist and racist program for Kosova

The Serbian regime while Yugoslavia existed (1991) managed to extend all its anti-Albanian demands to all republics and federal bodies. In 1989, the Assembly of Yugoslavia approved the proposal of the Yugoslav Government, led by the "reformer" of Croatian nationality (Ante Markovic), the so-called "*Yugoslav Program for Kosova*"! Through this Program, in fact, a new wave of colonization of Kosova began and a new phase of colonialism in Kosova. This new policy was part of the extreme Serbian national program, which also aimed to install Serbs to balance the ethnic balance in Kosova. In the 80s, the establishment of industrial departments in the Serbian enclaves and the construction of segregationist housing facilities began as a function of

recolonization. This wave of colonization began with the behavior of the police, senior military instructors, judges and administrators to pursue and torture the Albanians as much as possible.

The former Federation and its units in this way stimulated repression and segregation in Kosova and helped the realization of the long-term goals of Serbia's hegemonic policy, the recolonization of Kosova. Meanwhile, Albanians were offered employment in mining, heavy industry, municipal services (road cleaning) and construction in Serbia and other regions of the former Yugoslavia. Serbian state policy at the beginning of 1990 also issued laws and drafted hegemonic projects and programs, the main purpose of which was to change the structure of the population of Kosova through the colonization of Serbs and peaceful ethnic cleansing of Albanians. This political program was approved in the Assembly of Serbia and in the Central Committee of the LCS with a very perfidious and cynical title "For Peace, Freedom, Equality, Democracy and Prosperity of Kosova", when compared to the then official policy documents Serbs, and especially with the "Memorandum" of the Serbian Academy of Sciences and Arts towards Kosova, their copy really comes out: lies, dramatizations, accusations and tendency of colonization and changing the national structure of the population with various measures, first of all with repressive measures of the state-police apparatus.

## 7. Law on property as pressure for the expulsion of Albanians and measures to establish ethnic balance in Kosova

In addition to the issuance of the 1991 law on the conditions and manner of allocating agricultural land in Kosova, it was desired to give the new colonization policy another institutional form by warning of the issuance of a new cadastral law for the regulation of real estate from 1945 until today, which could hit the Albanians more than any other law until then issued for these purposes. The Serbian government issued this law on the grounds that it could "verify the real ownership of the real estate owned by the citizens of Kosmet and correct any possible mistakes. It is known that after 1945 there were various illegal registrations in our province in the cadastral books, without legal documentation."<sup>33</sup> Citizens

---

<sup>33</sup> Until 1966, as is known, the legal administration both at the level of municipalities and at the level of Kosova was led by Serbian and Montenegrin cadres themselves.

who own real estate, will be obliged to submit the legal documentation for use or ownership to the relevant professional commission. If they do not possess the appropriate documentation, they will not be able to acquire it the real estate right in the cadastral books. In this way, it will be proven exactly who are the users and who are the real owners of the land".<sup>34</sup> From the land fund, which would be formed from municipal lands, lands of agricultural organizations and from lands that would be donated by legal and natural persons, this law provided that Kosova Serbs would be given free land, while for construction of houses would be provided with loans with a repayment period of 25 years.

The purpose of issuing this and similar laws was more than clear: to intensify the colonization of the Serbs and to impoverish the Albanians so that they could leave the country, but also to create new tensions, since, with the taking of the lands, the Albanians would not only get hit on the existential basis, but also on the emotional and individual-psychological level, where they could be provoked more easily, this provocation which would later be extinguished with blood.

## 8. Serbian settlers from Croatia and Bosnia and Herzegovina and Montenegrin Serbs from Albania

Even after the disintegration of the former Yugoslav Federation, Serbia's main objective remained its statehood aspirations and the Serbization of Kosova. Immediately after the release of this platform, which had the power of a Serbian national, political and state program, in 1991 the Assembly of Serbia issued the law on the conditions for the allocation of agricultural land in Kosova in order to achieve colonization goals. After this year, in order to serbize Kosova, the Serbian regime, in addition to the persecution of the Albanians, also began to bring in refugee-colonists from Croatia and BiH, as well as Montenegrin Serbs from Albania.

The occupying power placed these Serbian refugee-colonists in different parts of Kosova, rather in educational, educational and recreational facilities for pupils and students and in hotel and tourist facilities. In addition to the formation of several small enclaves with settlers (Deçan, Vushtrri, Klinë, Kishnicë), new settlers were provided with the allocation of free land in Istog (Burim), Prishtina, Gjilan, Lipjan,

---

<sup>34</sup> Daily newspaper in Serbian language: "*Jedinstvo*", 2. 2. 1995. Pristina.

Mitrovica, Pejë, Obiliq (Kastriot), etc. The number of 100,000 Serbian settlers that the Milosevic regime intended to install in Kosova represented the most powerful wave predicted in the series of waves of colonization of Kosova between the two World Wars and after the Second World War. According to this decree-law, the settlers were offered loans with very favorable conditions for the construction of houses, free land, jobs and many other benefits. The project was partially implemented, especially after the Croatian "Storm" on August 5, 1995, when, with all their will, several thousand Serbs from Croatia were installed in Kosova.

However, taking into account the hegemonic aim of Serbia towards Kosova, the instrumentalization of the settlers for exclusively political purposes, the arrival of the settlers from a territory and atmosphere of war, their frustration, as well as the general situation which is already tense due to the Serbian terror towards Albanians - even the smallest number of settlers could provoke a wide conflict in Kosova and the region. Especially the settlers from Kraina, Lika, Bania, Korduni and other karst areas of the former Yugoslavia as "rude and aggressive people", as Cubrilovic described them, even counting between the two wars that "the violent dinaric type", as Cvijic evaluated, to take advantage of the massive persecution of Albanians in Turkey. Finally, the settlers of these regions, in all periods, especially during the time of Rankovic and after 1981, have been noted for their brutal behavior towards Albanians.

The clearest program formulation for the creation of Greater Serbia and the complete serbization of Kosova with the expulsion of Albanians and colonization with Serbs can be found in the Program of the Serbian Radical Party of Vojislav Sesel from 1991.<sup>35</sup> From its first point it is stated that the creation of the Serbian state "*will include all the Serbian people, all Serbian lands*, which means that it will include within its borders the reduced Serbian federal units, Montenegro, Serbian Bosnia, Serbian Herzegovina, Serbian Dubrovnik, Serbian Dalmatia, Serbian Lika, Serbian Kordun, Serbian Banija, Serbian Slavonia, Serbian Western Srem, Serbian Baranja and Serbian Macedonia". The program requires both politically and economically the departure of "Greater Serbia" from the European Union and the strengthening of

---

<sup>35</sup> Taken from: "Program Srpske radikalne strekke", *Jugoslovenski pregled*, XXXIV, 1, Belgrade, 1991.

economic-political ties with countries with still dogmatic-Stalinist systems: Russia, China and North Korea.<sup>36</sup>

One point is dedicated to Kosova, but with 16 sub-points as measures against Albanians and their ethnic cleansing. As a function of the ethnic cleansing of Albanians, the following measures are in place: the deportation of Albanian "immigrants" together with their descendants, who make up the figure of about 1.5 million Kosovar Albanians, the unhindered granting of passports so that they can move, the complete expulsion of Albanians in the area up to 50 km along the border with Albania, the prevention of all Albanians who have "separatist" goals, the construction of coal mines and electric power capacities in the most densely populated areas with Albanians for reasons of migration, the prohibition of the use of to the Albanian language for the remaining Albanians, the prevention of birth through antisocial and administrative measures, etc.

The other side of the serbization of Kosova, according to the program of this party, consists of "the relocation from Serbia and the placement in Kosova of police and military academies and other military institutions" and "the placement of tens of thousands of officers, non-commissioned officers, policemen, state workers and members of their families"; all of these "would be offered large and comfortable apartments in Kosova and Metohija as a permanent solution to their housing problems". Serb settlers in Kosova would be "given arable land and lots of land where they can build houses for their families and for business", while Serbian workers who would be employed in Kosova, would have an average income "twice higher than the average income in other parts of Serbia" and other benefits. Meanwhile, at the "University of Prishtina, very favorable conditions would be created to study only in the Serbian language", etc., it is stated in the Program of the Serbian Radical Party, directed by V. Sesel.

## 9. The basic objective of Serbian chauvinism was the destruction of the foundations of Albanians' life

The genocidal actions of the Serbian government not only did not come to an end, but they intensified, taking on the proportions of a true genocidal crime. The discriminatory, segregationist and repressive

---

<sup>36</sup> *Ibid.*

Serbian and Yugoslav policy of the 80s was replaced in the 90s with all forms and genocidal activities and a long-term and well-conceived policy of genocidal crime against Albanians. Meanwhile, until the existence of the former Yugoslav Federation, under the umbrella of whose bodies Serbian chauvinism and terror against Albanians operated, the numerous Serbian genocidal acts in all spheres of life and work of Albanians were camouflaged and qualified as sporadic acts and as a war against "individuals of Albanian nationalist, separatist and terrorist groups". Behind such genocidal actions by Serbs against Albanians, it seemed that genocidal ideas and intentions, especially in the demographic plane, were more important, that was the case with the efforts to hinder the normal birth process than the projects and programs of genocidal action directed by the centers of power. The international community did not even believe in the genocidal attempts and events, let alone in the acts and elements of the genocidal crime, what was e.g. the ethnic cleansing of Kosova and the attacks on the biological and national substance of the Albanians, but it spoke about the violation of human rights in Kosova and that only after 1989.

The abolition of Kosova's autonomy in March 1989 and along with it the destruction of all political, administrative, economic, social, cultural, health institutions, etc. and the mass exclusion of workers after the general strike of September 3, 1990 clearly showed that it was no longer a question of a power that only aimed at occupation, colonization and the establishment of a colonial system in Kosova, but something much more terrible: it aimed at degradation systematic of Albanians, the impoverishment, endangerment of health, biological existence and their displacement.

In 1998 and especially in 1999, in the eyes of the whole world, the evil ideas and intentions of the various Serbian regimes and circles within turned into actual mass genocide against Albanians. According to still incomplete data, more than 15 thousand Albanian civilians, including children, women and the elderly, were killed, massacred or burned alive and buried in hundreds of mass graves; more than 120,000 houses, located in about 1100 settlements, were burned, destroyed and damaged; entire villages and many urban centers, with their infrastructure systems, were destroyed; about one million Albanians were deported out of Kosova by various means, by trains, trucks, buses, cars, on foot through the mountains, always being humiliated, tortured and raped on the way; several hundred thousand others were chased from their homes under violence and threats, wandering within the territory of Kosova, rather

through the mountainous terrain. Many mass graves of Albanians have not yet been opened either in Kosova or in Serbia.

The fascist Serbian regime, with all means, rushed against the ethnic, historical and cultural identity of the Albanians and against the foundations of their lives. The destruction of cultural-historical monuments, e.g. of 218 mosques, of the memorial complex of the Albanian League of Prizren, the disappearance of the statues of prominent figures of our renaissance and the changing of the entire name of Kosova was aimed at reviving medieval Serbian church myths and the complete Serbianization of Kosova. Through the mass deportation that completely resembled the deportation of Jews during the Second World War and the disappearance of documentation (letters, passports, cadastral registers, registers of births, registrations and deaths, personal numbers, books of in the spring of 1999, this regime wanted to dehumanize people of Albanian ethnicity and the entire Albanian community and to sever any legal connection of Albanians with their geo-ethnic territory, to destroy an ethnicity, a culture, a society with all its institutions.

All these intentional and violent actions against the ethnic Albanian population, with all international conventions, are considered genocidal crimes, war crimes and crimes against humanity, marking the darkest side in the history of humanity and the greatest tragedy in the life of the nation that has experienced them. In the framework of crimes against humanity, the intentional, planned and violent displacement of the population in the legal systems of many countries, to erase even those who themselves practice genocide and by the UN itself, is considered a genocidal crime.<sup>37</sup> The avoidance of this human and national tragedy of the Kosova Albanians was made thanks to the intervention of NATO, led by the USA, and the internal all-popular resistance.

---

<sup>37</sup> Gazmend Zajmi, *Gjenocidi dhe aktet gjenocidale të pushtetit serb ndaj shqiptarëve nga kriza lindore e këndeje*, Academy of Sciences and Arts of Kosova, Prishtina, 1995, p. 15 (Introduction by G. Zajmi).

Ksenofon Krisafi

## THE TREATMENT OF THE SERBAN MASSACRES IN KOSOVA UNDER INTERNATIONAL LAW

### Abstract

There is a lot of discussion about the issue of whether what the Serbs committed during the war in Kosova, in the years 1998-1999, were massacres, holocausts, war crimes, genocide, ethnic cleansing, etc. It is clear that their main tendency will be to deny the truths and avoid Serbia's legal-international responsibility. In the conditions of the impossibility of denying the war and the great massacre against the Albanians, manipulations are made by reducing the figures of human losses and material damages, as well as advancing sophistic theorizations, without legal support. Without punishing the crime, the "adequate legal qualification" is sought with extreme care, which should be at least harmful to the perpetrators as possible, not to take revenge on them. The insistence on building a fictitious symmetry between Serbian crimes and the completely legitimate resistance of the Albanians, which has been accepted by some segment of the international factor, also serves this purpose.

In this statement, efforts are made to refute this speculative farce of Belgrade and its allies, of hiding the truth. For this purpose, crimes against humanity, mass executions and murders, massacres, degrading and inhumane treatments, rapes of women and girls, migrations and deportations of hundreds of thousands of Kosovars, which took the form of ethnic cleansing, genocide, etc., are analyzed in the legal-international lens.

A quick retrospective look at a time span of about a century and a half shows that the anti-Albanian attitudes of the Serbs, like those of some other neighbors, were not accidental, but part of strategic platforms. Unfortunately, they did not stop and were carried out in the eyes of the international factor. Therefore, only during the years 1878-2021, Serbia committed at least three genocides against Albanians. No less violence has been committed by other neighbors. Belgrade dares to be brave and threaten or undertake criminal campaigns against Albanians and other peoples because, until the Kosova War, and even in some cases after it, it felt encouraged by the indifference of some of the Great Powers. In some cases, the EU's special envoys, Borel and Lajcak, present at the Kuri-Vucic meetings, have remained inert to the latter's megalomaniacal actions. Meanwhile, in the face of such stubborn attitudes of the culprits branded as such by international organizations, states, public opinion, etc., they continue the disgusting ritual, repeating the standard call, that the parties must find a solution. The solution comes only from the fulfillment by the Kosovar side of the Serbian demands. As you know, the establishment of the association of the municipalities with a Serbian majority is insisted upon as a condition sine quonon.

*Key words:* Kosova, Serbia, Massacres, international law

A special edition of the Serbian genocide in Kosova was the unprecedented aggression undertaken in 1998-1999. Politicians, diplomats, lawyers, researchers and publicists, mainly Serbo-Slavs, have discussed the issue of whether what was committed at that time was ordinary murder, simple massacre, holocaust, war crimes, ethnic cleansing or genocide, etc.

In this paper, attempts are made to refute speculations about hiding or relativizing the truth. The historical truths about crimes against humanity, mass executions and murders, massacres, holocaust, degrading and inhumane treatments, rapes of women and girls, displacements and expulsions of hundreds of thousands of Kosovars, which took the form of ethnic cleansing, genocide, gendercide, uricide, Holodomor<sup>1</sup>, etc.

\*\*\*

The issue of whether or not elements of the criminal offense of genocide are present in Serbian crimes in Kosova has become the subject of numerous monographs and studies of a legal-criminal and legal-international nature. In some of them, which bear the names of prominent penalists and internationalists on the cover, it is not difficult to distinguish that among them there are quite a few works that seem to have been made to order. The orderers must have been powerful clients from the sphere of political, military, economic, diplomatic oligarchy, organized crime, corrupt jurisprudence, etc. These, stepping on the pain, ignoring the suffering of the victims of the acts of the aggressor states, have indulged in the advocacy of genocide, ethnic cleansing, war crimes, crimes against humanity.

Part of the juridical-international bibliography on genocide are also the works of several authors from Albanian areas. Arsim Bajrami's

---

<sup>1</sup> Holodomor, specific term, used in the late 1980s, causing death through starvation, famine, deliberately caused to bring suffering and death. Through the expanded interpretation of Article 2 (c) of the Convention on the Prevention and Punishment of the Crime of Genocide, it has been considered one of the forms of genocide, because it is about deliberate actions or omissions that create living conditions that lead to physical destruction, completely or in part, of a national, ethnic, religious or racial group, as happened in Ukraine in 1932-1933, caused the death of about 3.3 to 5 million people, or in the former Soviet Union, 5.5 to 8,7 million people.

book, *The Genocide of Serbia in Kosova, legal aspects*,<sup>2</sup> stands out as a comprehensive, almost exhaustive and very qualitative study.

Two personalities of international law from Albanian areas who have also written with outstanding professional competence are prof. dr. Arben Puto, as well as prof. dr. Zejnullah Gruda.<sup>3</sup>

\*\*\*

Documenting and arguing in legal-criminal, legal-constitutional and legal-international aspects will also serve to refute and denounce the efforts of the Serbs and their protectors to deny or relativize the genocide in Kosova. In this way, it is hoped that the current leaders of Serbia will be forced to accept the indisputable authorship of their genocide, to recognize and bear the relevant political, legal, moral and economic responsibilities for what they have done to the Albanians, to ask for forgiveness, to give guarantees for not repeating such acts in the future, to punish the authors or co-authors.

With this aim, the serious Serbian crimes against humanity, executions and mass murders, massacres, cruel and inhumane treatments, rapes of women and girls, migrations and deportations of hundreds of thousands of Kosovars are elaborated in the following in the legal-international perspective and in the historical context, which took the forms of ethnic cleansing and undoubtedly genocide, etc.

## Genocide atrocious crime

Jean Paul Sartre considers genocide as old as humanity itself.<sup>4</sup> As a definition of a criminal offense with extreme dimensions and features and as a concept close to the current meaning, it is mentioned for the first time in a series of bilateral and multilateral treaties, before and after the system of the Peace Treaties of Westphalia, 1648. Later, on 1789,

---

<sup>2</sup> Arsim Bajrami, *Genocidi i Serbisë në Kosovë, aspekte juridike*, ASAK, Pristina, 2023.

<sup>3</sup> Zejnullah Gruda, *Shfaqja dhe historiku i Gjenocidit*, published in the Bulletin of the Council for the Protection of Human Rights and Freedoms - Pristina Year X, No. 15 April 1 (June 30, 2000), p. 29-42.

<sup>4</sup> Jean Paul Sartre, *On genocide*, Quoted by Richard A. Falk, Gabriel Kolko, Robert Jay Liftons, *Crime of War*, New York: Rondon House, 1971, p. 534, cit. by William A. Schabas, *Genocide in International Law, Crimes of Crimes*, Cambridge, University Press, 2000, p. 17.

became part of a debate in the proceedings of the National Revolutionary Assembly of France, where Robespierre described Louis XVI as a "criminal against humanity".<sup>5</sup>

Legal sanction as a criminal offense of the war crimes group, without today's designation, would come at the end of the First World War. Lord Curzon, at a meeting of the British Royal War Cabinet on November 20, 1918, proposed to bring the Kaiser and other leaders of Germany to international criminal responsibility.<sup>6</sup>

It was taken over by the Peace Conference, which on January 25, 1919, created the Commission for the responsibility of the perpetrators of war crimes and the implementation of punishments.<sup>7</sup> A series of war crimes, including those that would later be called genocide, were considered "violations of the laws and customs of war and the law of war" as well as "attempts to denationalize the inhabitants of the occupied territories".<sup>8</sup> With the above expression, the Commission also referred to some violations committed in Serbia by the Bulgarian, German and Austrian authorities. At that time, the Albanian delegations attending the proceedings of the Paris Conference strongly expressed their concern about the crimes committed by the Serbs, Montenegrins, Macedonians and Greeks in the Albanian territories and *requested the intervention of the diplomacy of the Great Powers, especially the Peace Conference*, for stopping them. But, while the Bulgarians, the Austrians and the Germans were accused of violating the laws and customs of war, because they did not allow the Serbs to use the word "good morning" in their own language, on the other hand, the Serbs, Montenegrins, Macedonians and Greeks denied to the Albanians not only "good morning" in their language, but the whole language, they closed their schools, destroyed their religious and cultural institutions, and even took their lives.

The above case cannot fail to draw attention to the double standards that were applied in the evaluation and judgment of the same situations that occurred in different countries that were applied then, as well as before and after. Then there was another shocking event, the

---

<sup>5</sup> Maximilian Robespierre, *Oeuvres IX*, Paris, Presses Universitaires de France, 1952, p.130. Quoted by William A. Schabas, *Vep.cit* p. 34.

<sup>6</sup> Quoted by William A. Schabas, *Genocide in International Law, Crimes of Crimes*, Cambridge, University Press, 2000, p. 17.

<sup>7</sup> Seth P. Tillman, *Anglo-American relations at the Paris Conference of 1919*, Princeton University Press, 1961, p. 312.

<sup>8</sup> Ibid.

Armenian Genocide, the "crazy and unprecedented extermination", as Pope Francis has called it, "the Great Evil", or "the Great Crime", which took the lives of around 1 to 1.5 million Armenians.<sup>9</sup> There was no reaction to the horrors experienced by the Armenians, as it should have been, no action was taken to punish those "responsible for the war and for serious violations of the laws of war".<sup>10</sup>

In 1944, when Europe was gripped by the Nazi-fascist plague, whose murderous fantasy had exceeded all limits of the human race, the term *genocide* was used for the first time to define this monstrous crime. It was the Polish lawyer Raphael Lemkin, who defined the exterminating policies of the Nazis, especially against the Jews, as genocide, a word created by combining " *gen* ", *genos* (Greek) - "race/tribe" and " *cid* ", *occidere* (Latin) - "to kill".

His effort was concretized in the Nuremberg Trials against senior Nazi leaders, where the term "genocide" was mentioned for the first time as a crime. Even after Nuremberg, the crime of genocide continued to shock the conscience of human society, mainly in other continents. But decades later, at the end of the 20th century, he returned to Europe. They brought the Serbs permanently accused of genocide, first in Bosnia and then in Kosova.

After the Second World War, the UN General Assembly, in 1946, adopted a resolution, which also dealt with issues related to genocide. It included genocide in the group of war crimes, which is committed as a rule in times of war, during armed conflicts, but also in times of peace. A few years later, genocide was adopted as a concept and institution of international law and was included in the group of crimes against humanity.

Genocide has for a long time been the subject of heated debates even in the works of bodies dealing with the codification of international law. We are talking about the CIL, which has been working for more than half a century with the project of "*State Responsibility for Internationally Illegal Facts*". In search of appropriate solutions, the concepts of "state crime" or "civilian genocide" etc. have been put up for discussion. But the protracted discussions of about 70 years have been concluded by excluding the direct inclusion of genocide in the prepared "projects". Its members have reiterated that state responsibility is

---

<sup>9</sup> Vaticani News, Armenian Genocide Commemoration Day, April 24, 2019.

<sup>10</sup> David Lloyd George, *The Truth About the Peace Treaties*, Vol.I, London: Victor Gollanez, 1938, pp.93, 96.

an international juridical institute with a marked political character and very difficult to codify.

## Convention on the Prevention and Punishment of the Crime of Genocide

As a concretization of the commitment of international forums in the post World War II period for the codification of issues related to the crime of genocide, the Convention on the Prevention and Punishment of the Crime of Genocide came to light. It was adopted on December 9, 1948 by the UN and entered into force on January 12, 1951, three months after the deposit of the 20th instrument of ratification/accession.<sup>11</sup>

In almost all international legal acts, where genocide is dealt with, the same definition is reproduced, which has as its basic tendency the restrictive and limiting character of the elements of the criminal offense, the circle of perpetrators and the punitive sanction. The legal language, generally well personified in the provisions of the Genocide Convention, is usually characterized by a similar degree of flexibility, in the sense that it is not easy to intervene to adapt it to the needs or wishes of punishing the acts of specific individuals. Interested persons may find themselves in front of a situation, when cases of murder of hundreds, maybe thousands of people are universally known, when the author or authors have also been identified, but the competent judicial authority finds it difficult to pronounce the deserved punishment, because at the end of during the judicial investigation, all the necessary elements required by this specific crime figure, genocide, were not found and could not be joined due to a series of circumstances, it may not be easy for the court to discover and legally argue that the author/authors had as their goal the complete or partial extinction of a national, ethnic, racial or religious group even though he/they have taken the lives of many innocent people. But, paradoxically, this fact is not enough to take the punishment decision to lock the perpetrators of this tragedy behind bars. The aforementioned condition is *conditio sine quoi non*, because

---

<sup>11</sup> Quoted by William A. Schabas, *Vep.cit*, p. 19. Palë e Konventës është edhe Shqipëria, që prej 12 majit 1955. With the law No. 8489, dated 19.5.1999, it withdrew the reservation it had made for Article IX of the Convention, for renouncing the reservation of the mandatory jurisdiction of the ICJ. <http://www.parlament.al/kom-kuv/ligjet/ligjet.html> .

genocide has a different focus, it is not about killing individuals, but about "destroying groups".<sup>12</sup>

According to the Convention, persons accused of committing acts of genocide "must be tried by the competent courts of the state in whose territory the act was committed, or by a competent international criminal court." This happened with the creation of international courts for the trial of persons accused as criminals in the former Yugoslavia, in Rwanda, Cambodia, etc.<sup>13</sup>

In 1998, James Crawford said that the Court's mention of "any form of state responsibility" should not be seen as something to do with state criminal responsibility for *genocide*, but rather to impute state culpability as such.<sup>14</sup> Another well-known nationalist, René Cassin, has considered the Convention on Genocide as a specific application of the Universal Declaration of Human Rights.<sup>15</sup> Almost the same opinion is expressed by Alain Pellet<sup>16</sup> and others.

Genocide, according to the Convention, is defined as any act committed with the aim of the complete or partial extinction of a national, ethnic, racial or religious group. Such can be: a) killing group members; b) causing serious physical and mental harm to members of the group; c) the imposition of living conditions planned for the total or partial physical destruction of the group; d) establishing measures aimed at preventing births within the group; e) violent transfer of children from one group to another (Article 2). The Convention defines that punishable acts are a) genocide; b) cooperation in committing genocide; c) direct and public incitement to commit genocide; d) attempt to commit genocide and e) participation in genocide (Article 3).

Persons who are proven to commit genocide or any of the other acts mentioned above, will be punished regardless of whether they are rulers, public officials or private individuals (Article 4).

---

<sup>12</sup> Philippe Sands, - *The legal concept of genocide in inter-ethnic conflicts*, broadcast by Radio Europa e Lire, on March 19, 2013.

<sup>13</sup> William A. Schabas, *Genocidi në të drejtën ndërkombëtare, krimet e krimeve*, Cambridge, University Press, 2000, p. 519.

<sup>14</sup> First Report *On State Responsibility*, by James Crawford, Special Rapporteur. Quoted by William A. Schabas, *Genocide in International Law, Crimes of Crimes*, Cambridge, University Press, 2000, p. 518.

<sup>15</sup> UN DOC E/CN.4/ SR 311, p.5.

<sup>16</sup> Raport i Komisionit të së Drejtës Ndërkombëtare mbi punimet e sesionit të, 12 Maj-18 June 1997, UN Doc. A/52/10, para. 76.

Pursuant to Article 5 of the Convention and in accordance with their constitutions, the parties agree to adopt in their internal legislation, the appropriate legal norms for the punishment of persons guilty of genocide. Their judgment will be made by a competent court of the state in whose territory the act was committed or by the international criminal court, which may have jurisdiction over the relevant party, which has accepted its jurisdiction (Article 6). This is what was done with the courts for the trial of persons accused as war criminals in the former Yugoslavia, in Rwanda, Cambodia, etc.<sup>17</sup> Genocide cannot be considered a political crime for extradition purposes. In such cases, the parties will enable the extradition in accordance with their laws and agreements in force (Article 7). Each party to the Convention may request the competent bodies of the United Nations to take action in accordance with the UN Charter to prevent and terminate certain genocidal acts (Article 8).

The Convention, despite the positive evaluations it has received, judged in the light of the current realities and the accumulated experiences of humanity in an effort to punish crimes such as genocide as an example, has been criticized for several issues addressed. The word comes, it is said, that it cannot meet all the genocide-related challenges that humanity faces today. It does not speak about such terrible acts as torture, disappearance, slavery, child labor, apartheid, violent prostitution, etc.<sup>18</sup> Another flaw of the Convention is considered the fact that it applies only to "national, racial, ethnic and religious groups" and leaves out "political and social groups", ideological, linguistic, economic, gender, tribal groups, etc. Ethnic cleansing, cultural genocide,<sup>19</sup> ethnocide, ecocide, environmental destruction<sup>20</sup> are also left out.<sup>21</sup>

There are also several other legal-international acts that could possibly serve as complementary instruments for a more complete examination of the legal punishment of genocide cases. Among them it is mentioned the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (1987),<sup>22</sup> the International Convention on the Elimination of All Forms of Racial Discrimination, etc.

---

<sup>17</sup> William A. Schabas, *work quote*, p. 519.

<sup>18</sup> William A. Schabas, *work quote*, p. 214.

<sup>19</sup> William A. Schabas, *work quote*, p. 124.

<sup>20</sup> William A. Schabas, *work quote*, p. 244.

<sup>21</sup> William A. Schabas, *work quote*, p. 218.

<sup>22</sup> 1465 UNTS 85.

## Genocide in the criminal legislation of states

The standard definition of Article 2 of the Convention has also been adopted in the criminal laws of many countries. For example, the Criminal Code of the Republic of Albania provides for genocide as a crime. Its provisions are also applicable to foreign citizens who have committed genocidal crimes and who are eventually located in the territory of the Republic of Albania. Depending on the country where they have committed the crime as well as the local and international legislation, detention, trial or punishment can be processed or when the case is extradition to another country or to an international court. (Article 7/a).

Kosova also, although it is not yet a signatory party to the Convention <sup>23</sup>, has included genocide in the Criminal Code (Article 142), which has provided in Article 154, the sanctions for committing genocide. Anyone who organizes a group with the intention of committing genocide is punished by imprisonment from one to ten years. Anyone who becomes a member of such a group is sentenced to imprisonment from one to five years. The person who denounces the group before the genocide is committed benefits from the application of mitigating circumstances. In such a case, the whistleblower may be completely freed from the sentence or sentenced to imprisonment for no more than three years.

The same or similar sanctions apply to crimes against humanity and war crimes, which, in legal terms, are classified in the same category as genocide.

### Genocide is not prescribed

Due to the character and particularly serious consequences with which genocide is associated, it cannot be prescribed. <sup>24</sup>For example, The Criminal Code of Kosova has determined that no statute of limitations applies to the criminal offenses of genocide, war crimes, crimes against humanity or other criminal offenses, which, according to international law, are not prescribed (Article 104)..

The Criminal Code of Albania, regarding the non-prescription of criminal prosecution, does not mention genocide, but gives place to war crimes and those against humanity (Article 67).

---

<sup>23</sup> Until the fall of 2023.

<sup>24</sup> Prescription means the non-initiation of criminal prosecution or the non-execution of punishment for a criminal offense or misdemeanor after a certain period of time, provided by law.

An important step of the international community to confront crimes such as genocide and their perpetrators was the establishment in 1991-1998 of international criminal courts, the object of which was the trial and punishment of this crime. They were created as *ad hoc bodies* by the Security Council, for the trial of persons accused of genocide and war crimes in the former Yugoslavia and in Rwanda. Genocide is also addressed in the Rome Statute for the International Criminal Court, as well as in other acts, even in the internal legislation of many states.

### The Serbian genocide in Kosova is part of the anti-Albanian platform

The theoretical-legal aspects of the crime of genocide, briefly discussed above, are also evidenced in the acts committed during the aggression by the Serbs against the Albanian people of Kosova.

In the years 1878-2021, Serbia committed at least 3 genocides against Albanians. Serbia's criminal act in Kosova contains complete and fully expressed features of genocide even in the formal-legal aspect. The Serbian genocidal policy in Kosova has followed the strategic platform of extermination, baptized *Nacertania*, attributed to Ilija Garasani, detailed later in the long-term genocidal plan by exponents such as Pasic, Cubrilovic, Andric, Cvijic, Rankovic, Milosevic, Vucic, etc. The final goal is the biological extinction of the Albanian nation, the expulsion from the ethnic lands, accompanied by the destruction of their property and wealth.<sup>25</sup>

### Serbian genocide in Kosova - historical retrospective

The first news of the Serbian genocide, carried out on a massive scale, belong to at least the beginning of the second half of the 19th century. The chronicles of the time reflect terrible episodes for the extermination of Albanians. One of them is described in real time, by a Serbian author, a direct participant in these campaigns. It is Dimitrije Mita Petrovic, whose book in the form of a diary, remaining a manuscript and published in 1979, describes the bloody tragedies of genocide, ethnic

---

<sup>25</sup> Arsim Bajrami, *Genocidi i Serbisë në Kosovë, aspekte juridike*, ASAK, Prishtina, 2023.

cleansing and the expulsion of Albanians from their lands, which are today in Serbia. According to him, the Serbian army, in the year 1876-1878, in compliance with Belgrade's orders, killed, expelled, forcibly displaced about 300 thousand Albanians, a figure which other studies denounce as far from the historical truth, leading to at least 830 thousand people. Its outcome was the killing of 70 thousand people, who lived in nearly 700 villages and towns, only in the province of Toplica. The author shows how they killed, expelled and displaced the Arnauts (Albanians) from Toplica, Leskovci, Nishi, Vranja, etc.<sup>26</sup>, emptying the lands with an Albanian majority, such as: Jagodina, Kosanica, Piroti, Qupria, Pllana, Krushevci, Surdulica, Prokuplja, Kurshumlia etc. The Albanian<sup>27</sup> population, remaining alive, was forced to move to the south of Kosova and Macedonia. The pages of *the Toplicë Wars 1877-1878* are filled with ethnic hatred, embodied in the burning and destruction of houses, crops, property, kidnapping of people, cruel torture, inhumane treatment, -hunger, thirst, rape, mutilation, murder, cutting beheadings etc. In the aforementioned book, it is written that "there are no Turks/Albanians (remaining) until Prokuple."<sup>28</sup>

The killing and displacement of Albanians was openly announced as a "national mission".<sup>29</sup> "The fewer (Albanians) remain in our country," said Prince Milan of Serbia, "the greater will be the service that will be rendered to the "homeland" and "the more Albanians move, the greater it will be your merits towards the homeland".<sup>30</sup>

Another Serbian author, Aleksa Bogosavlevič, in the book "*For the Albanians*", written in 1897, talks about a more refined form of this crime, that of changing the toponymy, changing Albanian names to Serbian ones, as was done with The White or Golden Coast, replaced, as he says, by the Serbian name Novo Bërda. In this way, a number of other Albanian territories were acted upon, whose names were changed immediately after the invasion by the Serbs.

<sup>26</sup> Dimitrije Petrovic, "*Борбе у Топлицу 1877-1878*", (*Luftimet në Toplicë 1877-1878*), Belgrade 1879. (Quoted according to Sylë Ukshin). The translator of the book, Hamit Gurguri, says that the first book, which included 37 sketches, drawings, photographs, portraits and plans for the war in Javor, which disappeared, was published by the Museum in Çaçak in 1955. The second book dedicated to the fighting in Toplicë, Nis and Pirot, in the years 1877-1878, accompanied by expropriation, displacement and extermination.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> *Historia e Shqipërisë*, Vol. II, Tirana 1965, pg. 145.

<sup>30</sup> Ibid.

## *The Expulsion of the Albanians - Vaso Cubrilovic*

*Deportation (displacement) of Albanians* ", presented under the authority of the Serbian Academy of Belgrade, with the name of the so-called academician Vasa Cubrilovic, <sup>31</sup>appeared on the scene. It was prepared to be made available to the Yugoslav government of Milan Stojadinovic, to which it was handed over on March 7 of that year. Methods of persecution and physical expulsion of Albanians from Kosova to Turkey and Albania are proposed. It is a platform elaborated down to the details for the realization of the ethnic cleansing of the Albanians, aiming at the final solution of the "Albanian problem". It seemed as if Belgrade did not want to reserve any possibility of maneuvering, justifying or denying responsibility for the cruel genocidal policy it had designed to exterminate the Albanians. It was written there, black on white, "if we assume that *the gradual displacement of Albanians* in our continuous colonization is inefficient, then we have only one way out - to *displace* them in large masses". This anti-Albanian platform coincided with the views and attitudes of some of the most extremist, fascist and Nazi Serbian politicians, such as Vojislav Marinkovic, prime minister (1932-1934), Milan Stojadinovic, Dimitrie Lotic.<sup>32</sup>

Cubrilovic's anti-Albanian manifesto received binding legal force, because important parts of it were turned into an institutional platform and official legislation by the Belgrade authorities. It envisaged, among other things, the confiscation of the lands of the Albanians, putting them in severe conditions in order to make life impossible for them and force them to move. Again, the motive was boldly stated, if they were left, they could become "an active national group, extremely dangerous for our (Serbian) national and state interests". <sup>33</sup>*The colonization* of Kosova with 470,000 settlers was proposed, at the same time *the expulsion of 300,000 Albanians* from their native lands, their

<sup>31</sup> 1937, Vaso Cubrilovic: *The Expulsion of the Albanians – Memorandum*, Taken from Iseljavanje Arnauta. Manuscript in the Institute of Military History of the Yugoslav People's Army (Vojno Istorijski Institut JNA). Archives of the former Yugoslav Army (Arhiv Bivse Jugoslovenske Vojske), Belgrade, 7 March 1937, No. 2, Fasc. 4, Box 69, 19 pp. Retranslated from the Serbo-Croatian by Robert Elsie, on the basis of an existing English version. First published in R. Elsie, *Gathering Clouds: the Roots of Ethnic Cleansing in Kosova and Macedonia*, Dukagjini Balkan Books (Peja 2002), p. 97-130.ch.

<sup>32</sup> Sami Arifi, *Projects for the extermination of Albanians in Yugoslavia*, Redaksia 2L ONLINE January 17, 2018.

<sup>33</sup> 1937, Vaso Cubrilovic: *The Expulsion of the Albanians – Memorandum*.

punishment for smuggling, deforestation, damage to fields, for untethered dogs, expulsion from state, private and of communities, confiscation of pastures, mistreatment of their clerics, conversion of mosques into cattle stables, demolition of cemeteries, secretly setting fires in neighborhoods, villages, cities, etc. <sup>34</sup>Pursuant to the " *Deportation (relocation) of Albanians* ", their designation as Turks would be formalized and deportation to Turkey would be organized, according to the "Yugoslav-Turkish Convention", signed on July 11, 1938.<sup>35</sup>

The same picture was repeated after 1948, when thousands of them, victims of Serbian violence and disappointed by the non-resolution of the national issue, left the country and went into exile.

### The Kosova War, 1998-1999, edition of past genocides

The genocidal campaign that Milosevic started at the time of the disintegration of the former Yugoslavia, especially in Bosnia and Herzegovina, was planned to be carried south, in Kosova, where it would appear with very serious consequences. The most recent act, of the anti-Albanian scenario of genocide and ethnic cleansing, implemented during the war in Kosova, in the years 1998-1999, was elaborated and carried out in an almost identical way as 150 years ago. This has also been evaluated by the international factor. It is easily denied by a document dated September 9, 1999 and signed by the UN. It leaves no pretext for accusations of lack of objectivity on the part of the Serbian side and its protectors. In addition, one of the leaders of the group that worked on the identification of the situation in the country and that drafted the Report, was the Czech Jiri Dienstbier, close to and connected to Belgrade. <sup>36</sup>The document in question is called *the Report*

---

<sup>34</sup> Ibid.

<sup>35</sup> According to Akif Bajrami, between 1918-1941, about 240 thousand Kosovars were deported to Turkey, "sold" as Turks. They continued with the genocide against the Albanians still remaining in their territories in Serbia, Vranje, Leskovc, Sanxhak, Nis, etc.

<sup>36</sup> In Jiri Dienstbier, an anti-Albanian tendency was discernible, manifested in his steadfast defense of Serbia and the Serbs. Kadareja, in the article published in *Le Monde*, on December 14, 1999, said that his grandfather, Emil Hajek, had come from Serbia in the 1930s and had founded the Music Academy. Together with a part of his family, he lived in the Czech Republic until he died. His daughter, named Anna Dienstbier, must have been Jiri Dienstbier's mother. Data from other

*of the High Commissioner for Human Rights on the situation of human rights in Kosova (Federal Republic of Yugoslavia).*<sup>37</sup>

The report contains a collection of facts, events, indisputable crimes, which were committed by the Serbs in Kosova during the years 1998-1999 and proves how far the institutional, cynical and inhuman nature of the Serbian regime went.<sup>38</sup> Framed in military, paramilitary and police units, as well as in criminal gangs, strongly indoctrinated and fed with chauvinism, with feelings of ethnic and human hatred, they became expressions of criminal instincts and cruel behavior towards Albanians, with the aim to exterminate, to take away their homeland, land, house, life. Among the cases mentioned is the macabre murder of the lawyer Bajram Kelmendi and his two sons. It is said that "Mr. Kelmendi was asked to kill one of his sons and when he refused, his eldest son was asked to kill his father, but he also refused. Then the police officers asked Bajram Kelmendi which of the boys they should kill first and despite the lawyer's desperate appeal, they shot his two sons and 30 seconds later, they shot him too."<sup>39</sup>

The report contains other episodes, which bring to mind the scenes of the Serbian anti-Albanian past, mentioned above. They completely resemble the Nazi holocaust of World War II. It reads that "In the municipality of Gjilan, on April 6, five men who had returned to their village were ordered by the paramilitary forces to lie down with their faces

---

sources showed that a part of his family circle lived and worked in Serbia, even having important positions in the official and party hierarchy of Belgrade. Dienstbier's aunt (mother's sister) lived in Belgrade and was one of the main leaders of the party of Mira Markovic - Milosevic, while her husband held the post of editor-in-chief of the Serbian newspaper *Politika*.

<sup>37</sup> QUESTIONS OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, Report of the High Commissioner for Human Rights on the situation of human rights in Kosova, Federal Republic of Yugoslavia. Economic and Social Council, Distr. General, E/CN.4/2000/10, 27 September 1999, Commission on Human Rights, Fifty-sixth session, Item 9 of the provisional agenda, Questions of the violation of human rights and fundamental freedoms in any part of the world. Due to its special importance, the author translated the aforementioned report into Albanian and included it almost entirely in his book, Ksenofon KRISAFI, IN GENEVA FOR KOSOVA, Speeches in international institutions (1998-2002), UMSH/ONUFRI, Tirana, 2018, p.179-263.

<sup>38</sup> It is a pity that some of them, filled with indelible human sins, continue to lead politics and the Serbian state even today.

<sup>39</sup> Ksenofon KRISAFI, IN GENEVA FOR KOSOVA, Fjalime në institucionet ndërkombëtare (1998-2002), UMSH/Onufri, Tirana, 2018, p.179-263.

covered and then shot dead. In Smallushë in the municipality of Lipjan, after a first round of mandatory evictions, a group of residents decided to return to their homes. Paramilitary groups and police forces returned to the village and killed them. Similar events were reported in Viti, Verban (Vërban, Viti-Klllokot) and Stagovë. In the village of Gllansellë, municipality of Glllogoc (Drenas), the paramilitaries surrounded the houses, killing more than 45 civilians, mostly elderly women. In Suhareka, up to 350 civilians were killed during the displacement. In Prishtina, while pushing people towards the railway station, the police killed several civilians. In Grashtica, 30 young men were taken out of a caravan and killed. In Kralan, two injured women were asked to get off a tractor and since they could not due to their injuries, they were burned alive on the tractor. In Koliq, Serbian forces opened fire on a group of expelled, killing 91 of them. In the village of Vrbovc, municipality of Glllogoc, after the withdrawal of the KLA, a group of about 50 civilians were captured, ordered to line up, tortured and shot by paramilitary forces. In Skenderaj, after the KLA offensive and subsequent retreat, 5 elderly men were killed. In Pastasel after fighting between KLA and Serbs in the area, Serb forces allegedly, after humiliating and ill-treating 106 people, shot them. At the beginning of April, the police were seen transporting about 40 bodies to Fushë Kosova. Groups of paramilitaries and some Roma were seen in Kaçanik digging pits with bulldozers, after the massacre in the "Reçaku stream". In Slovi, municipality of Lipjan, Serbian forces buried 16 bodies and a day later ordered relatives of the executed to exhume the bodies and rebury them in a cemetery. It is suspected that the Roma buried the bodies of the executed Kosova Albanians in Rezalle, Skenderaj municipality, after they had been exhumed by the Serbian forces.<sup>40</sup>

The Report also states that *"it is reported that Russian mercenaries have been present and active in Kosova on the side of the Serbian forces. The Russians were also present in other places, in Glllogoc, Gjakovë, Skënderaj - the author's lane."*<sup>41</sup>

Women and children were victims of murders and executions.<sup>42</sup> They have been separated from male relatives and exposed to brutal abuse. Furthermore, it appears that young men suspected of being members of the KLA have been interrogated, tortured and sometimes killed regardless of their age. Fourteen interviewees talked about confirmed or suspected rape and many cases of sexual assault. In Çirez, where

---

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

young women and girls had moved, they were taken by the soldiers and raped. In other cases, women have been taken and raped by Serbian soldiers who attacked groups of displaced persons, many paramilitaries boarded a train and raped 10-15 young women in front of everyone, including small children. The rape of Albanian women and girls were not rare and isolated acts, but part of the scenario for the murder and disappearance of an entire people. They were used as an arsenal of war, an instrument of violence for systematic ethnic cleansing. Legally, they were crimes against humanity<sup>43</sup>.

According to numerous reports, it seems that there were systematic cases of mutilation of women, whose ears and fingers were cut off. In Gllanasellë, for example, when the village was attacked, many women were killed and their ears cut off. At this stage it is difficult to determine whether this macabre ritual had a special meaning or was a simple act of sadism."<sup>44</sup>

According to the Report, the displacement and expulsion of ethnic Albanians from Kosova, as cases of ethnic cleansing and acts of genocide carried out by the Serbian forces, "occurred in a climate of lawlessness and total disregard for life and human dignity, which resulted in an extremely high level of violence... (and) indiscriminate executions of civilians were carried out, mainly by police and paramilitary forces."<sup>45</sup>

\*\*\*

In order to apply the criteria of "objectivity" and false impartiality, in certain parts of the Report, some cases of excesses, abuses or crimes committed by individuals, considered members of the Albanian majority, to Serbs, Roma and other ethnic communities. Seen in their entirety and compared to the Serbian "Golgotha" in Kosova, it seems that some of the drafters of the Report had a tendency to build fictitious

---

<sup>43</sup> Crimes against humanity include murder, extermination, captivity, deportation, imprisonment, torture, rape, persecution on political, racial and religious grounds and other inhuman acts. In the Kosova war, they appeared in the form of deportation of the population, massacres, ethnic cleansing, rape, looting, poisoning of wells, hiding of corpses, erasure of identity, misuse of civilians and violent labor, destruction of settlements and land mining.. All of them were part of a scenario prepared and implemented by a complex of political, military, legal, judicial, diplomatic, academic, scientific, cultural and even clerical bodies and institutions.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

symmetry. The emphasis, increase in number and multiplication of illegal activities allegedly carried out by Albanians, was not done by chance. The goal was to diminish the Serbian crimes against the Albanians in Kosova, minimize them in number and degree of cruelty and possibly to be forgotten. They are reminiscent of the efforts made on many occasions by Jiri Dienstbier, the UN Secretary General's special rapporteur for Yugoslavia, who, as has been pointed out in the speeches and official interventions of the representatives of the Albanian state in the HRC forums, appeared in the role of the ardent advocate of Serbia and the Serbs.

The campaign of ethnic cleansing of Kosova, the fascist methods adopted by the Milosevic regime in Kosova and NATO's intervention have also been analyzed by G. Stoessinger, who compares Milosevic's Serbia with Hitler's Germany.<sup>46</sup>

Timothy Garton Ash writes "Milosevic as Hitler: Well, not exactly. Milosevic is the most dangerous European leader of the 1990s. He is a menace, a thug, a post-communist villain who has cynically manipulated nationalism. He has blood on his hands. But his state has neither the power nor the ideological will to conquer Europe. While Germany under Hitler grew larger and larger, Yugoslavia under Milosevic shrank. The element of truth in this analogy is President Clinton's point about appeasement: the longer you put off dealing with aggressive dictators, the higher the price. If we had called Hitler's bluff when he remilitarized the Rhineland in 1936, 50 million lives could have been saved. If we had stood against Milosevic when his forces surrounded the Croatian city of Vukovar in the fall of 1991, perhaps a quarter of a million men, women and children might still be alive. But we - Western Europeans and Americans - did not, and so we now face the prospect of....."<sup>47</sup>

### *Nacertania & The Expulsion of the Albanians in power again*

Organized state terrorism and daily violence by the Serbian authorities in 1998-1999 brought the people of Kosova to the extreme

---

<sup>46</sup> From Hitler's Nazi ferocity, it seems that Milosevic only lacked the gas chambers of Auschwitz and Birkenau, which he compensated by using blast furnaces as mass graves and instead of Jews, he had Muslims.

<sup>47</sup> Timothy Garton Ash, - *The new Adolf Hitler?* TIME magazine, CNN/All Politics with Congressional Quarterly, March 29, 1999.

limits of existence. The government of Belgrade, apart from the deportation of about one million Albanians, killed and massacred more than 12 thousand people, imprisoned, tortured, violated and raped thousands of others, burned and destroyed tens of thousands of houses and agricultural economy, with the hope that it would finally undo Kosova.

The displacements or deportations of Kosova Albanians did not end even in 1999, when the Serbs left the territory of Kosova and their genocidal anti-Albanian power was suppressed. They continue to this day in Presheva, Medvegja and Bujanoc, with the famous process of cleaning the lists. It continues because, in some political circles as well as in international law, this is not called "genocide" by its true name.

\*\*\*

Arguing whether or not Serb crimes in Kosova took the form of genocide can be continued by referring to the criminal codes of the states. As a rule, they punish the murder of an individual with punishments ranging from the most common to the most extreme. While in the practice of some states and international courts, for the crime of genocide, there are decisions that would be too little to call cynical and ridiculous. Because those accused of killing thousands and hundreds of thousands of innocent people have been sentenced to several years in prison. The example comes from the Second World War, which has no precedent in history. At its end, only a few dozen, perhaps hundreds, were sentenced to death or imprisonment. But the death or deprivation of their freedom is never worth nor can it soften the pain caused by the death or maiming of more than 50 million people, which was its tragic balance.

It is true that the issue of the legal qualification of the Serbian genocide in Kosova is not easy to do, if it is insisted that all the elements formally provided as part of the criminal offense be sought and argued. However, the setting cannot be done mechanically, closing the eyes, abstracting from the historical and current reality of Serbian-Albanian relations, as well as from the tragic balance that was briefly exposed on the above pages.

The exposure of the horrifying picture of systematic macabre crimes of Serbia in Kosova makes it unnecessary to reveal other details

about the expressed intention to formally prove genocide.<sup>48</sup> The thousands of victims of Serbian barbarism in Kosova, the cruel crime of genocide and not only that, are expressions of the sad truth that Serbia has become synonymous with genocide and ethnic cleansing.

## The causes of the Serbian genocide against the Albanians

Those who are at the head of the states and whose actions or inactions cause the death of their own citizens or those of other states, try to clear their consciences by staging motives. This is what happened with Serbia. In order to legally institutionalize the platform of the anti-Albanian genocide, the Serbs also elaborated and spread some pseudo-causes, which are actually slanders and low insults. They are the "preamble" of all anti-Albanian platforms thrown into the gutter to indoctrinate the public and inspire Serbian crime phalanxes.

The reasons often used by Belgrade to deceive the world about its systematic crime against Albanians have nothing to do with outlawing war or removing the death penalty from criminal legislation. There are other reasons, not really known, that have to do with the essence of traditional Serbian politics and relations with neighbors.

*First*, the negative labels against Albanians, spread through an intensive propaganda for the creation of a scenario out of nothing, where the hatred and activities, completely untrue, of Albanians against Serbs stand out. "To save" Serbia and the Balkans, these "bad people" must be eliminated.

*Secondly*, there is the claim that Belgrade's anti-Albanian actions against Albanians were "imposed" to protect the Serbian minority in Kosova, which, as Serbia says, does not have basic human rights and freedoms. This too is not a cause, but a pretext without support, because the Serbian minority in Kosova have human rights and freedoms more than any other minority in the world. However, the Serbs with this false pretext have secured the unconditional support of the nationals, not only to escape punishment for the crimes committed, but also to impose as a *conditio sine quoi non*, the request for the creation of the so-called

---

<sup>48</sup> Another reason has to do with the fact that it is almost impossible for researchers to access the files of the Serbian genocide against the Albanians in the Belgrade archives, as long as the followers and collaborators of Milosevic, Aleksandar Vucic, Ivica Dacic, etc. continue to be in power. They are not interested in accessing the Serbian archives of others that might expose evidence of their guilt.

*Association of municipalities with Serb majority* in Kosova, as a permanent diversion to Kosova's statehood. The insistence has nothing to do with Belgrade's sincere interest in the Serbian minority in Kosova, but with its strategic plan for the gradual integration of the Association into the so-called *Serbian World*.

However, in the propaganda as well as in the obscurantist anti-Albanian terror that has gripped Serbian politics, there is no lack of voices that dare to tell the truth. One of them is the Serbian researcher Olivera Milošević,<sup>49</sup> mentioned especially for her critical attitudes towards contemporary Serbian historiography and touching on the national myths of Serbian history. She writes that "with the aggressive policy of the Serbian government towards the Albanians, such relations have been created on the western border of Serbia that in the near future one can hardly expect peace and a stable situation. Even today, this is the only means by which the chauvinist press creates in the Serbian people the hatred towards the "savage" Arnauts, hiding, like viper's feet of savagery, what the Serbian people have done to them."<sup>50</sup> Enough lies, she says, Albanians are autochthonous.

### Belgrade has accepted the anti-Albanian genocide

Anti-Albanian blindness, criminal instincts, ideology and their expansionist policy in Kosova, make it unnecessary to rummage through archives and libraries. Because it is the main leaders of the Serbian state who, not only affirm the authorship of the genocide and every crime they have committed, but have no problem explaining that, through the crimes of genocide, ethnic cleansing, war crimes and crimes against humanity, they have wanted to realize exactly the complete emptying of the Albanian lands. This was openly confirmed to General Wesley Clark, the personification of the Serbian genocide, Milošević, saying that "if you leave us, we will kill all the Albanians as we killed them in 1946".<sup>51</sup> Placed at the head of a state full of sins, he has no problem not only affirming that he will continue the murders of

---

<sup>49</sup> *The Serbian historian "shocks" Serbia with this statement about the Albanians*, VOAL, Voice of Albanians, September 21, 2017. [ZgohuShqiptar.info](http://ZgohuShqiptar.info).

<sup>50</sup> Ibid.

<sup>51</sup> According to Wesley Clark's testimony at the Hague Tribunal, - " *Waging Modern War- Bosnia, Kosova, and the Future of Conflict* " - September 21, 2002 by Wesley Clark.

Albanians, but also confirming that his predecessors have done this before, thinking about the year 1946. His colleague, the deputy prime minister, Vojislav Sesel, said: "If NATO decides to bomb us, if America decides to continue with this aggression, the Serbs will suffer, but there will be no more Albanians in Kosova."<sup>52</sup> As one of the architects of Serbian chauvinism and genocide, he is also mentioned for formulating the principle: "Where there are Serbian graves, it must be Serbian land."<sup>53</sup>

The above statements, coming from the mouth of one of the highest leaders of the state, are another argument to understand the genocidal essence of the Serbian policy towards the Kosova Albanians, carried out in the actions for their expulsion and destruction, as expressed by the former - Secretary General of the United Nations, Kofi Annan<sup>54</sup>.

---

<sup>52</sup> *Vojislav Seseli: Fading promoter of a "Greater Serbia"*, Marija Ristic, Belgrade, *BIRN* March 29, 2016.

<sup>53</sup> *Ibid.*

<sup>54</sup> Kofi Annan says that "the (Serbian) campaign was primarily aimed at removing and killing as many Kosova Albanians as possible". The international community, faced with Milosevic's aggressive policy, came to the defense of the civilian population, which the Secretary General of the UN also talks about in the book - "*Interventions: A Life in War and Peace*", Penguin Books, 2012.

Recalling Serbia's aggression against Kosova, Kofi Annan says that since the 1980s, there were a series of repressive acts that were being carried out in the framework of the silent genocide against the Albanians of Kosova. In the judicial process at the International Court of Justice in The Hague, the Kosovar side stated that only during the years 1990-1995, more than 133 thousand Albanians were expelled from their workplaces, 25 thousand people were expelled from their homes and their businesses were looted, were stolen or burned, 20,000 were mistreated, imprisoned or abused, about 2,000 were killed and more than 250,000 others emigrated to Western European countries due to the risk of existence and survival. While the banning of schools, newspapers, and national radio-televisions was aimed at denationalization, namely the disappearance of national identity. Belgrade also made efforts to change the physical environment, destroying any evidence and presence of cultural monuments and a non-Serbian civilization. The systematic destruction of mosques or Catholic churches was a planned action to annihilate the centuries-long presence of Albanians; the destruction of libraries, schools, as well as various objects of the Albanian national heritage, aimed at the annihilation of a culture, which has been preserved through the national components of the population. This campaign, in which Albanians lived in an apartheid system, aimed to destroy the existence of Albanians and their culture. Human Rights Watch, in a post-war report, notes that the destruction of civilian property by Yugoslav/Serbian government troops in 1999 was widespread. Citing a November 1999 UNHCR survey, it reports that almost 40 percent of all residential homes in Kosova have been severely damaged or completely destroyed.

## The false myth of the so-called "Albanian genocide"

The false symmetry, widely exposed these days, comes from early times, as part of the Serbian national, political, geostrategic strategy and starts when Belgrade was working on the Serbian nationalist platform "Nacertanije", the essence of which was Serbian expansion and the annihilation of its neighbors, especially of Albanians. It was embraced, supplemented, edited and followed by other Serbian nationalists, such as Vuk Stefanovic Karadycic, Jovan Cvijic, Vladan Gjorgjevic, Stojan Novakovic, Nikola Stojanovic, Stevan Molevic, Dobrica Cosic, Vasa Cubrilovic, Pavle Jovic, Antonije Isakovic, Dushan Kanaziri, Mihajlo Markovici, Dejan Medakovici, Miroslav and Nikola Pantici, Radovan Samardzic, Lubisha Rakic, Vasilije Kresic, Miomir Vukobratovic, Stojan Gjelic, etc.

The anti-Albanian ideology and doctrine was converted into a strategic state policy by the architects of the wild nationalist and chauvinistic Serbian politics, the Karadjordjevs, Nikola Pashic, Aleksandar Rankovic, Slobodan Milosevic and currently the group of Aleksandar Vucic.

They have aimed for Serbia to expand, possibly to the borders of Stefan Dushan, to assume the historical role of the Balkan Piedmont and the dominant factor in the peninsula, etc.<sup>55</sup>

The researcher Olivera Milosavljevic, mentioned above, who clearly deals with some of the causes of the permanent Serbian genocide against the Albanians, has clearly and convincingly analyzed, but also with admirable courage, an impressive literature produced by the Serbian propaganda machine, devoted to a false myth about the so-called Albanian genocide.

The very interesting data and analysis that she has presented show Belgrade's efforts to build a symmetry of genocide, ethnic cleansing and imaginary Albanian crimes against the Serbs. The Serbs hope to "save face", completely defiled by their crimes against the Albanians. But, impossible, because unlike what happens with the falsified Serbian scenarios, their real crimes against the Albanians come with horror from

---

<sup>55</sup> According to Xhelal Zejneli, Balkan wars - Serbian crimes against Albanians, in *Ars Albanica*, cultural portal, 2021, *Historiania serbe 'trondit' Serbinë me këtë deklaratë për shqiptarët*, VOAL, September 21, 2017, *ZghohuShqiptar.info*.

themselves, from historians, academics, professors, soldiers, politicians, diplomats, etc, as well as from several dozen, perhaps hundreds of foreign authors.

Belgrade's official policy has cultivated the idea that Albanians are the biggest "enemies" of the Serbian people, because of their "primitivism" and hatred towards them. He became the victim of a "plan for his physical destruction", which caused the Albanian name to be identified with the words "genocide", "oppression", "looting", "rape" from the mid-eighties of the last century.<sup>56</sup> Whereas the Albanian political movement was branded as "agrarian, conquering, revanchist, conservative and nationalist". Its goal was the destruction of the Serbian people through "murders, expulsion, erasure of historical consciousness", appropriation of Serbian land. Proponent of this spirit of hatred, Dimitrije Bogdanovic, deceives by saying that the settlement of Albanians in Serbian lands, from the 17th century until our time, has left "a bloody trail of violence in the historical consciousness of the Serbian people". It claims to have reflected more concrete cases of oppression, massacres, looting and "expulsion of Serbs from their land".<sup>57</sup>

This absurd thesis, without any meeting point with historical realities, has been appropriated and spread with particular zeal by other Serbian authors. One of them, named Radovan Samarxhic, claims that the "Arbanians" - Albanians were pushed by the Turks, as early as the 16th century, to enter the old homeland of the Serbs as a "destructive wedge". They, he repeats, have oppressed the Serbian people with "murder, looting, burning of entire villages, land theft and violent Islamization"<sup>58</sup>. The anti-Serbian acts, assumed to have been committed by the Albanians, but only in the Serbian imagination, called Marko Mladenovic, he calls genocide and apartheid.<sup>59</sup>

Atanasije Jevtic, another "researcher" engaged in the campaign to build this fictitious symmetry, says that for a long time the goal of the Albanians in Kosova has been: "As much land, as many children and as many weapons", because Albanian children are not only "manipulated, but deep down they are filled with hatred for everything that is Serbian

---

<sup>56</sup> Cited according to Xhelal Zejneli, Balkan Wars - Serbian crimes against Albanians, in *Ars Albanica*, cultural portal.

<sup>57</sup> Dimitrije Bogdanović, 1985, quoted according to *Serbian Historiana "shocks" Serbia with this statement about Albanians*, VOAL, Voice of Albanians, September 21, 2017. [ZgjohuShqiptar.info](http://ZgjohuShqiptar.info).

<sup>58</sup> Radovan Samarxhic, 1989:123, 253, cited according to *Historiana...*

<sup>59</sup> Marko Mladenovic, 1989:63-69, cited according to *Historiana...*

and Christian in Kosova and Metohija", due to the "primitive tribal spirit" and "Muslim spirit", educated by their parents and teachers..<sup>60</sup>

Another Samarxhic, named Nikola, part of this anti-Albanian chorus, has "discovered" the wild nature of Arbans, the fantastic power for reproduction, inhuman hatred, bloody orgies, etc.<sup>61</sup>

Miodrag Jovicic, in an article dedicated to Serbs and Albanians in the 20th century, says that Albanians are "arnauts", cruel and robbers, with a tendency to violence and blood.<sup>62</sup> To all levels of the Albanian population "violence has entered their blood, but also hatred towards the Serbian population, which is guilty only of being alive".<sup>63</sup>

Through this vertical look at the above-mentioned publications as well as others, a standardized language can be observed in its lexicon, which is full of venom against the Albanians, who are often referred to as "the blood enemies of Serbia and the Serbs", bearer of "chauvinism and aggressive racism". Normal coexistence with them is impossible, because they feel "deep hatred towards Serbia and the Serbs" and their "genocidal behavior" has a "century-old tendency".<sup>64</sup> The aforementioned Serbian "scholars" write that "at the foundation of all Albanian movements" during the 19th century, lies the open genocide of Albanians "against the Serbian people".<sup>65</sup> It has appeared in "aggressive and destructive violence against everything that was Serbian", in "looting, murder, rape and kidnapping of women", in ethnic and religious intolerance, in "their, occupying and appropriating" behavior.<sup>66</sup> This is what those who claim to be part of the civilized world say, those who named a street in Belgrade after Ratko Mladic, the butcher of the Balkans, the one who barbarically massacred several thousand Bosniaks. This is a gesture and action that speaks and testifies to everything.

---

<sup>60</sup> Atanasije Jevtic 1992:542–544, cited according to *Historiania s...*

<sup>61</sup> Nikola Samardzic, 1990:56, 60, cited according to *Historiania...*

<sup>62</sup> Miodrag Jovicic, 1991a:138–139,143–146,151–153, cited according to *Historiania...*

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

<sup>65</sup> Batakovic, 1992a:453, quoted according to *Serbian Historiania 'shocks' Serbia with this statement about Albanians*, VOAL, Voice of Albanians, September 21, 2017. *Zgjohu Shqiptar.info*.

<sup>66</sup> Jevtiq, 1992:542, quoted according to *Serbian Historiania "shocks" Serbia with this statement about Albanians*, VOAL, Voice of Albanians, September 21, 2017. *Wake up Shqiptar.info*.

## *Operation Horseshoe* – a genuine act of genocide

Among the hundreds and thousands of facts that refute Belgrade's propaganda and that show who committed genocide and ethnic cleansing, is *Operation Horseshoe*, known as part of Milosevic's general strategic plan. By surrounding the Albanians inside a giant horseshoe, it would force them to leave their country, expel them from Kosova. Tearing off any kind of identification, ownership, bank, etc. documents that they might possess at the border would turn them all into nobody, without any opportunity or right to return to Kosova.<sup>67</sup> "Cleaned" by the Albanians, it would be transformed into "*terra pulita*" and, as Cubrilovic had preached in 1937, would be made available to the Serbian settlers. In this way, he would radically "solve" the Albanian problem, to close it once and for all, according to traditional anti-Albanian methods, to the benefit of Greater Serbia.

Part of what was happening at that time, documented by hundreds of eyewitnesses, in addition to the UN Human Rights Commission Report of September 1999, is also found in a special report published by the *New York Times*. on May 29, 1999, titled "*Horror by Design*".<sup>68</sup>

Among other things, it is written there: "This is not your land - you will never see it again", the Serbs shouted to the Albanians, exhausted by terror and fatigue, before they were expelled from Kosova. "Go to your NATO - go to your Clinton."<sup>69</sup> By the end of May, nearly 1 million Albanians had been expelled from Kosova. This was really a literal genocide, while Belgrade's swearing and insults, in defense of its own crimes, are nothing, they are just a banal pretext.

---

<sup>67</sup> John G. Stoessinger, - "Why Nations Go to War", 11th edition, 2010.

<sup>68</sup> *New York Times*, on May 29, 1999, "*Horror by Design*."

<sup>69</sup> Kosova and Milosevic's downfall.



Arsim Bajrami

## GENOCIDE OF SERBIA IN KOSOVA: JOINT STATE CRIMINAL ENTERPRISE

### Abstract

The genocide of Serbia in Kosova carried out during the year 1998/1999 was a criminal enterprise organized by the Serbian state. The very etymology of the crimes of genocide represents a crime that aims at the partial or total extermination of an ethnic group on ethnic, racial, religious or other grounds. The genocide of Serbia in Kosova was planned, organized and implemented with a will and plan of the Serbian state in 1998-1999, when all forms of the crime of genocide were manifested.

Being a criminal enterprise of the Serbian state, Serbia's genocide in Kosova aimed at the ethnic cleansing of Kosova with the deportation of more than one million Albanians, barbaric murders and massacres, with the killing of more than thirteen thousand citizens of Kosova, the burning and the destruction of private property and wealth of Albanians. The goals of the Serbian genocide were the complete occupation of the territory of Kosova, its serbization and the destruction of the ethnic, national and biological substance of the Albanians.

In terms of the UN Convention on the Prevention and Punishment of the Crime of Genocide, five criteria for treating war crimes and crimes against humanity as genocide have been defined. These criteria are standardized, in almost all relevant acts, starting from the Statute of Rome, the European Conventions, up to the criminal legislation of the states, where the criteria for treating a crime as a genocidal crime are practically codified.

There are five criteria which constitute the criminal offense of genocide and in this case we are repeating them: a) Murder of the members of the group; b) Causing serious physical and psychological (mental) damage to members of the group; c) Imposing living conditions, planned for the total or partial physical destruction of the group; d) Imposing measures to prevent simple reproduction within the group; e) Forcible transfer of children from one group to another. These five criteria, of the criminal legal definition of the crime of genocide, in the war in Kosova are all cumulatively fulfilled. Indeed, the brutality of the Serbian genocide in Kosova, seen earlier in the Bosnian war, has influenced the international community to make a preventive intervention with the bombing campaign against Serbia and Yugoslavia in order to prevent irreparable damage to the classic genocide that Serbia practiced in Kosova. The existence of genocide in Kosova is confirmed by the international consensus and the military intervention against Serbia.

*Key words:* Serbia, Kosova, genocide, crimes, ethnic, International Tribunal.

## The context of genocidal politics in Kosova

The starting point of the stages in the pyramid of genocide that were pursued against Albanians in the former Yugoslav Federation are policies of occupation, assimilation, segregation, discrimination, persecution, deportation, preparation for terror, extermination, stigmatizing classification, dehumanization and genocidal denial, which are contrary to international conventions. The policy of the federal government of Yugoslavia was an anti-Albanian policy and caused a great deal of discontent among the Albanians. The explosion of accumulated grievances against the Yugoslav government was expressed through demonstrations and protests in different periods of time, but the most well-known are the massive involvement of the population in the demonstrations of 1968, 1981, 1989 and in succession.

In the period when efforts were made in Europe to overthrow the communist system, in Kosova the Albanians made efforts to improve and advance their status. Peacefully, on March 11, 1981, students demanded improved living conditions and equal treatment with other nationalities in the Federation. The response from the Yugoslav/Serbian army forces against these student demands was brutal. The violent measures that were used against demonstrators in the spring of 1981 by the orders of the Government of the former Yugoslav Federation represented an escalation of the use of violence in an open manner. The persecutions and murders were carried out with the aim of realizing the Serbian genocidal policy against the Albanians, a policy which, in that period of time, took the form of an exercise of transparent genocide. With this genocidal policy that was followed by the then Serbian/Yugoslav regime, genocidal actions were carried out against the Albanians until the end of 1999. This period of time, from 1981 to 1999, proves that the Serbian genocide was a transparent genocide. and it was exercised against the demands of the Albanians for elementary, national rights, which were guaranteed by laws and international conventions.

### Genocide of Serbia in Kosova, joint criminal enterprise (JCE) and genocide of the Serbian state

In criminal jurisprudence 'Joint criminal enterprise (JCE) is typical of crimes on the scale of genocide. Genocide is never a simple crime or murder, which can be committed by an individual. The joint

criminal enterprise which commits genocide usually includes members of a genocidal project, a large number of people, and in particular, political and military leaders, who do not directly commit genocidal crimes. The former president of the ICT for the former Yugoslavia, Antonio Cassese, points out: "in the case of the deportation of civilians or prisoners of war to a concentration camp, a commander can issue the order, some officers can organize the transport, others may take care of food and drinking water, others may conduct surveillance of prisoners to prevent their escape, others may search prisoners for valuables or other items prior to deportation, etc. All participants in such a joint action are equally responsible if they: 1. Participate in the action regardless of their position or contribution and in addition 2. Aim and engage in the joint criminal project".<sup>1</sup> Therefore, all of them should be treated as responsible, although different degrees of guilt may be taken into account at the sentencing stage. The reasoning behind this legal principle is clear: a). each of them is necessary to achieve the final result and on the other hand b). it would be difficult to distinguish within the degree of criminal responsibility except for sentencing purposes.<sup>2</sup>

In international criminal jurisprudence, several types of joint criminal enterprise are known<sup>3</sup>, but the JCE, which committed the genocide in Kosova, represents a model of a criminal group, consisting of the main state and military officials of Serbia, who during the years 1998- 1999 joined the joint criminal group and committed genocide in Kosova.

As stated in the preliminary reviews, the Serbian genocide in Kosova was a plan orchestrated and designed by the highest officials in the state, cultural, educational and religious institutions of the Serbian state with the aim of exterminating the Albanians and ethnically cleansing the territory. of Kosova, and this, in the three state forms of the political organization of the former Yugoslavia, starting from the kingdom of Karagjorgja (the kingdom of Serbo -Croatian-Slovenian), then Tito's Yugoslavia or the Socialist Federative Republic of Yugoslavia and until Serbia after less than thirty years, continuously, therefore, the genocide has been a state project of Serbia.

---

<sup>1</sup> A. Cassese quoted new. C harding 2007. Criminal enterprise, Individuals, Organizations Criminal Responsibility Devon, WILAN Publishing, pg.180. (Anton Vukpalaj, Concealment of Crime, ASAK, pg. 146, Pristina, 2021).

<sup>2</sup> Ibid.

<sup>3</sup> See more broadly about the types of joint criminal enterprises Anton Vukpalaj, " Fshehja e Krimet ", ed. ASAK, page 151, Pristina, 2021).

So, there has been a policy designed, orchestrated and implemented by the Serbian state with the aim of exterminating the Albanians, in order to carry out ethnic cleansing, change the demographic map of Kosova and enable colonization, with the aim of populating Kosova with Slavic population. So, there has been a complete will to continuously lead an exterminating policy towards Kosova Albanians and to exercise systematic terror and violence against them, including: mass murder, imprisonment, torture, ill-treatment, rapes, burning of houses, dismissal from work, looting of property, destruction of cultural and educational institutions, destruction of objects of religious heritage and undertaking a series of other measures in order to destroy the biological substance of the Albanian people and erase every trace of their autochthony in the ethnic territories.<sup>4</sup>

As mentioned in the historical reviews, this policy had three phases of actual implementation:

The first phase was the design or the ideological conception of the genocide, which starts from Ilija Garasanin onwards, when dozens of Serbian projects were drawn up to carry out the genocide against the Kosovar Albanians.

The second period begins mainly from the 90s, where the actual implementation of the classic and unprecedented genocide begins to be finalized and prepared, a phase that begins with the arrival of Slobodan Milosevic in power and the installation of the Serbian nationalism policy that was at the center Albanianophobia or the project of destroying Albanians.

The third phase is the period of 1998-1999, when we also have the concrete implementation of the genocide in the last war, in which Serbia, with its repressive mechanism and apparatus, carried out *de facto* all acts of genocide, these actions defined by the 1948 UN Convention as genocidal crimes. More than 2/3 of the Albanian people of Kosova were subjected to this classic genocide, which attempted to undo Kosova, destroy the ethnic and biological substance of the Albanians and populate it with Serbian settlers from the wars of the former Yugoslavia, such as: Croatia, Bosnia, in order to essentially change the demographic composition of Kosova.

---

<sup>4</sup> See further: Paul Mojzes, "*Balkan Genocides. Holocaust and Ethnic Cleansing in the Twentieth Century*" ("Balkan genocides, Holocaust and ethnic cleansing in the 20th century"), USA, 2007.

In the criminal-legal aspect, the organization of groups for committing genocide, crimes against humanity and war crimes determines that:

1. "Anyone who organizes a group with the purpose of committing any of the criminal offenses from articles 148-156 of this Code shall be punished with imprisonment of one (1) to ten (10) years.

2. Anyone who becomes a member of the group from paragraph 1. of this article, is punished with imprisonment from one (1) to five (5) years.

3. The member of the group from paragraph 1. of this article who presents the group before committing a criminal offense shall be sentenced to imprisonment for up to three (3) years or may be released from the sentence.<sup>5</sup>

If the group is organized to commit genocide, crimes against humanity and war crimes, due to the very high risk of these criminal offenses and for criminal and political reasons, in these cases, the Criminal Code of Kosova provides such an offense as special criminal offense<sup>6</sup>. This solution of the Criminal Code is based on the provisions of the Statute of the Nuremberg Military Court for the trial of perpetrators of crimes in the Second World War. Also, this minimum crime is foreseen in the Statute of the Hague Tribunal and in the Rome Statute of 1998. In the provisions of these statutes, crimes and incitement, organization, agreement and planning to commit crimes and genocide, crimes against humanity and crimes of war. In Article 160, the Criminal Code foresees two forms of committing this criminal offense: 1) organizing a group to commit genocide, crimes against humanity and war crimes and 2) membership in such a group<sup>7</sup>. The organization of the group envisaged in this paragraph is, in fact, a type of preparatory action for committing genocide, crimes against humanity and war crimes. The organization of the group can be expressed with different activities which are undertaken in order to create the group and the conditions for its activity. In the sense of this incrimination, the organization of the group for the commission of the criminal offenses mentioned in this article, for example, can be considered the recruitment of the members of the group, the supply of weapons or tools for

---

<sup>5</sup> Kodi Penal i Kosovës, Article 160.

<sup>6</sup> Ibid., Article 160.

<sup>7</sup> Ismet Salihu, Hilmi Zhitia, Fejzullah Hasani *Komentari i Kodit Penal të Republikës së Kosovës*, edition 1, German cooperation Giz, pg. 797-798, Prishtina, 2014.

the commission of these crimes and other tools necessary for the work of the group, the preparation of the plan for the group's activity, the gathering of the group members in the designated space,<sup>8</sup> etc.

The offense is considered to have been committed with the fact of the creation of the group. The notion of group should be understood in the broad sense, which includes criminal organizations, gangs or any other form of criminal association<sup>9</sup>.

Membership in the group for committing genocide, crimes against humanity and war crimes is the second form of this criminal offense. This form of criminal offense is considered to have been committed in cases where, in various ways, a person manifests his will to become a member of this criminal group and joins it. This can be done with his explicit statement or in a factual manner, respectively with certain behaviors from which it can be unequivocally concluded that the leader consciously and with his will belongs to this group<sup>10</sup>. The perpetrator of these two forms of criminal offenses can be any person. The offense can only be committed intentionally. The content of the intent differs depending on the form of the criminal offense<sup>11</sup>. In this paragraph it is foreseen that if the member of the group presents the group before it has committed a criminal offense on account of the group or has helped the group to commit the criminal offense, he will be sentenced to imprisonment for up to three years, but the court can also release him from the sentence. The possibility of a lighter sentence or exemption from the sentence provided for in this paragraph is optional and is provided for criminal-political reasons in order to stimulate people to reveal these criminal organizations<sup>12</sup>.

Being a criminal state project, the genocide of the Serbian state in Kosova alarmed the international community and the democratic world, which, seeing the genocidal actions of the Serbian government in Kosova, made the largest military intervention after the Second World War, activating NATO bombings on the territory of the former Yugoslavia, including the territory of Kosova and Serbia. This bombing aimed to stop the Serbian murderous machinery, which was carrying out genocide and barbarically terrorizing the Albanian civilian population.

---

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

## Stages of genocide in Kosova

Genocide is a crime that is committed in several stages. Genocidal crimes are prepared and planned for a long time. They are not *ad hoc* crimes, which are committed during a military operation, or interethnic war. In such cases, we are dealing with ordinary war crimes, specifically crimes against humanity. Genocide, as a rule, is planned for a long time, organized and carried out according to a systematic state plan and includes a long process of discrimination, barbaric treatment, whether in legal or political terms. Genocidal crimes cannot be committed by an individual or a criminal group, but only by the state with its repressive apparatus.

The crimes and genocide of Serbia in Kosova have gone through several stages, such as:

1. The ideological conception of Serbia's genocidal policy towards Kosova Albanians;
2. The occupation of Kosova and its occupation by the three Yugoslav political regimes;
3. Discriminatory treatment of Albanians, murders, deportations, - violent riots, massive violation of national rights;
4. The constitutional re-annexation of Kosova after the Bujan Conference;
5. Agrarian reform and colonization policies of Kosova as preparation for genocide;
6. Constitutional discrimination of Albanians in function of the preparation of the genocide;
7. The collapse of the constitutional order, the reoccupation and the institutional destruction of Kosova after March 23, 1989;
8. The placing of Kosova in a state of emergency and the beginning of the first genocidal acts in the period 1990-1997;
9. The actual implementation of genocide during the 1998-1999 war and
10. The current, continuous denial of crimes and genocide by Serbia.

All these phases of the Serbian genocide in Kosova will be treated in this study. On this occasion, we will analyze the stages of genocide according to dr. Gregory Stanton, linking them to the Serbian genocide in Kosova.

Genocide is a crime that is committed in several stages. Scientists say there are ten stages of genocide. The first stage is the division of society into "us" and "them", the second stage is the symbolism of "them", the third stage is the continuous discrimination of "them", the fourth stage is the dehumanization of "them", personification with animals, insects, diseases, the fifth stage is the organization of the genocidal process, the sixth stage is the polarization of the population through propaganda and hate speech, the seventh stage is the preparation of the extermination process, the eighth stage, is the persecution of the victims and the gathering in the places of extermination, the ninth stage, is the process of extermination itself, and the tenth stage, is the denial of the genocide. All these stages are visible and identifiable in the crimes that took place in Kosova, which are commemorated every January 15, on the day when the massacre of Reçak took place, on the national day of commemoration of the Serbian state genocide in Kosova. The denial and non-acceptance of this crime by the Serbian state, along with the non-acceptance and denial of the genocide in Srebrenica and other crimes, seal the final stage of the crimes that have occurred. Genocide can be called by another name, it can be ignored, it can be denied, but it cannot disappear from the collective memory of a people.<sup>13</sup>

### Stages of genocide according to Genocide Watch - the context of Kosova

According to "Genocide Watch" president Stanton, genocide unfolds in eight stages<sup>14</sup>. Let's analyze these eight stages in the context of Serbia's genocide in Kosova.

**1. Classification:** people are divided into "**us and them**"<sup>15</sup>. This process in the case of Kosova was continuous in the former Yugoslavia. Albanians were classified as a national minority with insulting and chauvinistic labels as an unemancipated people, politically unformed and dangerous for the state.<sup>16</sup> Although the third largest nation after

---

<sup>13</sup> Stanton, H. Gregory (2020) "*The Ten Stages of Genocide*".

<sup>14</sup> Dr. Gregory Stanton, President of Genocide Watch, is a research professor in genocide studies at George Mason University, Arlington, Virginia, USA, and Genocide Watch's P resident.

<sup>15</sup> Stanton, H. Gregory (2020) "*The Ten Stages of Genocide*".

<sup>16</sup> This classification, in addition to the denigrating political approach, also had a legal and constitutional character. From the establishment of the RSFJ in 1945, until its disintegration in the 90s, even though the Albanians in the former Yugoslavia were the

Serbs and Croats, Albanians were treated as a national minority and subjected to national discrimination and state terror. Indeed, the classification into "us and them" that Dr. Gregory Stanton uses, in Kosova, stigmatized the Albanians as a low-level people, contesting and denying their national identity and implementing the subjugating and discriminatory policy against them because of their ethnicity. Even this stigma, sometimes takes on an ethnocidal and psychological character, treating "*Albanians as primitive and backward*"<sup>17</sup> as a product of a geographical environment that made them incapable of independent state life.<sup>18</sup> Moreover, another Serbian ultra-nationalist points out that "Albanians have certain psychic features, which make them uncivilized, anarchistic, plundering, rude, broad and without national consciousness. Revenge and fratricide<sup>19</sup> reign among them." This demonization of Albanians in Serbian historiography "with psychological dimensions" has often ended with acts of genocide. With this syndrome, the determinants of the genocide of the Serbian government against the Albanians have been raised.<sup>20</sup>

**2. Symbolism:** "When combined with hate, symbols can be associated with malicious members of victim groups...To combat symbolism, hate symbols can be banned by law, as can hate speech." This stage of preparation for genocide against Albanians was consistent in the former Yugoslavia, which prohibited the identity symbols of Albanians, identifying them with derogatory and insulting symbols and expressions as "terrorists", "irredentists", "separatists", "bigalbanians", "cannibals" and other insulting and derogatory expressions<sup>21</sup>.

**3. Dehumanization:** "Dehumanization enables the overcoming of normal human abomination." Serbia's genocide in Kosova, along

---

third largest nation, right after the Serbs and Croats, they were treated as a national minority in a discriminatory way without collective political rights, which were known to other numerically smaller nations.

<sup>17</sup> Serbian Prime Minister Bërnabic had declared that "Albanians are people who came from the mountains". <https://politiko.al/i-quajti-shqiptaret-njerez-te-ardhur-nga-ma-li-si-i-perzgjjet-gazetari-shqiptar-kryeministres-serbe-video/>.

<sup>18</sup> Vladan Djordjevic, *Arnauti I velike sile*, Belgrade, 1913, p. 39.

<sup>19</sup> Jovan Cvejic, *Balkansko polustrovo i juznoslavenske zemlje*, Belgrade, 1966.

<sup>20</sup> Academician Pajazit Nushi, *Psychosocial determinants of the genocide of the Serbian government against Albanians and their cognitive structure*, ASHAK, 1995, pg. 45.

<sup>21</sup> With dozens of insulting terms, Serbia had created to treat Albanians as a bad race that must be eradicated, such as "nationalists", "irredentists", "Islamic fundamentalists", "siftari", "arnauts", "terrorists", "irredentists", "separatists". ", "albanians", "cannibals" and other insulting expressions with which Albanians were symbolized and stigmatized as a primitive people.

with brutality and state terror, aimed at enslaving Albanians and treated them dehumanizingly and denying them. Dehumanizing treatment as a stage of genocidal treatment aims at jeopardizing biological existence, putting in an impoverishing position, lack of food, living conditions of the victim and other inhumane treatment. Such an approach towards Albanians has been typical for centuries for Kosova Albanians, who have faced enslaving treatment, humiliation and struggle for physical survival<sup>22</sup>.

**4. Organization:** " *Genocide is always organized.* Special military or paramilitary forces are often armed and trained. To pass this stage, membership in these groups must be prohibited by law." This feature of the genocidal action in the case of Kosova is very transparent and universally known, because the Serbian state has been the originator, organizer and implementer of genocidal policies against the Albanians of Kosova. The Serbian genocide in Kosova has been a state enterprise and an organized genocidal crime, for the implementation of which all state and military resources have been mobilized, including the black cell and the selective arming of the civilian population in order to implement the project genocidal. Moreover, the regular military forces, informal criminal formations, mobilized Serbian citizens and drawn weapons have been specially trained on how to commit genocidal crimes against Albanians.<sup>23</sup>

**5. Polarization:** "Hate groups spread polarizing propaganda. Stopping this is achieved through the protection of moderate leaders or the help of human rights groups." Polarization as a feature of the Serbian genocide was created through media propaganda orchestrated by the state in order to stigmatize Albanians on ethnic grounds and create public opinion about the reasonableness of collective repressive treatment towards them. In the context of this genocidal treatment,

---

<sup>22</sup> The dehumanization of Albanians after the 90s, after the mass dismissal of Albanians from work after the Serbian occupation, has been a massive phenomenon that has affected the identity and personal and family integrity of many Albanians. Faced with apartheid and segregation policies, Albanians faced extreme poverty and a struggle for biological survival. Not a few intellectuals, even university professors in the struggle for existence abandoned their professions and worked as taxi drivers, market sellers, manual workers, etc. This dehumanizing approach, according to the Genocidal Plan, was aimed at enslaving the Albanians and forcing them to abandon Kosova in the struggle for existence.

<sup>23</sup> In addition to the organization of the genocidal plan, in Serbia during the years 1998-1999, all state resources were available for the implementation of this genocidal campaign.

Serbia has always been looking for the so-called "honest Albanians ", who oppose their own nation and serve as loyal puppets to legitimize genocidal actions.<sup>24</sup>

**6. Identification:** "Victims are identified and separated on the basis of ethnic or religious identity... At this stage, a genocide alarm must be called..." The object of the Serbian genocide was the citizens of Kosova identified as Albanians. So, not the political, social and cultural beliefs, but their identification as Albanians and their genocidal qualification as an "evil race", which must be eradicated with all available means. The century-old state of repression, the barbaric and cruel murders, the morbid inquisition against Albanians has its origins in their ethnic identification as Albanians.<sup>25</sup>

**7. Annihilation:** the Serbian genocidal enterprise in Kosova aimed at the collective physical annihilation of Albanians, their extermination and the prevention of their return to ethnic lands, with the aim of erasing the memory of their collective existence in Kosova. Later it will be seen that the genocidal operation "Horseshoe" had as its main goal the annihilation and collective extermination of Albanians from their ethnic lands and the population of Kosova with Serbs and other non-autochthonous peoples.<sup>26</sup>

**8. Denial:** "Perpetrators... deny committing any crime... The response to denial is punishment by an international tribunal or national court."<sup>27</sup> Denial of crimes and genocide is a form of complicity in crime and genocide. Some criminal legislations sanction the denial of genocide as a crime against humanity and foresee high penalties for the perpetrators of this criminal act.<sup>28</sup>

---

<sup>24</sup> Serbian tendencies to polarize Albanians on religious grounds as Christians and Muslims, as "pacifists" and "terrorists", as moderates, honest or as radicals and nationalists had failed, because Albanians as a nation were victims of genocidal policies and these attempts by the Serbs to insult the Albanians had failed.

<sup>25</sup> During the campaign of genocidal actions, Serbia had identified the Albanians as a nation that had to be exterminated by genocidal methods. Other ethnic groups, which traditionally live in Kosova, were not the target of genocidal actions.

<sup>26</sup> The annihilation of Albanians from their ethnic territories meant their institutional decomposition and depravity, violent deportations and measures to prevent their return to ethnic territories. This was done with the aim of ethnic cleansing, occupation and democratic change of the population of Kosova.

<sup>27</sup> Stanton, H. Gregory (2020), *ibid*.

<sup>28</sup> Serbia not only committed genocide in Kosova, but it continues to deny the crimes committed against Albanians and the destruction of the state of Kosova, threatening it with constitutional aggression and re-occupation.

In the case of Kosova, genocide denial is an official policy of the Serbian state. Not only has it shown no reflection on state responsibility for the crimes and genocide in Kosova, but Serbia currently denies the crimes committed and continues with the genocidal rhetoric of the 90s. Starting from President Vucic, up to other Serbian officials at the level of Serbia, but even those in Kosova continue to deny the committed genocide and continuously incite ethnic hatred against Albanians. On the other hand, the protagonists and perpetrators of the genocide in Serbia are mythologized as national heroes and their names are portrayed and mythologized in Serbian folklore and religious iconography and other forms.

### Serbia's genocidal plan in Kosova<sup>29</sup>

An essential element of genocide is the existence of a genocidal plan. The Genocide Convention, in addition to the 5 constitutive criteria of the criminal offense of genocide, foresees the existence of a genocidal plan or project as an essential element. Even Rafael Lemkin, as well as other researchers who have studied the theoretical aspects of genocide, emphasize the existence of a genocidal plan, as an official plan, as a constitutive and main element for crimes and genocide from the state.

In its initial approval, as an international law, at the Geneva Congress, Rafael Lemkin, founder of the criminal offense of genocide, said: "genocide does not mean the immediate destruction of a nation unless the mass killing of all members of a nation is achieved. On the contrary, genocide means a coordinated plan of various actions aimed at destroying the essential bases of life of national groups in order to destroy the groups themselves. The purpose of this plan is the dissolution of political and social institutions, cultural, linguistic, national feelings, religion and economic survival of national groups and the destruction of personal security, freedom, health, dignity and even the lives of individuals who are part of such groups<sup>30</sup>". Even according to eminent Albanian professors of criminal law, prof. Ismet Elezi and prof.

---

<sup>29</sup> As this study is the first of its kind in Kosova, which claims to debunk Serbia's Genocide Plan in Kosova, this analysis reflects the author's personal views and is not based on any official or unofficial sources.

<sup>30</sup> Raphael Lemkin, \* Axis Rule in Occupied Europe (Wash., DC: Carnegie Endowment for International Peace, 1944), p. 79.

<sup>257</sup> Sidorela Jança " Çfarë është GJENOCIDI? ".  
[https://www.academia.edu/6971739/What\\_is\\_GENOCIDE](https://www.academia.edu/6971739/What_is_GENOCIDE).

Ismet Salihu, as a condition for the existence of genocide is " *The implementation of a premeditated plan, which aims at the total or partial destruction of a national, ethnic, racial or religious group, directed by the organs of a state*"<sup>31</sup>

The genocidal plan must present an official state project, which involves a <sup>32</sup>state-orchestrated campaign against a group, namely the nation, with the aim of exterminating it and damaging its essential biological substance.<sup>33</sup> Serbia, before starting the last stage of the implementation of the genocide, during the years 1998/1999 had operationalized in detail the genocidal plan against the Kosovar Albanians. That plan aimed at ethnic cleansing and state violence with features of classic genocide. Finally, as we have emphasized earlier, genocide can be committed even in peacetime when genocidal policies are applied to an ethnic group or nation.

Serbia's Genocide Plan in Kosova does not represent a single codified document. Since this study represents the first research project on this topic, we will try to break down the elements of the genocidal plan. There are ten main elements of this plan.

1. Political platform of GP
2. Police-military operational plan
3. State and military consensual
4. The bearers of the implementation of the Genocidal Plan
5. Genocidal Plan Methodology
6. The time period of the implementation of the Genocidal Plan
7. Objectives of the Genocidal Plan
8. Financing the Genocidal Plan
9. Disappearing traces of genocide
10. Genocide denial

## 1. The political platform of the Genocidal Plan

The political platform to commit genocide was built historically as part of the chauvinist and fascist ideology towards Albanians.

---

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> See more extensively dr. Gregory H. Stanton, " The Purposes of Genocide Research ", 2014.

Serbia, through the ideology of Serbian orthodox clerofascism, has devised all the projects of the Serbian governments to conquer, annex, through genocide, the Albanian territories. At the core of that great Serbian ideology, with a special focus of Albanianophobia, was and strongly continues to be hatred towards Albanians, as a race, as human beings and, above all, as a nation. There are notes that there are at least 24 open and secret plans and programs for the extermination of Albanians, starting with Ilija Garasanini "Nacertania" (1844); "Gorski vijenac" by PP Njegosit (1846); "Srbi svi i svuda" by V. Karadzic (1849), the projects of Jovan Cvijic (1912 and 1921), elaborated later by Vasa Cubrilovic in his essay: "Manjinski problemi u Jugoslaviji" (1937; 1944); "Elabo rat o Albaniji" by Ivo Andric (1939); "Homo gena Srbija" by Stevan Molevic (1941); Drazha Mihajlovic's chetni program (1941); until the "Horseshoe" Plan (1999) for the disappearance and expulsion of all Albanians from Kosova. For the concept of "Greater Serbia", the political, intellectual and ecclesiastical elites have prepared numerous platforms, plans and programs, which the state has implemented at the appropriate time, committing macabre crimes, on the scale of genocide. The "Blue Book" and the "SASA" Memorandum" were part of this ideology.

## 2. Police-military operational plan

The second element of Serbia's genocidal plan in Kosova was the police-military operational plan for the implementation of the Serbian political platform for the genocide campaign in Kosova. This plan was prepared in the highest military and police circles of the SC of Yugoslavia and Serbia. It involved a series of military and police operations to reoccupy Kosova, starting the genocidal campaign and realizing other objectives of the genocidal plan. The plan began to be implemented on July 5, 1990. Three days after the announcement of the Constitutional Declaration of July 2, 1990, by decision of the federal Assembly and the bodies of Serbia, special police units were sent to Kosova. Initially, Serbia occupied all the legitimate institutions of Kosova, forcibly removing the Albanians from their workplaces with police forces, to continue with the installation of violent measures and police control of all public institutions of Kosova. After the ethnic cleansing of the institutions and their occupation, Serbia, in preparation for the genocidal campaign, continued the policy of state repression, which intensified especially after the end of its aggression in Slovenia, Croatia and Bosnia and Herzegovina. The loss of Serbia's three aggressive wars led it to concentrate

more than 100,000 military and police troops in Kosova. In the name of the "alleged war against the KLA" they started the campaign of ethnic cleansing and other genocidal actions. These bodies were joined by criminal groups (pre-military formations) from Croatia and Bosnia, who, according to a state plan, would commit the most barbaric crimes in Kosova against Albanians. The public appearance of the KLA was a pretext for Serbia to begin the last phase of the genocidal plan. We must remember that within just one decade, that is, within the years 1990-1999, Serbia decreed 4 projects that had as their goal not only the propaganda war, division, surveillance, criminalization, but also the genocide and depopulation of Albanians:

- The "Scissors" project, which had the objective of infiltrating and controlling life and the political scene of Kosova;

- The "Rat Bite" project, which had the objective of infiltrating and destroying the Kosova Liberation Army;

- The "Horseshoe" project, which aimed at the definitive ethnic cleansing of Kosova;

- As well as the plan known as "Leopard" through which was an implemented and synchronized method by the Serbian army, police and military: "intimidate and attack, put defenseless people in the village or in a city neighborhood in basements, so that then the whole population moves out of fear".

### 3. State and military consensus

The Serbian genocide in Kosova was orchestrated by the Serbian state. The 1998-99 war was, in fact, the third phase of Serbia's genocidal project in Kosova when, in fact, it was the actual implementation of Serbia's official policy to destroy Kosova and the Albanians. This plan was designed in the highest state military, political and religious circles of Serbia. The plan had sophisticated all the violent actions of the Serbian state that it would undertake against the Albanians for genocidal purposes. It can be said that, in the military aspect, that plan was worked out in the highest circles of the Serbian army and that it was like a secret plan that was mainly known to the Serbian head of state, military and people closely informed about genocidal policies of Serbia in Kosova. The so-called plan, or coded plan "Horseshoe", was emphasized above. This plan was also discovered by international institutions and meant the

mass murder of Kosova Albanians, ethnic cleansing with the violent penetration of Albanians outside the ethnic borders of Kosova. The plan was based on the "scorched earth" policy and among taking a series of repressive measures with the aim of exterminating Albanians due to their ethnicity, destroying all Kosova institutions and taking other measures with the aim of losing their identity of Kosova Albanians and preventing their desire to return to the territory of Kosova. The "Horseshoe" plan, for which two years earlier a former Macedonian communist leader, Kiro Gligorov <sup>34</sup>, had warned that a mass exodus of more than a million Albanians to Macedonia was being prepared, was kept secret and it became transparent at first of the war in Kosova. With the beginning of the war, Serbia activated the repressive apparatus with murders, massacres, torture, burning of villages and towns of Kosova, destruction of public and private property, violent deportation of Albanians to Albania and Macedonia. With massive ethnic cleansing, looting of Albanian properties and taking measures to eradicate the identity of Albanians, it was intended to achieve one of the goals of the genocide, the prevention of the desire of the Albanian people of Kosova to return to their centuries-old ethnic lands in Kosova.

Mass crimes, the killing of thousands of unarmed Albanians, old men, women and children, the looting of their property, the burning and destruction of Albanian homes, ethnic cleansing and the displacement of the Albanian population from their land - Kosova (1998-1999) and the rape of thousands of Albanian women, were not accidental-spontaneous actions, but organized and well planned by Serbia as a state. The genocide in Kosova was carried out according to a collective state plan, which Milosevic's criminal headquarters had named "Potkovicica" - the "HORSESHOE" plan.<sup>35</sup> In the realization of this infamous plan, Serbia mobilized all human and technological resources, such as: the state administration, public transport, financial means, the media, the judiciary and above all, the extensive military-police and paramilitary structure. Starting from the military corps of Prishtina, which constituted the superstructure of the Third Serbian Army in Kosova, the

---

<sup>34</sup> Kiro Gligorov was the leader of the LKJ in Yugoslavia and Macedonia. Much earlier, he had knowledge of the Serbian genocide plan "Horsehoe" and had warned about the humanitarian crisis, which would hit Macedonia with the violent deportation of about 1 million Albanians to Macedonian territory. For the first time, he made public the information about Milosevic's "HORSESHOE" plan that was creating "colliding corridors".

<sup>35</sup> Sheradin Berisha, *Gjenocidi si krim kundër njerëzimit dhe përmasat e gjenocidit serb në Kosovë (1998-1999)*.

21st Corps of Nis, the 37th Corps of Uzice, the 24th Corps of Kragujevac, the Special Corps and the 1st Army of Belgrade, the 2nd Corps of Podgorica, the structures of the Ministry of Internal Affairs of Serbia, the regular police of Kosova, the special forces of the police. Also, part of the repressive apparatus were the so-called anti-terrorist forces, the Serbian Security Service (UDB), and the so-called paramilitary units, "Scorpions", "Arkan Tigers", "Beli Orlovi" (White Eagles) of Vojislav Sesel, "Red Berets", local criminal units, etc.<sup>36</sup>

From the criminal-legal point of view, the genocide of Serbia in Kosova represents a state crime committed with the will and full will of the Serbian state through its state, political, military institutions and the brutal repressive mechanisms that were used for this matter. The Serbian state, with its policy of genocide towards Kosova, had built a complete consensus of Serbian society, similar to the situations of fascism in 1941-1945, creating false causes for the alleged endangerment of Serbs in Kosova, similar to what it had done even Hitler's Germany at the time of fascism. From the criminal-legal point of view, the perpetrator of the act of genocide in Kosova is the Serbian state itself. And the individuals who directed the policy of the Serbian genocide in Kosova, starting with the president Milosevic, the government, the parliament, the military structures, the coalition, then the so-called informal formations, were the extended hand or instruments of the Serbian state, implementing the national genocidal plan against Albanians. Based on this, the criminal responsibility for the genocide perpetrated by Serbia in Kosova belongs to the Serbian state as a legal entity and as a state subject. Whereas the individual responsibility for crimes and genocide is charged to the persons or individuals who led the campaign of genocide, either in terms of political and state direction, or the practical implementation of genocidal actions. It is very easy to prove that the genocide of Serbia in Kosova was a state plan designed in detail, stages and concrete forms of its implementation. From 1990 - 1998, this plan began to become transparent and implemented in stages. Initially, in the first phase from July 5, 1990, Serbia destroyed the autonomy of Kosova, which was established on the basis of the Constitution of 1974, reoccupied Kosova again and staged a constitutional coup by occupying all the constitutional, legitimate institutions of Kosova. After the reoccupation of Kosova, the declaration of the state of emergency and the taking control of all the institutions of Kosova, Serbia implemented the policy of ethnic cleansing, dismissing hundreds and thousands of

---

<sup>36</sup> Ibid.

Albanians from work, closing all state institutions, governments, educational, cultural, informative, health and other actions which were genocidal actions combined with a classic apartheid and discrimination of Albanians on ethnic grounds.

Immediately, after the reoccupation of Kosova, the Serbian state began to implement repressive policies against the Albanians, which aimed to prepare the factual momentum for the classic implementation of the Serbian genocide in Kosova. With this, the last and third phase of the actual implementation of the genocide began. Of course, at this stage the Serbian state implemented all its state plans to achieve the full objectives of the genocide. From the point of view of International Criminal Law, the Serbian state during the years 1998-1999 used and implemented all brutal methods of genocide, defined by the 1948 UN Convention on Crimes and Genocide.

#### 4. The bearers of the implementation of the genocidal plan

Serbia's state genocide exercise in Kosova was renewed by the highest state institutions of this country. In the genocidal pyramid scheme, Slobodan Milosevic was at the head of this criminal enterprise. He managed to homogenize the Serbian people and Serbian society in his genocidal project towards Kosova. He was put in charge of a pyramid scheme, which, on the basis of Serbian nationalism and chauvinism towards Albanians, began the classic and factual implementation of the genocide in Kosova. Along with Slobodan Milosevic, in the institutional chain of the Serbian genocide was the Serbian government, the Serbian Parliament, the regular army, the police, informal criminal formations funded by Serbia, the Serbian Orthodox Church, the Serbian Academy of Sciences, political parties, whether those of position or opposition and all other political and non-political institutions of the Serbian state.

The hierarchy of the Serbian genocide in Kosova represents a chain, institutional criminal scheme which, according to a loose order, could look like this:

1. Slobodan Milosevic, president of Serbia, leader and main orderer of the genocide;
2. The Assembly and Government of Serbia

1. The People's Army of Yugoslavia converted into the Army of Serbia, as a direct implementer of the occupation of Kosova and perpetrator of genocidal crimes;
2. The Police of Serbia with all its special units,
3. Informal criminal units,
4. Serbian Orthodox Church,
5. Members of the so-called territorial defense in Serbia;
6. The local Serbs of Kosova
7. Mercenaries
8. Serbian media in the lead with RTS, Gazeta, "Politika", etc.

## 5. The methodology of the genocidal plan

The methodology of the implementation of the plan for genocide has been worked out in detail and all the crimes have been committed according to a previously seen scenario. Furthermore, in the wake of the genocidal campaign, Serbian President Milutinovic had introduced a package of decrees with legal force, which were in function of the implementation of the genocide. Even the ICTY in the case of the accusation of the leading group of the genocide (Milosevici and others) had emphasized that these decrees, issued during the war in Kosova, were in function of ethnic cleansing, violent deportations, the disappearance of the identity of Albanians and crimes of others.

Within the methodology of the implementation of the genocidal plan, the criminal actions that would be carried out were initially divided: regular military formations, special police forces, criminal groups (paramilitary) coming from Croatia and Bosnia and local Serbs. So, there was a detailed plan of criminal action and a detailed division of the commitments of each segment of the genocidal apparatus that followed two criteria:

- a. The territorial criterion
- b. The type of genocidal crimes

According to the territorial criterion, the forces of the regular army were positioned throughout the territory of Kosova, in particular, in the areas where the KLA was conducting a defensive war. Entire garrisons of the federal and Serbian army were deployed in all municipalities of Kosova, particularly in Drenica, Dukagjin, Pashtrik,

Llap and other areas where the KLA operated. The specialized police units had several bases of stationing, and operated with mobile methods, carrying out massacres, violent deportations and mass burning of villages and towns in Kosova. Meanwhile, the informal units and criminal gangs, according to the division of labor with the genocidal plan, were the executors of the most serious crimes, massacres, burning of corpses, sexual rapes, burning of villages and cities, mass looting and other crimes. Everything was planned and coordinated in detail, from the division of labor and the areas where the genocidal actions were carried out to the sophisticated criminal coalition of the regular army, special police and criminal gangs. The system of ethnic cleansing of Kosova was elaborated and implemented meticulously: villages were shelled, the police, the army and paramilitaries of various colors entered, they killed and drove people out of their homes, they looted everything that could be taken and carried: money, cars, tractors, motor cultivators, cars, furniture and then they sprayed them with gasoline and set the houses on fire, sometimes with the people inside. Police and paramilitary, among whom there were also many criminals from the Bosnian and Croatian wars, came to Kosova to kill and loot. They also shared the loot with their commanders.<sup>37</sup>

Common elements of this criminal protocol were:

- The indiscriminate killing of Albanians,
- Indiscriminate barbaric massacres of civilians,
- Cremation,
- The burning of villages and towns,
- The siege of villages and cities,
- Gathering of the inhabitants of the villages in one place,
- Classification of residents by age,
- Indiscriminate execution of men aged 18 to 70,
- The collection of corpses and the operation of transporting them to mass graves in Serbia.
- The extraction of Albanian girls and women from the crowd and their sexual violence,
- Killing children in the presence of their families,
- The creation of columns and the deportation of civilians across the border, in Macedonia and Albania,

---

<sup>37</sup> Adil Fetahu: Narrativ real për politikën gjenocidale serbe kundër shqiptarëve, 02/03/2022.

- The use of trains and the railway line Prishtina-Fushë Kosovë-Skopje for the violent deportation and the emptying of Kosova,
- Looting citizens' property during forced deportation, taking money, gold and other valuables,
- Taking and burning personal documents: identity documents, driving licenses, passports and other personal documents for the purpose of irretrievability,
- Other criminal acts.

Even the High Court in Belgrade, the unit for war crimes in Case K-PO 2 number 48/10, confirms the existence of the genocidal scenario which has been widely applied in genocidal crimes throughout the territory of Kosova. In the judgment by which the criminal group is declared guilty and punished, among other things, it is stated that this criminal group:

- launched attacks against civilian residents, which resulted in the death and serious injury of many civilians and the looting of civilian property, family homes of Albanian civilian owners were searched, these civilians were evicted from their homes and forced those who gather, in one or more places in the attacked villages, where they have violently separated the capable military persons, the males, and killed them <sup>38</sup>;

- They shot behind the head and in front of the feet of civilian residents of Albanian nationality and forced them to leave their residences on foot or in tractor trailers, due to war-related reasons;

- Illegally and willingly, they looted the wealth of civilians in a large measure, which is not permissible for military needs, they burned the houses of Albanian families so that the evicted residents have nowhere to return.

Meanwhile, in the villages of Qyshk, Plavlan and Zahaq, they took the personal documents of the civilians, which they destroyed and looted the civilians of Albanian nationality, they burned the remains of the killed civilians, in order to make it impossible to carry out their identification to hide the murders committed <sup>39</sup>.

---

<sup>38</sup> Republic of Serbia High Court Belgrade, Unit for War Crimes, K-po 2 number 48/10, point a, date 11.02.2014 Belgrade, Ustanicka 29.

<sup>39</sup> For the crimes of this infamous group, which has committed macabre murders in the villages of Qyshk, Plavlan and Zahaq, they have been accused; Miladinovic Toplica, Popovic Miladinovic, Srecko Katranovic, Bogicevic Borban, Sokic Abdullah, Nikolic Milojo, Momic Ranko, Misic Ranko, Misic Sinisha, and Bulatovic Dejan.

In the judgment of this macabre case, among other things, it is said that "they deprived the civilians of their lives, shooting at them with their rifles and after having carried out the shooting, the accused Milojko Nikolic, stepping on the bodies of the corpses and the wounded, he slaughtered and confirmed which of the shot dead was showing signs of life and opened fire on their heads with his automatic rifle and deprived at least 42 people of their lives.<sup>40</sup>The following actions are mentioned as typical actions and scenarios of the genocidal protocol in this case: murders, massacres, burning of corpses, siege of villages and separation of men and adults from the crowd, mass killing and shooting of civilians, violent deportation to Albania and Montenegro, looting of civilians, disappearance of identity documents, burning of houses and other criminal acts. This infamous group has implemented almost the same genocidal scenario in all the villages of Dukagjin.<sup>41</sup>

Based on this, we can conclude that genocidal crimes have almost the same scenario throughout the territory of Kosova. There were even protocols for this criminal scenario written by the army based on the decrees issued by the then President Milan Milutinovic during the war. For the realization of this genocidal scenario, 4 repressive echelons were engaged:

- SAF and the Serbian army stationed in the strategic points of Kosova for allegedly fighting the KLA;
- Special units of the Serbian police stationed in many police stations and engaged in the campaign of systematic crimes in the entire territory of Kosova;
- Criminal groups (paramilitary formations), which, according to the division of duties with the GP, were responsible for the most barbaric crimes against civilians, massacres, burning of corpses, burning of villages, violent deportations, looting, etc.;
- Local Serbs and Russian mercenaries, who cooperated with the three aforementioned criminal structures in the genocidal campaign.

---

<sup>40</sup> Ibid.

<sup>41</sup> In the end, the Court convicted the members of the group as follows: Toplica Miladinovic, the accused. Dejan Bullatovic and the accused, Milojka Nikolic, with a prison sentence of 20 years, the accused. Toplica Miladinovic, the accused Ranko Momic with a prison sentence of 15 years, the accused Abdullah Sokic with a prison sentence of 12 years, the accused Srecko Popovic with a prison sentence of 10 years and the accused Slavisha Kastratovic and Boban Bogicevic with a prison sentence of 2 years.

The genocidal crimes protocol listed the actions and crimes that should be committed, starting from mass murders and barbaric massacres against civilians, the siege of villages and neighborhoods, the classification of civilians by age, their execution, the burning of corpses, the deportation of violently to Albania and Macedonia, burning of identity documents, mass separation of young girls and women and their sexual violence, looting of civilians (theft of money, gold and other ornaments) and their property (theft of cars, televisions, valuable electrical appliances, etc.), the burning of villages and cities, as well as other criminal crimes.

## 6. Time period of implementation of the plan

In terms of time, the genocidal plan was implemented during the years 1998-1999, until the signing of the Kumanovo Agreement, when Serbia accepted the capitulation conditions set by NATO. During these two years, within the framework of the genocidal plan, Serbia has implemented the genocide campaign in Kosova, committing all the crimes, as recognized by the CPPCG of UN. During these 2 years, Serbia has committed more than 400 massacres in the entire territory of Kosova, deported more than 1 million citizens and implemented the "Scorched Earth" scenario in Kosova.

## 7. Objectives of the genocidal plan

The genocidal plan had these main objectives:

- Mass killings of the civilian population in Kosova;
- Massacres against the civilian population;
- Deportation and depopulation of Kosova;
- Changing the demographic composition in Kosova;
- The destruction of the identity of the Albanians and the impossibility of their return to the ethnic territories;
- Looting of public property and private property of Kosova citizens;
- Sexual violence against Albanian girls and women;
- Mass graves in Kosova and Serbia;

- The disappearance of the traces of the genocide by burning and disposing of the corpses in the entire territory of Kosova;
- The transfer, through the police and military units, of the corpses to the mass cemeteries in Serbia, all with the aim of erasing the traces of the genocide;
- The looting of pension funds, other public funds, the destruction of economic enterprises and other assets in Kosova;
- Genocide denial by hiding criminals and other executors of genocidal crimes;
- Other genocidal actions defined in the genocidal plan.

## 8. Financing the genocidal plan

The genocide of the Serbian state in Kosova, as a state crime, was directly financed by the state of Serbia, which mobilized all available resources to carry out this criminal project. The Serbian state mobilized all its military and police potential of regular and informal formations, also mobilizing the population, in order to realize the genocidal project. This criminal enterprise was financed directly from the budget of Serbia, which provided all the funds for the execution of the genocide. Even the so-called paramilitary formations, for which we emphasized that they were *de facto* informal criminal formations of Serbia, were directly financed by the Serbian budget in various forms, either in the form of donations that Serbian public enterprises gave to these criminal organizations, either by making available to them the resources of the regular army, or even from the funds created by the looting of state, public and private property in Kosova. Being a state enterprise, the genocide of Serbia in Kosova, in all segments of its implementation, was directly financed by the Serbian state.

Serbia, as the organizer, executor and financier of the genocide, in addition to the responsibility for committing the genocide, is obliged to bear all the damages caused by the war in Kosova and to return all the looted property during the war. Kosova, in addition to the lawsuit for genocide committed by the Serbian state in Kosova, at an appropriate political moment, must inevitably also address the demand for the payment of war damages, war reparations, the return of funds and tools looted in Kosova. This is a legitimate request of Kosova to Serbia. Serbia, as the loser of the war, plundered all existing funds in Kosova

and at the same time caused irreparable damage to family economies, public enterprises, thus damaging the public property of the Republic of Kosova.

## 9. Disappearance of traces of genocide

The disappearance of the traces of the genocide was the last stage of the genocidal plan. It is universally known that the strategy of concealing the crime of genocide is aimed at avoiding the direct or indirect responsibility of those who are involved in committing the genocide during 1998. The Serbian occupying forces, the Albanian troops, after killing them, burned them in their houses and yards in wells of drinking water or lime pits, buried them in mass graves and exhumed them to disappear without a trace. During 1999, a large part of the corpses of Albanian civilians (children, women and old people) killed and massacred by the Serbian occupying forces were transported by refrigerated trucks to Serbia, being buried in secret mass graves in police training grounds of the Serb-Yugoslav police and army. This criminal action was aimed at erasing and destroying the evidence of Serbia's genocide against Albanians. All this was done in the framework of the secret operation "Cleaning" ("Ciscenje"), for which Milosevic and his "Strategic Headquarters" had already decided in March 1999. In that operation, for the disappearance of traces of crimes, the highest state structures of Serbia and the former Yugoslavia (FRY) have participated.

Until now, in these secret massive graves in Serbia, the bodies and remains of about 1,000 Albanian civilians from different parts of Kosova have been found, some of whom had been exhumed from Kosova to Serbia, but there were also bodies of Albanians. killed, that these massive secret graves had their first graves <sup>42</sup>.

At the time when Serbia committed genocide in Kosova, Aleksandar Vucic, in the capacity of the Minister of Information in the then government of Serbia, and Ivica Dacic, in the capacity of the spokesperson of Milosevic's Socialist Party, were the two political figures most engaged in the strategy of hiding the traces of the Serbian genocide against the Albanians. After the end of the war and the withdrawal of Serbian forces from Kosova, the Serbian state continued the same

---

<sup>42</sup> Fetnete Ramosaj „*Kundër harresës-gjenocidi i Serbisë në Kosovë-pa analogji-me fakte kundër shpifjeve / "Serbian crimes in Kosova - WITHOUT APOLOGY - Facts Against Defamations"* (Volume I, Albanian/English), published by "Fokusi", Prishtina, 2005).

strategy of denying the genocide. Thus, 23 years after the massacres in Abri, in Prekaz, in Reçak, in Izbica, in Rezalle, in Krushë i Madhe and Krushë i Vogël, in Mej, in Rugovë e Hasit, and many genocidal acts throughout Kosova, still live free the murderers of 1392 children, 1739 women and thousands of other civilians of different ages and those who committed sexual violence against more than 20,000 Albanian women. At a time when many are waiting for the conclusion of the dialogue with Serbia and the clarification of the fate of more than 1600 missing Albanian civilians by the Serbian forces, the former spokesman of Slobodan Milosevic, Ivica Dacic, now in the capacity of the leader of Milosevic's Socialist Party, and from the highest functions of the Serbian state pointed the finger against those citizens of Serbia, who have the courage to show where the corpses of Albanian civilians, killed during the implementation of the genocide in Kosova, are hidden. "The exhumation of the corpses of the victims, their destruction, transportation and hiding in Serbia, as well as the propaganda designed to deny the criminal nature of ethnic cleansing and individual criminal acts, have been an integral part of the Serbian leadership's strategy to create ethnically clean territories and to bring them under their control".<sup>43</sup> This enterprise has been systematic and the concealment or disappearance of the crime through the concealment of the victims' bodies and the destruction of documents and other evidence has been the final stage of a process, which has subsequently been accompanied by denials and official refusal to distance himself from this past.<sup>44</sup> In order to hide the traces of the crime, the Serbian regime is obstructing the return of the remains of those killed, who were buried in mass graves in Serbia. It has appointed as head of the Commission to find a missing person for whom there is evidence that he was directly involved in Serbian crimes, even in the murder of academician Fehmi Agani.<sup>45</sup>

---

<sup>43</sup> Anton Vukpalaj. *Fshehja e krimet, politika serbe e mashtrimeve të mëdha në Kosovë*, pg. 17, ed. ASAK, Pristina 2021.

<sup>44</sup> E Sulajcic, 2010 *Ethnic Cleansing, Politics, Policy, Violence, Serb Ethnic Cleansing Campaign in Former Yugoslavia*, Berlin, Nomos, p. 197 (cited according to Anton Vukpalaj, cited work, p. 18).

<sup>45</sup> Shukri Aliu, an Albanian activist, who was a witness in the trial of Milosevic in an interview in the Kosovar media, has accused Odalovic of killing the academician Fehmi Agani. He declared; "Velko Odalovici is responsible for a murder that happened to us, professor Fehmi Aganin, which is extremely serious. This together with an Albanian / Serbophile, the loyal collaborator of the occupying regime, Serbian criminal / Selim Gugjufi, on May 6, 1999 went to the house of Fehmi Agani, addressed his late wife Sadije Agani, offered help for the burial maybe Fehmi Aganin was killed by the KLA army. She drove them out of the house and told them that I don't want any help from

## 10. Denial of genocide

Serbia's denial of the genocide in Kosova is part of the genocidal plan, which aims at not accepting responsibility for the crimes committed, the lack of public apology for the victims of the genocide and the tendency to distort the truth of the war in Kosova. In addition to the tendency to disappear the traces of genocidal crimes, Serbia not only denies the genocide in Kosova and Bosnia, but continues the fascist rhetoric by exalting and mythologizing the figures of the main criminals, who orchestrated the genocidal campaign in these two independent states. In Serbia and the Republika Srpska in Bosnia and Herzegovina, in street squares and other public places, war criminals such as Ratko Mladic, Radovan Karadzic, Slobodan Milosevic, Sesel, Arkan and others are mythologized. Here lies the demagoguery of Serbian politicians, who today call for peace and European integration. Although Vucic occasionally mentions peace, while some of his ministers use harsher nationalist rhetoric, they all think the same when it comes to government policy regarding Srebrenica, Reçak and other symbolic places of Serbian genocide. "This is a mechanism to manipulate the feelings of ordinary people. The regime artificially divides itself into several faces to cover all positions. So Vucic seems like a factor of stability and his associates like aggressive, barking dogs<sup>46</sup>. However, Vucic has never said that they are

---

you because you committed that crime", said Aliu. "The act was carried out by the unit for special operations of Kosova. It is father and son, Obrat Vjeshtica with his son, these are the main ones. That one of those who participated in the murder, I am the first to discover them. Velko Odalovic is the most informed about all this. Fehmi Agani was killed in the village of Suhodoll in Lipjan. "It's a good thing that this day came to reveal this too," Aliu said. <https://kosovaimetv.tv/shukri-aiiu-zbuion-detaje-nga-dekja-e-profesor-feh-mi-aganit-prapa-kësaj-kndrojane-njjihtar-d-njje-serb/>.

<sup>46</sup> **Rade Radovanovic:** Vucic, who was the minister of information, the author who was a war reporter and head of the Radio Free Europe office in Belgrade, had many meetings, especially during the time of the NATO bombings. Regarding Vucic's character, the author says that he was and remained a perverse radical, characterless, boastful, cynical, cowardly, unfaithful. During the war in Bosnia, Vucic publicly declared that for one Serb killed, we will kill 100 Muslims! As minister of information, he was a censor who condemned and closed independent newspapers (take the newspaper "Danas" as an example). After the fall of Milosevic's regime, Vucic organized actions to support and protect war criminals, then left the Serbian Radical Party (of Sesel), but remained a young radical, formed another party and reached the post of Prime Minister and President of Serbia. *Qeshja nën trekëmbëshin e varjes, roman historik, published by "Koha", Pristina, 2021.*

not right<sup>47</sup>, "Aware of the fact that there can be no reconciliation without the acceptance of crimes and responsibilities and that the language of hatred, the exaltation of war criminals and revisionism or the complete denial of genocide, crimes against humanity and war crimes established by final judgments of the courts undermines the rule of law and represents a direct obstacle to peace, reconciliation and confidence building and ultimately undermines the prospects for a safe future, peaceful for Bosnia and Herzegovina"<sup>48</sup>

The systematic denial of the massacres, their minimization, the presentation of the massacred civilians as fighters, the justification of the crimes and then the hiding of the corpses of the massacred civilians "characterized Serbian politics in Kosova in the years 1998-1999. These practices were also used before in Bosnia".<sup>49</sup> Serbia, not only, has not yet apologized for the crimes against humanity and the genocide committed in Kosova, but continues to keep hidden the fate of thousands of Albanians who went missing from the last war. Dedication to a peaceful future does not mean forget about the genocide committed by Serbia in Kosova. The honoring of the victims, the apology from Serbia and the full disclosure of the truth of the last war in Kosova, above all, the international recognition of Serbia for the Republic of Kosova, is a prerequisite for reconciliation and lasting peace.

---

<sup>47</sup> Serbia's genocide denial, another annual fiasco,  
<https://balkaninsight.com/sq/2016/07/07/mohimi-i-gjenocidit-nga-serbia>.

<sup>48</sup> Klevis Hoxhaj, Denial of the genocide in Bosnia is prohibited,  
<https://albanianpost.com/bih-ndalohet-mohimi-i-gjenocidit-ne-bosnje/>.

<sup>49</sup> Ibid., page 14.

Frashër Demaj

## THE REÇAK MASSACRE, A CRIME AGAINST HUMANITY

### Abstract

The continuous attacks of the Serbian forces against the Albanian civilian population continued with increased intensity even at the beginning of 1999. On January 15, 1999, the Serbian police and army forces attacked the village of Reçak in the municipality of Shtime. In Reçak at the beginning of the year, in addition to the permanent residents, residents of other villages displaced due to the Serbian offensives were also sheltered. The Serbian police forcibly entered the houses of the Albanians, they had taken out the residents, some of whom were scheduled to be executed. 42 innocent civilians were executed and massacred in Kodrën e Bebushit above Reçak village, while another 26 men, women and children were injured by the brutal intervention of Serbian forces. The mission of international observers operating within the framework of the OSCE led by Ambassador William Walker went to the scene and saw with his own eyes the massacre of Serbian forces against Albanian civilians. In a public statement before local and international media, Walker described this state brutality of slaughtering defenseless citizens as a crime against humanity. On January 17, the Serbian government had sent the prosecutor of Prishtina to the place of the event to take the massacred bodies for autopsy in the hospital center of Prishtina. This rapid development meant that the Serbian regime was trying to falsify the evidence in order to use the Reçak Massacre politically as an argument against the Albanians and to hide the hand of the crime. Meanwhile, the Albanians demanded that the autopsy of the massacred bodies be performed by Albanian and international doctors. In the end, the Serbian forces took the bodies of the massacred Albanians and sent them to Prishtina, but the truth about this massacre spread all over the world. The most prestigious international media reported on the Reçak massacre.

*Keywords:* Reçak massacre, Serbian police and army, OSCE verification mission, William Walker.

### Unilateral non-compliance of agreement Holbrooke-Milosevic

In the second half of 1998 and the beginning of 1999, Serbian police, military and paramilitary forces, which included local Serbs

from Kosova, others from Serbia and mercenary forces, intensified their actions against Albanians by attacking villages, with the aim of killing and expelling Albanians from their homes. This situation had alarmed the international political, diplomatic and military structures. The USA and the most powerful NATO member states were convinced that Slobodan Milosevic<sup>1</sup> only understands the language of force and is afraid of NATO's military intervention in the "FRY". To clarify the positions of the North Atlantic Alliance, Richard Holbrooke and representatives of the NATO Council had visited Milosevic in Belgrade. The main goals of American policy were to reach a political agreement through "coercive diplomacy". Milosevic had accepted the agreement with the international community, which in its content provided for the entry of the Verification Mission in Kosova, the reduction of the number of Serbian police and military troops and the return of displaced Albanian civilians to their homes.

The beginning of 1999 started with a terror campaign against the Albanian civilian population, organized exclusively by the Serbian state.<sup>2</sup> These forces functioned in a hierarchy of command beginning with FRY President Slobodan Milosevic, his political subordinates, and military and police command structures. Even with his approval, the paramilitary forces were functionalized and organized parades in his presence and the Serbian state structures.<sup>3</sup> The Serbian forces committed violence, terror and massacres against the Albanian civilian population and had the aim of murder, physical elimination, intimidation and

---

<sup>1</sup> Slobodan Milosevic, (August 20, 1941- March 11, 2006) born in Pozharevc. He studied law at the Faculty of Law of the University of Belgrade. President of Serbia 1989-1997; President of the Federal Republic of Yugoslavia (FRY) from 15 July 1997 to 6 October 2000. As President of the FRY he was also Chairman of the Supreme Defense Council of the FRY and Supreme Commander of the Yugoslav Army. Milosevic was indicted in May 1999, during the Kosova War, by the UN International Criminal Tribunal for the former Yugoslavia for crimes against humanity in Kosova. A year and a half later, accusations of violations of the laws or customs of war, serious violations of the Geneva Conventions in Croatia and Bosnia, and genocide in Bosnia were added. The trial was not completed due to his death.

<sup>2</sup> Josef Martinsen, *What happened in Kosova? 1998-1999*, A documentation, Oslo 2010, p. 5.

<sup>3</sup> The trial of the president, Slobodan Milosevic, began on February 12, 2002, at the United Nations War Crimes Tribunal in The Hague, in the Netherlands, on charges of genocide and war crimes in Bosnia, Croatia and Kosova. The trial remained unfinished as he was found dead in prison at the age of 64, reportedly "of a heart attack" in his cell on March 11, 2006.

instilling panic in the civilian population so that as much as possible they are displaced through mass deportation, confiscation of identity documents and causing their panic to prevent them from returning because of the lack of identification documents.<sup>4</sup> The taking of identification documents by the Serbian forces was practiced at the time of expulsion from their homes in villages and towns as well as at the border crossings with Albania and Macedonia. Such confiscations were also made during the crossing of Albanians with the purpose of sheltering in Montenegro and in Lugina e Preshevës. So the main tendency of the expulsion was the ethnic cleansing of Kosova Albanians and its recolonization, which Serbia intended to do for the third time in several decades (agrarian reform and colonization of Kosova in the period between the two world wars and colonization with Serbian refugees from Croatia and Bosnia and Herzegovina during the wars of the 90s).

The massacre of Reçak and several other massacres in Kosova took place at a time when the Milosevic-Holbrooke Agreement was signed for the partial withdrawal of Serbian forces, a cease-fire and the achievement of peace with the mediation of American diplomacy. US envoy Richard Holbrooke,<sup>5</sup> after more than nine days and fifteen hours of intense discussions, reached an agreement on Kosova with Yugoslav President Slobodan Milosevic, managing to avoid NATO's threat of

---

<sup>4</sup> Josef Martinsen, work of cit... p. 5.

<sup>5</sup> Richard Holbrooke, Richard Charles Albert Holbrooke, (April 24, 1941 - December 13, 2010), was an American diplomat. He was born in New York City to a European Jewish couple. His family had fled the Nazis in the 1930s. After Richard graduated from Brown University in 1962, he joined the Foreign Service and was sent to Vietnam until 1966. He served as director of the Peace Corps in Morocco from 1970 to in 1972. Appointed in 1977 by President Jimmy Carter to the post of Assistant Secretary of State for East Asian and Pacific Affairs. Holbrooke served in the administration of President Bill Clinton as ambassador to Germany (1993–94) and assistant secretary of state for European and Canadian affairs (1994–95). In that role, he spent most of his time focusing on the Balkans and was the lead US negotiator between the warring parties in the conflict in the former Yugoslavia. In 1997, however, he was appointed special envoy to Cyprus, where he tried to mediate a solution to the two-decade dispute over that island between Greece and Turkey. He mediated to the Dayton Accords (1995) to end the conflict in Bosnia and Herzegovina, served as US Ambassador to the United Nations (UN; 1999–2001), and was special representative to Afghanistan and Pakistan (2009–10.) in the administration of President Barack Obama. Richard Holbrooke was engaged by President Clinton as a negotiator for the resolution of the Kosova issue in 1998-1999.

airstrikes. <sup>6</sup>Milosevic was aware of the political actions he was taking, because a few weeks ago NATO came close to using air force against Serbian forces in Kosova, Serbia and within the Federal Republic of Yugoslavia. <sup>7</sup>Milosevic also accepted the demands of the United Nations Security Council that Yugoslavia to end the fighting in Kosova, withdraw the security forces deployed there since last February, ensure unimpeded access to international aid agencies, cooperate with the Hague Court for war crimes and start a serious process of dialogue for the solution of the Kosova problem. <sup>8</sup>Milosevic accepted these concessions as a result of NATO's last-minute threat to launch devastating air strikes against Serbia. This cunning of his convinced even the most experienced US diplomat during the marathon negotiation sessions held in Belgrade. <sup>9</sup>Holbrooke, despite not having much faith in Milosevic, was encouraged to continue the negotiation process to prevent a second Srebrenica which was being prepared by the Serbian regime and could easily happen in Kosova.

Meanwhile, the situation in Kosova escalated more and more every day. The relatively slow pace of deployment of unarmed international verifiers by the OSCE and an armed reaction force to protect them from NATO encouraged Serbian forces. So the situation in Kosova continued to be dynamic, where the Serbs believed that the use of violence could still bring benefits to them. Whereas the Albanians believed in their few forces organized by the KLA and in the international factor, mainly in the Americans. <sup>10</sup>The Serbian army and police, according to Albanian reports and some international circles, took advantage of the lack of international monitoring presence and every day committed violence and terror accompanied by murders and massacres of the civilian population throughout the territory of Kosova. So Milosevic pretended for being interested in peace talks, while on the other hand he continued to send military and police forces to Kosova every day. With these actions, he unilaterally gave up respecting the

---

<sup>6</sup> Ivo H. Daalder (ambasador i SHBA në NATO 2009-2013), *Peace at any price? Kosova deal costs Milosevic little, is unlikely to resolve crisis*, Sunday, October 18, 1998.

<sup>7</sup> James Gow, *Kosova after the Holbrooke–Milosevic Agreement. What Now?*, *The International Spectator*, Volume XXXIII No. 4 (October-December 1998).

<sup>8</sup> *Ibid.*

<sup>9</sup> Me gjerësisht shih: Marc Weller, *The Holbrooke Agreement and the OSCE Verification Mission*, Oxford University Press, published on March 2009.

<sup>10</sup> James Gow, *Kosova after the Holbrooke–Milosevic Agreement...* Volume XXXIII No. 4 (October-December 1998).

agreement with the American diplomat Holbrooke. The failure to respect the agreement and the continuation of the war mainly against the civilian population irritated the international diplomacy even more, especially the Americans who were discussing every day other options against Serbia, which did not obey the American seriousness and readiness for military intervention. Milosevic was also encouraged by Russian diplomacy and was convinced that the USA would not enter into a political and diplomatic conflict with Russia because of Kosova.

### Attacks by the Serbian police and army and the massacre of Reçak

The Reçak massacre and other massacres in Kosova took place in the presence of members of the International Monitoring Mission operating within the framework of the OSCE and other representative missions such as the Diplomatic Monitoring Mission (KDOM).<sup>11</sup> The US had engaged the US Chargé d'Affaires in Belgrade, Richard Miles. Miles and his Russian counterpart launched the Kosova Diplomatic Observation Mission on July 6, 1998. The mission was intended to observe and report on the general freedom of movement and security conditions throughout Kosova. KDOM aimed to help build confidence throughout the region by providing an open international presence of non-interventionist observer teams.<sup>12</sup> KDOM was an institution created and integrated under the political leadership of a coordinating group consisting of the ambassadors of the Contact Group countries in Belgrade, as well as the ambassadors of Austria (representing the EU presidency) and Poland (representing the Presidency in task of the OSCE).<sup>13</sup> So, the multinational presence through its own missions in Kosova was aimed at informing their governments of the truth that was happening in Kosova. Also, this presence was serious opposition to the Serbian regime on the truth of the events in Kosova. International

---

<sup>11</sup> U.S Department of State, Kosova Diplomatic Observer Mission (KDOM), [https://1997-2001.state.gov/regions/eur/fs\\_980708\\_kom.html](https://1997-2001.state.gov/regions/eur/fs_980708_kom.html), searched on 20.4.2023.

<sup>12</sup> Government of Canada, <https://www.canada.ca/en/department-national-defence/-services/military-history/history-heritage/past-operations/europe/perserverance.html>, searched on 20.4.2023.

<sup>13</sup> U.S Department of State, Kosova Diplomatic Observer Mission (KDOM), [https://1997-2001.state.gov/regions/eur/fs\\_980708\\_kom.html](https://1997-2001.state.gov/regions/eur/fs_980708_kom.html) , searched on 20.4.2023.

missions would make it impossible for Milosevic to serve untruth through the controlled media to the international democratic opinion.

Reçak, one of the villages of Shtime, lay in a geographical position about 2 kilometers southwest of the municipal center, on the eastern edge of the Carraleva mountains.<sup>14</sup> The village was close to the police station installed by Serbia and in the vicinity of about 350 meters from Pishat e Shtimes, Serbian military forces were stationed, both of which together posed a serious threat to the inhabitants of the municipality of Shtime and surrounding municipalities.

Serbian police and military forces in early January 1999 intensified their violent actions in the territory of the municipality of Shtime and Ferizaj. On 10.1.1999, a police and military expedition surrounded the village of Slivova, raiding and demolishing about 70 houses. As a result, 15 residents were arrested and many Albanian citizens were beaten and physically abused. The next day, January 11, 6 Albanian citizens were arrested in Shtime and a large number were mistreated, one of whom (Metush Hamdi Bislimin, 25 years old) was put in the trunk of the vehicle and taken with them to the police post command. Meanwhile, 10 military trucks from Shtimja continued towards the Gryka e Carralevës.<sup>15</sup> All these brutal actions and military and police movements were a warning that the Serbian forces were preparing to take major actions in the Albanian settlements. The large-scale conflict in Shtime-Ferizaj was also feared by the observer missionaries who later declared about the security situation on the verge of the Reçak Massacre. On 15.1.1999, Serbian forces in the early hours of the morning around 6:30, with transporters, armored cars, tanks, anti-aircraft guns and other combat vehicles attacked the villages of Belincë, Reçak, Petrovë and Mollopolc of the municipality of Shtime.<sup>16</sup> The Serbian forces first start shelling these villages from their positions at Pishat e Shtimes, from Kryqi i Belincit and Kodra e Gështenjave and then continue on foot. They had blocked the entrances and exits to Shtime and blocked the highways Shtime-Suhareka and Shtime-Ferizaj.<sup>17</sup> They did

---

<sup>14</sup> Grup autorësh, Leksikon, Vendbanimet e Kosoves, Tabloja fizike-hapsinore, demografike dhe funksionale, Vëllimi III, Vendbanimet Rurale (M-ZH), Academy of Sciences and Arts of Kosova, Pristina 2020, p. 323.

<sup>15</sup> Ruzhdi Jashari, war reporter, Information no. 59 of 11.1.1999.

<sup>16</sup> Yugoslav Government War Crimes in Recak, <https://www.hrw.org/legacy/campaigns/Kosova98/racak.shtml> , searcheds April 19, 2023.

<sup>17</sup> Ruzhdi Jashari, war reporter, Information no. 60, dated 15.1.1999.

this blockade for strategic reasons by creating a security perimeter and making it impossible for the KLA forces operating in that area to approach. These Serbian attacks were answered by the KLA fighters who were numerically less and with light weapons which meant great difficulties to face the Serbian forces and to successfully protect the civilian population. According to international witnesses who were at the scene to observe the situation, Serbian forces had taken up fighting positions with tanks, armored vehicles and other combat vehicles at the place called Chestnut Hill. Meanwhile, at Pishat e Shtimes there were other forces mobilized and in military readiness, waiting for the order to attack.<sup>18</sup>

The village of Reçak, before the massacre, had a population of about 2,000 inhabitants. During the Serbian government's large-scale offensive in August 1998, Serbian police shelled Reçak and several family properties were looted and burned. Since then, the majority of the population has lived in Shtime or other villages in the vicinity of Ferizaj.<sup>19</sup> In Reçak at the beginning of the year, in addition to the permanent residents, residents of other villages displaced due to the Serbian offensives were also sheltered. The Serbian police and army, accompanied by local Serbs who had been mobilized, entered the houses of the Albanians by force after the shelling. They separated the families, the men they planned to execute. Before they were killed they were cruelly tortured. 42 innocent civilians were executed and massacred on Bebushi Hill above Reçak village, while another 26 men, women and children were injured.<sup>20</sup> The executed Albanians, among whom there were also women and children, were massacred in the most inhuman ways. They were cut and had their body parts removed, such as: eyes, heads, heart, broken legs and various disfigurements.

The mission of international observers operating within the framework of the OSCE led by Ambassador William Walker<sup>21</sup> went to

---

<sup>18</sup> Josef Martinsen, *What happened in Kosova...* p. 33.

<sup>19</sup> Yugoslav Government War Crimes in Racak, <https://www.hrw.org/legacy/campaigns/Kosova98/racak.shtml> , accessed April 19, 2023.

<sup>20</sup> Fjalori Enciklopedik i Kosovës II, L-ZH, Pristina 2018, p. 1058-59.

<sup>21</sup> William Walker was born in Kearny, New Jersey. Studied Architecture and Political Science at the University of Southern California and the University of California, Los Angeles (UCLA). As a Foreign Service officer, he served mainly in Latin America, especially in Bolivia, Brazil, El Salvador, Honduras, Peru. He was a Foreign Service Inspector in the Office of the Inspector General from 1978 to 1980 and a State Department official at the Council on Foreign Relations in

the scene and saw with his own eyes the massacre of Serbian forces against Albanian civilians. Ambassador Walker was also accompanied by other people who were part of the mission and by journalists from various local and international media. He entered the yard of a house and with his own eyes saw the headless body of Banush Azemi and declared that "this is the saddest event in my life".<sup>22</sup> Walker, accompanied by civilian villagers, climbed the slope to go to the place where, according to the information, a Serbian massacre was carried out against the Albanian civilian population, who were taken alive and sent there to be killed and massacred. He and his companions saw with their own eyes becoming direct witnesses of the criminal actions of the police and the army of the state of Serbia. The head of the OSCE Mission, Ambassador William Walker, after seeing most of the massacred with his own eyes, at the press conference, declared: "Looking at the corpses, I am convinced that this is an execution. These murdered people

---

New York from 1977 to 1988. CIA agent. From 1985 to 1988, he served as Deputy Assistant Secretary of State in the Bureau of Inter-American Affairs, with responsibility for relations with Central America and Panama. From 1988 to 1992, he served as Ambassador to El Salvador. In August 1997, Walker was appointed as the Secretary-General's special representative and appointed head of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Srem. He led a mission consisting of about 800 UN civilians and 2,500 peacekeepers and military administrators. Walker was then appointed head of the OSCE Verification Mission in Kosova, leading around 1,400 international and 1,500 local personnel between October 1998 and June 1999 alongside British Major General John Drewienkiewicz, Walker's military adviser. After the Reçak massacre of 45 Kosova Albanians in January 1999, Walker visited the country and called it an "unspeakable atrocity" and a "crime against humanity." On January 18, 1999, the FRY government charged him, declaring him *persona non grata* and ordering him to leave the country. A week later, upon the intervention of the European Council and the Russian Federation, the Prime Minister of FR Yugoslavia, Momir Bullatovic, froze the decision. The Reçak massacre was a pivotal incident in prompting NATO to launch its bombing campaign against Yugoslavia. On November 24, 2008, he became an honorary citizen of the Republic of Albania, the title given by President Bamir Topi. On January 15, 2009, on the 10th anniversary of the Reçak Massacre, he was awarded the Gold Medal of Freedom by the President and Prime Minister of the Republic of Kosova. In January 2017, a statue of Walker was erected in the village of Reçak in Kosova. In January 2023, the President of Albania Bajram Begaj presented Walker with one of the nation's highest awards, the Knight of the Order of the Flag.

<sup>22</sup> Ylber Bajraktari, William Walker in Reçak, emphasizes that "this is the saddest event in my life" and asks: 45 killed - is this not the Yugoslav response to the eight soldiers released by the KLA?, *Koha Ditore* no. 600- year III, Pristina, January 17, 1999.

look to me like farmers, workers, villagers who definitely did not deserve to die like this and I don't care what the motive was." In the continuation of the communication with the media, the ambassador emphasized "Seeing the corpses with destroyed faces that apparently were caused by the weapons that were held on their heads, seeing 15 of them in the pit, and in an executed way I think I need a few minutes before I decide what I want to say," said William Walker.<sup>23</sup> The ambassador then stopped with his associates to consult before returning to Prishtina, promising that after receiving complete information at the scene, he would again organize a press conference in Prishtina.<sup>24</sup> In the second conference, Ambassador Walker, reiterating his position based on the horrific scenes of the Reçak Massacre, stated "Personally, I have no words to describe my revolt, as well as that of those who were with me for what can be described as an unspeakable crime. None of them were dressed in anything other than civilian clothes, they all looked like suffering peasants and commoners. Although I am not a lawyer, from what I have seen, I do not hesitate to qualify the event as a massacre and a crime against humanity."<sup>25</sup>

International observers stated that those days the bodies of 45 Albanians, of which 3 women and 1 child, were found in several localities in Reçak. Based on the facts found on the ground, the international verification mission accused the Serbian forces of the terrible crimes in the region of Shtime, which was about 30 kilometers away from the capital of Kosova. Walker also continued with accusations against the Serbian state, reminding them that a few days ago the KLA released 8 captured Yugoslav soldiers, and the Yugoslavs with these actions are destroying international efforts to build mutual trust between the parties. According to him, the Reçak Massacre has turned to zero the people's belief that a situation of peace can be created and the way to negotiations for a peaceful solution to the problem can be opened. Therefore, the international community must strongly condemn these criminal actions, and the Government of the FRY must identify and bring to justice all members of the Yugoslav police and army who participated in this crime. Walker also called on the International War Crimes Tribunal for the territory of former Yugoslavia to come to the scene as soon as possible, collect evidence, investigate the crimes and bring the actors to justice so that they receive the deserved punishment.

---

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

The American ambassador had instructed the verification mission to stay in Reçak on Saturday, January 16, to monitor the security situation and prevent the Serbian forces from continuing the massacres against Albanian civilians. Also, he had contacted the KLA forces to whom he had warned them that despite the pain, nervousness, emotions and frustration, show restraint and not take revenge.<sup>26</sup> And the government of Belgrade, as a sign of revenge against Ambassador Walker, declared him a person "non grata", while the prosecutor of the International Tribunal for war crimes in Yugoslavia, Louise Arbour, was not allowed to enter Kosova.<sup>27</sup> Walker's finding was supported by the official report of the Verification Mission in Kosova which stated that Yugoslav forces were responsible for the crime in Reçak.

Because of their correct attitudes in describing the events, most of the members of the observation mission and their translators regardless of nationality were threatened by the Serbian police, army and paramilitaries. These findings are confirmed by Edward Sullivan, KDOM observer, who stated in an interview that "during the performance of my duty, Kalashnikovs were pointed at my chest from time to time by Serbian policemen and the Yugoslav army".<sup>28</sup> Despite the tendencies to scare and threaten them with their lives, the observant missionaries continued their mission in the service of humanity, considering it as a value of the civilization of the developed democracies of the Western civilization. The observers, near the corpses of the massacred, found identity documents damaged by bullets and bayonets, empty wallets, empty packs of cigarettes, etc. which implies that besides being killed and massacred, they were stolen even dead by Serbian forces.<sup>29</sup>

On the other hand, after the Serbian ultimatum to Ambassador Walker to leave Kosova within 48 hours, the two highest NATO generals, NATO Supreme Commander Wesley Clark and German General Klaus Nauman, chairman of the NATO Military Committee, visited Belgrade who in the meeting with Milosevic threatened that the Alliance is prepared to attack militarily. An important topic of the meeting was also the issue of Ambassador Walker and the entry of

---

<sup>26</sup> Ibid.

<sup>27</sup> Arsim Bajrami *Gjenocidi i Serbisë në Kosovë, Aspekte juridike*, ASAK, Prishtina 2023, p. 456.

<sup>28</sup> *Masakra e Reçakut, krim kundër njerëzimit*, Shtime 2004, p. 195.

<sup>29</sup> Nebi Qena, *Masakër në Reçak, Identifikohen 38 nga 48 viktimat civile të ofenzivës së policisë dhe ushtrisë serbe në fshatin Reçak*, Koha Ditore, no. 600, year III, Sunday, January 17, 1999.

international chief prosecutor Louise Arbour in Kosova to investigate the Reçak Massacre.<sup>30</sup> However, according to James Rubin, spokesman for the State Department, this meeting did not produce the expected results, therefore the generals will meet with the ambassadors of the NATO countries to discuss the course of the talks. So Milosevic continued his attempts to hide Serbian crimes in Kosova, political and diplomatic calculations to avoid eventual NATO attacks and fraud in dialogue with internationals. He did not adhere to his commitments that came out as a result of the dialogue with the internationals, but always after their departure from Belgrade he "forgot" the agreements and continued the national-chauvinist discourse in the Serbian public opinion to fulfill the appetites of different circles in the context of consumption nationalist daily in Serbia.

### The reaction of European politics and other international institutions to the actions of Serbian forces in Reçak

The massacre of Serbian forces against civilian Albanians in Reçak was judged as a criminal act and unacceptable for the states and peoples of European civilization. Most of the European countries reacted with harsh tones towards Serbia, through their governments, foreign ministries, embassies and other diplomatic representations, as well as through the instances of common European institutions. The massacre of Reçak was also condemned in harsh tones by the head of the OSCE, the Norwegian Knut Vollebaek, who declared that he strongly supports the findings of Ambassador Walker and holds the Yugoslav forces responsible for the massacre of unarmed Albanian civilians. Even the German foreign minister, Joschka Fischer, in his letter addressed to the Yugoslav president Slobodan Milosevic, on behalf of the European Union, called the events and actions of the Yugoslav police and army shocking in recent days, especially the mass murders like in the case of Reçak, which are unjustifiable and unacceptable for the European Union.

Fischer asked Milosevic to immediately cancel the ruling on the persona non grata declaration of the head of the International Verification Mission, William Walker; to fully respect all agreements - signed with the OSCE and NATO; to take concrete measures to ensure

---

<sup>30</sup> Times 1999.

the lives of international personnel in Kosova; to cooperate without any conditions with the International Court of War Crimes and to allow the access and unhindered activity of the prosecutor Louis Arbour.<sup>31</sup> He, on behalf of the European Union, asked Milosevic not to manipulate the Reçak Massacre because the killed and massacred were not members of the KLA. This contradicts the truth because the impartial observers of the OSCE report on 45 unarmed Albanian civilians who were killed and massacred in the village of Reçak.<sup>32</sup>

And in the end, it was requested that the executors of the Reçak massacre, together with the order givers and the soldiers who participated, be suspended from duty until the incident is fully clarified.<sup>33</sup> The massacre of Reçak was also severely condemned by the Italian Prime Minister Massimo D'Alema, who considered these acts unacceptable. The Minister of Foreign Affairs of Italy, Lamberto Dini, also declared in this line, in communication with his European counterparts. The British Foreign Minister, Robin Cook, condemning the violent acts of the Serbian forces and the massacre of unarmed Albanian civilians, demanded that the parties sit down in dialogue to find a peaceful solution. Meanwhile, NATO Secretary General Javier Solana declared that "he is shocked by this massacre".<sup>34</sup>

The massacre of Reçak was also condemned by the UN Security Council and called for an immediate investigation of the murders. At the meeting of the UN Security Council, Milosevic requested the annulment of the decision to expel Ambassador Walker. In the continuation of the international trials, there was also the unison reaction of the countries of the Contact Group, who came out with a joint statement condemning the massacre of Albanians in Reçak and demanded an international investigation of the event and called on the parties to reduce tensions and to continuing the dialogue at the negotiating table. All six countries of the Contact Group called on the Belgrade government and the Albanians to sit down together to constructively discuss an international plan to resolve the crisis.

Even Human Rights Watch, as a prestigious organization, rejected the claims of the government of Belgrade and stated that those killed

---

<sup>31</sup> More widely: J. Fischer, *Vitet kuq-gjelbër. Politika e jashtme gjermane – nga Kosova e deri më 11 shtator*, Pristina, 2008.

<sup>32</sup> Beqë Cufaj, *Tmerret si ai në Reçak, shkaktojnë pezëm dhe ndjenjë të thellë neverie*, *Koha Ditore* January 22, 1999.

<sup>33</sup> *Ibid.*

<sup>34</sup> *Koha Jonë*, Tirana on January 17, 1999.

were civilians and not, as the Serbian and Yugoslav governments claim, that they were KLA fighters.<sup>35</sup> So the Serbian forces are responsible for war crimes in Reçak, because they carried out illegal executions. The Ministry of Foreign Affairs of Albania had also sent a note of protest to the Embassy of the "FRY". Albanian diplomacy rejected Belgrade's speculations and propaganda about the "killing of terrorist gangs", accusing the Serbian police and army of killing innocent civilians and demanded urgent intervention from the international community to help the people of Kosova who were being massacred by Serbian forces.<sup>36</sup> The Prime Minister of Albania, Pandeli Majko, had sent a letter to the President of the United States, Clinton, requesting the military intervention of the United States and NATO to save the people of Kosova from the extermination that was threatening them more and more every day due to brutality and massacres of Serbian forces throughout Kosova.<sup>37</sup> There were similar reactions from other non-governmental organizations whose focus was the protection of freedom and human rights.

### The reaction of the State Department and President Clinton to the Reçak Massacre

The information about the Reçak Massacre in the afternoon of January 15 was also received with concern by the White House in Washington. The news had been handled by the main advisors of the foreign policy of President Clinton, while the Secretary of State Madeleine K. Albright was pressing to convince the president to increase the pressure for the intervention of the USA and NATO in Kosova.<sup>38</sup>

All the authorities of the White House that day had drawn a joint conclusion stating that the Yugoslav president Slobodan Milosevic is not keeping his promises but continues with actions against the ethnic Albanians. Albright declared that with Milosevic it was not working and the time had come to connect the threat of force with a comprehensive political solution between Serbia and Kosova, because this was the only way to ensure a lasting peace.<sup>39</sup> The Secretary of State also

---

<sup>35</sup> Human Rights Watch (hrw.org) , 25.5.2023.

<sup>36</sup> Dhimitër Th Brisku, Kosova, Ditari, year 1999, Tirana, p. 31.

<sup>37</sup> Zëri i Popullit, Tirana on January 19, 1999.

<sup>38</sup> Barton Gellman, Slaughter in Reçak Changed Kosova Policy, Washington Post, Sunday, April 18, 1999.

<sup>39</sup> Ibid.

requested that the decision to expel Ambassador Walker be reviewed as soon as possible so that he can resume his work leading the approximately 700 international monitors. She reminded Milosevic that the "activation order" for the use of military force against the FRY remains in force.<sup>40</sup>

Albright and several other State Department officials sought a review of decision-making in Washington and Brussels. According to them, Reçak transformed politics in the Western Balkans, being a special and unacceptable event and exposed the demagoguery and policy of Serbian violence against Albanians. Taking its cue from the brutality of the Serbian forces in the Reçak Massacre, it strongly condemned the Belgrade regime and demanded that the USA deal with the core of the problem, which is the solution of the Kosova issue and the fall of Milosevic, who used the card of Kosova and Serbian nationalism to strengthen his power, therefore Kosova should be his political end.

American President Clinton, after receiving information about the Reçak massacre, on January 16, 1999, condemned the killing of Albanian civilians, calling it a deliberate massacre by Serbian forces. In the full statement of the president it was said: "This was a deliberate act of murder, designed to sow fear in the population of Kosova. It is clearly a violation of the promises that the Serbian authorities gave to NATO. There can be no justification for these actions."<sup>41</sup> At the end of his statement, the American president stated that he is in permanent contact with the NATO secretary and will work intensively to stop violence and repression in Kosova. On the other hand, the president urged the Kosovar and Serbian sides to sit down at the negotiating table to find a peaceful solution.

### Serbian efforts to hide the crime

Since the beginning of the war in Kosova, Serbian politics used the strategy of stigmatizing Albanians as terrorists, in order to have a free hand to use violence and terror against them. The crimes of Serbian uniformed units, such as police, soldiers and often even paramilitaries, committed against Albanian civilians were presented by Serbian propaganda as "

---

<sup>40</sup> More widely: *Madeleine Albright, Zonja Sekretare (Autobiography)*, Tirana, 2004.

<sup>41</sup> *Koha Ditore*, Sunday, January 17, 1999.

collateral damage".<sup>42</sup> Based on these propagandistic constructions, the Serbian occupying power accused the Albanians and the international community of conspiring the massacre of Reçak. Serbian propaganda called the whole terrible event in Reçak a staging by the Albanians and William Walker.

Belgrade, after international protests about the massacre, tried to hide the hand of the crime because it was afraid of a collective international trial. The Serbian government instrumentalized the media in the Serbian language in Kosova, especially those in Serbia that were connected to the government, to propagandize even more and present the massacre of Reçak as a war of the Serbian forces against the "terrorist gangs" of the KLA. Some Montenegrin media close to the Milosevic regime were in the same line with the daily politics of the Belgrade government.

On January 17, 1999, the Serbian government had sent the prosecutor of Prishtina, Danica Marinkovic, to the scene of the incident to take the massacred bodies for autopsy at the hospital center of Prishtina. This rapid development meant that the Serbian regime was trying to falsify the evidence in order to use the Reçak Massacre politically as an argument against the Albanians and to hide the hand of the crime. The tendencies of the Serbian prosecutor who had received political orders were exposed by Michael Pedersen from the Organization for Security and Cooperation in Europe, who was informed by the relatives of the victims about the manipulations of the prosecutor Marinkovic, who had refused to hand over the killed bodies of the victims to their families. The Serbian authorities feared the negative publicity that the funeral and burial of the victims on the same day and in the same place would cause.<sup>43</sup> Meanwhile, the Albanians demanded that the autopsy of the massacred bodies be performed by Albanian and international doctors. In the end, the Serbian forces took the bodies of the massacred Albanians and sent them to Prishtina, but the truth about this massacre spread all over the world. Despite the Serbian claims to hide the hand of the crime, the international forces-observers had intercepted radio links and telephone connections in which orders were heard to be given for brutal intervention against the Albanians after the killing of three Serbian soldiers. In these wiretaps, Nikola Sainovic, Deputy Prime Minister and General Sreten Lukic, Minister of Internal Affairs of Serbia were heard ordering the police and army officers to make these murders appear to be the result of fighting between government troops and the KLA separatist

---

<sup>42</sup> Fshehja e krimit, Politika serbe e mashtrimeve të mëdha në Kosovë, Prishtina 2021, p. 31.

<sup>43</sup> Reuters 8 February 1999.

forces. <sup>44</sup>The Serbian forces took the corpses and sent them to the Institute of Pathology in Prishtina for autopsies in order to extract the falsified results at the behest of the Milosevic policy. Due to international pressure they were forced to invite international experts. At first, Belarusian pathologists were invited, followed by Finnish pathology specialists. The Serbs based on their friendship with the Belarusians hoped for favorable results for them. But it was the Finnish group headed by dr. Helena Ranta who had done the examination of some slaughtered corpses, and after the results of the analysis found that these people were not killed in combat, but were executed at close range. <sup>45</sup>With these findings, Belgrade's efforts from January 15, when the Albanian civilians were executed and massacred, until February 11, went to waste. The Milosevic policy eventually lost all hope of manipulating the results of the autopsies and concealing the hand of the crime.

### The massacred, killed and wounded in Reçak

In the Reçak massacre, were killed and massacred in the most cruel way:

Ahmet Izet Ahmeti  
Ahmet Zenun Mustafa  
Ajet Minush Brahimi  
Arif Murat Metushi  
Bajram Haki Xheladini  
Bajram Sokol Mehmeti  
Bajrush Nesret Shabani  
Banush Azem Azemi  
Bujar Hanefi Hajrizi  
Eshref Halim Jakupi  
Fatmir Faik Ramadani  
Hajrizi Brahim Brahimi  
Haki Murat Metushi  
Hakip Imer Imeri  
Halim Riza Beqiri

---

<sup>44</sup> Washington Post January 28, 1999.

<sup>45</sup> Century, Tirana on January 23, 1999.

Hanumshahe Bajram Mehmeti

Hanumshahe Sadik Mujota

Haqif Shefki Hysenaj

Jashar Milaim Salihu

Lutfi Hasan Bilalli

Lute Asllani

Mehmet Qerim Jakupi

Mufail Mehdi Hajrizi

Muhamet Faik Syla

Muhamet Hafiz Mustafa

Murtez Ramiz Ymeri

Mustafë Beqë Asllani

Nazmi Nuhë Imeri

Nexhat Faik Ramadani

Njazi Sherif Zymeri

Ragip Jahir Bajrami

Raif Milaim Salihu

Rizah Maliq Beqiri

Sabri Murat Metushi

Sadik Xhemë Osmani

Sahide Haki Metushi

Salih Faik Ramadani

Sheremet Shyqeri Syla

Shukri Milaim Salihu

Shyqeri Ismajl Syla

Skender Sylejman Halili

Xheladin Ahmet Jakupi

Zenel Shefqet Beqiri

Ahmet Kaçiku and Vezir Jashari were also killed on January 19, 1999 while protecting the bodies of those massacred at the scene of the crime.<sup>46</sup>

---

<sup>46</sup> *Masakra e Reçakut, krim kundër njerëzimit*, Shtime 2004, p. 57.

In addition to those killed and massacred in Reçak, during the Serbian offensive, 12 other citizens were injured with light and serious wounds.

Bajram Fazli Qerimi  
 Destan Rashit Rashiti  
 Elhami Bajram Mehmeti (10-year-old child)  
 Fetihe Shefqet Beqiri  
 Florie Hajriz Hajrizi  
 Hamdi Bilall Bilalli (14 year old child)  
 Hasan Malik Bilalli  
 Haxhi Banush Azemi (15-year-old child)  
 Hysen Sabri Metushi  
 Makfire Kadri Hajrizi  
 Nazmi Nebih Mehmeti  
 Zuhrie Shefqet Beqiri

Survivors of the Reçak massacre who were beaten and tortured with the most inhumane methods are:

Ali Qazimi  
 Alush Mustafa  
 Arben Jakupi  
 Bilall Bilalli  
 Hetem Rrustemi  
 Imer Hakipi  
 Imri Jakupi  
 Mehdi Bilalli  
 Nusret Shabani  
 Osman F. Osmani  
 Ramë Shabani  
 Sabit Shaqiri<sup>47</sup>

In an attempt to protect the civilian population from the Serbian massacre, 9 KLA soldiers were also killed:

Ali Rakip Beqa

---

<sup>47</sup> *Masakra e Reçakut, krim kundër njerëzimit*, Shtime 2004, f. 57.

Enver Hyzri Rashiti  
Ismail Luma  
Kadri Shyqeri Syla  
Mehmet Zenun Mustafa  
Nazim Kokollari  
Sadik Murat Mujota  
Shaqir Zejnë Berisha  
Skender Nezir Qarri.<sup>48</sup>

Wounded from the ranks of the KLA, who fought against the Serbian forces in defense of the civilian population from January 15 to 20, 1999, were:

Afet Hasan Bilalli  
Ramadan Mehë Hysenaj  
Njazi Sadik Mujota  
Shaban Zymer Ndrecaj  
Zaim Halim Jakupi  
Afrim Xhemajl Syla  
Luan Salihu  
Adem Musli Musliu  
Xhevat Qarri  
Zymer Jemin Lubovci  
Xhevdet Zeqir Sejdiu.<sup>49</sup>

Until the end of the war, when the Kumanova Agreement was signed and NATO troops entered Kosova, many civilians and KLA soldiers were killed and wounded from Reçak, Shtimja and the Operative Zone of Nerodima.

### International media about the Reçak massacre

The international media paid special attention to the Reçak Massacre and the events that followed in the following days. Prestigious agencies published on their front pages the horrors experienced by the civilian population in the massacre of Reçak. "Washington Post"

---

<sup>48</sup> Ibid, p. 57.

<sup>49</sup> Ibid, p. 58.

alongside the article also published a photo of the family members with the dead bodies of the massacred.<sup>50</sup> This medium also conducted a reportage and interview with Ambassador Walker, who compared the massacre of Reçak with the brutal murder of 6 Jesuit priests and two innocent women in El Salvador by the army, when he was serving as the US ambassador to this place. Therefore, Walker said, he cannot and will not remain silent about the killing of innocent villagers by Serbian forces. The French newspaper "Liberation" on January 27, 1999 in a long article entitled "Massacre in Reçak-narrative of a key witness" conducted an interview with an international observer who stated that they had followed the Serbian offensive from a distance of 2 kilometers from the scene. After the withdrawal of the Serbian forces, the observers had seen with their own eyes that many unarmed villagers had been horribly massacred.<sup>51</sup> On January 21, 1999 "Le Monde" asked the question: "if the Serbian forces have fought against the KLA and killed terrorists, then why does Serbia not allow the prosecutors to conduct an impartial international investigation" to find the truth about the events in Reçak.<sup>52</sup> Meanwhile, "Newsweek International" on February 1, 1999, referring to Human Rights Watch sources, accused Yugoslav Deputy Prime Minister Nikola Sainovic and Serbian Minister of Internal Affairs Sreten Lukic of giving direct orders.<sup>53</sup>

Other international media also paid special attention to the Reçak massacre, such as: "The New York Times", BBC, CNN, "Euro News", "The Associated Press", "Reuters", "The Times", "News week", "Die Welt", "Der Spiegel", "Frankfurter Allgemeine", "Tages zeitung", "Sudeutsche Zeitung", "Berliner Zeitung", "Le Figaro", etc. These mediums in the first news and on their front pages published the horrors experienced by the civilian population in the massacre of Reçak.

---

<sup>50</sup> Barton Gellman, *Slaughter in Racak Changed Kosova Policy*, Washington Post, Sunday, April 18, 1999.

<sup>51</sup> Liberation on January 27, 1999.

<sup>52</sup> Le Monde 21 January 1999.

<sup>53</sup> Newsweek International February 1, 1999.

Salih Krasniqi

## SERBIAN CRIMES AGAINST ALBANIAN PATIENTS AND HEALTH STAFF

### Abstract

On June 20, 1999, when NATO forces entered Kosova, the medical staff of the University Clinical Center of Kosova, in an organized manner, returned to the clinics of the Faculty of Medicine. Upon finding the documentation left behind by the Serbian medical staff, the registry of the sick and wounded who were treated in the clinics was found. Many facts were found that the Hippocratic Oath was violated and profaned by Serbian health personnel working in various medical clinics. The documents found and the records testify to the barbaric acts of genocidal proportions by the Serbian government, police and army against the patients and health personnel of the UCCK during the Kosova war.

In UCCK, all forms of violence and pressure were applied to patients and health personnel in one of the largest and most important health institutions in Kosova from 1998 until June 20, 1999.

In this paper the destruction of the health system will be addressed; patient data from the protocols of patients at UCCK; wounded and injured children admitted to the surgical clinics of Prishtina hospital from 01.05.1998 to 20.06.1999; the wounded in the vascular surgery ward who were accused of being "terrorists"; the data of more than 31 prisoners injured in the Dubrava Prison massacre; the mistreatment, intimidation and forced removal of doctors and patients from the Hospital of Prishtina, as well as the murders and missings of Albanian doctors by the government of Serbia through the apparatus of violence, which was carried out by the police, the army and the Serbian paramilitary formations.

*Key words:* Medicine, UCCK, patients, injured, violence, expulsion.

### Poisoning - an act of genocide against Albanian children

The poisoning of children, pupils and Albanian students, which began on March 21, 1989, from the point of view of international law, is systemized as the most barbaric and genocidal acts that may have occurred in civilized Europe in the last five decades. This poisoning was done in peace, against citizens who did not incite war, and for this, no

one was held accountable, nor was any form of investigation organized to identify the perpetrators of the crime. The non-organization of investigations to establish the truth objectively increases the suspicion that the former Yugoslav state itself has done this. The poisoning left very serious consequences for 7,421 young people, mostly Albanians. The frustrations, traumas and psychosis created were carried to the relatives of the families, of the poisoning victims, and from them and through them, to the entire Albanian population.

Bearing this in mind and starting from Article 2 of the International Convention on the Prevention and Punishment of Crime, of which the former Yugoslavia was also a signatory, where it is said that genocide also means the act that punishes the crime if: "intentionally causes consequences and serious psychological and physical wounds to the members of the ethnic community". Then, without any doubt, it emerges that with this act against the Albanian population, the most serious act of classic genocide was perpetrated.

Article 1 of the cited Convention states: "As a crime, genocide is in complete opposition to the spirit and goals of the United Nations and of civilization. In other words, this act of genocide is not only against Albanians and other citizens of Kosova, but at the same time it is an act against humanity, against the proclaimed and approved principles of the United Nations.

Taking into account the crime committed and starting from articles 1, 2 and 3 of the Convention on the Prevention and Punishment of the Crime of Genocide, international governmental and non-governmental bodies and institutions, international bodies and institutions for the protection of fundamental rights and freedom of man, have an obligation to request that investigations be organized for the poisonings and that the actors of this crime be brought before the International Court.

Even the bodies of the former Yugoslavia at the three levels of organization at that time (provincial, republican and federal), relying on the mentioned Convention, but also on the Criminal Law of the former Yugoslavia, had the obligation to organize the investigations, in order to discover the actors of this crime and to take legal measures against them. The barbaric behavior of the police towards the victims of poisoning, preventing them from receiving treatment at health institutes, physical abuse of those who helped the poisoned, raiding the Catholic Church in Ferizaj, but also in other places just because they had offered to the poisoned help, shows that the state had a hand in the poisonings.

Laboratory blood tests, made in two laboratories in Paris, videos and other footage "show that it is about chemical war poisons" and that "this crime was committed by agents of Belgrade, probably military agents" declares. dr. Bernard Benedetti. The same results are also produced by A. Heyndrickx, director of the International Laboratory of ILUR University, UN expert and director of the UNIDO project in toxicological and environmental sciences. He, at the Paris Conference, which was dedicated to biological and chemical warfare, in January 1993, declared that "massive intoxication of Albanian children took place in Kosova as a result of the use of neurotoxic gases by the Serbian regime". A. Heyndrickx in the interview given to the magazine "Zm" considers the poisoning an act of genocide and requests that it be examined at the Hague Tribunal.<sup>1</sup>

### Illegal arrests of doctors, torture and impromptu false trials

Cases in which doctors were detained and subjected to forms of torture and other forms of cruel, inhuman and degrading treatment or punishment include the following:

**Dr. Shani Bajraktari** was an ophthalmologist. He had provided medical aid to KLA soldiers in a clinic. An inspector from the state insurance had interrogated dr. Bajraktari regarding his ties to the KLA, including a visit to the KLA hospital in Gajrak where he had gone to care for a woman with a serious eye injury.

Dr. Bajraktari was detained again on September 28, 1998. This time he was brought to the detention center where he was "brutally beaten" until he lost consciousness. As the interrogation continued, Serbian authorities showed him a statement made by someone else that he had worked in a KLA clinic and continued to beat him until he signed the statement. When he appeared before the judge he denied the charges and was beaten again in the courtroom. He was then held in a room of 22 square meters, with 37 other detainees and without sanitary equipment. Later he was taken to a cell which had four people.

---

<sup>1</sup> Halim Hyseni, " E vërteta për helmimet në Kosovë (1987 - 1990)", Pristina 1996, p. 20-23.

Dr. Bajraktari was accused of - *an act of terrorism by Article 125 of the Criminal Code of Yugoslavia*". The prosecutor asked for a prison term of 15 years.<sup>2</sup>

After three months in detention, on January 29, 1999, in the court session, the Serbian neighbors of dr. Bajraktari testified in his favor. In a decision made by majority vote (3-2) dr. Bajraktari was sentenced to 3 years in prison. In the meantime, he was released on bail pending the decision of the Supreme Court of the Republic of Serbia. Together with his wife, he left through the mountains and went to Albania.

**Dr. Luan Jaha** ran a clinic near Rahovec. In July 1998, after the Rahovec offensive, dr. Jaha, together with his wife Vlora (pediatrician) and their two small children fled to Malisheva. He cared for the sick and wounded in a makeshift facility. On August 17, 1998, while returning to Rahovec, he was noticed by a policeman who had once been his patient. Dr. Jaha was handcuffed, taken into custody and brought to the police station in Prizren. He was interrogated about his activities, accused of organizing the medical services of the KLA and taking Serbian hostages in his hospital in Rahovec. When dr. Jaha had denied the charges, he had been brutally beaten. Then he was sent to a small cell with 20 to 30 other prisoners. For three consecutive days he was interrogated about his activities and those of other doctors who worked in that district. By abusing him physically, they caused hematomas on his legs and hands, in which case he lost consciousness after suffocating him with a plastic bag. He had asked to go to the doctor in Prizren.

Dr. Jaha was sent to the court to hear the accusations of the investigators. After a month and a half, dr. Jaha was released and all terrorism charges against him were dismissed.<sup>3</sup>

**Dr. Fehmi Vula** was a well-known general surgeon and former chairman of the Kosova Red Cross. In 1998, he was the director of the Gjakova hospital. In May 1998, the Serbian state security police came to his office and asked him to accompany them in the search for two Serbian policemen who had disappeared, assuming that he could use his

---

<sup>2</sup> More broadly, see: Prof. Asst. Dr. Salih Krasniqi: *Krimet e luftës kundër pacientëve dhe personelit mjekësor, të kryera nga forcat policore dhe ushtarake serbe në QKUK gjatë periudhës 1998-1999* (Book II, with additions), Pristina 2022.

<sup>3</sup> *Ibid.*

authority in the community to secure their release. They threatened to kill him if the policemen did not return. After three days of searching and after they could not find the policemen, they arrested him. Investigators accused him of providing medical aid to wounded KLA soldiers behind the battle lines, for purchasing weapons for the KLA.

Dr. Vula was kept for three days in the prison of Gjakova, in the basement of the police station. He described his cell as "a lavatory without a toilet" where everyone had to urinate and defecate there. There were no lights, no chairs or beds in the basement prison. Dr. Vula was then transferred to Prizren and brought before the investigating judge, who told him that the statements he had made while in prison would not be used. Dr. Vula had told the judge that he had been in the KLA-controlled village, but there had been no fighting at the time. He explained that a land mine had killed five civilians and wounded five others. Local doctors had sought his help. The judge decided to keep dr. Vula in custody, pending investigations.

After 49 days in Prizren, dr. Vula was transferred to Peja. Six weeks later, dr. Vula was transferred again, to Mitrovica. The judgment of dr. Vula, originally scheduled for October 20, 1998, was postponed to November 3, 1998 and still included terrorism charges. The prosecutor asked the court to sentence Dr. Vula to 10 years in prison. In the trial, the Serbian director of the Gjakova hospital and three other citizens testified in his favor. After hearing the evidence, the court found him guilty and sentenced him to five months and released him for the time he had served.<sup>4</sup>

**Dr. Afrim Avdaj** was a general surgeon who, after training in Sarajevo, was invited to return to his hometown of Verrin, a village 6 km from Prizren, to help provide medical services to wounded KLA soldiers. He arrived on May 2, 1998. In mid-July, he was detained and held in a pre-trial detention center, along with 50 other Albanians. Dr. Avdaj was sent to prison and badly beaten. Dr. Avdaj was accused of killing a policeman. When he was brought before the court three days after his arrest, he said that he had signed the statement only because of the threat of torture. However, the judge upheld the indictment and sent him back to prison, where he remained for more than five months. On the 22<sup>nd</sup> December dr. Avdaj had the third hearing, and he still denied

---

<sup>4</sup> Ibid.

everything. As he approached six months, the maximum period of pre-trial detention, the judge released him.

**Dr. Zaim Gashi** was a general intern who during the 90s did his internship in the village of Sferkë and later in the health center in Klinë. He was the only doctor for 25,000 residents, including displaced persons, local citizens and KLA members. There he did his internship under difficult circumstances, including the lack of supplies and equipment.

On 15 July 1998 transport to the city was disrupted by an attack and for the next six weeks there was fighting around Sferka. By the beginning of September, the Serbian forces took over the city and dr. Gashi fled to Panorc. However, a few weeks later, Serbian forces entered Panorc, burning and looting it. He and other civilian Albanians were taken prisoners there. The men were taken to the primary school and held in classrooms, where they were threatened and some were beaten. The Serbian forces realized that he was a doctor and forced Dr. Gashi to treat one of their wounded soldiers. After a while, he and other people were sent to Peja. There he was interrogated and beaten on the palms of his hands and other parts of his body.

After a month, he was brought before the judge, where he denied the charges against him and in the meantime was transferred to Lipjan. He was brutally beaten there. He spent two months there and another three months in Gjakova. Dr. Gashi was sentenced to six months and was released for the time he had been in prison.<sup>5</sup>

### Expulsion of doctors and patients from Prishtina Hospital

On the morning of March 25, 1999, after the start of the NATO campaign, the Serbian director of the Prishtina Hospital invited all the staff to a meeting. Serbian military vehicles were parked in front of the hospital and armed Serbian soldiers and paramilitaries patrolled the hospital premises. Some Albanian doctors were warned by friendly colleagues not to attend the meeting, although a small number decided to go. At least a dozen Serb victims of the overnight bombing were being treated in the casualty area. At the meeting, dr. Grbic dismissed the Albanian doctors and ordered them to leave immediately. He also

---

<sup>5</sup> Ibid., p. 156 – 161.

released all Albanian civilians to create space for the Serbian victims. The Albanian doctors, fearing for their personal safety, left the hospital immediately.

Patients, many of them seriously ill, were also subject to unopposed expulsion even though their clinical condition did not allow it. Among the discharged patients were two young men receiving intravenous therapy for tuberculous meningitis (TB); a woman with "gynecological sepsis" and about 10 patients who were seriously injured in an explosion in the market and were a few days after surgery, amputations and abdominal explorations.

### The patient data from the protocols of the patients from UCCK

Among the patients in the hospital, there are many people injured, mistreated, beaten, tied to beds or to radiators, whose cigarettes were extinguished in their hands and bodies, killed, missing, etc. Also, in the presented evidence, there are many patients for whom complete data is not available, done as it seems on purpose by the Serbian officials. In total, there are about 6114 Albanian patients treated in Surgery and Orthopedics in the protocols from the total number of 10543 patients.

From these patients, in this paper, records for 1239 people were found. Of them, 372 women, 856 men, 11 NN patients, 36 patients without a date of birth, 31 patients from Dubrava prison, 17 patients whose profession has the word "terrorist" written, 402 of them were children up to 17 years old and 741 adults.

The age of the 1239 patients included ranged from a few days (newborn) to 88 years.

The average age was 27.3 years.

The diagnoses of the 1239 patients included in this study were:

- Gunshot wound (firearm) = 104
- Explosive wound (with explosive weapon) = 123
- Other wounds = 508
- Undiagnosed = 504
- Total = 1239

Deaths of patients involved:

- Female = 25
- Males = 87
- Total = 112 or 11.06%

This number does not include 45 health workers killed or missing.

Physicians for Human Rights (PHR) <sup>6</sup>documented 23 first-hand reports of patient abuse by Serbian authorities in 1998-99. The Albanians most at risk of physical abuse in the health system were the men who came from the conflict zones, whom the Serbian authorities seem to believe are members of the KLA. However, all Albanian patients, regardless of gender or city of origin or connection to the war, were at risk of being physically abused during their stay in health facilities. Serbian policemen and guards beat the patients in the toilets, in the corridors, or while they were in their beds in the hospital. They had put out cigarettes on post-operative patients and burned their genitals, legs, arms and open wounds. In one case, police launched an assault on an intensive care unit with 30 armed police and held a patient on a respirator at gunpoint. Many of these abuses occurred when doctors were not present. The doctors who had tried to protect their patients were threatened with their lives by the police.

### Murders and missings of doctors

During the period from February 1998 to February 1999, the PHR documented three murders of doctors and one missing. Evidence shows that at least two of them were targeted because they were doctors. In all cases, the evidence shows that Serbian forces were responsible. The murder and missing of these doctors terrorized the medical community of Kosova Albanians and at that time served as a constant reminder for doctors of the dangers that carry with them by fulfilling doctor's duties.

Among the killed and missing are:

---

<sup>6</sup> Perilous Medicine: The Legacy of Oppression and Conflict on Health in Kosova June 2009 A Report by Physicians for Human Rights, pages 22-34.

No.	Name and surname	A	DEATH	Method	Place of residence	OCCUPATION
1	Dr. Hafir Shala 1960	38	Missing	Missing	Drenas	Doctor
2	Dr. Hazir Avdyl Malaj, 1941	57	Killed		Tropoje	Doctor
3	Dr. Lec Leci- Gradica, 1954	44	Killed	Massacred	Drenas	Doctor
4	Dr. Shpëtim Robaj, 1957	41	Killed		Prishtinë	Anesthesiologist
5	Dr. Nuredin Zejnullahu, 1949	49	Killed		Pejë	Internist
6	Dr. Xhevat Gashi, 1953	46	Killed		Pejë	Doctor
7	Dr. Izet Hima, 1939	60	Massacred	Missing	Gjakova	Surgeon
8	Dr. Fahredin Sh. Hoti, 1953	46	Killed		Rahovec	Gynecologist
9	Dr. Fatmir Krasniqi, 1956	43	Killed	Missing	F. Kosovë	Doctor
10	Dr. Lah A. Islami, 1967	32	Killed	Missing	Gjakovë	Doctor
11	Dr. Vesel Xh. Elezi, 1958	41	Killed		Ferizaj	Physiatrist
12	Dr. Masar I. Radoniqi, 1942	57	Killed		Gjakovë	Dentist
13	Dr. Adem Ademi, 1948	51		Missing	Mitrovicë	Surgeon
14	Dr. Fatmir B. Fazliu, 1966	33		Missing	Skenderaj	Doctor
15	Dr. Bedri B. Beqaj, 1963	36	Killed		Gjakovë	Gynecologist
16	Dr. Rexhep S. Hajdaraj, 1962	37	Killed		Decan	Doctor
17	Dr. Faton Q. Huma, 1962	37	Killed		Gjakovë	Dentist
18	Dr. Igballe A. Oshlani, 1954	45	Killed		Vushtrri	Cardiologist
19	Dr. Zijaudin I. Haxhijaj, 1951	48		Missing	Pejë	Pulmonologist
20	Mr. Ph. Blerim Dema, 1966	33	Killed		Kaeanik	Pharmacologist

No.	NURSES	M				
1	Beqir M. Jakupi, 1939	60	Killed	Massacred	Orllan	Nurse
2	Nesim S. Popaj, 1965	34	Killed		Rahovec	Technician Radiology
3	Halil Kyçyku, 1951	48	Killed		Suharekë	Nurse
4	Fatime M. Berisha, 1956	43	Killed	Missing	Suharekë	Nurse
5	Avdi Sahit Berisha, 1953	46	Killed	Missing	Suharekë	Nurse
6	Murat F Suka, 1944	55	Killed		Blace	T. of dentistry
7	Bekim L. Thaçi, 1968	31	Killed		Rahovec	Pharmacy technician
8	Zaim Q. Bajrami 1963	36	Killed		Skenderaj	Nurse
9	Bujar Sh. Thaçi, 1978	21	Killed		Rahovec	Nurse
10	Jeton A. Kabashi, 1981	18	Killed		Rahovec	Nurse
11	Arsim Poniku, 1979	19	Killed		Prizren	Nurse
12	Bahri M. Kryeziu, 1966	33	Killed		Gjakovë	Nurse
13	Mentor Leposhtica, 1976	23	Killed		Prishtinë	Nurse
14	Burim Selmanaj, 1979	20	Killed	Missing	Gjakovë	Nurse

No.	MEDICAL STUDENTS				
1	Njazi Ibrahim Zenuni, 1975	24	Killed		
2	Imri Habit Halili, 1976	23	Killed		
3	Hidajet Hasan Mazreku, 1975	24	Killed		
4	Azem Hamit Babiqi, 1968	31	Killed		
5	Agron Hamdi Krasniqi, 1972	27	Killed		
6	Sejdi Hasan Gërxaliu, 1970	29	Killed		
7	Visar Krasniqi, 1981	20	Killed		
8	Ismail Xh. Ismail, 1954	45	Killed		Graduate

No.	PHYSICIAN ASSISTANT					
1	Asret S. Poniku, 1964	34	Killed		Prizren	Sanitation aid in KLA
2	Sokol S. Mazreku, 1953	46		Missing	Malishevë	Assistant
3	Hamdi S. Berisha, 1946	53	Killed	Missing	Suharekë	Assistant

### Wounded and injured children admitted to the surgical clinics of Prishtina hospital from 01.05.1998 to 20.06.1999

There is a significant number of children injured during the war in Kosova 1998-1999 with firearms, explosive devices and other devices from 01.05.1998 to 20.06.1999 that were treated in the Hospital of Prishtina. The total number is **402**. Of them, **138** women and **264** men. These children have been hospitalized in Prishtina hospital clinics. Out of the total number of **402 patients**, **16 children** died in the hospital, **22** were injured by firearms, 22 by explosive weapons, **211** by other means, and **147** were undiagnosed. The protocols that have been used are from the Children's Surgery Clinic, Thoracic Surgery, Neurosurgery, Orthopedics, Intensive Care, the emergency operating room, and the Admission Protocols. These data were extracted from the protocols of the respective Clinics from 01.05.1998 to 20.06.1999.

*An example of the 402 injured children:*

**Shkurte Maliqi, 1998**, 6 months old, from Likoshan of Drenas. This girl was admitted to intensive care on 23.09.1998 and then transferred to Neurosurgery on 24.09.1998 with the diagnosis **Dg: Vulnus sclopetarium regio frontalis lat.dex. Bone fracture. frontalis lateris dextri. Susp. Rupture bulbi oculi dex. (Gunshot wound to the head in the right frontal region. Fracture of the frontal bone on the right side. Suspicious explosion of the right eyeball).**

I have no information about her fate.

5654	Shkurte Maliqi	0706	1998	Prishtine	06.10	08.10	06.10	08.10
	Ushtrimit							
	Intensive Care							

Fig. 112. Shkurte Maliqi, 1998 (6 months) No. 5654. Protocol of admission to Intensive Care, 24.09.1998

Fig. 112/1. Shkurte Maliqi, 1998 (6 months) No. 701/5654. Date of admission to Intensive Care: 22.09.1998

Fig. 112/2. Shkurte Maliqi, 1998 (6 months old). No. 726/5654. Date of admission to Neurosurgery, 23.09.1998

The diagnosis in Neurosurgery is this. **Right: Vulnus sclopetarium capitum reg. frontalis dex. Rupture bulbi OD. Op: Craniotomy simplex reg. frontobasalis dex. Dura suture.** (Gunshot wound to the head in the right frontal region. Explosion of the right eyeball. Operation: Simple surgical opening of the skull in the right frontal-basal region. Sticking of the dura).

So it can be seen that even the 6-month-old children were not spared by the Serbian police, where they injured them with revolver or automatic weapons, as can be seen on the basis of the described diagnoses.

### The wounded in the vascular surgery ward (UCCK) who were identified as "terrorists"

This group includes **17** people who had receive medical treatment different from others, in a negative sense. They were tied to the bed or to a radiator, they were mistreated daily by the police and guards, paramilitaries, as well as by the Serbian patients who were hospitalized as wounded during the war. There were many others who suffered similarly. It is surprising how even a **17-** year-old child has the profession "Terrorist". This is Naim Qufaj, born in 1981.

The data from the protocol columns of the Department of Vascular Surgery, in this department, surprisingly, the word terrorist was marked in the profession column. These patients have been under the surveillance of the Serbian police 24 hours a day and mistreated with different methods.

The wounded with the "terrorist profession"

1. **Qerim Jetishi, 1965, 33 years old, from Gjakova.**
2. **Arsim Hasimi, 1973, 25 years old, from Shtimja.**
3. **Mehdi Limani, 1960, 38 years old, from Shtimja.**
4. **Islam Thaçi, 1972, 26 years old, from Prizren.**
5. **Agim Jaha 1967, 21 years old, Klina.**
6. **Gjokë Ndrecaj, <sup>7</sup>1962, 36 years old, from Bitesh village, Gjakova municipality. Killed in Dubrava prison on 19.05.1999.**
7. **Arsim Tolaj, 1980, 18 years old, from Prejlep of Deçan.**
8. **Naim Qufaj (1981), 17 years old, from the "Dardania" neighborhood of Peja.**
9. **Arben Bobani, 1977, 21 years old, from Gjakova.**
10. **Valon Gexha, 1976, 22 years old, from Gjakova.**
11. **Arbër Spahiu, 1976, 22 years old, from Gjakova.**
12. **Avdi Krasniqi, 1954, 44 years old, from the Municipality of Drenas.**
13. **Veli Vrellaku, 1975, 23 years old, from Drenas.**
14. **Bislim Bislimaj, 1957, 41 years old, Viti.**
15. **Muhamet Kçina, 1976, 23 years old, from Drenas.**
16. **Avni Haziri, 1973, 26 years old, Ferizaj.**
17. **Fehmi Veliqi, 1974, 25 years old, from the village of Polluzhe, Municipality of Drenas. Dead in UCCK and missing until 2003.**

### Patients over the age of 18 hospitalized in Prishtina Hospital

The number of these patients is **741 people. 220** of them women and **521** men. These patients over the age of 18 were hospitalized in the clinics of the Hospital of Prishtina in the aforementioned period. Out of the total number of **741 patients, there are 81** patients who died in the

---

<sup>7</sup> In the protocol book, it is written that he was born in 1972, but Gjokë Ndrecaj was born in 1962.

hospital, **64** were wounded by firearms (shotguns), **65** were injured by explosive weapons, **272** were injured by other means, and **340** were undiagnosed. The protocols that have been used are from Abdominal Surgery A, B, HB, C, Children's Surgery Clinic, Thoracic Surgery, Neurosurgery, Orthopedics, Intensive Care, emergency operating room, Admission Protocols.

These data were extracted from the protocols of the respective clinics from 01.05.1998 to 20.06.1999.

An example from 741 patients over the age of 18:

**Argjent Bakri**, 1979, 19 years old from the village of Ponoshec - Gjakovë. He was admitted to Intensive Care on 05.04.1998. Admission diagnosis write Dg: **Vulnus sclopetarium hemithoracis lat.dex. Schock hae morragicus. (Gunshot wound in the right chest. Shock bleeding)**. Transferred to Thoracic Surgery on 05.06.1998. The diagnosis in Thoracic Surgery was **Dg: Vulnus sclopetarium hemi - thoracis l.dex. Haemathopneumthorax trauma tica l.dex. Schock haemorrhagicus. Op: Thoracostomy. (Gunshot wound in the right right arm. Blood and air accumulation in the right chest from the injury. Shock bleeding. Operation: Lumpy formation in the chest)**.

04.05.1998	Argjent Bakri	04.05.1998	1979	Gjakovë	05.05.98	ICU	18.06.98	WCC
------------	---------------	------------	------	---------	----------	-----	----------	-----

Fig. 3. Argjent Bakri, 1979. No. 2641. Protocol of admission to Intensive Care, 04.05.1998

KT	04.05.1998	Argjent Bakri 2641	1979	si Ponoshec Dakovica	hino përvito	Dg: Vulnus sclopetarium hemithoracis lat dex. Schock haemorrhagicus.	04.05.1998	ICU	18.06.1998
----	------------	-----------------------	------	-------------------------	--------------	--	------------	-----	------------

Fig. 3/1. Argjent Bakri, 1979. No. 345/2641. Date in Intensive Care: 04.05.1998

**Argjent Bakri, 1979 (18 years old)**, Gjakova. In the diagnosis column, Dg writes: **Vulnus sclopetarium hemithoracis lat.dex. Haematho pneumothorax traumatica lat.dex. Shock haemorr hae gicus. Op: Thoracostomy. (Gunshot wound to the right chest. Accumulation of blood and air in the right chest due to injury.**

**Shock from bleeding. Operation: Surgical opening of a hole in the chest).** There are no <sup>8</sup>other data.

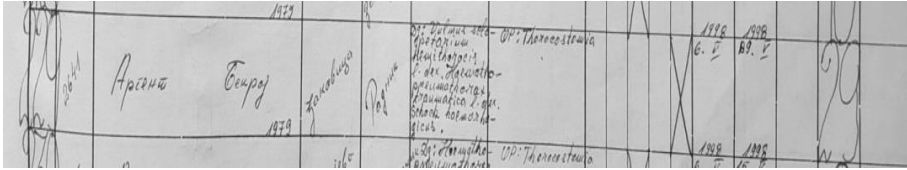


Fig. 3/2 Argjent Bakri, 1979. No. 229/2641. Date in Thoracic Surgery: 06-29.05.1998

### Data of more than 31 wounded prisoners in Dubrava prison

The wounds of these patients were different, depending on the means by which they were inflicted. There were explosive, shotgun, sharp and blunt wounds.

The oldest patient was 50 years old, while the youngest was 20 years old. The average age for 29 patients was 33.6 years, while in 2 patients there was no recorded date of birth.

For the wounded Albanians, who were in the prison of Dubrava in Istog, who were brought by the Serbian police to the Clinic of Vascular Surgery in Prishtina, it is characteristic that all the Albanian prisoners had

<sup>8</sup> Three Persons Wounded at Ponosevc on Monday, One of Them Dies in Hospital PRISHTINA, May 5 (KIC) - The Kosovar border villages in the municipality of Gjakova came under resumed Serb gunfire yesterday. At 16:00 hrs, the village of Pepoc, a mile away from Ponoshevc village, was attacked yesterday. In the evening hours, the village of Ponoshec was shelled intermittently by Serb forces. Three local residents of Ponoshevc, an Albanian woman Razë Neziri (1936), and two Roma community members, father and son Binak Bakri (1941) and Argjent Bakri (1978), wounded during the Serb attack, were taken to the Gjakova hospital last evening, local sources said. They were victims of Serb indiscriminate firing on the houses in the village, and not against the Albanian terrorists, as the Serb propaganda alleges. Sources in Gjakova said the Serb ('Yugoslav') forces resumed their firing on villages in the area today morning. Serb forces have been stationed in a local school building at Ponoshevc village and in some houses abandoned by local Albanians. Fresh Serb troops have reported heading for the border area with Albania today morning. In the past few weeks, especially over the past several days, heavy Serb forces, including paramilitary units, have been building up in the area. Meanwhile, the town of Gjakova itself has continued to be tightly sealed off by Serb police, and the people routinely intimidated and ill-treated. A bus driver of "Emin Duraku" textile factory was beaten up brutally while driving workers to the factory on Monday morning.

suffered wounds, according to the Serbian police, from NATO projectiles. First aid was given to women after 4 days and some even up to 20 days after the injury. According to the notes, in the medical records it is written that the bombing took place on 22.05.1999. And the wounded Albanians were brought from 26.05.1999 to 10.06.1999. The stay of the wounded in the Surgery was from 1-15 days, reasoning that there is no place for the wounded, and again the wounded writes that they were sent back to prison, but in some cases it is not written to which prison. It is said that the wounded are as a result of the NATO bombing, but they forget that they have brought patients who had wounds from small-caliber firearms, such as revolvers or automatic rifles, and beaten patients without wounds. It is surprising how NATO was able to injure only the Albanians in the prison and not the Serbs, such as the guards, the Serbian prisoners and the prison policemen, since we have no information about them in the protocol of the sick".<sup>9</sup>

According to the data, it is known that there were nearly 300 wounded Albanians in Dubrava prison from 19.05.1999 to 22.05.1999. Only 31 wounded or 1/10 of the wounded were brought to the surgery.

According to the data, a number of injured or beaten people were executed in the ambulance and in the kitchen of Dubrava prison.

In the prison hospital, where fifteen seriously injured were sent for recovery, the criminals shot the seriously injured again with revolvers in the head and left them all dead in front of the health personnel. Finally, the paramilitary groups and the ordinary guards, upon reaching the prison kitchen, where a good part of the Albanian prisoners, who escaped the previous massacres, were gathered, fired upon them without any warning, machine guns, where many Albanian prisoners remain killed and seriously and lightly wounded.<sup>10</sup>

The patients brought to the hospital in Prishtina had a medical treatment that was not at all humane, either by the guards, Serbian policemen or by the medical staff. Two patients died during treatment due to the delay in treatment, as well as inadequate treatment in the Prishtina hospital. One patient, after being released from the hospital in Prishtina, died of torture on the 11th day in Pozharevc prison. The patients were removed from the hospital and again sent to the prisons of Serbia.

---

<sup>9</sup> Dr. Salih Sh. Krasniqi, *Krimet dhe keqtrajtimet e pacientëve dhe personelit mjekësor në qendrën klinike universitare të Kosovës nga forcat policore dhe ushtarake të Serbisë gjatë luftës në Kosovë 1998-1999*" botuar në Prishtinë, 2018, p. 200.

<sup>10</sup> [www.forumishqiptar.com/threads/123223](http://www.forumishqiptar.com/threads/123223) Hasan Hasanramaj *Masakra në Burgun e Dubravës ose Purgatori i Dante Aligerit*, p 3..

The release from Prishtina Hospital was done by the doctors, in coordination with the prison staff, because there are no places for patients. According to the data of the injured, the medical treatment in Prishtina's hospital, in Vascular surgery, was miserable. The medical treatment was ill-treatment, handcuffed to each other, beatings by the guards and policemen, insulting words by the medical staff, failure to provide adequate medical assistance, etc.

Wounded patients in Dubrava prison in Istog that the Serbian militia brought to UCKK

1. **Vehbi Kurtalani, 1976**, 23 years old, from Gjilan.
2. **Bedri Kukalaj, 1978**, 21 years old, from Prejlep of Deçan.
3. **Agim Ibraj, 1976**, 23 years old, from Peja.
4. **Bujar Himaj, 1968**, 31 years old, from Gjakova. Died in Pozbarevc prison from torture.
5. **Nazmi Haliti, 1954, 45 years old**, from Ferizaj.
6. **Fatmir Kokollari, 1968 (should be 1973), 26 years old**, from Suhareka.
7. **Avdullah Cunaj, 1964**, 35 years old, from Prizren.
8. **Ali Gashi, 1955**, 44 years old, from Suhareka. Dies in UCKK.
9. **Bajram Bajraj, 1954, 45 years old, Suharekë**.
10. **Besnik Kuki, 1949**, from Prizren.
11. **Hysni Dautaj**, without date of birth, without address.
12. **Ajet Ibraj, 1974**, 25 years old, from the municipality of Peja.
13. **Gani Selani, 1946**, 53 years old, from Vushtrri.
14. **Ahmet Demiri, 1964**, 35 years old, Gjilan.
15. **Hysen Latifaj, 1964, 35 years old**, from Prejlep of Deçan.
16. **Isa Topalli, 1971**, 28 years old, from Drenas.
17. **Ibrahim Ferizi, 1974**, 25 years old, from Peja.
18. **Agim Hulaj, 1960, 39 years old**, from Deçani.
19. **Bashkim Haziraj, 1978**, 21 years old, from Suhareka.
20. **Haki Haziraj, 1964**, 35 years old, from Drenas.
21. **Avni Memia, 1960**, 39 years old, from Tropoja, Albania.
22. **Nysret Hoti, 1970**, 29 years old, from Rahovec.
23. **Musli Avdyli, 1960**, 39 years old, from Ferizaj.

24. **Bujar Sylaj, 1978**, 21 years old, from Tropoja, Albania.
25. **Muje Tafilaj, 1968**, 31 years old, from Klina. Dies in UCKK.
26. **Fadil Dabiqaj, 1959**, 40 years old, Prejlepe-Deçan.
27. **Armond Koshi, 1963**, 36 years old, Gjakova.
28. **Xhemsat Shehaj, 1962**, 37 years old, from Deçan.
29. **Fazli Myftar Franca, 1971**, 28 years old, from Tërstenik of Drenas.
30. **Sylejman Bytyçi, 1982**, (should have been 1952, so 47 years old), from Ferizaj.
31. **Adnan Topalli, 1979**, 20 years old, from Rahovec.

**Patients NN (NO NAME), hospitalized from 01.05.1998 to 20.06.1999 in Prishtina Hospital (surgery and orthopedics).**

The total number is **11**. These NN (unnamed) patients have been hospitalized in Prishtina hospital clinics in the above-mentioned period. Out of the total number of **11 patients, there are 5** patients who died in the hospital, **2** were wounded by firearms (shotguns), **2** were injured by explosive weapons, **1** were injured by other means, and **6** were undiagnosed. The protocols that have been used are from Abdominal Surgery A, B, HB, C, Children's Surgery Clinic, Thoracic Surgery, Neurosurgery, Orthopedics, Intensive Care, emergency operating room, Admission Protocols. These data were extracted from the protocols of the respective Clinics from 01.05.1998 to 20.06.1999.

**An example from 11 NN patients**

**Nameless baby.** 1999, from Obiliq. Was admitted to Neurosurgery on 10.03.1999. Other data for this patient are missing.

1296	11.03.1999	16.03.99	11.03.1999
------	------------	----------	------------

*Fig. 3. NN baby, 1999. No. 1296. Admission protocol in Neurosurgery on 10.03.1999*

158	1999	10.03.1999
-----	------	------------

*Fig. 3/1. NN baby, 1999. No. 158/1296. Neurosurgery protocol dated 10.03.1999*

Mimoza Shahini

## SPECIALIZED TREATMENTS OF MASSACRES SURVIVORS AND GENOCIDE IN KOSOVA

*When the effects of trauma do not resolve within a generation,  
when it is ignored and there is no support in its treatment,  
the trauma will pass from one generation to the next*

Prof. ass. Mimoza Shahini 2023

### Abstract

Post-war Kosova has faced the difficulty of organizing support services for the survivors of the massacres. Of course, the lack of specialized services has made the continuation of psychological suffering even more complicated for all those who have experienced or witnessed traumatic war-related events, such as murder, massacres, torture, abuse, loss of body parts from falling into mines, sexual violence, loss of children, missings of family members, as well as many events that have left a mark on their memory and functioning in general.

Intervening in massacre survivors is related to the exploration of many feelings such as dehumanization, loss of hope, the power of justice/injustice, extreme experience of trauma, social justice, the meaning given to massacres and victims in such events, the guilt of survival, the border between life and death. Several theories have been developed to deal with the complexity of the psychological effects of war-related trauma by trying to construct new models of explaining the response to trauma while finding effective ways of dealing with it. These models consider the complex interplay of multiple and reciprocal psychosocial, policy-related, and ecological factors that simultaneously affect key domains of survivors' lives.

This makes us professionals to research as much as possible in creating a system that does not rely only on the individual, but to offer services that introduce the dimensions of time and the interactive relationship between a survivor and his/her ecological environment, in the discussion regarding trauma, being aware that traumatic sequences can change in different contexts and at different times throughout life.

What we need for professionals in the field of mental health, but also for humanitarian organizations when dealing with survivors, is to rely on the scientific evidence that is available. There is strong evidence that psychosocial interventions provide significant relief of symptoms of PTSD, depression, anxiety, psychosomatic concerns, suicidal thoughts, self-medication or alcohol abuse. Cognitive-behavioral treatments, supportive counseling, exposure therapy have been studied in the largest number of trials and have consistently shown beneficial effects. Combined exposure and cognitive therapy treatments show small but consistent advantages over either intervention alone.

Understanding the relevant psychobiological mechanisms and how they unfold over time is important for understanding how to better identify risk, promote resilience and treat where needed, and how to optimally tailor interventions.

*Keywords:* suffering, psychological, murder, massacre, torture, abuse, specialized treatment.

Crimes such as genocide and massacre are considered the most serious acts against humanity, as they are based on the belief that the acts involved affect the essential dignity of human beings. Human dignity is the inherent value of every individual. It emphasizes equality, autonomy, inviolability and respect, guiding being in the way we treat others and ourselves in relation to them. Torture is described as “the use of dehumanization by power and is an instrument of oppression and crushing at the personal or collective level. Massacres and torture usually occur in a context where social and psychological factors have combined to allow the dehumanization and negative labeling of target groups, and where the conviction of the individuals who commit such acts becomes a reason to act, usually under the guise of patriotism.

This context shows how survivors of massacres and crimes have overwhelming hurtful feelings and lasting impacts on their well-being. Supporting and empathizing with them is essential for survival and healing.

Even 23 years after the war, Kosova still has difficulties to get to the truth of what bloodied and humiliated our environment where a part of the population still today fights to establish justice for the crimes committed during the war. After the end of the war, evidence shows that mass trauma causes such varied and complex devastation that only a multidimensional, multidisciplinary, interdisciplinary framework can adequately describe it and teach effective interventions.

An individual's identity involves a complex interplay of multiple spheres or systems, including but not limited to the biological, intrapsychic, familial, political, economic, cultural, national, and international.

These systems coexist dynamically along the time dimension to create a continuous conception of life from past to present to future. This trajectory is also the focus of psychiatric and psychological intervention, giving survivors the opportunity to create a new understanding that helps them face the problems related to the trauma, but not only.

Interventions focused on survivors of torture, rape and massacres, wounds that remain open due to feelings such as guilt, shame, belittlement, as well as a lack of sense of usefulness are the most powerful source of stopping the transition of trauma from a generation to the next.

## 1.0 Interventions immediately after the end of the war

Immediately after the end of the war, professional help to the victims was offered by the Department of Neuropsychiatry in Prishtina, within the University Clinical Center of Kosova, by professionals who had a more biological approach, without treatment protocols for survivors of massacres or physical and sexual violence during the war and did not have the infrastructure to support those who did not seek help outside the institutions. Mental health services were provided by 19 neuropsychiatrists and very few psychologists and social workers. Meanwhile, professional field services were covered by more than 700 international and national NGOs, many of which employed mental health professionals with varying levels of competence, commitment and sensitivity (Minear, van Baarda and Sommers, 2000).

Meanwhile, crisis interventions have not been accompanied by protocols for professional doctors for the treatment, referrals and reporting of survivors of massacres or rapes. This has led to the majority of survivors turning to organizations that were more oriented towards providing material support than offering psychological or psychiatric support and, above all, were not coordinated at the national level. There is some evidence (Jones, Rrustemi, Shahini and Uka, 2003) that sometimes damage has been done along with an improvement in the situation, this is because the average lifespan of an international project in Kosova was between one and two years, often with the change of human resources in less than six months. This has made it very difficult to create trust in the country that was offered to them:

"It was difficult to think about myself, about what had happened to me, I had to run all day around organizations to provide food, clothes for children. My house had been burned and I had no chance to rebuild it, they promised us that they would rebuild it, but we have to wait when it's our turn" this is the confession of a former war veteran in Kosova 5 years after the end of the war.

The first phase of the intervention was very deficient:

- Hospitals lacked training programs and protocols for all hospital staff on the rights and needs of crime victims, as well as adherence to a code of ethics, which would make survivors feel stigmatized.

- Impossibility of family and community involvement for survivors' rights.

- Repeated interviews of victims by various professionals.

- Lack of specialized treatments for survivors of violence by mental health staff.

- Lack of respect for the confidentiality and privacy of all victims, especially in cases of sexual violence.

In such environment massacre survivors have gone through a number of stages in their recovery and healing process although they are not rigidly distributed for some survivors, the unique and traumatic experiences of massacres can result in different stages of recovery. Here are some possible stages that are the focus of therapeutic interventions:

*Trauma and deep pain* - survivors of the massacres experienced an unparalleled degree of pain and loss. This caused them to have high levels of anxiety, depression and PTSD symptoms. Survivors of war crimes often have feelings of fear and insecurity. They may fear for their safety and that of their family, and this sense of fear may affect their ability to trust others and share their emotions and feelings with them.

*The negative vision-* of torture survivors is explained by the trauma and pain they experienced during the torture. In many cases, torture can cause a sense of oppression and inferiority in survivors, and they may feel that they no longer have value as people or that they no longer have any meaning in life. This can happen due to the feeling of losing their control and autonomy during the torture, making them feel weak and worthless.

*Survival* - during the massacres, many survivors were forced to focus on their basic survival needs, such as finding food, water, shelter and safety. This mindset can continue even after the war is over, as survivors try to survive and adapt to a new reality and rebuild their lives.

*Shock and disbelief* - having experienced great trauma and loss, survivors were struggling to come to terms with what had happened. Many of them had difficulty believing that they had survived a terrible event and could not fight survivor's guilt. Communication problems with survivors of war crimes were feelings of fear and mistrust,

problems communicating with others, feelings of separation from society, problems making decisions, and feelings of isolation and loneliness. Many of them were afraid to talk about what they had experienced, so as not to spread their feelings of fear and distrust to others.

*Emotional numbing* - some survivors experienced emotional numbing or detachment from what had happened to them as a coping mechanism. This made it impossible to express their emotions and in particular they had difficulty connecting with others. It was evident in group or individual meetings that survivors were divided between the emotional and cognitive worlds, a mechanism that helps survivors gain time to make sense of the dehumanization experienced.

*Seeking justice* - many of the survivors of the massacres want the criminals to be punished for their crimes. This was and continues to be a consequence of the uncompromising feelings for justice which is combined with the deep sense of guilt that have survived and at the same time the feelings of isolation and lack of support from the institutions.

*Reintegration* - many survivors of the massacres had to leave their families and communities behind. As they rebuilt their lives, they struggled to reintegrate into society and find a sense of belonging while some of them faced discrimination or prejudice based on their experiences as survivors of the massacres. Immediately after the end of the war, many of them, due to the fear of prejudice, did not ask for help even in foreign organizations as victims, but used the request for help for survival, and a phenomenon that happened after the war, some of the victims turned to professional services through another family member, in particular bringing their children, as this was less stigmatizing.

*Resilience and growth* - despite many challenges and obstacles, many survivors of the massacres have shown remarkable resilience and strength. They have found ways to connect with others who have shared their experiences, and find meaning in their survival and create a new sense of purpose and identity.

This phase is also focused on treating disorders such as post-traumatic stress, depression, anxiety, sleep disorders, and other psychiatric disorders. The approach at this stage has been more focused on debriefing/emptying, as well as psychosocial support provided by organizations on the field.

Pharmacological treatment was quite pronounced at that stage. It is worth noting that at this stage almost all the people who asked for

help had a request for the use of medications and at the same time we have many reports of self-medication with benzodiazepines.

## 2.0. Second phase

In such a context where many of the survivors did not have the opportunity to receive the appropriate services, several initiatives were taken by international organizations to build local capacities for specialized treatments around trauma processing for victims of massacres and survivors of torture.

Because the traumas of war and torture are so different from ordinary trauma, they require specialized treatment sensitive to the culture and context in which the survivors find themselves, creating confusion for professionals trained in techniques which were not applicable to our environment favoring in some cases even secondary traumatization, due to the lack of competence of the professionals.

Studies have shown that the effects of wars on mental health, physical health, economic security and political stability are long-term. It was therefore clear that services and treatments should take a holistic approach and address all aspects of a person's mental and emotional health, including their physical health and social support needs. Specialists faced challenges in applying those techniques. The problems that began to be present in the survivors of massacres and torture were diverse, such as post-traumatic stress disorder, anxiety, depression, alcohol and substance abuse, increased suicide rates, etc.

PTSD (post-traumatic stress disorder):

Post-traumatic stress disorder (PTSD) can occur in people who have experienced or witnessed a traumatic event, series of events, or a series of circumstances. An individual may experience this as emotionally or physically harmful or life-threatening and may affect mental, physical, social and/or spiritual well-being. Manifestations of post-traumatic stress syndrome can vary according to the culture and language of the person who experienced the traumatic event. Many studies suggest that the severity and type of symptoms presented may reflect how the massacre or torture was perceived by the survivor, the nature of the stressors behind those experiences, and the degree of social support received by the survivor. In Kosova after the war, there were several organizations that offered access to family support, whose

sessions were based on the psychosocial education of clients, as well as the strengthening of the family circle to support the victims.

2. Anxiety and depression - these two disorders have been reported in increased numbers in the civilian population after the war. Research conducted in the context of Kosova shows that the prevalence of anxiety and depression ranges from 33.6% to 47.6% (Kamberi et al., 2019; Arenliu et al., 2016; Priebe et al., 2010). Torture survivors may suffer from anxiety and depression as a result of the severe trauma they have experienced, as well as the family, social and economic contexts that shape their lives. This has also been confirmed by Kashdan, Todd B., Nexhmedin Morina and Stefan Priebe (2009) who found that psychiatric disorders were associated with greater experiential avoidance and psychological distress and lower quality of life.

5. Physical health problems - survivors of torture may also suffer from physical health problems, such as wounds and injuries received during torture, infectious diseases as a result of unsanitary conditions and lack of water and food. An interesting finding in the context of Kosova in a study conducted with war veterans 8 years after the end of the war, where many participants reported that they had emotional problems and more than one health problem and that they had not sought medical help. The study suggested that this could come precisely from the difficulties in accessing medical services in Kosova, as there were no specialized institutions to work with veterans and the relatively high level of stigma. Meanwhile, a high level of use of medications without a doctor's prescription has been reported to relieve various pains.

These results were consistent with other studies (Schell & Marshall, 2008), which found that barriers to care included, roughly speaking, concerns about confidentiality and discrimination, preferences to rely on family and friends, concerns about the effectiveness or side effects of treatments.

6. Alcohol and substance abuse - some survivors turn to alcohol to self-medicate and temporarily escape from distressing emotions, traumatic memories, or symptoms of mental health conditions, such as anxiety or depression. Also, reliance on alcohol can provide a short-term sense of relaxation and stress relief or it can provide a temporary escape from life's challenges or responsibilities, providing a sense of freedom and relief. It is important to note that while alcohol may provide temporary relief, it is not a healthy or effective long-term coping strategy, as it can lead to a number of negative consequences, including

addiction, impaired judgment, health issues, and worsening mental health problems or numbing the pain of their trauma.

7. Relationship issues - survivors had difficulty trusting others or forming close relationships because of their experiences. They also struggled with feelings of isolation or loneliness. They had difficulty trusting others or making meaningful connections with others.

8. The loss, death **and missing of children** - during the war their absence was no longer a traumatic moment, but the creation of a traumatic perspective which affects the shaping of family beliefs, the perspective on the necessity and parental supervision and shaping parents' lives in search of filling the empty space that the loss of children had created.

The loss of children in many families had created in parents a need to fulfill existence through the renewal of the name, new births in order to compensate, but which, in fact, often created a source of constant stress.

**9. Suicide**- there is considerable debate as to why trauma survivors are at increased risk of suicide. While some studies suggest that the risk of suicide is higher among those who have experienced trauma due to PTSD symptoms (Ferrada-Noli, at all (1998); Amir, at all 1999), others claim that the risk of suicide is higher in these individuals due to associated psychiatric conditions (Fontana, A., & Rosenheck, & Rosenheck 2004; Robison, BK 2002).

Many of the clients, even though more than 8 years had passed after the end of the war, continued to use the separation between thinking and emotions and made a choice between them, focusing only on thoughts with which they 'disconnected' from the world around, avoiding anything that reminded them of their trauma, even if that object or activity was not dangerous or threatening in itself. This mechanism has been the most important challenge in terms of the treatment of the victims, and that in fact created the continuity of the effects of the experienced trauma. Even today, 23 years later, mental health professionals continue to work with clients who have not processed the trauma.

### 3.0 Development of specialized interventions to respond to this challenge

**Family therapy** - helps survivors of massacres to improve family relationships and help deal with their trauma through communication and cooperation. This type of therapy involves all family members and helps

in understanding the role that each person plays in the functioning of the family. Family therapy helps survivors learn new ways to communicate and to resolve conflicts in a healthy way. This therapy can help relieve PTSD symptoms and improve the quality of life of massacre survivors.

**Pharmacological treatment** - psychiatric drugs can help treat symptoms of anxiety, depression and PTSD in torture survivors. These drugs can be different, both for the type of symptoms treated, as well as for doses and side effects.

**Cognitive-coping therapy (CBT)** - is a type of psychotherapy that focuses on the connection between thoughts, behaviors and emotions. It aims to help individuals identify and change negative or unhelpful thoughts and behaviors, leading to improved emotional regulation and mental health. This approach improves their communication skills, conflict management and developing healthier relationships.

**Group therapy** - group therapy is an effective treatment technique that can help alleviate the effects of psychological trauma. This type of therapy involves a small group of people who have experienced trauma working together with a therapist to address their symptoms and feelings.

One of the benefits of group therapy is that participants feel connected and understood by others who have gone through the same experience. This can help alleviate feelings of isolation and increase trust and a sense of cooperation. Participants can feel helped and encouraged by others who are trying to face the same problem.

**Art therapy** - art therapy can help survivors of sexual violence express their feelings and relieve tension and anxiety.

**Trauma therapy** - is a form of spiritual and emotional support that can help survivors of massacres deal with their pain and anxiety and build a new life filled with hope and purpose. This can be done through individual or group therapy sessions and includes treating symptoms of anxiety, depression, sleep and flashbacks, as well as building healthy relationships and feeling in control of life.

Trauma therapy can be a difficult and burdensome process, but with the help of a therapist who specializes in this field, survivors of massacres can change their way of thinking and reacting to traumatic events. Another important aspect of dealing with trauma is that survivors have a sense of safety and trust in the environment they live in, as well as being able to connect with the community and other sources of help and support.

#### 4.0 Societal attitudes shape the effectiveness of the multidisciplinary approach

Society's attitudes towards survivors of war massacres can vary widely depending on the cultural, political and historical context. In general, it is important for society to show empathy and respect to survivors of war massacres and to offer help and support. This support may include specialized psychological treatments and services provided based on scientific evidence, the creation of a national strategy for the treatment of war traumatized, the creation of support programs in social and economic aspects and, above all, respect for their rights and recognition of their suffering without being misused politically.

Confronting the past and overcoming psychological suffering in a sustainable way is possible only on the basis of the truth and by shaking the paradigm according to which only a certain community was affected by the crimes committed during the war.

The truth is part of the healing process; it helps restore personal dignity, change social perception, provide equal treatment for all, and combat impunity and public denial.

Here are some examples of how society has reacted to survivors of war massacres in different contexts:

1. Bosnia and Herzegovina: after the Bosnian War in the 1990s, many survivors of the war's massacres faced discrimination and marginalization from society. The International Criminal Tribunal for the former Yugoslavia (ICTY) was established to prosecute those responsible for war crimes, but many Bosniaks felt that justice was not being done. In recent years, there has been a growing movement to recognize and support the needs of survivors of war massacres, including efforts to document and commemorate the atrocities that occurred.

2. Rwanda - after the genocide in 1994, the Rwandan government and civil society have made significant efforts to support the survivors of the massacres of the war. This includes providing counseling and mental health services, as well as establishing a national recovery program. However, some survivors continue to face discrimination and stigma in their communities.

3. Cambodia - survivors of the Khmer Rouge regime in the 1970s initially faced severe stigma and silence from Cambodian society. However, in recent years, there has been greater recognition and support for survivors of the war's massacres, including the establishment of a

Khmer Rouge tribunal to prosecute those responsible for the atrocities. However, many survivors continue to struggle with poverty and lack of access to basic services. In general, society's response to survivors of war crimes is complex and can vary widely depending on the context.

There is a growing body of evidence supporting the use of a multidisciplinary approach in the treatment of survivors of war massacres. Such an approach involves a team of professionals from various fields, including psychology, psychiatry, social work and medicine, working together to provide comprehensive care for survivors. A study conducted in Bosnia and Herzegovina found that a multidisciplinary approach to treating survivors of war-related trauma led to significant improvements in mental health outcomes, including reductions in symptoms of depression, anxiety, and PTSD (Priebe et al., 2010). Another study conducted in Croatia found that a multidisciplinary team approach, which included pharmacological and psychological interventions, was effective in reducing PTSD symptoms in war trauma survivors (Kraljevic et al., 2012).

Furthermore, a review of the literature on the treatment of survivors of war trauma found that a multidisciplinary approach is more effective than single-modality interventions, such as medication or psychotherapy alone (Mollica et al., 2007). The review authors noted that a multidisciplinary approach allows treatment to be tailored to the specific needs of the individual survivor, which is essential for effective treatment.

## 5.0 Why is a multidisciplinary approach needed?

Overall, the evidence suggests that a multidisciplinary approach to treating survivors of war massacres is effective and necessary for providing comprehensive care that addresses the complex and diverse needs of survivors.

The main challenge that mental health institutions should focus on is the specialized treatment of survivors of war crimes due to the interruption of the transmission of trauma from one generation to another.

Intergenerational trauma can be defined as "the subjective experience and recollection of events in the mind of an individual or in the life of a community, passed from adults to children in cyclical processes" (Atkinson, Nelson and Atkinson 2010).

Mass trauma causes devastation so varied and complex that only a multidimensional framework can adequately describe it. Kellerman (2015) when explaining transgenerational trauma, distinguishes between the process of transmission, referring to the way trauma is transmitted across generations and the content of transmission.

**This transfer can occur through various mechanisms, including:**

1. **Epigenetic changes** - trauma can cause changes in gene expression, which can be passed on to offspring. These changes can affect the regulation of stress hormones, leading to an increased susceptibility to anxiety, depression and other mental health disorders.

2. **Parental behavior** - survivors who have traumatic experiences can change their sense of self and sense of trust in others. This new perspective on the world negatively shapes their parenting style as authoritarian, neglectful or liberal. Parenting style affects the attachment style between parent and offspring. Family communication style can be affected by traumatic experiences and can spread directly or indirectly to other family members. This situation affects the atmosphere of family dialogue. In previous research (Danieli, Norris, Lindert, Paisner, Engdahl, et al., 2015), clear differences were identified between:

**victim style** (characterized by clinging to the rupture caused by traumatic experiences, emotional instability and overprotection),

**numb style** (emotional detachment, conspiracy and silence within the family and intolerance of weakness), and

**warrior style** (valuing and preserving identity and valuing skill and justice).

3. *Socialization* - traumatized individuals can pass on their scars to their children through socialization. This can occur through the transmission of cultural beliefs, attitudes and behaviors that perpetuate the effects of trauma.

4. *Psychological factors* - traumatized individuals may experience difficulties in regulating their emotions and behavior, which may affect their parenting style and affect the emotional development of their children.

The survivors we have worked with in Kosova have been forced to cultivate a stoic sense of heroism and devotion to the homeland, but

many of them have not been able to convey what they really feel about reality: the purpose of protecting their family and in particular their children. Many of them were left without institutional support. They ensured the survival of their family with great difficulty. We hypothesized that they developed an unspoken language that protected them from social pressure, but at the same time helped them make a distinction between reality and their inner world" (Shahini M, Ahmetaj A, Charles, 2016).

## Conclusions

It is important to note that each individual is unique and what works best for one survivor may not be as effective for another. The choice of treatment must be tailored to each survivor's specific needs, preferences, and circumstances. Moreover, a combination of different approaches may be more useful for some individuals, as it addresses the complex of the traumatic experience and the connection with the environment where he/she lives and develops his/her activity. For best outcomes, it is essential that survivorship treatment be provided by qualified mental health professionals experienced in trauma therapy and evidence-based practices. The treatment process must be collaborative and based on a strong therapeutic alliance between the survivor and their mental health provider. Regular assessment and monitoring of progress are also important to ensure the effectiveness of the chosen treatment method. Attention to risk factors and early intervention will be necessary to prevent similar long-term psychological illnesses.

In achieving the widest possible inclusion of the integrative components, it is imperative to have a national strategy for the treatment of all war victims.



Muhamedin Kullashi

THE ILLUMINATION AND DENIAL OF CRIMES IN  
KOSOVA BY SOME FRENCH POLITICAL AND  
INTELLECTUAL CURRENTS IN THE YEARS 1998-99

Abstract

In our statement, we emphasized that NATO's intervention in Kosova, during the months of March-June 1999, provoked fierce debates in the European public opinion and especially in that of France. These debates and controversies were focused around the legitimacy and legality of the intervention, then on the causes and consequences, as well as on the political and ethical weight of this action for the Balkans as well as for Europe. Controversies charged with tensions and passions lead to new front lines being drawn: the republican and sovereignist right joined the communist left, the extreme left (*Ligue communiste révolutionnaire* and *Lutte ouvrière*) joined the extreme right against all those that supported the intervention.

In this context, we aimed, among others, to dispel and break down the phenomenon of *revisionism*, as a current that denied the reality of the crimes in Kosova, committed by the Serbian regime. We have tried to understand this new form of revisionism that was born in the circumstances of the Kosova war and *political polarizations* at the international level regarding the legitimacy of the intervention. The different interpretations, often diametrically opposed, can help to understand the attitudes that have been developed in France towards the NATO intervention in Kosova.

In fact, as much as the great editorialists (of *Le Monde* and *Libération*, by the way) some Western government leaders have supported the decision to intervene based on an analysis of the Serbian regime's policy in the last ten years. Therefore, the President of France Jacques Chirac, in his speeches, has provided clear and coherent explanations regarding the continuation of the policy of ethnic cleansing (which he called "organized barbarism") and the dangers it contains not only for stability and peace in the Balkans, but also for those of Europe. On the other hand, there were not a few political and intellectual currents that denied or justified the crimes committed against Kosova Albanians in that time period.

*Key words:* denial of crimes, NATO intervention, political polarizations, revisionism

## Warned crime in Kosova

On March 30, 1998, together with the prominent Parisian sociologist and anthropologist, Véronique Nahoum-Grappe, in the prestigious daily *Libération*, we published the article entitled *Kosova: the warned crime*. This title was accompanied by the subtitle " *The aggression, prepared for ten years now, belongs to the strategic goal of the Serbian regime, the ethnic cleansing of Kosova* ".

From the beginning of the article, we explained that Milosevic has proven, especially since 1991, what kind of policy he implements: on the grounds, his special forces "cleanse" an area through terror; meanwhile, in negotiations with the nationals, he makes false promises, creates the impression that he is not interested in conflicts. In fact, since 1988, Milosevic had lit many fires, causing bloodshed and destruction. In the meantime, the "great" Serbia was shrinking more and more, he jumps into his last operation, the "cleansing" of Kosova.

Here we recalled that the cleansing of the Drenica plateau from the Albanians began on March 25, at the time when the Contact Group for the former Yugoslavia gave the Serbian dictator another month to "start a dialogue" with the representatives of the Kosova Albanians.

This aggression, as we underlined, belongs to the strategic objective of the Serbian regime: the ethnic cleansing of the territory of Kosova, after the cleansing of all the institutions where Albanians worked: starting from schools to the Assembly. This project was not a secret: it was discussed and worked on publicly in the parliamentary debates in Serbia, in academic scientific circles, and in the media. The first phase of its implementation was intensified in 1989, with the unconstitutional suppression of Kosova's autonomy, accompanied by the massive "cleansing" of institutions by Albanians. Thus, starting from July 1990, 90% of Albanians were forcibly expelled from all areas of social and economic life: from education, health, media, culture, economy. 450,000 Albanian pupils, students and teachers were expelled from the field of education alone. The same fate befell doctors, journalists of all media, judges and legal experts, along with tens of thousands of workers from different sectors of the economy.

Various international organizations, some of the most prestigious, described this situation created by the Serbian regime with the term "apartheid". Therefore, *the Confederation of Free Trade Unions*, in its report "Expulsions and ethnic cleansing in Kosova " (Brussels, 1993),

clearly pointed out that the ethnic cleansing of institutions was not intended to maintain a discriminatory state, but that he aimed at a radical change of the ethnic structure in Kosova. The systematic repression (in addition to the murders, thousands of political prisoners), the obstacles that the regime had placed on the medical service, the right to work, as well as any social, cultural and sports activity, and even the distribution of humanitarian aid, were aimed at stifling the Albanian population, making their lives unbearable, in order to force them to leave Kosova.

We further added that for more than a decade, Belgrade's propaganda had developed a great energy to support the legitimacy of the expulsion of the Kosova Albanians. Various historical and political "arguments" were accompanied by concrete proposals for the violent change of the ethnic structure of Kosova. Thus, in the Declaration of the Conference on Population, which was held at the end of April 1995 in Prishtina, in the presence of the political and scientific authorities of Serbia, the expulsion of 400,000 Albanians and their replacement with the same number of Serbs was openly demanded.

However, the limitations of this plan of ethnic cleansing, pushed some intellectuals and politicians in Belgrade to re-actualize the issue of Kosova's separation. The propagandists of this idea (the Academy of Sciences and Arts of Serbia, the Association of Writers of Serbia and its President Aleksandar Despic, as well as the writer whom Milosevic made President of the former Federal Yugoslavia, Dobrica Cosic, etc.) considered *partition* as a solution that would allow Serbia to keep at least most of Kosova.

To justify this project, Serbian officials and intellectuals associated it with the theory of the "genocide of the Serbian people" by the Albanians in Tito's Yugoslavia.<sup>1</sup>

### The debates in some media during the NATO bombings

Parisian and French public opinion in general was strongly shocked by the images of Kosova Albanians deported to Macedonia, Albania and Montenegro in April and May of 1999. These horrendous images recalled first the images of the Second World War and then several other mass exodus of persecuted populations on different continents after the Second World War. All the other accounts of the

---

<sup>1</sup> *Libération*, Paris, March 30, 1998.

crimes in Kosova, which had reached during the last years, with all the interruptions in time, the doubts that they are or are not true, as if they were overcome by the *eruption* that caused the last images in the public opinion: the reports of the journalists of the first channel TF1 and FR2, Patrick Bourrat and Isabelle Lemonnier, offered impressive testimonies that shed light on the tragic situation of Kosovars.

In the show of the prominent journalist, Christine Ockrent, from the end of April in *France 3*, a debate was held regarding the goals and consequences of the NATO intervention. M. Wurmser, leader of the reformist current of the French Communist Party, Olivier Duhamel, political scientist and European deputy, Alain Madelain, Chairman of the Liberal Party, meanwhile in the duplex from Brussels were Javier Solana, Secretary General of NATO and Emma Bonino, EU official. In this show, I had the opportunity to clarify some aspects of the political and military strategy of the Serbian regime towards Kosova.

French intellectuals and politicians, who were critical of the Serbian regime's ideology and actions, criticized the protests against the NATO intervention, which were organized in France by the Communist Party. Their main slogan was "against the war". In our reactions, we pointed out that it was strange how their stance against the war was not manifested when Milosevic's military machinery, since the beginning of 1998, was destroying Albanian villages in Kosova and massacring their inhabitants or expelling them out of Kosova; meanwhile they stood up against the NATO war, which hit this machine, precisely with the aim of *stopping the war*.

In our public presentation, we pointed out that in this way the protesters had no moral concerns because they supported a regime that had also witnessed mass crimes in Croatia and Bosnia. Then, we briefly explained *the constitution* of this new type of Milosevic's regime with totalitarian features and with the strategic objective of "a state for all Serbs" in the Balkans, clarifying that this regime was developed in the 80s with the violent undoing and with ethnic cleansing of the institutions of Kosova as a federal unit of the former Yugoslavia.

### Scientific conference on camps and genocides in Sorbonne

This scientific conference was organized by Professor Catherine Coquio, who taught comparative literature at the Sorbonne IV University in Paris, and Professor Irving Wolfarth, professor of German

literature at the University of Reims. A network of prominent European and American professors developed in-depth scientific research, during the 90s in France, around three main themes: "Literature and knowledge in the trials of the camps", then "Democracies, genocides and crimes against humanity" and third "Extermination and politics". In 1997, C. Coquio, with his collaborators, founded the "International Association of Research on Crimes against Humanity and Genocides" -AIRCRIGE.

In this three-day conference, 35 distinguished professors and researchers from various countries of Western Europe and the USA spoke (Yves Terson, Omer Bartov from Rutgers University in the USA, Jean Bollack, professor at the University of Lille, Claudine Kahan, professor of comparative literature at Yale University (USA), (nobel winner 1997) the great writer, Imre Kertesz, (at the age of 15 he was imprisoned in the Auschwitz camp, and then in Buchenwald), Georges Molinié, professor of French linguistics (PIV, Sorbonne), Claude Mouchard, professor of literature in Paris 8, Tzvetan Todorov, researcher at CNRS, among others, author of the book *Facing the extreme*.

In 1999, the proceedings of this conference were published in the voluminous book entitled *Parler des camps, penser les génocides (Talking about camps, thinking genocides)*. (p.1-669) from the prestigious "Albin Michel" Publishing House in Paris. The book is divided into two chapters. The first deals with the subject of camps and genocides yesterday and today, conceptions of the West and its doubles, issues of universalism, colonization and decolonization, and extermination.<sup>2</sup>

## Interpretations of genocides

In the first chapter, Georges Benssoussan writes " *For a political reading of the Shoah*", Alain Brossat on *Massacres and genocides: the conditions of the confession*, Enzo Traverso on *the uniqueness of Auschwitz*; Denise Mendez examines *the Western tradition of universalism and racial discrimination*; Sadek Sellam analyzes colonialism in small settlements and camps and exterminations in Algeria; Monique Gendreau writes here about colonialism and international law; Daniel Binswanger, on the question of history in the poetry of Paul Celan, while François Turner on the poetic code of extermination; Claudine Kahan on witness embarrassment; Myriam Revaut d'Allones for the

---

<sup>2</sup> *Parler des camps, penser les génocides* (p.1-669), Albin Michel, Paris, 1999.

ordeal of the camps and the alike imagination; Claude Mouchard, about connection as non-connection in Kertesz's novel « Kadiddish », while Catherinie Coquio breaks down the issue of speaking in the camp and speaking about the camps, etc.

My article, published in the first chapter, is entitled *Spastrimi etnik dhe gjenocidi në ish-Jugosllavi*, (p. 264-288).

I have given two quotes in the subheading. One is taken from Vasa Cubrilovic's "Memorandum" on *the Expulsion of Albanians*, 1937: "When Germany can expel tens of thousands of Jews and when Russia moves millions of people from one part of the continent to another, the deportation of a few hundred thousand Albanians will not cause the explosion of a world war". The second quote is taken from a document of the Serbian Orthodox Church entitled "Open letter" to the enemies of the bloody and martyred Serbia, 1989: "We will do everything possible to uproot their tribes and the heirs of them, so that history will never mention them again".<sup>3</sup>

In the first part, entitled "The crisis of Yugoslavia and the issue of Kosova", I elaborated the view that the beginning of the end of Yugoslavia will start and end in Kosova. The start, in 1981 in Kosova, with the demonstrations and dissatisfaction of the Albanians will be characterized by a series of crises, which will lead to the disintegration of Yugoslavia.

The reactivation of the myth of the Battle of Kosova (1389), as an incentive for revenge and the "reconquest of Kosova", in its "purity" which implied, in an increasingly explicit way, political discourses not only of the governors, but also of the intellectual elites and ecclesiastical society of Serbia, the myth about "the infiltration of Albanians from Albania to Kosova, thanks to a "secret agreement" between Tito and Enver Hoxha, also took place.

The traditional "covenant" of Kosova, cultivated by the nationalist and ecclesiastical elites, contained the demand for a new war for the Serbian state, as repeated by the intellectual elites and artists of Serbia, alongside the politicians. Dobrica Cosic often repeated in his writings and speeches the thesis that "Serbs have lost in peace what they have gained in war". This reinterpretation of the myth of a lost battle presents Kosova with a figure that has two sides: a "cemetery on earth" and a "heavenly empire" as a "graveyard of all Serbian victims throughout history". Meanwhile, Matija Beckovic, a well-known poet and

---

<sup>3</sup> *Parler des camps, penser les génocides*, p.264.

academic from Belgrade, wrote: "The cemetery is the greatest sanctity and the oldest church of the Serbian people. The cemetery is our longest and most established faith."<sup>4</sup>

### A veil of revisionism for Kosova

On May 3, 2000, together with the sociologist Véronique-Nahoum Grappe, the philosopher Alain Brossat and the political scientist Jean-Yves Potel, we published in the daily *Le Monde* the article *A Veil of Revision on Kosova*.

In the approaches of some French intellectuals and journalists to the dramatic events in Kosova, the tendency to re-actualize the revisionist approach in explaining the violence that the Serbian government applied against the Albanians of Kosova appeared more and more.

These intellectuals and politicians reactivated, in fact, a provision whose purpose was to *trivialize* and ultimately *deny* the crimes of the Serbian regime in Kosova in the period 1990-1999. Taking into account the writings of some journalists and intellectuals (such as Régis Debray), we have emphasized that here a *revisionism takes shape* which aims at the beginning, not simply to deny all crimes, but to maintain an *atmosphere of generalized suspicion* regarding witnesses, victims and their accounts of what happened and what they experienced. An insidious and sly revisionism, which tends to derive benefits from *the simulation of a neutral attitude* and refers to the supposed scruples of journalistic deontology. Journalists and intellectuals of this trend cast doubts on *the reality* of the crimes against Albanians even by evoking *the fragility of witnesses* and testimonies, spreading the insinuation that it is best "not to take sides with either side, nor with the other side, because as they asserted that " the only thing that is certain is that nothing is certain". And this means that we must refrain from judgments and evaluations about what happened in Kosova, and especially give up the demands for support of Albanians from Western countries, in the first place. However, the message of such writings implies that we should not witness uncertain, confused witnesses, who confuse the dates of events, who are not accurate in describing the circumstances.

---

<sup>4</sup> R. Rajic, in the article " Crkva i sprsko pitanje " ("Church and the Serbian issue") published in the magazine "Republika" p.121-122, Belgrade, 1995.

We have underlined here that "this method is and remains the method of yesterday's and today's revisionism; after suffering defeat and being criminalized on the front of the past (genocide for the Jews), the revisionism suddenly reappeared against today's calamity, against massive crimes against Albanians. This approach tended to deny or at least trivialize those crimes; right here where we have to face the unbearable, judge it and resist it decisively".

We have emphasized that the sum of the operations of falsification, misinformation and *derealization* (*déréalisation*) applied by the journalist Elisabeth Lévy as well as the sociologist Régis Debray, the linguist Noam Chomsky, the monthly *Le Monde diplomatique*, aims to *undo the reality* of the events. Like all other revisionisms, this one also assumes that if the evidence is not so certain, we cannot be sure about the reality of the crime either. This nonsense about the number of victims, about the circumstances of their death, trying to show that there is no way to prove the totalitarian crime; they wanted to *deny* its premeditated, planned character, name an objective enemy as the culprit, and obfuscate the situations and circumstances to erase the traces of the crimes.

These authors who in their writings cultivated revisionism towards the crimes committed against Kosova Albanians, tried their best to find justifications for the persecutors and criminals, to give the right to the *sovereignty* of the Serbian state for all the barbaric crimes committed in its name, and on the other hand no understanding for the will of another people not to accept violence and subjugation, to live free. This revisionism united in its bosom intellectuals of different political currents, ultra-left and left, center, right and extreme right.<sup>5</sup>

In the continuation of the article, we emphasized that NATO's intervention in Kosova, during the months of March-June 1999, provoked fierce debates in the European public opinion and especially in that of France. This debate focused on the legitimacy and legality of the intervention, then on the causes and consequences, as well as on the political and ethical weight of this action for the Balkans as well as for Europe. Controversies charged with tensions and passions led to the

---

<sup>5</sup> *Le monde diplomatique*, on the 20th anniversary of the NATO bombings against military targets of the Milosevic regime, published an article with a big headline " Gënjeshtra më e madhe e shekullit XX " called the reason for the bombings: denying the crimes, although they were witnessed by many international organizations and media of several countries, journalists in the field. The persistence of this newspaper for 20 years is evidence of a high degree of *intellectual blindness* and *deafness* against extreme crimes.

drawing of new lines of political fronts: the republican and sovereignist right joined the communist left, the extreme left (*Ligue communiste révolutionnaire* and *Lutte ouvrière*) joined the extreme right when - among all those who supported the intervention.

The term and notion "revisionism" was used, along with the term "negationism" in the ideological and political wars related to the denial of the crimes that the German Nazi regime had committed against the Jews of Europe. The first is characterized by attempts to justify the denial of some crimes, already proven, thanks to the more complex interpretation of historical events. The denial or minimization of the crimes witnessed in Kosova was carried out in public appearances, thanks to the falsification or simply ignoring the data, with *the discrediting of the witnesses* and with the cynical attitude towards serious crimes.

Meanwhile, the intellectuals who had a different approach to the events in Kosova, in their appearances at conferences or in the media, developed a critical analysis of the views that cultivated different forms of denial or complete revision of the nature of the crimes committed by the Serbian regime in Kosova. For some participants of these debates, the denial of the crimes appears as an argument with which they intended to denounce the "imperialist intentions" of the USA and some other Western states towards the Balkans. For some others, like the sovereignists, for example, (minister Jean-Pierre Chevenement, sociologist Debray, historian Max Gallo, former minister Charles Pasqua, etc.) any interference in the internal affairs of a "sovereign state" is unacceptable. In the case of Kosova, this argument takes the form of accepting the right of a brutal criminal regime to terrorize and massacre the civilian population, in the name of protecting the sovereignty and territorial integrity of a state. Most of the opponents of the NATO intervention - the "revolutionaries" of the extreme left, the pacifists or the sovereignists - for the first time publicly manifested a position against the wars in the former Yugoslavia precisely at the beginning of the aerial bombardment against the military and police machinery of Milosevic. But during the bombings of this machine against the civilian population in Vukovar, Sarajevo and Kosova during a decade, they were silent with a "virtuous" silence. And now they came out through the streets of Paris, Rome and other European cities, to protest against the decision of the great powers to prevent the army and the police of the Serbian regime from continuing mass crimes against the Albanians of Kosova. And they covered this position with a veil of virtue, courage and dignity, as opposed to the "imperialist powers", defined as the very embodiment of evil.

The disturbing aspect of this *revisionism* towards the crimes committed in Kosova has to do with the large proportions in which it was manifested over several years. A current of French journalists, writers and politicians publicly applied banalizing, falsifying or denying crimes, and at the same time displayed a supposedly "impartial" attitude in this conflict, simulating the "attempt" to be "objective and critical" of the manipulations. However, what was clearly investigated in their writings was precisely the lack of will to see and accept the massive crimes of the Milosevic regime in Kosova, crimes that were confirmed by many international organizations specialized in investigating crimes against civilians.

Here I will briefly consider the example of the sociologist Régis Debray, namely the letter he sent to President Jacques Chirac, published in *Le Monde* (May 13, 1999), the article by the journalist Elisabeth Lévy, published in the magazine *Le Débat* (March, 2000) and at the same time the reactions of two French historians named Pierre Nora and Pierre Vidal-Naquet.

Régis Debray, after a *three-day visit* to Kosova, at the beginning of NATO's aerial bombardment, wanted to bring to the world the truth about what is happening in Kosova, as it was "deceived". In his article "Letter of a traveler to the President of the Republic", he takes the pose of the critical intellectual, who cultivates concern to understand a complex reality and to inform the public well with the power of his reason against mystifications and prejudices. The first "truth" that he brings to the public in his article contains the assertion that "there is no ethnic cleansing in Kosova", that he had not seen anything like that there. He also adds that there was no repression except for the first three days, even carried out by "uncontrolled elements". This "limited repression, according to him, was provoked by the NATO airstrikes, because before them there had been no killings on the streets: no one fled to Macedonia and Albania". On the other hand, the deportations of hundreds of thousands of Kosova Albanians by Milosevic's army and police were for Debray nothing more than a necessity "to remove the *manu militari* of NATO's fifth column, namely the KLA." He even claims that the destruction of deportees' identity documents is simply to prevent "terrorist infiltration." However, he adopts an element of the Serbian regime's propaganda, almost as if he were its spokesperson. He shows this role even when he participates in Milosevic's morbid game in the manipulation of *the Statistical Yearbook of Serbia* (from 1991) and demographic experts in Belgrade, who easily reduced the number

of Albanians in Kosova by several *hundred thousand*. Debray, who posed as a critical and objective analyst, managed to successfully adopt all the views of the Serbian regime on Kosova, ignoring the numerous reports of international organizations that have conducted research on the ground, including those of Belgrade, such as the *Fund for Humanitarian Law* (led by Natasa Kandic) and the *Helsinki Committee of Serbia* (led by Sonja Biserko).<sup>6</sup>

Sociologist Alain Joxe, professor of geopolitics at the *Ecole des Hautes Etudes en Sciences sociales*, published an article in *Le Monde* on 14 May 1999 in response to Debray's letter to President Chirac. Joxe warns Debray that he has "chosen the camp of those who criticize NATO's intervention", thus "protecting the Serbian aggressors, whom he presents as the aggressors, while denying the crimes they have committed" against the Kosovars". While "the Serbian forces continue their ethnic cleansing operation in Kosova" he "took the courage to write to Chirac like this: "I have reason to think, Mr. President, that these words are a fraud". In fact, as Joxe points out, Debray has engaged in the "revisionist campaign" by "relying on Serbian propaganda circles, which we know well".

Debray presents the KLA as a "terrorist movement" without investigating that the KLA "wages a liberation war against a fascist colonialism". Joxe further remarks to Debray that "he has joined the revisionists" by reducing the number of Kosova Albanians by several hundred thousand and on the other hand by exaggerating the numbers of Kosova Serbs. His goal with the manipulation of these figures "is to be able to say that if the Albanians will have the opportunity to return to Kosova, then they will come out as conquerors". Especially because "the Serbian police at the border had taken their identity documents, car license plates, cadastral ownership documents". By "international cretinism" Joxe means the alliance of opponents of the NATO intervention against the Serbian military machinery, as an international "anti-imperialist" movement.

### Denial motives of crimes

The article by the journalist Elysabeth Lévy, with the title "Kosova: the unbearable lack of information" is a drastic example of *revisionism*, respectively the denial of crimes against Kosova, published in the

---

<sup>6</sup> Ibid., p. 212-213.

scientific magazine "Le Débat", directed by the eminent philosopher Marcel Gauchet and the historian and academic Pierre Nora. To give an "objective explanation of the Kosova issue, Gauchet and Nora invited the journalist Lévy, who wrote for the weekly "Marianne". This journalist became known especially for her vigorous commitment to the denial of ethnic cleansing and other crimes in Bosnia as well as in Kosova.

In my response, sent to *Le Debat* magazine to this article, I emphasized that the *Le Débat* magazine article claims to be a critical analysis of the media that wrote or presented the events of Kosova. At the beginning, it carefully presents the necessary "methodological" procedures for the "production of information", which have been missing in almost all the media, not only in France, but also in other European countries that have written about the war in Kosova. Knowing the previous writings of the journalist as well as those of the philosopher Gauchet, I had no difficulty in dictating that the parts that tend to leave an impression of a "rigor" of the analysis, are written by the latter, although the article here displays only one author. In this article, the authors build an image for all the media as producers of a "one-sided" presentation of the situation in Kosova. However, even from a superficial reading of the press of different countries about these events, we would hardly have an impression that they are of the same mold.

With her will "to know what really happened" <sup>7</sup>in Kosova, she finds that until today "we only have some fragmentary data, some "alleged graves", which may resemble " Little Timisoara ». Now we have a clear *tone* of critical analysis of these authors. In fact, the International Criminal Tribunal has identified more than 500 mass graves.

These conclusions about *the nature* of the operations implemented by the Serbian regime very quickly highlight the "objectivity" of its analysis: numerous investigations of human rights experts (these bearers of "false consciousness": this is the formula of M. Gauchet's, in other writings), carried out by prestigious international organizations in the field (such as FIDH of Paris, *International Federation of Helsinki*, *Amnesty International*, *Human Rights Watch*, *Médecins sans frontières*, etc.) point out convincingly that since the beginning of the operations in Drenica, in February 1998, the crimes had a *massive character* and that *the victims* in most cases were *civilians*. According to the reports

---

<sup>7</sup> Ibid., p.5.

of these organizations, entire families were massacred in Drenica, from babies to the elderly.

In this regard, I would now mention a report by the British organization *Institute War and Peace Reporting* (IWPR). In the document dedicated to the Balkan crisis no. 130, of April 4, 2000, it is said that thanks to a report of the secret services of the Serbian army, which also includes several interviews with senior officers, what is extremely disturbing is the verified evidence of senior officers indicating that Serbian Army (SAR) units are responsible for the deaths of at least 800 Albanian children under the age of 5. Some of the officers interviewed, as stated in the report, explained that this interview was conducted to assess their readiness regarding a possible military intervention in Montenegro. This report, in fact, was sent to the British institute by the Belgrade journalist Miroslav Filipovic: knowing the political commitment of this journalist, an officer had forwarded the very secret report of the high structures of the Serbian army to him. After this report was published by IWPR in London, Filipovic was arrested and sentenced by a military court to 7 years in prison; however, after the arrest of Milosevic and his transfer to The Hague, he was released by the interim government of Prime Minister Djindjic. Later, in 2003, Djindjic was killed by members of the infamous "Red Beret" paramilitaries, after he had opened an investigation into their crimes.

In this report, some officers have described specific events in Kosova, in which many civilians and quite often children were killed. However, these testimonies of Serbian officers only confirm the numerous reports of international organizations regarding the nature of the crimes committed in Kosova by Serbian troops. Meanwhile, the banalization or denial of the crimes of the Belgrade regime unfolds in the articles of intellectuals and journalists who had chosen to support the regime of Milosevic. The will to deny or trivialize the crimes of Milosevic's regime is very pronounced in the articles of the authors of this negationist trend. They repeat the assertion that Milosevic "was cunningly pushed to commit the crime".<sup>8</sup>

---

<sup>8</sup> Olivier Mongin and Antoine Garapon in their article on the crimes in Kosova, published in the book *Le Kosova, un drame annonce* states that: "the destruction of all the documents of the deported Albanians was aimed at denying their reality: denial, to repeat, is part of the crime against humanity process itself. The crime of being born Albanian is enough to condemn him to deportation and massacre" (p.265).

The denial of the crime, in the writings and appearances in the media, was often accompanied by **the justification** of the massacres: the actions of the Serbian regime were presented as a response or a provocation, either by the Kosova Albanians or by the great powers. And this statement fully matches the statements of the Milosevic regime. The falsity of this explanation and interpretation was exposed a long time ago by the critical and detailed analyzes of some journalists, intellectuals and scientific researchers from Belgrade (B. Bogdanovic, I. Colovic, S. Inic, M. Kovac, V. Pesic, etc.), from Zagreb (B. Horvat) or from Ljubljana (R. Mocnik, S. Graber, etc.), but also from Paris and New York. We are talking about in-depth analyzes of the Serbian regime's ideology, its nature, its political and military practices, as well as its way of functioning.<sup>9</sup>

Meanwhile, one of the conclusions about the necessity of the expulsion of 400,000 Albanians and the settlement of the same number of Serbs in Kosova<sup>10</sup> was made public at a "scientific" conference, the presentation of which was also made by the daily *Jedinstvo*.<sup>11</sup>

On the other hand, in the report (§156, as early as February 10, 1993) Tadeusz Mazowiecki, UN special rapporteur, states that in Kosova "a certain number of discriminatory laws encourage a policy of apartheid, ethnocide and even genocide" (§: measures aimed at preventing the birth rate of Albanians).<sup>11</sup>

### The commitment of the historian Pierre Nora in the denial of crimes in Kosova

After the publication of the journalist E. Lévy's article, I sent my answer to the editors.

---

In some other articles we have highlighted the similarities in discourses and practices between the genocidal policy of the Serbian regime in Kosova with the genocide of the Jews by the Nazis, with the genocide in Rwanda or that of the Khmer Rouge, as different experiences of programmed extermination; but in addition to the similarities, we have also highlighted the specifics of the genocidal practices against Kosova Albanians: for example, the characteristic features of the political discourses of the Serbian regime and of the Serbian intellectuals who have prepared and legitimized the ethnic cleansing of Kosova's institutions and its territory.

<sup>9</sup> Ibid., p. 224.

<sup>10</sup> "Jedinstvo", Prishtina, April 4-5, 1995.

<sup>11</sup> Ibid., p. 227.

But my answer was not published in the first months of 2000. The famous French philosopher Claude Lefort met academic Nora and asked him to publish my answer. Lefort informed me that Nora had agreed to publish my article. However, the publication was delayed. After a while "I had the honor" to receive a call from Mr. Nora: he proposed to publish my answer in the weekly "Marianne". I did not agree with this proposal, noting that the answer should be published in the magazine where the article about Kosova was published.

In the continuation of the conversation, the historian Nora presented another "argument" that surprised me even more: he told me that it would be good for me to withdraw the article, because several months had passed since the publication of the article to which I reacted. "No Mr. Nora, I said, you know very well that the object of the controversy here is precisely the question of denying mass crimes against civilians and they cannot be forgotten. In fact, the most valuable work of the historian and academic Nora, a collective work in several volumes, bears the title *Les lieux de la mémoire (Places of memory, 1984-1992)*, valued internationally. As the author of the concept "lieu de mémoire" (place of memory), he emphasizes that an "object" becomes a place of memory when it escapes oblivion, that is to say, by placing a memorial plaque and when a community traverses it with own affect and with own emotions". And now the author of this concept tried to convince me to leave aside the response to the denial-forgetting of the crime, a crime that had mobilized the UN, NATO and many countries and international organizations. The implications that can be drawn from this contradiction of this author with his affirmed positions are not few: I would say that, in this way, Nora seemed to want to say that those crimes there seem not to be *worth marking* or separating from oblivion. Thanks to what criteria?!

Gauchet and Nora, however, found themselves forced, by pressure from some influential French intellectuals, to publish my response in the November-December 2000.

## Debates and controversies about the crime of Reçak

In the months of March and April of 1999, debates and controversies took place in the public space of France about the crime that Serbian troops committed against Albanian civilians in the village of Reçak. The intensification of these controversies in various political,

intellectual and media circles highlighted that the main *polarization* had to do with the interpretation of this serious event and its significance in the course of political processes not only in France, but also at the European and international level. The weight of this event appeared as a factor that could influence the *crystallization* of the decision of the Western powers that, finally, after the cycles of crimes of the Serbian regime in Kosova, a military intervention of the North Atlantic Alliance should be undertaken against it. The members of the Serbian regime in France, at different levels, mobilized around the issue of the crime in Reçak, to prevent the course of events in the direction of an intervention in which France could participate. For example, the supporters of this political orientation will focus on the public submission of "arguments", which aimed to prove that Reçak's crime was a simple plot by the supporters of the NATO intervention against Serbia.

Within these debates, the reaction of the great French historian Pierre-Vidal Naquet stood out. He was known for works in which, over many years, he had offered critical analyzes of France's colonial policy in Africa, and in particular, in Algeria (in the book *Torture during the Fifth Republic*). On the other hand, he had published valuable works on various issues of ancient Greek culture.

On April 28, 1999 he published the article in the magazine *L'Evenement du jeudi* entitled: « Reçak: a new Timisioara? ». He writes here: "Controversy is raging about the massacre in Reçak, this village in Kosova where some 40 bodies with severed heads were found. Is it a new Timisioara, after the name of this Romanian city where, at the end of 1989, corpses were taken out of a hospital morgue to present it as if it were a massacre? In fact, the possibility that there was a *mise en scene* in Kosova cannot be ruled out. Albanian rebels are not holy. The fact remains that the Serbian government, contrary to any law, considers Kosova as a Serbian country, although it is clear that that country is inhabited by Albanians.

According to some of my friends, the media is often quick to accuse Serbs, only Serbs, always Serbs. For my part, I think that the breakup of Yugoslavia was a catastrophe, the victims of which were a large number of Yugoslavs (belonging to mixed families). I consider Milosevic as a criminal who has openly destroyed the Federation, well, Tudjmani, the Croatian president is no better. We have seen how he acted when he invaded "Krajina", causing the expulsion of at least 200,000 Serbs with the complicity of his opponent in Belgrade. "Total-nationalism" - Edgar Morin's expression - more or less connected to the

mafia, is a disease spread everywhere. Will the road be opened tomorrow for a Greater Albania, which would also destroy Macedonia and a part of Montenegro? I continue to hope, however unlikely, that a new federal solution will one day emerge in the Balkans. Dimitrov had dreamed of this option, and this caused a rift with Stalin and Enver Hoxha. In any case, if we want to understand Albania, let me then read the book of two friendly observers, both historians, Pierre and Bruno Cabanes, father and son, *Albanian Passions: from Berisha to Kosova* (published by *Odile Jacob*). We will see what is hidden behind the most scientific discourses, including when they have to do with the oldest antiquity".

### Controversy with the historian Vidal-Naquet

At the beginning of May I sent a reaction to the weekly *L'Evenement du jeudi*, but they did not publish it. I found the opportunity to publish the reaction in the magazine for cultural affairs *Drôle d'époque* (April, 1999). The editors of this journal contacted Vidal-Naquet, sent him my reaction and offered him an opportunity to respond. In his answer, he tried to present his comment as a misunderstanding and wanted to convince me "that he has sympathy for the Albanians and that I could ask Kadare about this".

In this response I wrote:

« Dear Sir Pierre-Vidal Naquet,

Your last article in *L'Evenement du jeudi* surprised me quite a bit. In this article you compare the massacre of Reçak with that of Timisoara, reminding us that in that Romanian city, from the end of 1989, "corpses were taken out of the morgue to create the impression that it was a massacre". What do you base this comparison on? Some French journalists had expressed some doubts, at one point, towards the findings of OSCE representatives. None of the elements evoked by Renaud Girard and Cristophe Chatôt have resisted the arguments of the research, which was carried out at the scene by OSCE experts, as well as from the testimonies of several other journalists (of the *Independent* and of the *New York Herald Tribune*). Châtélot himself

brought, a few days after the first version, elements that only confirmed the assertions of the members of the OSCE and the American experts of the diplomatic corps who have carried out their research (see the article by Pierre Hazan in the newspaper *Libération*, on January 27). And yet, a part of the media, especially the electronic ones, for several days expressed satisfaction with the possibility of a "mise-en-scène". The OSCE report, which was distributed to journalists in Vienna on January 21, confirms that a massacre of 45 Albanian civilians took place in Reçak. According to this report, almost half of the victims were killed at close range. Among the victims are two children, a woman and some elderly people. One decapitated victim was found (not 4 as you claim). Some of the victims were killed while trying to escape, i.e. at a distance of 100 to 150 meters. Some bodies were moved, which is the truth, but by the members of their families who have placed them in their homes, according to the testimony of the American expert. The head of the OSCE mission, General William Walker (he is neither a journalist nor a sentimental humanitarian) has on several occasions described this massacre as a "crime against humanity". According to the version of the Belgrade regime, the killed persons were not civilians, but KLA fighters; its members had taken off their uniforms and put on their civilian clothes. The American expert claims that this thesis is untenable, because the photos clearly show the correspondence between the bullet holes and the bullet wounds in their bodies. After their bodies were hit by many bullets, the change of clothing did not have a chance to look convincing. Some Belgrade newspapers have claimed (it is not known on the basis of which data) that the victims were killed by the Albanians themselves.

However, it is not clear to me how you managed to compare this situation with Timisoara. Even the official version of Belgrade does not make this comparison possible. None of the governments of the winter season have accredited the thesis of the Belgrade regime for Reçak, although, usually, they tend to mechanically equate the responsibilities of the Kosovar actors and those of the Serbian regime. Even Russia, this time, clearly condemned the massacre and asked the Belgrade regime to allow the investigation by the experts of the International Criminal Tribunal. It's been a year now, I believe you know this, that the Belgrade regime does not allow the experts of the Tribunal to conduct investigations into the crimes in Kosova, although the resolution of the Security Council obliges them to do so. Why do you say?

Meanwhile, the same policemen who killed the villagers of Reçak, sent them to the hospital in Prishtina and already on the first day of the autopsy, the "objectivity" of the Serbian doctors appeared with the statement, which repeats the findings of the regime officials: the victims were not killed at close range. A month after their expertise, they added in the official communiqué that "the victims were not massacred, but that birds and rats probably destroyed their faces". Although the corpses had been discovered a few hours after the crime.

Finnish forensic experts, after the autopsy of 40 corpses, state in their report, published on March 16, 1999, that "the victims are civilians who did not participate in the fighting" and that "they were not mutilated post *mortem* ". Helen Ranta, the head of this team, describes this crime as a "crime against humanity", thus joining the qualification made by the OSCE.

Let me remind you that according to the communiqué of *the High Commissioner for Refugees* (HCR), published in Geneva on February 2, more than 45,000 Albanians were expelled from their homes, after the operations of the Serbian forces against the villages of the Albanians (the referred to as "bastions") during the month of January only. In addition, since the beginning of the military operations of the Belgrade regime, many similar crimes have occurred (in Prekaz, Obri, Lubenic, Likoc, etc.), as international organizations for the protection of human rights have found and some of which are from Belgrade (*the Helsinki Committee of Serbia* and *the Humanitarian Law Fund*). Thus, Reçak's crime is not an exception. Since February 1998, nearly half of Kosova's villages (400 out of 900 villages) have been either completely destroyed or left badly damaged. According to *FIDH* and *France-Liberté reports*, between the months of March and September 1998, the houses of the villagers, whose Albanian inhabitants were expelled during the bombings, were destroyed.

Various international bodies (the UN Human Rights Commission, the European Parliament, the Parliamentary Assembly of the Council of Europe, the American Congress, etc.) have described this policy of the Belgrade regime as "ethnic cleansing", "massacres of civilian populations", "politics of destruction", etc. Of the 2,000 victims of this war, more than 80% are civilians. More than 300,000 Albanians have been expelled from their homes, according to the UN High Commissioner for Refugees. *Human Right Watch* cites Christophe Châtelot's article in *Le Monde* of January 29, according to which "since February 1998, more than 50 people have been executed by special

forces after their arrest. A year now there are 2000 young Albanian political prisoners in Serbian prisons. Seven political prisoners have died from torture: "This practice is systematic", according to the association *Médecins du monde* (quoted by the "Washington Post" of January 28: "The Reçak massacre was ordered at a high level by the Serbian authorities, which then tried to mask it »). I remember that you once wrote an interesting book about the torture of the French colonial power in Algeria. Faced with the systematic and long-term terror of the Serbian regime (since 1981), Albanians have developed a political and peaceful resistance. This is a new phenomenon in the Balkans, according to the findings of many Western analysts who are not necessarily pro-Albanian. Armed resistance was presented 15 years later, during which Kosova was at the mercy of the Serbian regime: declarations and resolutions condemning this terror did not seem convincing to Milošević. Of course, the Albanians, not only the "rebels" as you call them (perhaps they can be called the "resisters or armed insurgents"), but also the pacifists are not "holy"; various criticisms could be made, but these could not in any way justify the political practice of the Serbian regime. The facts are obvious, propaganda is failing to fully *derealize them*. A Serbian journalist and poet, Miodrag Stanisavljević, in the weekly of the Civic Alliance of Serbia *Republika*, in the article "Bestiality and indecency" writes: "The spokesmen of the regime say that even if there are displaced people (which according to them, is a bad expression, because it must be said those who have temporarily abandoned their homes) this is not because of our brave warriors, but because of the fact that the Albanian population flees under the pressure of the attacks of Albanian terrorists. According to the regime, Albanian terrorists persecute their own population in order to demonize the Serbs. I would also add that not even recalling Tudjman's responsibilities towards the Serbs could undo the reality of Milošević's crimes. This regime, as is known, has made great efforts to accompany its crimes with their cynical rationale. You and some of your friends think that the media "very easily accuse the Serbs, only the Serbs, always the Serbs". However, I think it can be affirmed with more arguments that the media, as well as the chancelleries, have often practiced a *priori schemes*, which *mechanically equalize* the responsibilities of the actors in this war; the "warring parties" formula thus ignores an *a posteriori analysis*, which should highlight the *concrete events and actions* of the actors. It is especially numerous international organizations for human rights, but also lucid and courageous journalists who have helped to understand *the reality of events* beyond comfortable schemes, which are reduced to the banality

of saying "everyone is bad there". If we were to try, the point is, to apply this scheme to the situation of the Second World War, we would get a distorted image of that tragedy. I must add that I am not clear about your allusion to Greater Albania either. Do you mean that the policy of the Serbian regime could be interpreted as a war against "Greater Albania"? This ghost, as much in the heads of some local groups as in the heads of Westerners, does not belong to the reality of the events on the ground. The central problem, which absorbs all the energies of Kosova Albanians, is how to get out of a long and brutal rule. Their plebiscite request is *the independence of Kosova*. This request, according to many Western researchers (such as Noël Malcolm, Roy Gutman, Paul Garde, etc.) is at least as legitimate as that of the Slovenians, Croats, Bosniaks and Macedonians for the independence of their country. This request of the Kosovars is primarily a response to a total terror of the Serbian regime, a terror that the other republics of the former Yugoslavia did not experience before the wars. But also because of the disintegration of the former Yugoslavia into its constituent units, the main credit of which belongs, as you know, to Milosevic himself. Although this is not his main responsibility: there was also the disintegration of Czechoslovakia, but this was not achieved through *ethnic cleansing* and *mass crimes against civilian populations*, and this was not the fault of journalists. The projects for the construction of nation-states, in the sense given to it in Eastern Europe, where the borders had to agree with the majority or all members of a people belong to the political history of the Balkans. However, and especially now after the failure of the projects for a Greater Serbia, as well as for a Greater Croatia, no serious political party in Kosova and Albania cultivates this goal. If Serbia, with all the powerful military potential and international support it had, did not realize this project, how can we assume that the Albanians would realize that project: they neither have the military power nor can they hope to be able to had any support for this project. However, what is certain is that the propaganda of the Belgrade regime regularly activates this assumption in front of Westerners to *disqualify* Kosova's request for independence. On the other hand, let me remind you that the political representative of the KLA, Mr. Adem Demaçi, a political prisoner for 28 years, winner of the European Parliament's Sakharov Prize, developed two years ago, in a document, the embryonic project of a Balkan Confederation ("Balkania"), consisting of Serbia, Montenegro and Kosova, to which Bosnia and Macedonia could also join. However, this project did not have any significant impact.

What is strange is that in the face of this policy of more than a decade of systematic terror, of apartheid in Europe and the ethnic cleansing of Kosova by the Serbian regime, you as a great historian have not made the slightest effort to react, as far as I know ».

However, *all the assumptions and predictions* of the historian Vidal-Naquet turned out *to be wrong*. In reality, the NATO air force intervention that lasted only three months managed to achieve *all the defined objectives*: the Belgrade regime was hit very efficiently at its strategic points; even just the verbal warning that American ground troops were preparing for ground intervention was enough to remove all hesitation from Milosevic: he signed the capitulation, Kosova was liberated from Serbia, and nearly 1 million Albanians returned to their country in the first place thanks to NATO's intervention!

### Contesting Belgrade's denial of the crime

On June 23, 2001, together with the sociologist Véronique Nahoum-Grappe, the philosopher Alain Brossat and the political scientist Jean-Yves Potel, we published in the prestigious daily *Le Monde* the article entitled "Crimes and denials: Belgrade is moving ". <sup>12</sup>(*Crimes et dénis: Belgrade bouge*).

At the beginning of this article we mentioned that the press and the authorities in Belgrade are these days giving accurate information about how, even before the intervention of NATO, the highest Serbian political and military authorities planned the disappearance of *some* of bodies and victims of ethnic massacres. These facts were previously disclosed to the public by the journalist Miroslav Filipovic (who was sentenced to 7 years in prison by the Milosevic regime for these articles) and at the same time confirmed by the investigators of the International Criminal Tribunal for the former Yugoslavia in the years 1999 and 2000. These brought to light the decision and the concrete organization for *the methodical erasure of the traces of the crimes* committed by the Serbian military and paramilitaries in Kosova; and now these data are published by the Serbian state itself.

This denunciation is undoubtedly a way to prepare the public, which is still under the tragic influence of war propaganda, to agree with the need for a real trial against Milosevic, and even his transfer to The Hague.

---

<sup>12</sup> *Le Monde*, June 23, Paris.

Evoking the discovery of a refrigerated truck with 83 corpses of women, children, elderly people and some people in KLA uniforms, Belgrade's weekly "NIN", on June 7, quotes the Minister of Internal Affairs with Serbia, Dusan Mihajlovic, in a press conference: "Thanks to the confirmed information that we collected, the corpses of the refrigerated truck, which was pulled from the depths of the Danube, are not the only ones, because other victims have also been discovered. All this is monstrous. They systematically exhumed corpses in Kosova".

And this person, who according to the function he has, is very well informed about these practices, continues: "We are talking here about crimes that have been systematically hidden. We have difficulties to collect the data. I will give a fact that illustrates this situation: there were also bodies that were buried under a highway. We are now working on gathering facts for the Tribunal. Serious indications lead us to think that during a meeting organized by Milosevic, in March 1999, the decision was made to "sanitize the terrain", which means that the decision was made to eliminate all the victims who could arouse the interest of the investigators of the International Criminal Tribunal. This task was assigned to the Minister of Internal Affairs Vljako Stojilkovic, who transferred this task to his assistant General Vlastimir Djordjevic and the head of the criminal police Ilic. In this way, the removal of the corpses of the victims of violence in Kosova was carried out. We are talking here about moments in which data, confessions and admissions from regime officials, who have a bit of moral conscience left, burst into the public opinion: Mihajlovic said at this conference that he could not sleep for days when he discovered these facts.

On the same day, the weekly "Vreme", commenting on the same information, added that the corpses found in the refrigerated truck bore traces of torture and concluded: "This is just one of the cases in which it is seen how they deliberately tried to hide the traces of the crimes committed in Kosova".

On June 9, the newspaper "Glas Javnosti" stated that General Djordjevic, who was accused by the Minister of Internal Affairs, fled and took refuge in Moscow. This information confirms, once again, the extraordinary character of the crimes committed in the former Yugoslavia under the guise of ethnic cleansing operations: the obsession of erasing traces, after the operation of dividing blood, after that of "cleansing" the territory, which are signs of neototalitarian crime. The battle over the estimation of the figures, which was supposed to propose a degree of admissibility of the crimes will be based on the establishment of reports of the number of the disappeared, from the number of bodies

found in mass graves and the totality of the evidence collected reliably, will be addressed by future historians. They will be able to benefit from the professional work of the police and judicial investigators of the International Criminal Tribunal for the former Yugoslavia.<sup>13</sup>

---

<sup>13</sup> See in more detail in my book *Cështja e Kosovës në hapësirën publike të Francës*, ASAK, 2021.

Teki Kurti

THE SERBIAN MASSACRES IN KOSOVA  
ACCORDING TO THE INTERNATIONAL MEDIA  
(1998-1999)

Abstract

The international media points out that the rebellion of the Kosova Albanians began to mobilize in defense of their own ethnicity after 1988, the year when Serbian President Milosevic withdrew Kosova's autonomy.

Serbian repression began with the dismissal of Albanians in state bodies and public enterprises, and Albanian teachers and children were separated from Serbian students and teachers.

The peaceful resistance of the Kosova Albanians against the massacres of the Serbian authorities from 1989-1995 turned into armed self-defense, from which the Kosova Liberation Army was then formed.

The years 1998-1999 are also the years of mass crimes by the Serbian military regime against the population of Kosova.

The countless atrocities committed by the police, paramilitary groups and the army against the Albanians created a constant wave of refugees, a situation that became known worldwide by the international media.

The media published before the world opinion the massive offensive of the Serbian and Yugoslav governments in Kosova, which began four days before NATO began bombing Serbia with the motivation of forcibly evicting more than 850,000 ethnic Albanians from their lands.

According to the international media, the Serbian massacres against the Albanians had three clear motives:

First, the process of ethnic cleansing.

Second, the killing and annihilation of KLA fighters and those who helped them.

Third, massacres for revenge. A significant indicator is the massacre of Reçak against women, children and men, who killed them and then mutilated their bodies. Ambassador William Walker said at the time: "*I do not hesitate to describe the event as a massacre, a crime against humanity.*"

*Key words:* massacres, international media, Albanian civilians, NATO, war.

The war of the Kosova Liberation Army set in motion international diplomacy throughout Europe, as well as in the United States, activating NATO forces to intervene for the liberation of the Kosovar people. The international media and mainly those of democratic countries have followed closely and written about the Serbian massacres in Kosova since March-April 1981, when the demands of the Albanians for freedom and democratic rights, for obtaining the status of the Republic, were suppressed with police violence and with tanks sent from Belgrade, which caused bloodshed. The media also underline the fact that, with army and tanks in 1989, as well as with unconstitutional amendments, Belgrade reduced Kosova's autonomy provided by the Constitution of 1974.

The media emphasize that the Albanians expressed their revolt peacefully with a referendum for an independent Republic. The French media (*Perspective Monde*)<sup>1</sup> pointed out the fact that the Serbian violence and genocide against the Albanians became unbearable and the Kosova Liberation Army appeared on the scene. "Serbia reacted by intensifying its entry. "Hundreds of thousands of Albanians take the path of exile, we reached a new peak", it emphasized.<sup>2</sup>

The French press in its pages of March 30, 1998<sup>3</sup>, quoting Muhammed Kullashi, writes that: Belgrade has rejected the initiatives of - European and American diplomats to open dialogue on the issue of Kosova and that the systematic use of repression shows that Milosevic has not abandoned the project of ethnic cleansing. The article closes with the indignation that "how is it possible for anyone to be surprised by the choice of the armed resistance of the Kosova Albanians when this pit bull Milosevic, even with his head cut off, does not let go of his bloody bone".

Even the Canadian press estimates that there should be no doubt that the problem comes from Belgrade and calls the Kosova issue an "exclusively Serbian issue"<sup>4</sup>. So this approach of the Canadian press comes as a result of not knowing the history of political developments and the problem of the Kosova issue.

While some Greek media, in their analysis of these events, underline that March 24, 1999, which is related to the NATO air strikes

---

<sup>1</sup> *Perspective Monde*, February 1, 1998.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Liberation* (France), March 30, 1998, p.8.

<sup>4</sup> *Le Devoir* (Quebec, Canada), March 17, 1998, p.8

against Serbian military positions, is "the first military operation against a sovereign state that came as a response to a wave new ethnic cleansing launched by Serbian forces against Albanians."<sup>5</sup>

Contrary to the historical facts, the article writer describes Kosova in a one-sided tone, assessing that "the region of Kosova was in the Middle Ages, the heart of Serbia". So this reference comes as a result of an influence and friendship between Serbia and Greece.

Also, the article tries to justify the Serbian repression against the Albanians as a counterattack against the actions of the KLA, who, with the purchase of weapons from Albania, increased the attacks against the Serbian police and army. The article places emphasis on 1998, when the KLA launched attacks all over Kosova, taking control of almost half of it.

Meanwhile, the Croatian media <sup>6</sup>openly accuses Serbia of being the organizing state of crimes in Kosova. Thus, for the monstrous crime of March 26, 1999 in Suhareka where 48 people were massacred, the article accuses the Ministry of Internal Affairs of Serbia. There are data from the Hague trial where it is openly accepted that the Albanians were civilians and did not shoot at the Serbs. From the testimonies of the accused, it is pointed out that ethnic cleansing was a crime organized by the state.

Some media raise doubts about the number of casualties reported by NATO.

Thus, according to the Italian "La Repubblica" it is said that the figure of eleven thousand declared by NATO may be a fraud to justify the war. And according to this media, relying on the volunteers of the International Crisis Group, who have gathered evidence about the crimes committed during and after the war, it turns out that: "Serbian forces have acted with the aim of escaping an international trial later. Ka muf washed their uniforms, scattered the corpses of those killed." In short, the Serbs took care to hide their crimes and responsibilities.<sup>7</sup> Paramilitary forces were employed for the most brutal reprisals: where mutilated bodies of Albanian civilians were bled. So this Italian medium raises the alarm that the Serbian state itself has prepared and

---

<sup>5</sup> Sansimera, <https://www.sansimera.gr/articles/1463> .

<sup>6</sup> <https://zencurom.org/sr/kampanje-i-koalicije/32-zenska-mirovna-koalicija/369-od-organizovanog-zlocina-do-organiovane-lazi> .

<sup>7</sup> La Repubblica (1999), Kosova, the pits of horror scare the West, <https://www.repubblica.it/online/mondo/fossa/fossa/fossa.html> .

paid paramilitary forces to inflict violence and terror on the Albanian population.

The Italian media gives information about 7000-8000 Albanians massacred and disappeared during the war. <sup>8</sup>Yes, this media found that Milosevic had taken about 1,800 Albanians as hostages, whom he did not hand over because he was afraid of their testimonies, that is, of what they knew and had seen.

The Serbian massacres in Kosova, the media report, had no end. Thus, thousands of Albanians were persecuted across the border, the burning of houses and the destruction and distribution of identity documents, that is, a group of people will be eradicated, which in jurisprudence is called genocide, the Italian media find.

When the British media deals with the Serbian massacres in Kosova, it focuses on many directions, but in detail it deals with the Reçak massacre, as a special case that offers the opportunity to analyze in depth the impact that media reporting has on political factors, with weight for solution of international crisis.<sup>9</sup>

Referring to the ambassador of the OSCE verification mission, William Walker, the media underlines the fact that, immediately after visiting the place of the massacre, he calls the massacre a "crime against humanity".<sup>10</sup>

The British media also mocks the Serbian media controlled by Belgrade, which wants to propagate such crimes as the result of the war between the security forces and "terrorists", while the mutilation of the corpses was related to a conspiracy built by KLA in an attempt to discredit Serbia.

The British media gives horrendous facts about the massacre carried out by the "Jackals" group in the village of Qyshk in 1999. The article underlines the fact that the Serbs gathered the residents, children, women and men and after separating the men, locked them in the house, shot them with guns and set them on fire, burning their bodies.

Dozens of media from all over the democratic world have written about the Reçak massacre, which refer directly to the BBC and CNN correspondents on the ground, who closely observed this inhumane massacre.

---

<sup>8</sup> Ibid.

<sup>9</sup> <https://reliefweb.int/report/serbia/fear-and-loathing-belgrade-what-serbian-state-media-say-about-kosovars> .

<sup>10</sup> Ibid.

According to CNN correspondents, after William Walker's shocking statement, as the former head of the monitoring mission, which cost him dearly, Belgrade ordered his departure from the country, while the entire OSCE team was targeted and under observation.

The images broadcast by the media from the field shocked the entire world opinion. CNN highlighted the fact that US President Bill Clinton, UN Secretary General Kofi Annan and NATO Secretary General Javier Solana condemned the inhuman killings against Albanian civilians.

Britain requested a meeting of the six-nation Contact Group on Yugoslavia to discuss the recent massacre of 45 ethnic Albanians in the province of Kosova, referring here to CNN publishing the official statement of Foreign Secretary Robin Cook.<sup>11</sup>

*Online media* of the International Human Rights Organization have played a special role in informing the world opinion. It informed the public about the changes taking place in the security apparatus and the General Staff of the Yugoslav Army, which indicated that Serbia was preparing for an offensive. It provides data on the actions of the police, the army and the arming of ethnic Serb civilians.

The media wrote about the actions around Vushtri and Podujeva that started at the end of February and continued throughout March. It notes that the period of NATO bombing marked unprecedented attacks against civilians and the forced displacement of more than 850,000 ethnic Albanians from Kosova.

The article underlines the fact that the fighting shifted from rural to urban areas and that Slobodan Milosevic, taking advantage of the bombings, thought to crush the KLA and their bases in the people<sup>12</sup> as well as to forcibly displace a good part of the Albanian population of Kosova..

The media, relying on the data of the United Nations High Commissioner for Refugees (UNHCR), publishes daily figures, when in the span of three weeks, 525,787 refugees moved from Kosova, who settled in neighboring countries. In total, the figure reached 862,979 Albanians and thousands more displaced within Kosova.

---

<sup>11</sup> CNN (1999) "Britain calls for urgent meeting on Kosova massacre"  
<http://edition.cnn.com/WORLD/europe/9901/18/Kosova.reax.01/index.html> .

<sup>12</sup> Human Rights Watch,  
<https://www.hrw.org/legacy/albanian/Kosova2001/summary.pdf> .

The information provides data on the numerous massacres against civilians, especially in those areas, which were known for their connection and special support to the KLA, such as the municipalities of Gllogoc and Skenderaj in the province of Drenica. There is also talk of mass murder, forced displacement and destruction of property for the southwestern municipalities of Gjakova, Rahovec and Suhareka, as bases of the KLA. The municipalities of Peja and Lipjan, which had quite a few Serbs, were picketed for the mass migration of ethnic Albanians. Also, the article continues to reflect the numerous murders in the area of Slovia, Ribar, Lubenic, Qyshk and the city of Peja.

The media underlines the fact that the murders were well planned to terrorize the population to leave Kosova. The article also deals with the fact that in the municipality of Istog there was a mass expulsion of local Albanians towards Montenegro, prompted by the burning and looting of their houses.

One of the bloodiest events of the war took place in Istog, where Serbian forces killed more than 90 ethnic Albanians imprisoned in Dubrava Prison in May 1999. Large cities were "cleansed" by sending buses, trains and long caravans of tractors to the borders.

Human Rights Watch documented the well-known practice of "identity theft": refugees were often stripped of their identification documents and stripped of their car and tractor license plates before crossing the border.

Thus, in this way, the Serbs intended to change the demography of Kosova, which led to the division of Kosova into two parts, one for the Serbs and one for the Albanians. Secondly, the Serbs, with the expulsion, thought to destabilize the two neighboring countries, Albania and Macedonia. Third, the Serbs aimed to deter a NATO ground attack.

Human Right Watch, analyzing the killings of civilians, concludes that they had three clear motives:

- 1 - Accelerating the "cleansing" process through threats and fear;
- 2 - Elimination of KLA. Political leaders, human rights activists, businessmen, etc.
- 3 - Murder in revenge for the losses suffered by the KLA.

In this fight for the freedom of the ethnic Albanians, it stands out that on one side, there was NATO and the Albanians, on the other side, the Serbs, and perhaps unidentified for a period, Russia and China.

But, at the same time, from the range of information from all four sides, another center of war, the media one, which had and has as its goal the domination of international public opinion, results. "The media war takes place with words or better with interpretations and 'assessments' of the facts that have happened".<sup>13</sup>

In conclusion, we conclude that the role of the international media has been extraordinary in informing the world opinion about the Serbian massacres against the civilian population of Kosova Albanians. In this context, we find that there was also a biased media that, out of ignorance or for certain purposes, had sided with the Serbian demagoguery and murderous machinery.

We can say with complete conviction that it was the media that set in motion the most powerful organizations in the world, such as the OSCE, the Organization for the Protection of Human Rights, the United Nations Organization, the Security Council, all the offices European, and above all the USA, who led the most powerful political-military organization in the world, NATO, in support of the vulnerable population of Kosova, where together with the KLA and the Kosovar elite, they liberated and founded the dream of generations of the entire Free Republic of Kosova.

---

<sup>13</sup> Limes(2000), *La Guerra Dei Media: Come contare i morti in Kosov?*, <https://www.limesonline.com/cartaceo/la-guerra-dei-media-come-contare-i-morti-in-Kosova> .



Ismet Salihu

## MASSACRES OF SERBIAN FORCES IN KOSOVA AND MISSING PERSONS 1998-1999

### Abstract

- The unconstitutional suppression of Kosova's autonomy in March 1989;
- The opposition and resistance of the majority Albanian population to the suppression of the autonomy of Kosova;
- The installation of the apartheid regime against the majority population of Kosova by the Belgrade regime;
- The peaceful resistance of Albanians to the apartheid regime installed by the Serbian regime;
- The construction of the parallel system in the sphere of education, science, culture, economy, as well as the formation of the first armed resistance cells;
- The formation of the first KLA cells in early 1977 and the armed war of the KLA during 1988 until June 12, 1999.
- War crimes and crimes against humanity against the Albanian civilian population by Serbian police, military and paramilitary forces against the Albanian civilian population;
- The genocide of the Serbian forces against the Albanian population;
- The massacres of the Serbian forces against the Albanian population in almost all areas of Kosova with substantial elements of the crime of genocide;
- The regions of Kosova where the biggest massacres were committed by Serbian forces
- Nazi, fascist methods for avoiding, hiding and erasing the traces of crimes, especially the massacres committed by the Serbian forces;
- As a result of the actions of the Serbian forces with the aim of erasing the evidence of Serbian crimes, especially the massacres, immediately after the war, 6,200 missing persons have been identified in Kosova.
- The locations where the largest number of remains of murdered Albanians have been found so far;
- The so far involvement of local and international people in finding missing persons
- Experience and anxiety of family members of missing persons.

*Keywords:* massacres, Kosova, missing persons, Serbian forces, KLA.

## 1. The status of the civilian population during the war according to international conventions and national legislations

With the most relevant international conventions, as well as with national laws, the civilian population during wartime is considered the entire population that is not engaged in war. According to these conventions and national legislations, the civilian population is protected and any murder, ill-treatment and other crimes are considered war crimes and as such are punished by international criminal law and national criminal law. However, during 1998 and 1999, the police, military and paramilitary forces *committed the* largest number of war crimes, crimes against humanity and crimes of genocide against the Albanian civilian population. Consequently, during this period of the war, the Serbian forces, in the most barbaric and fascist manner of the Nazi mentality, have committed the most numerous and bestial crimes against the civilian population, even against women, the elderly and children. It is estimated that during the war the Serbian forces killed around 12,000 people, members of the civilian population. Among this civilian population, they killed 1,271 children, even infants. Among these murdered children, 136 children are still missing.<sup>1</sup>

## 2. The massacres of the Serbian forces against the Albanian civilian population

A significant number of victims of the Albanian population were killed in the massacres of Serbian forces all over Kosova, but mostly in the region of Drenica and Dukagjin. On this occasion, I am briefly presenting the massacre of the Serbian forces in the village of Pastasel in the municipality of Rahovec, pointing out the place and time of some of the largest, most brutal massacres that the Serbian forces killed at the same time and in the same place even more than 100 innocent Albanians.

## 3. The Serbian massacres against the civilian population in the village of Pastasel in the municipality of Rahovec on March 31, 1999

On March 31, 1999, Serbian forces surrounded the village of Pastasel in the municipality of Rahovec. There, 120 members of the

---

<sup>1</sup> Jusuf Osmani Krimet e Serbisë në Kosovë (1998 - 1999, Pristina 2012, p. 60-90.

Serbian forces separated the women and children from the men and ordered them to hand over all their belongings, especially the money, to the Serbian policemen. Then they lined them up and brought them close to a stream and immediately shot 15 of them. After a few minutes they ordered the second group to also go near the stream and ironically told them that you too will swim in this stream which was full of water and shot them. Thus, out of 119 men detained, 106 of them were shot. Of the 106 shot dead, 2 were thrown into the well. Of the 106 shot, to this day 6 are still missing, while five other people could not be identified because they were completely burned and only their charred bones were found.

In addition to this massacre, Serbian forces continued shooting Albanians in other parts of the village. Immediately after this massacre, the Serbian forces burned the bodies of those shot. After this massacre and the subsequent shootings of other people in the village, the Serbian forces set fire to it, burning almost all the houses in this village.<sup>2</sup>

Such massacres were carried out: in Abri e Epërme in Drenas, where on September 26, 1998, 26 members of the Deliu family were killed, including 10 children; the massacre of Qirezi and Likoshan on February 28, 1998, where 24 Albanian civilians were killed and massacred; the massacre of the Deliu family on September 26, 1998, where 23 members of the Deliu family were killed and massacred, most of them women, children and the elderly; the Reçak massacre on January 15, 1999 where 42 Albanian civilians were killed and massacred; the massacre in the village of Rakovina in the municipality of Gjakova, carried out on May 24, 1999, where the father, his wife and 3 children were killed; massacres in the "Dardania" neighborhood where 40 people were killed on March 27; the massacre in *Krushë e Madhe* on March 26, 1999, where 243 civilians were killed or massacred, 64 of whom are still missing; the massacre in *Krushë e Vogël* carried out on March 25 and 26, 1999, where 113 residents of this village were killed and massacred; the massacre on March 26, 1999 in Suharekë against the Berisha family and others where 48 civilians were killed; massacres in Dubrava prison during the NATO bombing, where Serbian forces barbarically killed 130 Albanian prisoners. In addition to killing the inhabitants of *Krusha e Vogël*, the Serbian forces set fire to and burned 145 houses, only 8 houses escaped the fire: the Celina massacre on March 25 and 26, 1999 where 82 civilians were mistreated and killed,

---

<sup>2</sup> Shkodran Imeraj, *Masakra serbe në fshatin Pastasel të komunës së Rahovecit* manuscript, pg. 66.

including 7 women and 11 children aged 2 to 4 years; the Meje and Korenica massacre where 376 people were killed.<sup>3</sup>

It is estimated that more than 100 massacres were committed throughout Kosova during 1998 and 1999. The researcher Jusuf Osmani, in his work *Krimet serbe në Kosovë*, on pages 64-74 mentions the place, date and number of 103 massacres carried out throughout the territory of Kosova during the year 1998-1999.

Therefore, it is impossible to present in this presentation all the massacres of Serbian forces committed during 1998 and 1999.

However, it should be noted that the Serbian regime has had a systematic policy of massacres and mass murders of Albanians throughout the 20th century, since 1912, where within a day or a week, it has massacred and killed hundreds or even thousands of Kosova Albanians. For example, on January 10 and 11, 1921, in the border zone with Serbia, in the villages of *Prapashticë and Keçekollë*, within 48 hours, the Serbian forces cruelly killed *and massacred 1,530 Albanian civilians*, regardless of age and gender, from infants up to the elderly more than eighty years. The massacre of Tivari, carried out on March 16, 24 and 27, 1945, where about 1,700 Albanians were killed and massacred, whose bodies were moved to other countries, to erase the traces of the crimes, is also terrible.<sup>4</sup>

A very macabre, sad and extremely horrible component is the killing of children. As mentioned above, during the year 1998-1999, Serbian forces killed 1271 children. There have been cases where children were killed in the presence of their parents and relatives, and then the parents were also killed. It should be noted that the killing of children is not episodic but systematic. An Albanian woman heard the Serbian paramilitary saying; I quote "all children must be killed, because if they grow up, they will take revenge."<sup>5</sup>

One of the chauvinists and senior political leader of Serbia, in one of his pronouncements regarding the Albanian ethnic composition of Kosova and its change, in the 1930s, says, we are quoting: "that we can change the ethnic composition in war for 40 days, we can't achieve it in peace for 40 years." Applying this concept, ethnic cleansing, mass killings and massacres have been one of the typical methods that the Serbian regime has used against Kosova Albanians, especially during

---

<sup>3</sup> Jusuf Osmani, *Krimet e Serbisë në Kosovë...*, p. 64.

<sup>4</sup> Fitnete Ramosaj *Kundër harresës, Prishtinë*, p. 34-40.

<sup>5</sup> Jusuf Osmani, *Krimet e Serbisë ndaj fëmijëve në Kosovë...* 47.

the war of 1912-18, during the Second World War and during the last war of 1998-1999.

#### 4. Mass graves of Albanians killed by Serbian police, military and paramilitary forces

In order to lose them, to annihilate the traces of the crimes, and especially of the massacres against the Albanians, the Serbian forces opened mass graves in the territory of Kosova and Serbia where they buried hundreds and thousands of bodies of murdered Albanians. These mass graves were opened for those killed in the massacres in Gjakovë, Izbica, Krushë e madhe, Krushë e Vogël, Suharekë, Poklek, Kotlina, Pastasel, etc. Mass graves were also opened on the territory of Serbia at the training grounds of the Special Anti-terrorist Unit of the MUP of Serbia in Batajnica, Bajna Bashte, Petrovo Sello, Raska, Rudnica and other locations in Serbia. Until 2018, 137 mass graves were discovered in the territory of Kosova, where 5 to 158 corpses were found in such graves.<sup>6</sup>

In order to make the subsequent identification of these mass cemeteries graves Serbian regime has ordered that sand be thrown over these mass cemeteries and asphalt laid. A case of laying asphalt on mass cemeteries is the mass graves in Rudnica and |Rashke.<sup>7</sup>

There have been cases where the bodies of Albanian victims have been thrown into rivers, such as the case of the refrigerated truck with the bodies of Albanian victims thrown into the Danube river, which in the meantime came to the surface of the river in which there were 86 corpses of Albanian women, children and elders of Kosova, killed and massacred by the Serbian forces.<sup>8</sup>

As a way of annihilating the traces of the macabre crimes of the Serbian forces, the bodies of the killed Albanians are burned in the furnaces of the foundries in Zveçan. Regarding this, in the documentary program entitled "burning the traces", of the American station National Public Radio, broadcast on May 25, 2001, it is stated that Serbian and Yugoslav forces systematically transported the corpses of Kosovar

---

<sup>6</sup> Fitnete Ramosaj, *Kundër harresës, Prishtinë...* p. 34-40.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

Albanians to the Trepça complex, where between 1,200 and 1,500 corpses were burnt.<sup>9</sup>

### 5. Throwing bodies of Albanians killed by Serbian forces into wells

The bestiality and fascist mentality of the Serbian forces towards the Albanians was also manifested by throwing the bodies of the killed Albanians, even the living ones, into the wells, the wells throughout Kosovar side, then throwing explosives or waste into these wells with the aim of disappearing these crimes. These fascist actions of the Serbian forces are confirmed by the Norwegian humanist Josef Martinsen in his book entitled *THE WELLS OF DEATH IN KOSOVA*. The Norwegian humanist Martinsen, immediately after the war, came with a special team, this team that in dozens of wells all over Kosova has discovered and removed from the wells the bodies of Albanians killed and thrown into the wells. In the middle of dozens of cases of throwing the killed Albanians into wells is the case of throwing Albanians into wells in the village of Kotlinë, municipality of Kaçanik. In this village, the team led by the Martinsen activity has identified in two wells of the village of Kotlinë on September 10, 1999, and has taken out 26 bodies of murdered Albanians between the ages of 13 and 60. On this occasion, this team found that the Serbian forces, after throwing the bodies of the 26 Albanians killed in these wells, fired explosives with which the wells were flattened, so that for several days the soil had to be removed and discovered and corpses are identified.<sup>10</sup>

The team of internationals from Norway, assisted by internationals, from the wells of the villages of Kosova after the war has taken out about 450 corpses of killed Albanians.<sup>11</sup>

### 6. Persons who went missing during the war in Kosova 1998/1999

**The notion of a missing person.** In Article 2 of the UN International Convention for the Protection of All Persons from Enforced Disappearances, the notion of a missing person is defined where it is

---

<sup>9</sup> Jusuf Osmani, Jusuf Osmani, *Krimet e Serbisë ndaj fëmijëve në Kosovë...* p. 76.

<sup>10</sup> Josef Martinsen *Puset e vdekjes në Kosovë*, Albanian translation, 2011, p. 24-25.

<sup>11</sup> *Ibid.*

stated: "enforced disappearance means arrest, imprisonment, kidnapping or any other form of deprivation of liberty by agents of the state or by other persons or groups of persons, acting with the authorization, support or approval of the state, followed by the denial of acceptance of deprivation of liberty or by concealing the fate of the missing person and the place where he is found by denying him from protection of the law."

Provision of Article 7 of the Rome Statute for the International Criminal Court defines a similar definition for missing persons.

The term missing persons with the same definition as the two mentioned legal acts is also used in the Law of Kosova on missing persons (Law No. 4/L-023).

The relatives of the missing persons in Kosova have requested that the name "missing" be replaced by the name "unfound". The term "unfound" and the term "missing" are often used synonymously. But in the perception of the family members of this type of crime, there is a tendency to use the term "unfound", simply because of the psychological aspect, because the family members do not agree that they are missing, but they think and hope that a day they will find their relatives.<sup>12</sup>

Since the end of the war until the beginning of November 2014, the International Red Cross has registered **6024** missing persons. This number also includes **948** people who were found alive in Serbian prisons. With great international pressure, these 948 people were released from Serbian prisons a few months after the liberation of Kosova. Currently, even today, after 24 years of the end of the war, 1639 people are missing, of which 91 are children.<sup>13</sup>

## 7. The methods of violent disappearance of Albanians killed by Serbian forces

The methods of violent disappearance of Kosova Albanians during the war were different and in most cases very barbaric, very cruel and cruel. In many cases, people have been stopped and kidnapped by convoys fleeing their homes, or taken out of their homes and never found again. In some cases, people killed them and buried them in

---

<sup>12</sup> Ismet Salihu-Pajazit Nushi, *Personat e zhdukur gjatë luftës në Kosovë 1998/99*, Pristina 2015, pg. 16-17.

<sup>13</sup> Ibid.

secret places. There have been cases where children were taken from the hands of their mother or father and disappeared, while some of them were found in individual clandestine graves or in mass graves.<sup>14</sup>

Another form of violent disappearance was even more bestial, cruel, because after the Serbian forces raped the Albanian women, executed them and buried them in clandestine graves, there were even cases where after they raped them they threw them into rivers or wells.<sup>15</sup>

The common feature of all the disappearances is that they were planned and organized and systematically carried out by Serbian police, military and paramilitary forces. The Ministry of Police of Serbia has previously prepared and opened mass graves in Serbia. They transported the corpses of the killed Albanians from Kosova with different means of transport and buried them in mass graves in Serbia. In this regard, with the judgment of the Hague Tribunal, the Minister of Police of Serbia was declared guilty because with his knowledge and order the exhumation and transportation of 889 corpses of killed Albanians from Kosova and reburied in a mass grave in Serbia.<sup>16</sup>

Temporary burial and exhumation was a special form of erasing the traces of the murdered. Such cases are those in Gjakovë, Izbica, Suharekë, Rezalle, Çikatovë e Vjetër, Rudnica e Rashkës, etc. These are also the cases of mass graves in Batajnica, Petrovo Sello, Bajina Bashta and Raska in Serbia. From these four locations of the mass graves in Serbia, 901 mortal remains of the murdered Kosovar Albanians were exhumed.<sup>17</sup>

The exhumation of the killed Albanians and their reburial, in the mass graves in Serbia, was carried out by the Serbian police according to the prepared plan and in a systematic manner throughout the war, in order to hide the traces of war crimes. The Serbian government has carried out this criminal activity with the logo "**sanacia terena**", **land clearing**, which in this activity means the gathering of the dead, as well as the exhumation of the dead and their reburial in mass graves on the territory of Serbia..<sup>18</sup>

---

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Jusuf Osmani, *Krimet e Serbisë në Kosovë...* p. 76-77.

<sup>17</sup> Fitnete Ramosaj, *Kundër harresës...*p. 268-271.

<sup>18</sup> Ismet Salihu-Pajazit Nushi, *Personat e zhdukur gjatë luftës në Kosovë 1998/99...* p. 23-24.

Eglantina Kraja Bardhi

## VIOLENCE AND RAPES BY SERBIAN FORCES DURING THE WAR IN KOSOVA 1998-1999

### Abstract

Considering the human losses and economic/infrastructural damages, the conflict/war of 1998-99 that took place between ethnic Albanians and ethnic Serbs in Kosova was one of the biggest conflicts in the Balkans, in the second half of the 20th century. Such a situation made the life of war survivors even more difficult considering the loss of their relatives, loss of property, gross violation of human rights, rapes, displacement exodus and psychological problems resulting from the trauma. Increased experiences of post-traumatic stress, psychological trauma, anxiety, depression, aggressive behavior, are just some of the mental health issues that have been evidenced through research of various natures. The systematic attacks against the civilian population, the killing of more than 13,000 Albanians, the rape of 20,000 Albanian women, the killing of 1,392 children, the killing of 1,739 women, the killing of another 10,000 Albanian civilians and the disappearance of 1,653 civilian corpses" were aimed at the realization of this plan.

A considerable amount of research shows that rape by Serbian forces during the 1998-1999 war in Kosova develops a range of problems in both emotional life and behavioral problems, and that these effects are stronger if people have experienced severe traumatic experiences during the war.

By applying the rape of Albanian women as a means of war, the Serbs also wanted to kill Albanian morality. "This was the height of human cruelty, a way known even before, but never the main goal of rape was returned as the main helper of a doctrine: the moral breakdown of a people. Not only of women, as it may be taken at first glance, but, in the first place, of men. Not only for the generation that was suffering the blow, but also for the next generation"

According to the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, "Sexual violence is a heinous form of violence, including rape and other attacks of a sexual nature, committed against women and girls, men and boys, which may have brutal consequences, which includes physical and psychological consequences for survivors and witnesses, but can have a profound destabilizing impact on communities and populations as a whole". Sexual violence can have long-term physical and psychological consequences. In some cases, victims of sexual violence, as well as witnesses, under the influence of emotional load, lose the reason for judgment, which can lead to the loss of the desire to live. The treatment of victims of sexual violence by the relevant institutions in this case is vital.

*Key words:* violence, rape, Serbian forces, trauma, consequences.

The internal conflict in Yugoslavia, which started in Slovenia, the war in Croatia and the aggression of Serbia in Bosnia-Herzegovina and Kosova marked the end and final dissolution of the Federation of Yugoslavia.

Since 1992, the Serbian aggression turned the region, and especially Bosnia and Kosova, "into a boiling cauldron, where the Serbs began to settle old scores, in a wild way." <sup>1</sup>However, this Serbian ferocity had its source in the Serbian political-cultural movement, which had developed between the two World Wars. This movement spread contaminated ideas about Serbian domination against other peoples in the Balkans. It is precisely these ideas that call for barbaric Serbian crimes during the war in Kosova".<sup>2</sup>

In Kosova, the Serbian army used all forms of violence and repression against the Albanian population, reiterating the centuries-old hatred towards them. They really seem centuries away, but just like then, the Serbian army committed violent massacres, rape, slaughter of children and other monstrous crimes against the Albanian population of Kosova. This repeated violence has left extraordinary consequences on the Albanian population of Kosova.

The lives of war survivors were made even more difficult by the loss of relatives, missing persons, unfound persons, rapes, psychological problems as a cause and effect of the war, etc. that resulted in various traumas. Increased experiences of post-traumatic stress, psychological trauma, anxiety, depression, aggressive behavior, are just some of the mental health issues that have been evidenced through research of various natures.

The violence and rape committed by the Serbian military and paramilitary forces have also affected the social life of the surviving victims of this violence. The violence did not even spare minor girls aged 10-11, whose main goal was to terrorize the civilian population and expel them to the territories of Albania, and then Macedonia, with the ultimate goal of depopulating Kosova from the Albanian element.

The systematic attacks against the civilian population, the killing of more than 13,000 Albanians, the rape of 20,000 Albanian women, the killing of 1,392 children, the killing of 1,739 women, the killing of another 10,000 Albanian civilians and the disappearance of 1,653 civilian corpses had the aim to realize this plan.<sup>3</sup>

---

<sup>1</sup> Henry Kissinger, *Diplomacia*, Tirana 2019, p. 195.

<sup>2</sup> Arbër Xhaferi, Kombi, identiteti dhe shteti, Prishtinë 2005, p. 322-323.

<sup>3</sup> In more detail: Ismet Salihu-Pajazit Nushi, *Personat e zhdukur gjatë luftës në Kosovë 1998/99*, Pristina 2015; Jusuf Osmani, *Crimes of Serbia in Kosova (1998*

According to the United Nations High Commission for Refugees (UNHCR), during the first three weeks of NATO bombing, 525,787 refugees from Kosova fled into neighboring countries, mainly Albania, North Macedonia and Montenegro. According to statistics, Serbian forces displaced 862,979 ethnic Albanians from Kosova, and several hundred thousand others were displaced within Kosova, in addition to those displaced before March 1999. More than 80% of the entire population of Kosova – 90% of which consisted of Albanians - were displaced from their homes.<sup>4</sup>

A considerable amount of research shows that rape by Serbian forces during the 1998-1999 war in Kosova develops a range of problems, both in emotional life and behavioral problems, and that these effects are stronger if the persons have experienced experiences of severe trauma during the war.

Sexual violence is rooted in gender-based discrimination. Based on stereotypical sexual roles, sexual violence is used to humiliate the victims who are subjected to this violence. Gender-related violence, associated with existing gender-based discrimination, exposes victims to lifelong powerlessness and marginalization. During conflict, sexual and gender-based violence has often been used as a weapon of war. Women and men who survive the immediate effects of this violence struggle with long-term trauma, insecurity, economic and social powerlessness, as well as numerous challenges to obtain justice and an effective legal remedy, as an inalienable right of theirs. In such situations, survivors have difficulty, or are prevented, from reconnecting or establishing normal relationships with their family, friends and community.

According to the Human Rights Watch report, the rapes committed in Kosova can be grouped into 3 categories:

Rapes committed in women's own homes, rapes committed while leaving and rapes committed during detentions. In the first category, security forces entered private homes and raped women in front of family members, in the courtyard or in the adjacent room. In the second category, deported people who wandered on foot or by tractor were stopped, robbed and threatened by the Yugoslav Army, Serbian police or paramilitaries. If the families could not provide money, then the security forces were told that their daughters would be taken and raped. In some cases, even though the families had given money, their daughters were kidnapped. *In the third*

---

– 1999, Pristina 2012; Jusuf Osmani, Krimet e Serbisë në Kosovë; Josef Martinsen, What happened in Kosova? 1998-1999, A documentation, Oslo 2010.

<sup>4</sup> Human Rights Watch, October 2001.

*category*, rapes were committed in temporary detention centers in places such as abandoned houses or barns.<sup>5</sup>

According to the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, "Sexual violence is a heinous form of violence, including rape and other attacks of a sexual nature, committed against women and girls, men and boys, which may have brutal consequences, which includes physical and psychological consequences for survivors and witnesses, but can have a profound and destabilizing impact on communities and populations as a whole".<sup>6</sup>

Sexual violence can have long-term physical and psychological consequences. In some cases, victims of sexual violence, as well as family members who are witnesses of the violations, under the influence of the emotional load, lose their reason and fail to judge or think positively about their lives. They show signs of deep depression, and this leads to a loss of the will to live. The treatment of victims of sexual violence by the relevant institutions in this case is vital. The experiences of abused women, girls and men have been tragic and with many impacts on their lives. According to the narration of their experiences, one girl was raped in front of her parents and they then, due to the great pain, lost their lives leaving another deep wound on their daughter.

Mothers have been violated in front of their children, thus causing trauma for both parties, traumas which have been very difficult to overcome, since the social mentality forced the victims to remain silent. The other challenge has been facing society and oneself.

According to the study undertaken by the Kosova Center for the Rehabilitation of Victims of Violence, on intergenerational trauma, it has been proven that this trauma can be inherited in the first children born after a traumatic event.<sup>7</sup>

The United Nations has announced that 60,000 women have been sexually assaulted in the Balkans (Kosova, Croatia and Bosnia). " However, this organization in 1992, after a public pressure for rapes in the former Yugoslavia, influenced the Security Council to adopt Resolution 1820 in 2008, which recognized rape and other forms of sexual violence as war crimes and crimes against humanity".<sup>8</sup>

---

<sup>5</sup> Human Rights Watch, October 2001.

<sup>6</sup> [assets.publishing.service.gov.uk/](https://assets.publishing.service.gov.uk/), 2023.

<sup>7</sup> See: Kosova Center for the Rehabilitation of Victims of Violence.

<sup>8</sup> <https://www.koha.net/> , 2023.

Today, it is not enough just to recognize rape as a war crime, but concrete help is needed not only for the victims, but also for their now grown children. Victims of sexual violence in Kosova currently receive pensions provided by the state, but the psychological assistance of these victims is located in non-governmental organizations.

Unhealed wounds are the rapes of men by the Serbian army. Facing this trauma is many times difficult and it takes time for the victims to talk about this event. Both women and abused men have suffered the weight of delayed justice, and this adds even greater pain to them and their families.

Between March and December 1999, Human Rights Watch conducted more than 600 interviews with victims and witnesses of violations of international humanitarian law in Kosova. Interviews were conducted by Human Rights Watch researchers, usually with an interpreter, in Albania and Macedonia between March 28 and June 12, 1999, and in Kosova between June 12 and December 31, 1999. Interviewees were selected based on their knowledge of specific abuses within the province (area). All interviews were conducted with the aim of eliciting open narratives of what the interviewee had seen or experienced within Kosova between March 20 and June 12, 1999, rather than through standardized questionnaires. A database was created, which is available for public use.<sup>9</sup>

With 5,122 reported violations, the forced separation of men, women, and children was the most frequently reported violation among victims or witnesses. 4,485 reported violations, it was the second most common form, which is understandable given that it was a dominant violation of the conflict—more than 850,000 Kosovar Albanians were expelled from Kosova, according to the UNHCR, and thousands more moved within the country. The third most frequent violation was detention with 3,478 reported violations, followed by extrajudicial executions with 3,453 violations.

Future reports by Human Rights Watch and others could focus on the patterns of these violations: when and where they occurred over time and under what circumstances. Also of interest is whether certain violations tended to occur in isolation or in conjunction with other violations. However, for the sake of simplicity, this report focuses on only one type of violation, albeit the most serious of crimes: executions.

---

<sup>9</sup> <http://hrdata.aaas.org>, 2023.

## An analysis of extrajudicial executions

It should be noted that extrajudicial executions by state actors—deliberate extrajudicial killings—may be overreported relative to other violations, as Human Rights Watch researchers actively sought to document such deliberate killings. At the same time, many extrajudicial executions carried out in Kosova are clearly not included in the 3,453 cases; just as an example, information on large-scale killings in Beleg, Goden, Kaçanik and Podujeva is not included in this data. In addition, the bodies of several people reported missing by Human Rights Watch during the data collection period have since been recovered. Despite these concerns, the amount of information on executions collected by Human Rights Watch is large enough to draw some meaningful conclusions about the pattern of killings by Serbian and Yugoslav forces. Of the 3,453 documented executions, Human Rights Watch obtained the names of 916 people, or 27% of the victims. The rest of the victims are unidentified by the police.<sup>10</sup>

## Gender of execution victims

As is clear from the cases documented in other chapters of this report, Serbian and Yugoslav forces executed in order to round up males at a much higher rate than females. Of the 3,453 execution victims reported to Human Rights Watch, the gender of the victim was known for 2,232 people (65%). Of these 2,232 victims, 2,055 people were male (92%) and 177 were female (8%).<sup>11</sup>

These findings would be expected if the data dealt with combat deaths or even summary executions of combatants, as KLA forces were predominantly male. But as the case studies in other chapters make clear, the vast majority of summary execution victims were civilians who did not take part in the fighting. Take, for example, the murders of approximately ninety prisoners in Dubrava prison, or the approximately 300 men taken from long refugee lines and killed in Meja.

It is clear that this is presents a target of Albanian men. This finding is reinforced by the fact that, during the NATO bombings, many men were either hiding inside Kosova, fighting with the KLA, or living abroad, while women were more likely to have stayed at home during the war, where

---

<sup>10</sup> Human Rights Watch, October 2001.

<sup>11</sup> Human Rights Watch, October 2001.

constituted the most vulnerable part to be abused. Case studies show how men were often killed by government security forces after being separated from women and children, such as in Bellacerka, Izbicë, Qyshk, Pastasel, Meje, Korenica, etc. Female executions, however, more often occurred in group killings (such as the execution of an entire family) rather than the deliberate targeting of women. The murder of 12 members of the Gërxaliu family on May 31 in Studime or the Berisha family in Suharekë on March 25 are examples where a family of men, women and children were killed together. In other words, women were more likely to be killed in groups for which the killers did not distinguish between gender or age, thereby including some younger female victims.

Executions of women were linked to sexual violence involving younger female victims. Unfortunately, it is impossible to prove this theory with the data collected. Although Human Rights Watch maintained anonymity for rape and sexual violence in the database, which would theoretically allow for an analysis of whether female executions and sexual violence tended to occur at the same time, the sensitive nature of sexual violence in Albanian society Kosovare gave the data between the lines, on those incredible crimes, and not directly, according to the comments of Human Rights Watch. In other words, sexual violence was underreported both in the evidence and in the data base.<sup>12</sup>

Sexual violence was used systematically in armed conflicts in the former Yugoslavia. Just two decades later, governments in the region, along with civil society organizations and survivors, are making comprehensive efforts to implement full and comprehensive reparations programs. For two decades, women's organizations, community-based groups, and survivors themselves have worked hard to create support mechanisms for survivors and to protect their rights in justice mechanisms at the country, regional, and international levels. Finally, governments are beginning to meet their legal obligations to provide effective remedies, including reparations for survivors, such as financial support, monthly wages, access to health services, and social assistance.

There are many examples of the rape of girls and women during the war years in Kosova (1998-1999). Never until today have they all been discovered for various causes and reasons, even though there were professionals and institutions ready to collect the facts in the field.

---

<sup>12</sup> <https://www.hrw.org/reports/2001/Kosova/undword2a.html> , 2023.

Below you will find a real story of a minor girl who was raped by Serbian forces. This story is one of 20,000 stories of violations by Serbian forces in Kosova.

"She was 13 years old and was with her mother and some fellow villagers on a tractor leaving for Montenegro. At the exit of the city, the family was stopped by a Serbian "policeman", at a police point, at the exit of Peja. At that police point, a former "neighbor", a Serb from the parental family, was with his wife, who both had known for years and had a "normal relationship", was the leader of the point. For "irony", the Serb, the neighbor who knew each other and despite the fact that her mother was from the same community, a 13-year-old girl with another girl, were separated from the family and stopped violently. She left her mother by force, even though both she and her mother had resisted. They were more powerful and separated these two girls from their families. She was handed over to another unit, where many Albanian girls were gathered in a house outside the city. For three whole days, they were raped in the most brutal way, sexually, changing the perpetrators. They were violated for hours, but they were also beaten and insulted in the most vulgar and brutal way. After a few days, the girls were released. They were stained and bloody from the bizarre violence. An Albanian woman takes them there, helps them clean and change their clothes, after a few days she manages to find her family. The mother and father found out about the girl's tragic experiences. Somehow, they were both arranged in this tragedy. She had tried several times to commit suicide, in different forms. Life was unbearable for her. On the one hand brutal violence by Serbian criminals and rapists and on the other brutal discrimination by the family. Fortunately for everyone, she was not "successful" in these acts (suicide attempt).<sup>13</sup>

This fact and many, many other events are a call for justice. Justice delayed is justice denied and as long as justice is not established, traumas and suffering will serve to not forget and seek justice again. Kosovar society must be made aware and become more sensitive to these victims, in order that the trauma does not pass between generations and continue to cause great suffering, without knowing why. Victims of violence are an essential part of us and there is no individual happiness without the happiness of all.

---

<sup>13</sup> Skender Munishi, *Psikotrauma dhe Stresi Post-traumatik Manual lidhur me traumën psikike, rrjedhën dhe trajtimin e saj* Prishtina, 2022, p. 44.

Ramë Manaj

## TYOLOGY OF THE WAR MASSACRES IN KOSOVA 1998-1999

### Abstract

Wars cause loss of human lives, killing of civilians of all ages, burning of corpses, massacres in large and small groups, rape, as well as colossal material damage, such as destruction of property, burning of houses and destruction of institutions with cultural and historical values. etc.

But the most serious consequences are the massacres of people's bodies, their burning, sexual violence before murder, as well as attempts to hide crimes by throwing bodies in mass graves, in secret spaces, in mines, etc.

During the war in Kosova, in the years 1998-1999, when more than 13 thousand human lives were lost, more than 120 thousand houses were destroyed, more than 20 thousand Albanian women were raped, hundreds and hundreds of objects of material culture, spiritual, cultural, historical, national and religious were destroyed and more than 6,000 bodies of the dead were hidden in various mass graves across Serbia (still today more than 1,600 bodies of the dead are missing or unfound).

Cumulatively, during the years 1998-1999, about 400 large and small massacres were committed in Kosova by the Serbian military, police and paramilitary forces, which acted in effective harmony. The typology of Serbian massacres in Kosova can be specified according to several criteria:

- According to the number of those executed (in large and small groups and individuals);
- With firearms and cold weapons;
- According to the method of executions (with bursts and individual shots);
- According to the place (in the fields, in the ruins of buildings, on the banks of rivers, etc.);
- By time (every hour within 24 hours).

The genocidal elements of the massacres and murders were evident in the tendency of the disappearance of a people through executions, the persecution of about a million people outside of Kosova, etc.

The murders of children (persons under the age of majority) represent the monstrosity of barbarism and cruelty that the Serbian forces manifested against the defenseless Albanians. After the end of the war, family members reported to various international humanitarian organizations that more than 6,000 people were missing. More than 4,500 of them have been found in mass graves, of which more than 945 have been brought from mass graves across Serbia, through various rivers and wells.

*Key words:* Massacre, killing of civilians, women, children, unarmed and defenseless civilians, burning bodies, sexual violence, destruction of houses.

The point of view according to which if it is universally known that a war took place in Kosova during the years 1998-1999 and that its consequences are known, it will not be necessary to evidence, explore and memorize from a scientific, legal and historical aspect the severe crime that was done to a vulnerable people, seems to be unsustainable. Therefore, it is necessary to deal with the definition and scientific and institutional memory of the dimensions of the crime and the consequences caused by the Serbian aggression, as well as the monumentalization of the tribute to the victims of the war. The narrative about the crime, its typology, as well as the attempt to link all crimes together in the umbilical cord of origin, affects the conscience of humanity. Therefore, it is useful to make a typology, the structure of Serbian crimes against Albanians.

The end of the 20th century proved once again that the concentration of force and destructive weaponry in the hands of the irresponsible can cause unpredictable consequences, reflecting the dark side of human consciousness.

The cause of the wars during the dissolution of Yugoslavia, the Serbian aggression, after Croatia and Bosnia and Herzegovina, during the year 1998-1999, with all its military-police and paramilitary arsenal, under the command of Slobodan Milosevic, attacked Kosova. The pretext for the murders, injuries, massacres, burnings and destruction was the KLA, but the real goal was to create a "scorched earth" and then deport the population outside of Kosova.

The Serbian strategic war project "Horseshoe" proved this: in addition to group and individual murders, the massacre of corpses, their disappearance, sexual violence, in addition to the burning and destruction of more than 120 thousand houses and many objects of other public and religious institutions, the army, the police and the Serbian paramilitaries deported outside the borders of Kosova - to Albania, Macedonia and Montenegro about one million Albanians, women, children and the elderly, with the clear intention of preventing them the return to their lands.

According to the Council for the Protection of Human Rights and Freedoms (KMDLNJ), *from January 1, 1998 to June 12, 1999, when NATO troops, under the acronym KFOR, military, paramilitary and police forces entered the territory of Kosova of Serbia and the Federal Republic of Yugoslavia (FRY) have killed 7,900 unarmed Albanian civilians (6,579 men, 1,321 women).*<sup>1</sup>

---

<sup>1</sup> KMLDNJ - Krimet e Luftës në Kosovë 1998-1999 - Monograph, pg. 41, Pristina 2010.

But the data published by the Humanitarian Law Fund and already known worldwide:.. *as a result of the 1998-1999 conflict and after the end of the war until the end of 2000, 13,535 people were killed or forcibly disappeared. Of the total number of victims, 10,317 were civilians (of which 8,676 Albanians, 1,196 Serbs and 445 from other ethnic groups) and 3,218 from the various armed forces (of which 2,131 from the Kosova Liberation Army, 1,084 from the Serbian armed forces and Yugoslavia and 3 from NATO forces. On the other hand, more than 1,600 people are still missing.*<sup>2</sup>

*Children were targeted by Serbian forces with the motivation that they were,, future enemies of Serbia. During the conflict in Kosova, according to the evidence of the Council for the Protection of Freedoms and Human Rights, 953 Albanian children were killed and massacred by the Serbian forces, (although some other authors-sources confirm that the number of children killed is more than 1300).*

Around 400 collective massacres were carried out by the Serbian murderous machinery during the war in Kosova, in which Albanian civilians were killed in groups: 377 in the Meja massacre, 146 in the Izbica massacre, 115 in the Pastasel massacre, 86 in the Kralan massacre, then in the massacre of Reçak, Krusha e Madhe, Krusha e Vogël, Prekaz, Likoshan, Çirez, Poklek, Çikatova, Rezalla, Abrija, Lubenic and Korenica and many, many other massacres that the Serbian regime carried out in Kosova

In addition to the murders, massacres, burnings and rapes, about a million Albanians were deported out of Kosova, with the ethnocidal aim of ethnically cleansing it of the Albanians, who made up more than 95 percent of the indigenous and resident population of Kosova. But what is the typology of massacres in Kosova?

Arsim Bajrami, in his book, "Genocide of Serbia in Kosova - legal aspects," points out that the genocide of Serbia in Kosova is multidimensional: genocide in the sphere of education, economic genocide, genocide in the cultural sphere, media and other fields, demographic genocide, exploring in detail and in an argumentative way all the complexity of the Serbian state genocide in Kosova.<sup>3</sup>

However, here will be presented a brief typology, reduced to laying out, for the mass murders and massacres, which the Serbian forces

<sup>2</sup> Fund for humanitarian law, Memorializimi book, Pristina 2022, p.10.

<sup>3</sup> Arsim Bajrami, Gjenocidi i Serbisë në Kosovë-Aspekte juridike, Pristina 2023, p. 57.

did against the defenseless civilian Albanians, during the years 1998-1999.

1948 UN Genocide Convention, which entered into force on January 12, 1951.

According to this Convention, Genocide means any of the acts committed with the aim of total or partial destruction of a national, ethnic, racial or religious group, such as:

- (a) Killing members of the group;
- (b) causing serious bodily or mental injury to members of the group;
- (c) the intentional imposition of such conditions on the group, intended to cause the physical or mental destruction, in whole or in part, of that group;
- (d) imposing measures aimed at preventing births within the group;
- (e) forcible transfer of children from one group to another.<sup>4</sup>

Thus, the Serbian massacres against the Albanian population turn out to be simply an illustration of the fact that they were carried out with the purpose and function of organized state genocide, in full accordance with the definition and criteria of genocide.

At the time of the Rambouillet Conference, Serbia had deployed in Kosova about 150,000 military, police and paramilitary groups, such as those of the criminals Sesel and Arkan, with all their murderous arsenal: heavy and light military artillery and police, which had covered the entire territory of Kosova. This force, especially after March 24, 1999, when the NATO began attacks on certain targets in Serbia and Kosova, began the terrible attacks of mass persecution, murder, rape, burning and destruction against the Albanian civilian population. The peculiarity of these killings is that they were carried out against individuals, but also by grouping people, who were then killed or massacred by those forces. These groups were different, smaller or larger groups (from 10, 20, 30... up to 377 people, as the case of Meja of Gjakova shows).

So, the typology of murders and massacres is exemplified by killing in large numbers, starting from small numbers, as cited above. But the typology of mass murders and the individual and mass slaughter of the bodies of the murdered is also illustrated by the manner of the murders:

---

<sup>4</sup> Ibid., p. 63.

1. murder with hot weapons and with cold weapons;  
- murder with firearms, individually and in groups,  
- murders in fields, various spaces and house ruins, such as the collective executions in Mejë, Izbica, Pastasel, Krushë e Madhe, Kralan and many others;

- murders in closed spaces, by shelling and bombing and throwing bombs or firing bursts of machine guns at women, children and the elderly, such as the cases of Prekazi, the case of the Jashari family, the case of Suhareka, the case of the Berisha family, the case with the prisoners of Dubrava and many other cases.

2. murder with cold weapons: knives and other hard hitting tools.

3. with the method of slaughtering the bodies:

- after mass executions in rooms and narrow spaces, throwing hand grenades and machine gun bursts, Serbian paramilitaries, policemen and soldiers dismember and burn the bodies with various liquid and gaseous catalysts, including burning in furnaces. They threw the mutilated and maimed bodies into wells and caves, rivers and lakes, threw them and then covered them with thick layers of soil in mines) etc.;

Many bodies were found with tied hands and signs of torture before execution;

- there was a massacre against civilians also in the market of food items, of daily consumption, as had happened years ago in the market of Sarajevo. This happened on March 13, 1999, when Serbian forces threw grenades at the food market in Mitrovica, where they killed, or rather massacred, 5 Albanians, including women and children, and injured 23 others.

- It is confirmed that in many villages, in Drenica, Dukagjin - in the municipality of Istog, in Llapushë and all over Kosova, immediately after the entry of NATO forces, hundreds of decomposed bodies of murdered Albanians were taken out of the wells;

Meanwhile, from Serbia, from mass graves: Batajnica -747, in Bajna Bashta -84, Petrovo Sello -61, from underground mines in Rudnica 54 and Kizhevak were extracted and brought to their land in Kosova (until 2020) a total of 946 bodies of Albanians killed, more precisely, remains of their bodies.<sup>5</sup>

---

<sup>5</sup> Report of the KQPZH, Prishtina 2020, p. 2.

There are reports of international humanitarian organizations with unconfirmed data, in which it is said that around 300 bodies of murdered Albanians were thrown into the furnaces of metal foundries such as in Mackatica and Bor in Serbia and in Ferronicël and Trepçë in Kosova. Consequently, it will be impossible to ever find any remains of their bodies

After murders and burnings, sending bodies to Serbia is another crime. Still today, 23 years later, more than 1,600 families in Kosova anxiously and hopelessly wait for the bodies of their loved ones to be found, to be handed over to them, so as not to leave the graves open for so many years and endlessly.

5. The sexual violence of about 20,000 women, girls and Albanian women, but also of a number of men, are and remain the most monstrous form of war crimes in Kosova. Many of the raped were killed after the rape.

*Many international non-governmental organizations and various experts manipulate the figure that nearly 20,000 Albanian women were raped by members of the Serbian forces during the war. However, according to another source, this figure is around 2,018 women raped during the war in Kosova.*<sup>6</sup>

However, there have been cases when, if they failed to separate a woman from her family members and from the pursuing columns, they killed her, as happened with Shpresa Musli Krasniqi from Klina. She was pregnant when she was killed in a village of Gjakova, in the village of Lug Bunar, after they failed to get her off the tractor trailer. Today there is a memorial dedicated to her bravery, honor, morality and dignity.

The murders after the rapes represent a special type of massacre that Serbian barbarism had implemented during the war in Kosova;

#### 6. Ethnic cleansing:

Within the two-year period of the war in Kosova, and especially between March 24, 1999, when the NATO attacks on Serbian targets began, and June 12, when they ended, about 1 (one) million Albanian citizens of Kosova.

Identity documents and passports were taken from those at the border, to throw them in the trash and prevent them from returning to their homeland.

---

<sup>6</sup> Arsim Bajrami, *Gjenocidi i Sërbisë në Kosovë-Aspekte juridike...* p. 57.

This is the typical case of the mass ethnic cleansing of Kosova.

Undoubtedly, if the Serbian expansion had not capitulated before NATO, the number of Albanians who were expelled from Kosova, would still be treated as refugees in different countries of Europe and the world.

Refugee lines and emptying covered the streets of Kosova. From Mitrovica through Dukagjin, the lines of refugees, thirsty and hungry, beaten and mistreated, traveled for days and weeks to Albania and Montenegro, from Kamenice and Gjilan they were chased to Macedonia and Albania as well, as from all other municipalities of Kosova. The empty train from Prishtina to Skopje, for every day, was overcrowded.

7. The impunity of Serbian criminals and cruel murderers proves that it is still present in the great war crimes.

The facts show that very few trials have been opened by Serbian justice bodies and even fewer have resulted in convictions - even in those that have, ridiculous sentences have been handed down. An illustrative case is that of the murder of the three Bytyqi brothers, Albanian-American citizens, whose murderers are known, but to this day they walk freely around Serbia, despite the repeated demands of the American government for their punishment.

It is already known worldwide that nothing has happened by chance and unplanned by the occupying power and that of the war of the Serbian army and police. Likewise, it is certain that for every massacre, murder or violence of another nature during the war and in the circumstances of the war, evidence was kept and secret reports were made. Even today, they are kept in state and military-police archives as state secrets in Serbia.

Therefore, rightfully, Kosova insistently demands that Serbia provide information on the location of more than 1,600 bodies missing during the war, about whose fate nothing is known even 23 years after its end and that, for more than 1600 families, the graves should not remain open indefinitely.

All murders and collective massacres were done under the command of the Serbian army and police.

In spite of the fact that in Kosova there have been efforts to gather accurate and complete evidence of the consequences of the war, the figures for killing and massacre, for the rape and murder of children, for the burning of corpses and the missing, unfortunately we still do not have a complete and unified official presentation of these data.

In conclusion, one fact remains conclusively and testably clear: the Serbian plans were made to kill as many Albanians as possible, even with the most barbaric, inhumane and cruel methods, to massacre them and hide the traces at all costs, which represents a double crime, as well as in parallel deporting as many of them as possible outside the borders of Kosova, so that Kosova could be finally conquered and serbianized, as at other times throughout history.

Jusuf Osmani

## MASSACRES OF WOMEN, ELDERLY, CHILDREN AND PRISONERS IN KOSOVA IN 1998-1999

### Abstract

The Serbian genocide against the Albanian population in Kosova in the years 1998-1999 was preceded and encouraged by propaganda and offensive language, hatred and numerous discussions of Serbian politicians in the highest state and government bodies in the numerous anti-Albanian rallies in Kosova and outside Kosova, the plans of the Serbian Academy of Sciences, writings of daily newspapers, electronic media, as well as "scientific" publications conducted for a long time, etc. The Orthodox Church has played a significant role.

In the last war of the Serbian aggressor in 1988-1999 against the Albanian population in Kosova, such terrible barbaric genocidal crimes took place against Albanian civilians, that the members of the Serbian police, military and paramilitary forces mercilessly did not spare women, pregnant women, babies, children, the elderly, prisoners and others.

The massacres, the mass murders of women, children, the elderly, prisoners and others, the rape of girls and young women, the massive burning and destruction of settlements, the economy and property, were not enough for the Serbian military, police and paramilitary forces, but in order to lose the traces of crimes, they opened mass and individual graves still unidentified, in Kosova and outside Kosova, in Serbia. There are many cases where the corpses were buried, but after a few days they were exhumed and sent to unknown places.

The genocide, crimes, massacres and violence perpetrated against the Albanian population, especially against women, children and the elderly, in Kosova in the period 1998-1999 are the worst and most tragic in Europe. The last war in Kosova has marked the proportions of a tragedy, which left thousands dead and missing, hundreds injured, thousands of different buildings destroyed, women raped, the population expelled and many other consequences.

*Keywords:* genocide, crimes, murders, children, elderly, women, prisoners, Serbian forces, Kosova.

### Crimes and murders in Kosova

The years 1998-1999 were the years of murders, burnings and mass crimes of hundreds and thousands of innocent and defenseless citizens, including children, women and the elderly. These are the years

of the disappearance of tens, hundreds and thousands of members of Albanian families. The facts proved that this is exactly what the last phase of the mad Serb big scenario against the Kosovar Albanians predicted - the scenario for the murder and disappearance of an entire people from their centuries-old lands.<sup>1</sup>

In the last 1988-1999 war against the Albanian population in Kosova, genocidal crimes against Albanian civilians took place, where women, pregnant women, babies, children, the elderly, prisoners and others were not spared. In addition, crimes in Kosova included expulsion of the population, massacres, ethnic cleansing, rape, looting, poisoning of wells, concealment of corpses, erasure of identity, abuse of civilians and forced labor, destruction of settlements and land mining.<sup>2</sup>

The criminal activity of the Serbian police, military and militia forces against the Albanian population in Kosova was completely identical, almost throughout Kosova. Only the Albanian victims are different and numerous. This shows the organized way of intimidation, persecution, terrorizing, imprisonment, setting up concentration camps, looting, burning and destruction, macabre crimes and finally the disappearance of the corpses of the killed, in order to hide the traces of crimes. " *I didn't believe that a man could do something like this to a man, until I visited Kosova*", declared the former American senator, Robert Dole, on September 6, 1998, in front of journalists in Prishtina, after he had returned from a visit he made to the areas involved in fighting.<sup>3</sup>

Deliberate and unlawful killings of civilians - executions without trial - were an important part of the "purges" campaign. Throughout Kosova, civilians who were well known not to be combatants and many of whom were women and children were killed by Serbian police, soldiers and paramilitary forces involved in execution-on-the-spot killings. According to Human Rights Watch, in general the killings had three clear motives. The first was to speed up the "cleansing" process through intimidation and instilling fear. The second was the elimination of individuals who were suspected of fighting in the ranks of the KLA or helping it, two things that were often difficult to distinguish from each other. Among the individuals targeted were prominent political leaders,

---

<sup>1</sup> Vrasjet dhe masakrimet në Kosovë - Shprehje e politikës gjenocidale serbomadhe, Kushtrim Hyseni, KMDLNI, Bulletin, no. 13, October - December 1999, p. 110.

<sup>2</sup> The data are mainly taken from the book: *The Serb Government's Crimes in Kosova 1998-1999*, Book 1, 2, State Agency of Kosova Archive, Prishtina, 2016.

<sup>3</sup> Information Center of Kosova, dated September 8, 1998; *Krimet serbe në Kosovë. Pa apologji 2. Me fakte kundër shpifjeve*, Prishtinë, Prishtina 2008, p. 189.

human rights activists and wealthy businessmen. The third was the commission of revenge killings: some massacres were carried out after Serb and Yugoslav forces suffered defeats at the hands of the KLA. The killings were not a random result of the violence of the government forces, on the contrary, they were carefully planned and carried out operations that served the strategic purpose of the government.

An "internal report", described as "top secret", drawn up by the secret services of the "Yugoslav Army", in January/February 2000, gives a picture of the scale of the terrible crimes committed by the Yugoslav Serb military forces during spring of 1999 in Kosova.<sup>4</sup>

As this document shows, for many of the officers, the propaganda made by Belgrade is untrue and unconvincing. The commander of a tank unit has rejected the untrue Serbian claims that the Kosova invasion was aimed at suppressing Albanian "separatists", saying: "*During the entire time I have been in Kosova, I have not seen any enemy soldiers and my unit is not never involved in fighting or opened fire on military targets. Modern tanks have been sent against the defenseless Albanian villages. These tanks, which cost 2.5 million US dollars each, were used to massacre Albanian children*", said this officer, to conclude that for all this "*I am ashamed!*"<sup>5</sup>

On January 25, 2001, in a radio broadcast of a documentary on the National Public Radio of the United States, entitled "Crime Concealment", it was shown that Serbian and Yugoslav forces systematically transported the bodies of Albanians killed in the mining complex of Trepça near Mitrovica, where they were burnt to ashes. According to the report, which cited Serbian fighters and "a well-informed official of the Serbian secret services", 1,200-1,500 corpses were cremated in Trepça... Men suspected of being linked to the KLA were killed on the spot. Such suspicion could sometimes be based simply on the fact that one was of warrior age.<sup>6</sup>

In order to argue the involvement of the highest state structures in criminal activities and as such with genocidal proportions, we are referring below to a report of the "Human Rights Watch" Organization. In the October 2001 report, this research (fact-gathering) organization

---

<sup>4</sup> IWPR – Balkan Crisis Report: Miroslav Filipovic, Serbian officers recall the killings (BCR No. 130, April 4, 2000; Fitnete Ramosaj, Pa Apologji 2, v. e cf 138-139.

<sup>5</sup> M. Filipović, Serbian officers remember the murders..., p. i cit.

<sup>6</sup> " Ne kerkim..." show 16 TV Kosova.

on crimes in Kosova, writes: "The Yugoslav Army had overall command during the NATO bombing period. By law, it had police and paramilitary forces under its authority, although senior officials in the Serbian Ministry of Internal Affairs appear to have exerted significant influence during the campaign. The army controlled the main roads and borders thus coordinating and facilitating the "ethnic cleansing" (in Kosova). The police and pre-military forces were more directly involved in the expulsion of civilians and the destruction of villages, for which they had the support of the army's artillery (Serbian - my note). During these operations men were separated from women and children to be interrogated for the Kosova Liberation Army and executed on the spot."<sup>7</sup>

The Serbian ideologist and nationalist, Dobrica Cosic, on June 12, 1999, in his memoirs in the book "Kosova", Belgrade, 2004, among other things tells about the meeting and conversation he had with Patriarch Pavle. "I told him: " *Your Highness, please tell me what happened in Kosova and Metohija*". *Did the Serbs do bad things? And they looted and killed in the countries where the wars with the Albanians took place. And they destroyed some mosques, which should never have happened*". "Patriarch was silent and looking at his cross, in a barely audible voice he said: *Yes, Serbs have also done bad things. They have also looted and killed in the places where the fighting with the Albanians took place and destroyed some mosques, which should never have happened....*

Many Albanians that were killed in Kosova, their dead bodies have been moved outside Kosova, with the aim of erasing the signs of the crime committed. This has been proven in the opening of numerous graves across Serbia. In addition, it is suspected that many corpses of Albanians were burned in the furnaces of foundries, as is also said in that of Zveçan.

## Murders of children

The higher birth rate of Albanians in Kosova compared to other countries of the former Yugoslavia was the subject of negative articles in the official Serbian media. It was said that it is part of the first policy thought to increase the Albanian population. This had encouraged many

---

<sup>7</sup> Taken from the website: Krimet në Kosovë.

Serbian paramilitaries to kill even children. But, with all the international norms in the world, both in peace and in war, children are protected.

However, the Serbian government considered children future enemies of Serbia, so they were killed and massacred in different ways. They were massacred and executed by Serbian forces as if they were adults. There are many cases where children have been killed in more cruel ways. Even unborn babies, in their mothers' wombs, or newborns have been massacred. In some cases, the purpose of killing children was also to terrify and traumatize parents and adults. They were taken and killed in front of their parents or their parents were killed in front of them. There were numerous cases when children were taken hostage for - material gain, while some female children who are still minors have been raped. The killing of many children is evidenced by the large number of thousands killed in the register of persons killed and massacred throughout Kosova.<sup>8</sup> Among other things, a Serbian witness says: "In the next three months I saw the horrors - how children, civilians and men and women were killed. As for the biggest looting, during the night the stolen goods were transported through certain channels, etc."<sup>9</sup>

Other children who were not killed suffered severe injuries that were contrary to humanitarian law, including torture and ill-treatment.<sup>10</sup> During the war of the ruling Serbian aggressor, Kosova Albanian children were systematically and massively and individually killed and injured. Based on the large number of children killed, it can be concluded that planned, organized and systematic acts were carried out against the Albanian children of Kosova with the aim of extermination the Albanians, in the national aspect.

Albanian children were targeted by Serbian forces with the motivation that they were "future enemies of Serbia". So, the "future enemies of Serbia" included babies in the cradle and on the mother's breast. A woman describes how she heard a member of the paramilitary units who

---

<sup>8</sup> Prof. dr. Jusuf Osmani, *Krimet e Serbisë ndaj fëmijëve në Kosovë 1998-1999*, State Archives Agency of Kosova, Pristina, 2013, p. 58.

<sup>9</sup> *Elektronske Novine*, 9. 11.2013, Svedocenje: Ocevidac monstroznosti srpskih snaga na Kosovu (1) Pravili su lampe od albanskih lobanja. Razgovarao: Bojan Tonic. Svedok monstroznih zlocina: Slobodan Stojanovic

<sup>10</sup> *Verifikacione misije Kosovo. Stanje ljudskih prava oktobar 1998 – jun 1999 godine*. Fond za humanitarno pravo, Edicija Dokumenta, Belgrade, 2004, p. 126.

said that all children should be killed, because if they grow up, they will take revenge <sup>11</sup>.

An "internal report", described as "top secret", drawn up by the secret services of the "Yugoslav Army", in January/February 2000, gives a picture of the extent of the terrible crimes committed by the Yugoslav Serb military forces during spring of 1999 in Kosova.<sup>12</sup> Particularly shocking were the testimonies about the killing of children. *"The joint testimonies of officers in the field show that units of the Yugoslav Army were responsible for the death of at least 800 Albanian children under the age of 5".*<sup>13</sup>

Hamburg's DIE ZEIT newspaper has published a shocking article about the criminal actions in Kosova this bloody spring, where, among other things, it writes: *"... During the meal, Mirko confessed about his friend Josip, about the war in Kosova and about how he had stood by when Josipi had killed the child. Josipi and Mirko did not know where the child came from, they did not know his name, they did not know how old he was. But that was what he did, because the only thing that interested Josip, he could see with his eyes: he was Albanian.. So, in the early hours of the afternoon of April 6, 1999, Josipi took a hammer and smashed the child's skull with seven blows. He was about eight years old. All this had lasted no more than ten seconds. Then, Mirko says, "the little monster finally died." Mirko had seen how his friend, Josip, had been shaken by disgust. Something from the boy's brain had stained the uniform. Josipi had taken a rag and tried to wipe off the yellowish mass. But the brain was not hiding. "Damn shit", Mirko had heard his friend Josip shouting. He had kicked the dead child's body. Then he took the corpse, put it in a suitcase, "decorated" it with six hand grenades around it and tied it with a string to the suitcase's lock...".*<sup>14</sup>

An officer named Drazhen, who participated in the war in Kosova, remembers: *"I saw with my own eyes how a reservist lined up about 30 Albanian women and children in front of a wall. I thought he*

<sup>11</sup> Ibid.

<sup>12</sup> IWPR – Raporti i Krizës së Ballkanit: Miroslav Filipovic, Oficerët serbë kujtojnë vrasjet (BCR Nr. 130, 4 prill 2000; Fitnete Ramosaj, Pa Apologji 2, v. e c. fq. 138-139.

<sup>13</sup> IWOR – Balkan Crisis Report: Miroslav Filipovic, Serbian officers recall killings...: IWPR – Balkan Crisis Report: Antoni Borden, Filipovic's story: BCT Nr. 231, March 30, 2001; F. Ramosaj, Pa Apalogji 2, v. and c. page 139; Mikel Ndreca, 87 vjet terror dhe gjenocid shtetëror (1912-1999), Pristina, 2001, pg. 336.

<sup>14</sup> "Koha Ditore", December 23, 1999, prepared by Enver Robeli; Rustem R. Berisha, Hollokausti shqiptar I in New York - Pristina, 2010, pg. 104-105.

*just wanted to scare them, but then he went behind a heavy anti-aircraft gun and pulled the trigger. The 12mm bullets tore their bodies in half. It seemed to me like a scene from an action movie, but in fact it really happened." Drazen concludes: "I don't know how I will live with these memories, how I can raise my children. I want to see those who committed these crimes brought to justice."*<sup>15</sup>

A superior of the Yugoslav army, named Miroslav Filipovic, who had spoken to the newspaper "Danas", among other things, had stated that the Yugoslav army is responsible for the murder of at least 800 Albanian children. " *Serbian tanks were used to massacre Albanian children...* ".<sup>16</sup>

On the basis of medical expertise, it was established that most of the victims were executed from close range, while a significant number were also massacred with various cold weapons. Among the bodies of Albanians found in the mass grave in Batajnica, a large number of bodies were of women and children.

Another Serbian witness also tells about the killing of children in the cradle. "In September of 1998, we fought in the villages above Prizren, such as in Lez, Lybiçevë, Hoçë of City, in the so-called clearing of the terrain. He would not mention the policeman's name, he is still alive today, he is a pensioner, in calm circumstances he killed the child, who was no older than four months, in the cradle. With the saying " *Better a dead Albanian than a living Albanian* ". I wanted to kill him. I realized that I did not go to Kosova with a group of policemen, but with a group that I cannot define, that they were not even criminals. I was with the sadists, the sick, even the cannibals, only they didn't eat those people. <sup>17</sup>There have been many such cases of killing children and others in Kosova.

Many children have died in the mountains due to difficult conditions during their stay or deportation movements. Newborn children also died. During the war in Kosova (1998-1999), from the research done in the field and the registration of the victims of the war, it was established that more than 11% of the victims of the war were children.

---

<sup>15</sup> M. Filipovic, Serbian officers remember the murders, p. cit.; F. Ramosaj, Pa Apologji 2, v. and c. page 140.

<sup>16</sup> Mikel Ndreca, 87 vjet terror dhe gjenocid shtetëror (1912-1999), Pristina, 2001, pg. 336.

<sup>17</sup> Elektronske Novine, 9. 11.2013, Svedocenje: Ocevidac monstruoznosti srpskih snaga na Kosovu (1) Razgovaraao: Bojan Tonic. Svedok monstruoznih zlocina: Slobodan Stojanovic.

According to the data collected on the number of children killed and missing, but also martyred in Kosova in the period January 1998 - June 12, 1999, there are a total of 1,396 children (1011 males and 385 females) aged up to 18 years. Meanwhile, 14 children of Serbian nationality suffered. A total of 1300 children killed and missing. Whereas, up to the age of 5, 299 children suffered, not counting those who died immediately after birth and were not baptized, as well as those in the womb of the murdered mother. It should be mentioned that on December 12, 1998, the Serbian secret service killed 6 Serbian people, 5 of them children, in the cafe called "Panda" in Peja, in order to accuse the KLA members of committing crimes even against children.

Many children have died in the mountains due to difficult conditions during their stay or deportation movements. Newborn children also died.<sup>18</sup> The statistics of international humanitarian organizations, which operated in Kosova, at the end of 1999, have published their data that as a result of the war, 27,000 children have remained orphaned, 12,000 of whom remained without two parents. During the war in Kosova (1998-1999), various humanitarian organizations found that 20% of war victims were children and that 5% of child victims in Kosova was higher than that of all the countries occupied by the Nazis during World War II.<sup>19</sup>

### The murders of Albanian women

A fierce Serbian propaganda against the Albanian mother took place in the eighties and nineties of the XX century. After 1981, the high birth rate of Albanians was the target of Serbian nationalist propaganda, which was manifested through violence against Albanians since then (policemen hit Albanian women, students in the genitals and with the morbid threat: "you will never give birth to separatists" (1981); then the Serbs tried to "scientifically" prove this morbid thesis, that allegedly the Albanians use women for an enormous number of births (machine women) for their separatist goals without their will. They presented the Albanian woman as ignorant who does not know nothing else,

---

<sup>18</sup> In the register of victims of war, in most cases these children were not baptized nor registered as victims of war. Therefore, the registers that follow for those killed are incomplete and information about them is missing.

<sup>19</sup> Nexhat Çoçaj, *Shtigjeve të Lirisë*, Municipal Directorate of Education and Science, Prizren, 2009, pg.98.

except to produce children. This led the Serbs to nationalist blindness, to reach the point of ripping the bellies of Albanian mothers (even pregnant ones) and killing their offspring at the end.<sup>20</sup> This hatred towards the Albanian woman was also reflected in numerous murder in the war of 1998-1999. The murders of Albanian women were a murderous attack, not only on the life and physical integrity of the Albanian woman, but also on her moral and spiritual honor and dignity, and not only hers, but also of her husband and children, her relatives and acquaintances.

Women during the war were endangered in a different way than men. In addition to being killed in many cases, they were raped or sexually abused. Pregnant women were in a more difficult situation. In many cases, they gave birth in unusual conditions, in the forest, on the road, in camps, etc. So many newborn babies died. In some cases, because of the great hatred, pregnant women were hit in the stomach, or the soldiers killed them or took out their fetuses.<sup>21</sup> According to the notes we have in the period from January 1998 to June 12, 1999, 1,776 women of various ages were killed or went missing in Kosova, including 52 women of Serbian nationality who were killed or disappeared.<sup>22</sup> Some of those Albanian women have also fallen as martyrs.

## Youth murders

Albanian youth were also targeted by Serbian forces. Their murders were done in different forms. They were killed only because they were male and young and with potential opportunities to join the KLA. The most vulnerable were the young people, who suffered the most, fleeing and were caught because they came from areas that were nests of the KLA. There were cases when someone young or even old was killed for having the same last name as known KLA fighters. Young people were taken and separated from the convoys, taken to the village during the siege. They were either killed immediately, even in front of their families, or they were killed or taken away, and their fate was never known.

---

<sup>20</sup> Halil Matoshi, *Lufta, lojë apo sëmundje*, "Koha ditore", July 9, 2011.

<sup>21</sup> Taken from e OEBS, *Verifikacione misije Kosovo*. Stanje ljudskih prava, oktobar, October 1998-June 1999, Belgrade, 2004, pg. 122.

<sup>22</sup> Jusuf Osmani, *Serb Government's Crimes in Kosova 1998-1999*, Book 1, Book 2, Pristina, 2016, p. 170.

Before being killed, the young people were provoked by the Serbian forces, forcing them to say "Long live Serbia", to raise three fingers, etc. As a motive, they took the smell of gunpowder in their hands, because they fought in the ranks of the KLA.

### The murders of entire families

Among the special methods of committed genocide is the killing of members of many families and the undoing of the most honored and protected institution of the Albanians. There were murders and massacres of entire Albanian families. Dozens and dozens of residents were killed. Characteristic of these and many other cases like these is the fact that the murders were intentional and were carried out, in almost all cases, inside the house. The reason for the attack was their being Albanian.<sup>23</sup>

Here we should mention the Jashari families in Prekaz i Poshtëm, Deliu and Ahmetaj in Abri, Bogujevci from Podujeva, Muçolli in Poklek, Hoti in Krushë e Madhe, Berisha in Suharekë, Krasniqi in Carallukë, Gashi from Tërreja, Krasniqi in Pastasel, Morina in Astrazub, Gërxhaliu from Studimja e Poshtme and many others.

Regarding the murder of the family of Selatin Gërxhaliu in Studimja e Poshtme of the municipality of Vushtrri, on May 31, 1999 where almost all of them were children, a relative of his, who had gone to call the police in Vushtrri and had come to investigate at the scene stated: "*The police and the investigating judge came and took pictures. We were told that they would give us copies of the photos, which did not happen. When I walked in, the investigating judge, a woman from Montenegro, burst into tears. One of the policemen asked her why she was crying. The woman said: "And the children, what have they done?". One of the policemen, Dragan Petrovic, replied: "This is war, friend." I said to him: "The war is between men and men, so if you are brave, go to the forest and fight with the KLA." These are children who were killed in their sleep." Petrovic looked at me, but did not speak to me. After taking the pictures, they said that they would bury the dead,*

---

<sup>23</sup> Vrasjet dhe masakrimet në Kosovë - Shprehje e politikës gjenedociale serbomadhe, Kushtrim Hyseni, KMDLNJ, Bulletin, no. 13, October - December 1999, p. 111.

*because they would bring people from Mitrovica. They went to Vushtrri by car, but then they came back and told us to bury the dead ".<sup>24</sup>*

## The murders of the elderly and the disabled

Even many old people and disabled in Kosova were victims of the war<sup>25</sup>. Many of them, not being able to run away or because of their old age, did not leave the house. Those who were found at home, the enemy killed them in a more cruel way by burning them, massacring them, even throwing them into wells, as is the case in the village of Dragaçinë in Suhareka, where 11 village elders were thrown into a well. Many elders traditionally wear white pleats, it was they who were targeted because of the pleat and suffered being killed or abused in the most barbaric way. This attack was considered as an attack on Albanian culture and tradition

Many old men while staying in the mountains and moving from one place to another, due to the difficult living conditions, died. There were also such deaths in the Bllaca camp.

A Serbian witness in the Belgrade Court testifies to many murders. Regarding the murder of an old man, he states: "*I also remember a murder that Lucica committed in the village of Pagarushë, not far from Rahovec. After the capture of the village, a group of policemen, among whom I was also, took shelter in a roadside shop in the center of the village due to the rain. Suddenly a man appeared with a stick in his hand and a pleat on his head. He was an Albanian over 80 years old, he walked calmly, with his head down. When he passed by the shop, Lucica raised his rifle and took aim, we all looked at him in surprise, not believing that he would shoot at the unarmed old man. But he killed him in cold blood, shooting him at close range...".<sup>26</sup>*

---

<sup>24</sup> Taken from: Human Rights Watch, Nën Pushtetin e Urdhrave, Krimet e Luftës në Kosovë New York, Washington, London, Brussels, 2001, p. 442.

<sup>25</sup> It should be noted that during the visit to the villages of Kosova, especially those of Drenica, regarding the acquisition of data on the historical past of Kosova, I was looking for elders in the village, however, in some cases, the children I met on the street told me that we do not have elders in village, they were all killed during the war.

<sup>26</sup> Published: 30.11.2013 - 10:54 online. Belgrade, November 29 - The editors of the enovina electronic publication were presented with policeman Petar Djordjevic, who accused members of the Serbian MUP of monstrous crimes in Kosova and

Many elderly and disabled people also suffered in the war. Based on the data we have managed to collect in Kosova, 1,843 people over the age of 65 have been killed or disappeared, which could be considered old people.

### Murders in prisons

In the prisons of Serbia, but also in Kosova, before and during the war, thousands of Albanians were held, arrested in various ways, under the charges of "collusion for hostile activities" and "terrorism". Some of them have been killed in prisons since before the war. However, during the war, the mass murder of Albanian prisoners took place in Dubrava Prison, on May 22-24, 1999. It should be noted that during the war, more than 2,000 Albanians were taken hostage and imprisoned in various prisons in Serbia, some of whom they were later released.

### The murders of intellectuals and political and humanitarian activists

Individuals or groups, which in some way played an important role in the public life of Kosova Albanians, were largely mistreated, imprisoned, raided, and even killed. At risk were various groups: politicians and other prominent individuals, religious leaders, doctors, journalists, professors, students, activists of organizations for the protection of human rights, those who worked in foreign non-governmental organizations that until then operated in Kosova, as well as rich people. They were considered "enemies" or subversives. Therefore, in Kosova, intellectuals and political and humanitarian activists became the object of Serbian violence and terror.<sup>27</sup>

---

after that, as he claims, he was a victim of the Witness Protection Unit. as well as the War Crimes Prosecution of Serbia.

<sup>27</sup> I almost experienced the same case. On April 5, 1999, some people with a register came and asked me in the apartment in the neighborhood "Dardania" in Pristina. The day before, I had managed to leave and take refuge in Skopje. After they did not find me, they demolished the whole apartment, took some valuable things and historical archival documents. Then, some neighbors who had not fled asked where I am. They had told him that I am in Sllatinë e Madhe. They went to Sllatinë e Madhe where I was born and had my house. The population of Slatina was deployed in the forest, above the village. Then, as a sign of revenge, they went to the house where I had a rich library and archive and burned it.

## Staged killings and human shields

The protection of civilians and non-combatants in armed conflict also extends to the prohibition of the use of those persons in order to influence the course of war operations. This prohibition of the use of "human shields" is closely related to two other principles common to international and internal armed conflicts. One prohibits the taking of hostages, the other prohibits the infliction of harm "on those not directly related to the actions hostile". The use of these "human shields" is prohibited by Article 28 of the Geneva Convention, it states: "*The participation of the person for protection cannot be used to protect certain points or areas from military operations*".

However, the Serbian military and police forces acted against this. Albanian civilians and prisoners in Kosova have been used to protect the armed forces from NATO attacks.

Human shields have not only been used for defense against NATO attacks. They were used to gain superiority in the field during military operations. Civilians and young men were placed in front of the Serbian soldiers in the attack against the KLA units and served as shields. In many cases, military units forced civilians to go ahead so that those localities could be mined. There were cases when the population was not allowed to leave the village, where the Serbian military units were stationed in order to protect them from the attacks of the opposing side. There are other cases, especially Albanian prisoners were used to perform dangerous jobs for the benefit of the Serbian armed forces.

Both strategies are intended to create human defense of Serbian forces against NATO and KLA attacks. There are many such cases of human shields and suffering of civilians or hostages in Kosova, such as the cases in Korishë of Prizren and Lluzhan of Podujeva, Bishtazhin of Gjakova, etc.<sup>28</sup>

## Deaths from the consequences of war

During that time, there were many deaths in Kosova as a result of the war. Many residents had been forced to leave their homes and apartments and take refuge in the mountains, in tents or in the open sky that were a constant danger, not only from Serbian shelling, but also

---

<sup>28</sup> Prof. dr. Jusuf Osmani, *Krimet e Serbisë në Kosovë 1998-1999*, 1, State Agency of Archives of Kosova, Pristina, 2012, p. 59.

from cold, hunger, thirst, lack of medicines etc. Some even traveled many kilometers from one place to another for shelter. As a result of all these, many people have died, especially children, the elderly, the sick, the handicapped and others.

### The suffer of consequences from the mines

Throughout 1998 and during the first six months of 1999, Serbian and Yugoslav forces placed nearly 50,000 anti-tank and anti-personnel mines in Kosova, especially along the border with Macedonia and Albania.<sup>29</sup> Mines represent the deadliest means of war in Kosova. According to the data of "Kosova Live", dated November 20, 2000, 103 people were killed and 394 were maimed by landmines in Kosova. More or less the same thing is said in the report of the Secretary General of the United Nations in July 2000, where it was underlined that from June 12, 1999 to July 2000,<sup>30</sup> as a result of mines and unexploded shells, 101 people were killed and 395 were injured. Mines were also placed in schools. According to a US Agency for International Development report, more than 900 schools needed to be cleared of mines.<sup>31</sup>

Thus, in addition to the form of murder, military units mined a large part of Kosova's land, mainly in the border areas of Kosova with Macedonia and Albania, and as a result many people, mainly children, during and after the war lost their lives or parts of the body. During the retreat, the deportees did not dare to leave the thick road. If they acted otherwise, they suffered the consequences. The case of the mining of the entire territory of Milaj village in Has of Prizren should be mentioned.

During the retreat, the deportees did not dare to leave the thick road. If they acted otherwise, they suffered. In relation to this, the case of the Berisha family from Bardhi i Madh should be mentioned, which on April 15, 1999, in the border area with Albania, only because

---

<sup>29</sup> Fushata Ndërkombëtare për ndalimin e minave, Landimine Monitor Report 2000, August 2000; Human Rights Watch, Under the Power of Orders, War Crimes in Kosova, v. and c., pg. 160.

<sup>30</sup> Raport i Sekretarit të Përgjithshëm rreth Misionit të UNMIK në Kosovë, July 6, 2000; Human Rights Watch, Under the Power of Orders, War Crimes in Kosova, v. and c., pg. 160-161; S/2000/538).102 "Status Report", UNMIK, July 14, 2000.

<sup>31</sup> Kosova Crisis Fact Sheet # 133, US Agency for International Development, December 10, 1999; Human Rights Watch, Under the Power of Orders, War Crimes in Kosova, v. and c., pg. 162.

deviated two or three meters of the road track to cross the border faster, 5 members were killed, mostly children from the mining.

The MACC center near the UN (Mine Action Coordination Center), which was formed in Kosova after the war, reported that by mid-July 2000, 1.1 million square meters of land had been cleared of mines and other unexploded ordnance.<sup>32</sup> The Secretary General's report also states that teams coordinated by MASS removed 3,405 anti-personnel mines and 3,768 anti-tank mines, 3,066 cluster bombs. In addition, in the same period, KFOR has cleaned 16,000 houses, 1,165 schools and more than 2,000 kilometers of roads.

Even after the end of the war, the children suffered consequences from the mines placed, either playing or guarding the cattle. The greatest danger was on the eve of spring and during the summer, that is, at the time of the improvement of the weather when people are more engaged in other work, which increases the risk of stepping in mines, bombs and other unexploded explosive devices.. Another characteristic is that a significant part of the victims were minors (most under the age of 14). They consisted 50% of those killed by mines and 58% of those injured.<sup>33</sup>

## Water contamination as a form of murder

One of the forms of crimes, namely the open form of killing civilians, during 1998 and 1999 in Kosova was the open practice of contaminating water wells, which is prohibited by the laws of war. Protocol II, Article 14 of the Geneva Convention states: "*It is forbidden to attack, destroy, relocate or put out of use, for that purpose, objects necessary for the survival of the civilian population, such as food products, agricultural areas for the production of food items, grains, living things, drinking water installations, as well as irrigation structures.*"<sup>34</sup>

In some parts of Kosova, Serbian and Yugoslav forces made - water sources - wells - completely unusable by placing chemicals, dead

---

<sup>32</sup> Human Rights Watch, PO NAREDJENJU, Ratni zlocini na Kosovu, Belgrade, 2003. (Retrieved from the Internet).

<sup>33</sup> Basri Berisha, Minat – vrasës të padukshëm. KLMDNJ, Bulletin no. 15, April-June 2000, p. 179.

<sup>34</sup> "Balkan Crisis: Cleaning Wells in Kosova", ICRC News 99/37, September 8, 1999; Human Rights Watch, PO NAREDJENJU, Ratni zlocini na Kosovu, Belgrade, 2003. (taken from Internet).

animals, and even human corpses in the water. According to the International Committee of the Red Cross (ICRC), which led an operation to sanitize water in Kosova, "it is believed that out of 20,000 wells in Kosova, more than half were contaminated with corpses of animals or people, with garbage, or simply turned into dirty water for non-use. From January to September 1999, the ICRC cleaned more than 1,700 wells.<sup>35</sup>

### Total number of killed

In order to ascertain the number of killed and missing persons in Kosova during the years 1998-1999, it was first necessary to set some criteria. First, the period of time that people have been killed or disappeared. During the time period January 1998 to June 12, 1999 when NATO forces enter Kosova.<sup>36</sup>

For each victim, the name, parent's name and surname, place of birth (name of residence and municipality), date of birth or age, place of birth, gender (male or female), date of killing or date of sighting are recorded. for the last time (for the missing) and the place where it occurred.

From the results of the research for the period January 1998 to June 12, the following data were recorded for each victim with the notes highlighted above: Total killed and missing - Albanians and any other of Turkish, Bosnian and Roma nationality: 11,507 people (9,793 men and 1,714 women). Of them, 8,162 people were killed (6,667 men and 1,495 women); a total of 1,137 people missing (954 men, 183 women); martyrs: a total of 2,208 (2,172 males and 36 females). While, killed and missing of Serbian and Montenegrin nationality, in the period

---

<sup>35</sup> "Balkan crisis: Cleaning up resources in Kosova". ICRC News 99/37, 8 September 1999; Human Rights Watch, *Under the Power of Orders, War Crimes in Kosova*, v. and c., pg. 153.

<sup>36</sup> I got the data about the killed, missing and martyrs from the municipal assemblies and some humanitarian organizations, but they were not complete and I had to visit the settlements myself and get data and verify the existing ones for victims of war. In the period from 2002 to 2009, I visited more than 800 settlements and in 2010 I managed to publish the book " *Krimet e Serbisë në Kosovë 1998-1999*, in two volumes. Later, the presented data was supplemented with new data. I had also engaged the working group that we formed as an archive in 2002 in the collection of data.

January-June 12, 1999, based on the data of the Fund for Humanitarian Law and some data obtained from the website, in Kosova, namely residents of Kosova 595 people (543 men and 52 women) have been killed or disappeared, of which 192 people (161 men and 31 women) have been killed, a total of 116 people (96 men and 21 women) are missing, while engaged in the armed forces there are 287 people.<sup>37</sup>

In total, according to research, I managed to register these victims in the war in Kosova in the years 1998-1999: total killed and missing of all nationalities: 12,102 people (10,366 men and 1,766 women). Of these killed: 8,354 people (6,828 men and 1,526 women); missing: 1,253 people<sup>38</sup>(1,049 men and 204 women); There are a total of 2,495 people in uniform (2,459 men and 204 women).<sup>39</sup>

---

<sup>37</sup> Perhaps their number is greater, but I have no data.

<sup>38</sup> In the public statements of the representatives of Kosova's institutions, it is said that there are about 1,600 people still missing. Apparently, they also registered for those who disappeared before and after the war.

<sup>39</sup> Jusuf Osmani, *Serb Government's Crimes in Kosova 1998-1999*, Book 1, Book 2, Pristina, 2016, p. 170.



Arbër Hadri

US STATE DEPARTMENT RELATIONS REGARDING  
THE ETHNIC CLEANSING OF THE ALBANIAN  
PEOPLE AND SERBIAN CRIMES AGAINST  
HUMANITY IN KOSOVA (1999)

Abstract

This paper presents the main data of official American documents related to ethnic cleansing and Serbian crimes against humanity in Kosova, during 1999. The involvement of the United States of America in the solution of the Kosova issue, diplomatic efforts to prevent the war, as well as more directly after the military bombing of Milosevic Serbia, resulted in the official engagement of the State Department in the factual presentation of the barbarisms of the war of the Serbian army and police against the Albanian people in Kosova. In this prism, as well as the justification of the necessity of its involvement in the war, the American Government presented in a well-argued and precise form the atrocities and crimes of the Serbian war in Kosova, including the level and extent of human rights violations and the right of humanitarian disaster.

In the period March-June 1999, the State Department documented Serbian atrocities in a number of official publications, including the report entitled "Eradication of History: Ethnic Cleansing in Kosova", as well as the "Weekly Reports on Ethnic Cleansing in Kosova". The final report "Ethnic Cleansing in Kosova: Evidence", published in December 1999, presents the updated data of Serbian crimes in Kosova, cross-referenced with the field findings of international institutions, the Hague Court, as well as those installed in Kosova, KFOR and UNMIK. The summarized facts resulted in the following data: 11,000 (eleven thousand) killed in 529 identified mass graves and crime scenes. The murders were only one facet of the orchestrated Serbian genocide in Kosova. US documents claim that more than 1.5 million Kosova Albanians, 90% of its population, were forcibly expelled from their homes by Serbian military and police forces. In this context, during the war in Kosova, the military and police forces of Serbia implemented a systematic campaign for the ethnic cleansing of Kosova from the Albanian population.

These premeditated genocidal actions of Serbia included: mass executions, burning of bodies, exhumation of mass graves and destruction of human bodies, violent expulsion of Albanian civilians, looting of homes and businesses, mass burning of homes, use of shields human rights, the isolation and arrest of men, rapes, violations of medical neutrality, identity eradication, etc. These official documents, based on American government sources, refugee testimonies, documentation of non-governmental organizations, the press and sources of international organizations, contain objective historical and statistical data and are of special importance for the historiography of Kosova.

*Keywords:* Ethnic cleansing, War in Kosova, State Department, Serbian atrocities.

This paper presents the main data of official American documents during 1999, related to ethnic cleansing and Serbian crimes against humanity in Kosova, as well as the actions of American foreign policy against it.

The involvement of the United States of America in the solution of the Kosova issue, the diplomatic efforts to prevent the war, as well as in a direct form in the military bombing of Milosevic Serbia, resulted in the official commitment of the Department of State in the factual presentation of the barbarisms of the war against the Albanian people in Kosova, by the Serbian army and police. The US government presented in a well-argued and precise manner, the atrocities and crimes of the Serbian war in Kosova, including the level and extent of violations of human rights and international law, as well as the humanitarian disaster on the ground. In the period March-June 1999, the State Department documented Serbian atrocities and the ethnic cleansing of Albanians in Kosova in a series of official publications, including a report entitled *Erasing History: Ethnic Cleansing in Kosova* (Kosova)<sup>1</sup> published in May 1999, as well as "Weekly reports of ethnic cleansing in Kosova"<sup>2</sup>. The final report "Ethnic Cleansing in Kosova: An Accounting",<sup>3</sup> published in December 1999, which presents updated data on Serb crimes and genocide in Kosova, cross-referenced with findings in ground of international institutions, the Hague Court, as well as those installed in Kosova, KFOR and UNMIK, is the most credible official document, drawn up by an international Government, with accurate, comprehensive data for the purpose of documenting violation of human rights, humanitarian law and the Serbian genocide in Kosova.

The circumstances that influenced the preparation of these reports were related to the situation in Kosova and the relationship that American foreign policy had in this context. For this reason, in this paper we will briefly elaborate on its attitude.

The escalation of the security situation in Kosova in the second part of 1998, engaged the American policy in a direct form with the aim of

---

<sup>1</sup> US Department of State "Erasing History: Ethnic Cleansing in Kosova", accessed on 30.09.2023, [https://1997-2001.state.gov/regions/eur/rpt\\_99\\_05\\_ethnic\\_ksv-o\\_1.html#:~:text=Serbian %20forces%20have%20made%20Pristina, ethnic%-20Albanians%20remain%20in%20Pristina](https://1997-2001.state.gov/regions/eur/rpt_99_05_ethnic_ksv-o_1.html#:~:text=Serbian%20forces%20have%20made%20Pristina,ethnic%20Albanians%20remain%20in%20Pristina).

<sup>2</sup> US Department of State, accessed on 30.09.2023, [www.state.gov/www/re-gions/eur/rpt\\_990604\\_ksvo\\_ethnic.html](http://www.state.gov/www/re-gions/eur/rpt_990604_ksvo_ethnic.html).

<sup>3</sup> US Department of State, "Ethnic Cleansing in Kosova: An Accounting", accessed 30.09.2023, [https://1997-2001.state.gov/global/human\\_rights/Kosovaii/pdf/kosovii.pdf](https://1997-2001.state.gov/global/human_rights/Kosovaii/pdf/kosovii.pdf).

stopping the war in Kosova, establishing peace and finding a political solution for the future status of Kosova. American national security interests were affected, as its military contingent was located near Kosova, in Bosnia and Herzegovina. Likewise, the credibility of international political and military institutions was questioned, the signs of a humanitarian disaster were evident on the ground in Kosova, and there was tremendous media pressure on the American government to act.<sup>4</sup>

The situation on the ground in Kosova at this time was explosive. The Kosova Liberation Army (KLA) and the Peace Movement were staunchly against any solution that envisioned autonomy but not full independence for Kosova. Through these actions, the Serbian regime of Slobodan Milosevic aimed to implement its mission of ethnic reconfiguration of Kosova, in favor of Serbia.<sup>5</sup>

Bringing these diametrically opposed positions of Kosova and Serbia into one line was a great challenge for the American foreign policy, which was under internal media pressure for action, in order to stop the humanitarian catastrophe and the massacres of the people. Albanians of Kosova, as well as preventing the risk of destabilization in the region and Europe. An important element that influenced the dedication and determination of the American administration to stop the war and move towards the solution of Kosova, was the bad experience with Bosnia,<sup>6</sup> where more than a hundred thousand<sup>7</sup> people were killed and the face of Milosevic nationalism was completely unmasked. President Clinton's firm position was that "he would not allow a second Bosnia to happen in the heart of Europe at the beginning of the 21st century".<sup>8</sup> In this context, the USA, as the only world superpower, acted

---

<sup>4</sup> Arbër Hadri, *Këshilli i Sigurisë Kombëtare i SHBA: Lufta në Kosovë - Dokumente shtetërore-publike të Këshillit të Sigurisë Kombëtare të SHBA: Kosova Volume I (June 19, 1998-October 31, 1998)* (Pristina: SHBAH, 2020), 35.

<sup>5</sup> Hadri, *Këshilli i Sigurisë Kombëtare*, 72-75.

<sup>6</sup> William J. Clinton, *Public Papers of the Presidents Of The United States* (Washington; US Government Printing Office, 1993), Administration of William J. Clinton, Book I, "Remarks at a Town Meeting in Detroit", February 10, 1993, 79.

<sup>7</sup> Victor Toom, "Ontologically dirty knots: The production of numbers after the Srebrenica genocide", *Security Dialogue* Volume 51/Issue 4 (2020): 358-359; Seybot TB, Aronson JD and Fischhoff B, *Counting Civilian Casualties: An Introduction to Recording and estimating nonmilitary deaths in conflict* (Oxford: Oxford University Press, 2013), 3-6; 213-246.

<sup>8</sup> Bill Clinton, *My Life* (UK: Arrow Books, 2005), 848-851; William J. Clinton, *Public Papers of the Presidents of the United States January 1– June 30, 1999* (Washington; US Government Printing Office, 1993), Administration of William J. Clinton, Book I, "Remarks on the NATO Airstrikes Against Serbian Targets

by utilizing its diplomatic and military potential and its mechanisms in the international institutions NATO, OSCE, UN and the Contact Group, so that its Allies and the International Community have a voice in that situation, as well as exert essential pressure on the Serbian regime of Milosevic to prevent the further escalation of the war and genocidal acts against the Albanian people in Kosova. Despite the unrelenting diplomatic efforts, Serbia led by Milosevic did not stop in committing violence on the ground in Kosova, which resulted in the beginning of the preparations of the American Administration for the possibility of responding with military intervention, if the conditions of the International Community were not accepted.

The issue of NATO's military intervention in Kosova was placed on the priority list of American foreign policy. Now, this agenda was on the tracks of a political and military solution, and in this aspect interstate agencies were also involved in the movement, acting with the development of appropriate instructions for the Mission of the United States in NATO, in order to initiate the formal process of generating military air operations. <sup>9</sup>The latest efforts of American coercive diplomacy accompanied by a credible threat of the use of force, with the aim of achieving a diplomatic solution before the military involvement of NATO in Kosova, the cessation of fighting on the ground, as well as the return of the persecuted to their homes they were successful only in October 1998. <sup>10</sup>Despite the subsequent efforts of coercive American diplomacy, Milosevic Serbia did not accept the peace proposal in Rambouillet and with this began its 78-day bombardment. The aerial attacks also prompted the start of the implementation of Serbia's genocidal plan for the depopulation of Kosova by Albanians. More than 1.5 million Kosovar Albanians (about 90% of the population), according to American reports, were <sup>11</sup>forcibly expelled from their country, as part of the implementation of Serbia's systematic campaign for the ethnic cleansing of Albanians from Kosova. The USA had now entered the war and it was necessary to verify the reasonableness of this action. In this context, the US State Department undertook the publication of a series of official reports with the aim of unmasking the

---

and an Exchange with Reporters March 28, 1999", p. 462; Further, the abbreviated term Bosnia will be used for Bosnia and Herzegovina.

<sup>9</sup> Hadri, *Këshilli i Sigurisë Kombëtare*, 72-75.

<sup>10</sup> Ibid.

<sup>11</sup> US Department of State "Ethnic Cleansing in Kosova: An Accounting", accessed on 30.09.2023, [https://1997-2001.state.gov/global/human\\_rights/Kosovaii/pdf/kosovii.pdf](https://1997-2001.state.gov/global/human_rights/Kosovaii/pdf/kosovii.pdf) ., p. 3.

orchestrated genocidal acts of Milosevic and Serbia against the Albanian population in Kosova.

The information in these official American reports was based on the data of the ICTY (The International Criminal Tribunal for the former Yugoslavia- International Criminal Tribunal for the former Yugoslavia) and KFOR related to the exhumation of bodies and data on mass graves, refugee testimonies, NGO documentation, press testimonies and declassified information from government and international organization sources. The atrocities against Kosova Albanians documented in this report occurred mainly between March and the end of June 1999. The content of the final report "Ethnic Cleansing in Kosova: An Accounting",<sup>12</sup> consists of the following chapters: The overall summary; Presentation; General overview; Documentation of atrocities; Refugee interview process; Post-war; Atrocities and war crimes by location; as well as Appendix: List of websites with relevant annotations.<sup>13</sup>

One of the essential issues addressed in the report is the number of Kosova Albanian victims killed by Serbian military and police forces in Kosova. Many of the bodies were found by KFOR and ICTY when they entered Kosova in June 1999. The evidence presented is powerful, since, in addition to other data, has been accompanied by the professional and forensic findings of ICTY and KFOR, concluding that Serbian military-police forces conducted a systematic campaign of burning and destroying bodies, burying the bodies, and then reburying them to hide the evidence of the macabre Serbian crimes. The State Department, in these official reports, concluded that at least 6,000 Kosova Albanians were victims of mass killings, out of twice that number of total victims including individual killings, and an unknown number of bodies burned or destroyed by Serbian forces throughout the war.<sup>14</sup>

In this document, the US State Department also presents the conclusions of the Office of the ICTY Chief Prosecutor Carla Del Ponte on the occasion of her presentation to the UN Security Council on November 10, 1999, that in Kosova there were more than 11,000 people

---

<sup>12</sup> US Department of State, "Ethnic Cleansing in Kosova: An Accounting", accessed on 30.09.2023, [https://1997-2001.state.gov/global/human\\_rights/Kosovaii/pdf/kosovii.pdf](https://1997-2001.state.gov/global/human_rights/Kosovaii/pdf/kosovii.pdf) .

<sup>13</sup> US Department of State "Ethnic Cleansing in Kosova: An Accounting", accessed on 30.09.2023, [https://1997-2001.state.gov/global/human\\_rights/Kosovaii/pdf/-kosovii.pdf](https://1997-2001.state.gov/global/human_rights/Kosovaii/pdf/-kosovii.pdf) ., p. 1-17.

<sup>14</sup> Ibid.

killed in 529 mass graves and killing sites reported in Kosova. The prosecutor said her office had exhumed 2,108 bodies from 195 of the 529 known mass graves. From this data the State Department suggests that there are about 6,000 bodies in mass graves in Kosova, if based on the fact that 334 mass graves not yet examined contain the same average number of victims.<sup>15</sup>

These US State Department summary facts resulted in the following data: 11,000 (eleven thousand) killed in 529 identified mass graves and crime scenes. The murders were only one facet of the orchestrated Serbian genocide in Kosova. US documents claim that more than 1.5 million Kosova Albanians, 90% of its population, were forcibly expelled from their homes by Serbian military and police forces. About 600,000 of them were displaced within Kosova in inhumane conditions, while the rest were forcibly expelled to neighboring countries, mainly in Albania, Macedonia, and Montenegro. In this context, during the war in Kosova, the military and police forces of Serbia implemented a systematic campaign for the ethnic cleansing of Kosova from the Albanian population. Most of these reports, "Ethnic Cleansing in Kosova: Evidence", "Eradication of History: Ethnic Cleansing in Kosova" and "Weekly Reports on Ethnic Cleansing in Kosova", describe the locations of reported killings and mass graves throughout Kosova from the end of March 1999.

Part of the report "Ethnic Cleansing in Kosova: An Accounting", is also the part of the correlation of the Serbian genocidal acts with the relevant locations in Kosova, titled "Atrocities and war crimes according to locations" (crimes by location)".<sup>16</sup> Much of this report describes the sites of killings and mass graves reported throughout Kosova since late March 1999. Forensic teams and war crimes investigators from the International Criminal Tribunal for the former Yugoslavia (ICTY) and a number of the governments that worked on behalf of the ICTY, as well as on behalf of the Kosova Force (KFOR), have carried out the investigation of the places of killings and mass graves. The locations are presented as "reported" locations, which are considered reliable reports of killings or mass grave sites, as well as "confirmed" locations,

---

<sup>15</sup> Ibid.

<sup>16</sup> The report "Ethnic Cleansing in Kosova: An Accounting", Chapter "Atrocities and war crimes by location", accessed on 30.09.2023, [https://1997-2001.state.gov/global/human\\_rights/Kosovaii/pdf/account.pdf](https://1997-2001.state.gov/global/human_rights/Kosovaii/pdf/account.pdf), p. 17-92.

which are reported locations where field investigations supported by the ICTY or KFOR have been conducted and completed. i.<sup>17</sup>

The report of the locations in a summary form presents data that in Kosova there are more than 500 mass graves and locations of murders which have been registered by the ICTY, KFOR and other international organizations. The total number of people killed reported to the ICTY in more than 500 graves is more than 11,000. Of these 500 locations, the ICTY has confirmed the completion of field investigations in approximately 200 locations since early November 1999. More than 2,100 murdered people have been confirmed to have been found by investigators in more than 160 locations. The report suggests that taking into account the data submitted, the approximate number of people killed in the identified cemeteries was more than 6,000.<sup>18</sup>

The report classifies the victims in three categories: "1. Victims buried in mass graves whose location is unknown; 2. The number of places where the exact number of troops cannot be counted; as well as 3. Victims whose bodies were burned or destroyed by the military forces, part of the evidence destruction program by the Serbian forces throughout Kosova and in Serbia". In conclusion, this State Department document concludes that "the number of victims whose bodies were burned or destroyed cannot be accurately known, but there is sufficient evidence to conclude that approximately 10,000 Kosova Albanians were killed by Serbian forces".<sup>19</sup>

Documentary relations of the American State Department are also connected with a series of declassified documents of the "American Security Council" (NSC)<sup>20</sup> during the war in Kosova, of which the Department itself was a part, in which the contribution of of the United States for stopping the war and genocide in Kosova, the humanitarian disaster, the planning and execution of NATO bombings led by the US, as well as the restoration of the trajectory of history with the return of refugees to their homes, freedom, reconstructing their homes and lives.

---

<sup>17</sup> Ibid., p. 17.

<sup>18</sup> Ibid., p. 17-18.

<sup>19</sup> Ibid., p. 19-92.

<sup>20</sup> Arbër Hadri, *US National Security Council: The War in Kosova - State-Public Documents of the US National Security Council: Kosova Volume I (June 19, 1998-October 31, 1998)* (Pristina: SHBAH, 2020), 35.

## DOCUMENTATION OF CRUELTY

The Department of State in the subsequent part of the report, according to the topic, presents the documentation of war crimes and atrocities, violations of international humanitarian law, human rights and genocidal acts reported throughout Kosova.

### *The violent displacement of Albanian civilians*

The State Department has given a special space to the coverage of the ethnic cleansing of Kosova by Serbia. The report states that the Serbian army and police expelled the vast majority of the Albanian people from their homes. In this case, the claims of the Serbian regime that this displacement of the population was the result of leaving for fear of NATO airstrikes are rejected. It is emphasized in this case that the victims repeatedly reported that they were "displaced of their homes by Serbian forces at gunpoint. A part of the population was put on trains and other means of transport in an organized form and expelled from Kosova."<sup>21</sup>

Additionally, the report also emphasizes that the Serbian forces were also disguised as refugees to prevent targeting by NATO planes. "Refugees claimed that on May 6, 1999, Serbian forces wearing white hats and jackets with Red Cross and Red Crescent logos moved between Gjakova and Brekovic with convoys of deported civilians. To hide their military cargo, Serbian forces covered their wagons with plastic tires obtained from NGOs." The State Department notes that unlike in 1998, when Serbian security forces attacked individual villages, Yugoslav Army units and armed Serb civilians in 1999 joined the police in systematically expelling Albanians at gunpoint from the largest villages and towns of Kosova. Victims also reported that Serbian forces confiscated their personal belongings and documentation, including national identity documents, and told them to take one last look around because they would not be returning to Kosova. Many of the targeted locations had not been previous scenes of fighting or KLA activity. It is a fact that the Serbian deportations were an act of ethnic cleansing and not part of a legitimate security or counter-insurgency operation, but were

---

<sup>21</sup> U.S. Department of State "Ethnic Cleansing in Kosova: An Accounting", qasur më 30.09.2023, [https://1997-2001.state.gov/global/human\\_rights/Kosovaii/pdf/-kosovii.pdf](https://1997-2001.state.gov/global/human_rights/Kosovaii/pdf/-kosovii.pdf), p. 1-17.

in fact a plan to ethnically cleanse Kosova of its ethnic Albanian population."<sup>22</sup>

### *Looting of homes and businesses*

The report states that according to numerous statements from victims and the press, Serbian forces carried out house-to-house raids, looting residents before burning down their homes. In addition, the Albanian victims were robbed of all their personal belongings by Serbian forces before crossing the borders.

### *Widespread burning of houses*

The State Department states that more than 1,200 Albanian-populated areas, including more than 500 villages, were burned after the end of March 1999, while Serb homes and shops remained untouched during the war. The destruction was much more extensive and complete than what happened in the summer of 1998. Many settlements were completely destroyed in an apparent attempt to ensure that the Kosova Albanian population could not return, and to carry out ethnic cleansing.. Also, the report states that the Serbian forces "burned all the houses previously rented to the OSCE in Vushtrri, Shtime and Mitrovica".<sup>23</sup>

### *Use of human shields*

Regarding the use of the Albanian population as human shields, the Department of State notes that the Serbian military and police forces forced Kosova Albanians to accompany Serbian military convoys and defense facilities throughout Kosova. Civilians were used to protect military assets, and Serbian units also escorted or rounded up Kosova Albanians during military operations. This phenomenon in this report is reflected in several cases, such as when Serbian forces used Kosova Albanian men, from mid-April 1999, to protect military convoys from NATO airstrikes. "The Serbian forces removed the young Kosovar Albanians from the refugee convoys and forced them to form a buffer zone around the Serbian convoys. The witnesses claimed that they were

---

<sup>22</sup> Ibid, p. 9.

<sup>23</sup> Ibid.

a military shield on the roads between Peja, Gjakova and Mitrovica". Also, in other cases such as in Korisha, the Serbian military and police deliberately positioned Albanians in places they believed were targets of NATO airstrikes, within NATO demarcated areas in order to generate civilian casualties for which could be blamed on NATO.<sup>24</sup>

### *Detentions*

The detentions during the war in Kosova are characterized by the fact that Serbian police and military forces have systematically separated Albanians of military age from the population - ranging from the age of 14 to 59 years - while expelling Albanians from their homes, in order to ethnically cleanse Kosova. The data presented in the relations of the Department of State, at the beginning of April, take examples of these crimes, such as the case when the Serbian forces used the Ferronickel factory in Drenas as a detention center for a large number of Kosova Albanians. Likewise, the cement factory in Han of Elez was used as a detention center for Kosova Albanians.

### *Mass executions*

The Department of State, regarding mass executions by the Serbian army and police during the war in Kosova, states that around 500 locations have been identified in Kosova where mass executions were carried out and the victims were buried in mass graves. In this case, the mentioned report, just in one example, illustrates the case when "Serbian security forces locked an entire family in a house in the Drenica area and burned them alive." In addition to mass executions, Serbian forces had a strategy to eliminate members of the Kosova Albanian intelligentsia, including lawyers, doctors and political leaders. Survivors reported that Serbian forces burned bodies exhumed from mass graves in an apparent attempt to destroy forensic evidence of war crimes.<sup>25</sup>

### *Exhumation of mass graves*

The Department of State pays special attention to the organized exhumation of mass graves in Kosova by the Serbian army and police. The report states that in some cases the Serbian forces reinserted the bodies of the executed Albanians into individual graves, while in other

---

<sup>24</sup> Ibid.

<sup>25</sup> Ibid, p. 11.

cases the corpses were burned. The removal of bodies from mass graves to individual graves was intended to hinder the localization of mass execution sites and to hinder the ability of forensic investigators to distinguish between "regular" graves and graves containing victims of the massacre.<sup>26</sup>

The State Department report underlines that one of the most egregious examples is also one of the most documented. In April 1999, Serbian forces massacred Kosova Albanian civilians in a field near the village of Izbicë. After the massacre, local Kosova Albanians buried the victims in individual graves, an event filmed by a local dentist. The Department of State, on this occasion, confirmed that the location of the videotape recording was confirmed by satellite images. Serbian forces, during their withdrawal from Kosova in early June, destroyed the graves in Izbica along with other graves of their victims, a fact which the US Department of Defense confirmed through satellite images and other facts. As an illustration of these actions of exhuming mass graves, the State Department also presents the case when Serbian forces in Lipjan, at the beginning of May 1999, exhumed the bodies of Albanians who were executed on April 18, 1999. Similarly, Serbian forces on May 15, 1999 exhumed the bodies of at least 50 Albanians in Drenas and transported the bodies to the nearby village of Çikatova, where they were then buried in individual graves. The report takes as an example the exhumation of the bodies from a mass grave in Kaçanik, in mid-June 1999, in which case the Serbian police moved them to a local cemetery, to eliminate the traces of the crime.<sup>27</sup>

### *Rape*

Based on the report of the Department of State, the organized and systematic rape of Kosova Albanian women by the Serbian police and army was very widespread during the war in Kosova. In the initial refugee reports broadcast by the State Department, the systematic rape of women by the Serbian police and army in Gjakovë and Pejë is emphasized. "Albanian women were separated from their families and sent to a military camp near Gjakova, where they were repeatedly raped by Serbian soldiers. In Peja, Kosova Albanians declared that Serbian forces gathered young Albanian women from Kosova and took them to the "Karagaç" hotel, where they were repeatedly raped. The local base

---

<sup>26</sup> Ibid, p. 11.

<sup>27</sup> Ibid, p. 11.

commander was said to have used a list of soldiers' names to allow all his troops an evening at the hotel. A victim who escaped her captors reported that Serbian forces used a second hotel in Peja, "Metohi", to rape Kosova Albanian women. In addition to these specific accounts, many Kosova Albanians have claimed that during Serbian raids on their villages, young girls were gang-raped at home and on side streets." The report also emphasizes that many rapes are not reported due to the stigma that is present in the traditional Albanian society of Kosova. Related to this, medical services facilities have reported abortions among refugee women, who have stated that they were raped by Serbian forces.<sup>28</sup>

### *Violations of medical neutrality*

The State Department in its reports on Serbian crimes and atrocities in Kosova, states that Serbian forces systematically attacked doctors, patients and medical facilities of Kosova Albanians. Violations of medical neutrality by the Serbian military and police included the killing, torture, detention, imprisonment, and enforced disappearance of Kosova Albanian doctors. In March and April 1999, Serbian health care providers, the police, and the military expelled Kosova Albanian patients and health care providers from health facilities as a protective pretext for military activities. The NGO "Doctors for Human Rights" reported the destruction of at least 100 medical clinics, pharmacies and hospitals.<sup>29</sup>

### *Eradication of identity*

Regarding the violation of the ethnic identity of Albanians, the State Department specifically states that "Serbian military and police forces have confiscated identity and property documents, including passports, land title cover sheets, vehicle license plates, identity documents and other forms of documentation from Kosova Albanians after they were forcibly expelled from their homes, or when they crossed the borders into Albania or Macedonia. Doctors for Human Rights reports that nearly 60 percent of respondents to their ultimatum observed Serbian forces taking or destroying personal identification documents. In this regard, the organization "Physicians for Human Rights" also re-

---

<sup>28</sup> Ibid, p. 11-12.

<sup>29</sup> Ibid, p. 12.

ported that the intention to destroy the social identity of Kosova Albanians was also reflected in the number of religious buildings, schools and medical facilities that were destroyed from the Serbian army and police.<sup>30</sup>

### *ABA/CEELI war crimes documentation project*

The State Department also presents other crime documentation projects in Kosova. One of the initiatives that unfolds in this regard is the documentation project carried out by the American Bar Association's Central and East European Law Initiative (ABA/CEELI). This project started in May 1999. The purpose of the project was two-dimensional. The first objective involved efforts to investigate war crimes and prosecute perpetrators. To this end, ABA/CEELI conducted interviews with refugees in Macedonia, Albania and Fort Dix, New Jersey from May to July 1999. The project's objective was to raise public awareness of war crimes, their prosecution and the role of the ICTY.<sup>31</sup>

Information collected during interviews with refugees was entered into a computer database approved by the ICTY. This ABA/CEELI-led project published a report in August 1999 on the use of this database and the nature of its data. The database included 1,582 witness statements with 4,328 cases reported in discrete form. Reported crimes included torture, destruction of property, arrests and detentions, forced displacement, harassment, sexual assaults and murders. This information has assisted Hague Tribunal investigators in locating witnesses, identifying potential crime scenes and conducting strategic planning for their investigations.<sup>32</sup>

### *Other documentation efforts*

The State Department also highlights the activity of the organization "Medecins sans Frontieres" (Doctors without Borders), which published a report on April 30, 1999, regarding the situation of refugees and conducted an epidemiological study on a population of 1,537 people who had arrived at the refugee camp in Rozaje, Montenegro. The research covered events in more than 50 villages in Kosova between March 24 and April 15, 1999. This report concluded that the main cause of mass population movements

---

<sup>30</sup> Ibid.

<sup>31</sup> Ibid, p. 13.

<sup>32</sup> Ibid, p. 13.

in Kosova was deportation under threat of death. Also, it is emphasized that "the deportation was accompanied by looting and destruction of the victims' property; methods of forced deportation were almost identical throughout Kosova; identity documents were systematically confiscated and destroyed by Serbian forces; and the separation of men and women was a common practice during deportations." More than half of these respondents described the murders as eyewitnesses.

Sadik Krasniqi  
Besnik Rraci

## THE SERBIAN MASSACRES IN KOSOVA 1998-1999 - ACCORDING TO MUSEUM MATERIAL EVIDENCE

### Abstract

The document entitled: "Serb massacres in Kosova 1998-1999 - according to museum material evidence" deals with the matter of Serbian crimes in Kosova, namely it will focus on the massacres committed by the forces of the Serbian occupier against Albanian civilians, not sparing even the categories with vulnerable people, such as children, the elderly and women. Our work will mainly focus on recounting shocking events through museum material evidence, such as: spears, knives, axes, syringes, ropes, barbed wire, underwear of raped women, up to the use of all projectiles different calibers of Serbian artillery. So, these are some of the authentic material sources, which were used by the forces of the Serbian army and police, to massacre in the most brutal way the innocent population of Kosova, with the sole reason, because they were Albanians. A significant part of the material evidence refers to the last war in Kosova, including the Serbian massacres against the Albanian civilian population, which are mainly collected and preserved in the museums of Kosova, with special emphasis on the National Museum of Kosova. Therefore, we have approached this scientific and professional work from a museum perspective, with the aim of reflecting this chapter in as much detail as possible, as painful as it is proud.

*Key words:* Massacres, Kosova, Museum, testimonies, crimes, material resources, war, Albanian, civil, Serbian military forces, etc.

Mass murders and massacres caused by the Serbian state apparatus in Kosova are numerous, all over Kosova.<sup>1</sup> In relation to this theme, our focus mainly falls on the narration of shocking events through museum material evidence, such as: spears, knives, axes, syringes, ropes, barbed wire, underwear of raped women, up to the use of all shells of different calibers of Serbian artillery. So, these are some of the authentic material sources, which were used by the forces of the Serbian army and police, to massacre the innocent population of Kosova in the

---

<sup>1</sup> Mr. Sadik V. Krasniqi, " *Lufta për Çlirimin e Kosovës (1997-1999)*", Prishtina, 2009, p. 676

most brutal way, with the sole reason, just because they were Albanians.<sup>2</sup>

A significant part of the material evidence that refers to the last war in Kosova, including the Serbian massacres against the Albanian civilian population, which are mainly collected and preserved in the museums of Kosova, with special emphasis on the National Museum of Kosova, are the most real evidence that can be seen and touched by hand, which were used by the Serbian fascist occupier to commit crimes and massacres in Kosova during the years 1998-1999. The museum material evidence mentioned above, also argues another dark side of the coin, where through their use, Serbian criminals have dismembered the limbs of the bodies of Albanian civilians, cutting off their ears, nose, hands, feet, eyes, genitals, head, up to the removal of the most vital organs of the human body such as the lungs, kidneys, heart, etc.<sup>3</sup>

From these material evidences we have; two short swords found in the Arbana neighborhood of Prizren; a knife found in the village of Vërmicë in Prizren; a knife found in the village of Celina in Rahovec; two swords found in the village of Dresnik in Peja; an ax found in the village of Marec in Prishtina; knife handle with Russian inscriptions found in the village of Bellacerkë (Fortesë) in Rahovec; wooden stick found in the Ferronickel factory in Drenas; a bloody rope and a syringe found in the village of Duhël in Shtime; bread mahogany of the Albanian tradition desecrated and damaged with Serbian nationalist inscriptions, found in the village of Bellacerkë (Fortesë) in Rahovec, hite bloody pleat (alb.plis) with Serbian nationalist inscriptions (the writing of four "S"), found in Fushë Kosova; several dozens of shell casings of different calibers used by the Serbian military and police artillery forces against the Albanian civilian population found in all the municipalities of Kosova where there was a war; as well as several pairs of underwear belonging to Albanian women who were sexually assaulted by the paramilitaries and soldiers of the Serbian forces.<sup>4</sup>

**Two short swords:** found in the apartment of the criminal Gadaf Demaj from the Arbana neighborhood of Prizren, educated in Belgrade,

---

<sup>2</sup> Work reports from the field, during research investigations in the collection of material evidence of the war between the years 2000-2015, History Sector, Museum of Kosova, Pristina.

<sup>3</sup> The catalog of the thematic exhibition entitled: " *Kosovar Drama* ", officially opened on June 12, 2000, in the spaces of the Museum of Kosova in Pristina.

<sup>4</sup> Working report, "List of material evidence of the war 1998/99", History Department in the Museum of Kosova, Prishtina.

Serbia, who was a long-time associate of the UDB. He participated in many massacres carried out by paramilitaries and regular Serbian military police units in the Prizren region and throughout Kosova. So, according to eyewitness sources, it is said that this criminal known in these parts with the pseudonym "Gadafi" has massacred many Albanian civilians with these cold weapons. This criminal managed to escape the war and after Serbia capitulation, he fled to Serbia, where he lives to this day. In order to clarify and argue the crimes committed during the war by this criminal, the information about the National Museum of Kosova were given from Enver Rexha, a former political activist of the NMLK, on 18.02.2001.<sup>5</sup>



*Fig. 1. Two short swords found in the Arbana neighborhood of Prizren*

**Knife:** found in the body of an unidentified female Albanian civilian, at the beginning of November 1999, in the place called Vërmicë, this village is located between the Albanian-Albanian border, Kosova-Albania. According to the authentic confessions of the witness Xhemshit Krasniqi, who says that the Serbian forces have killed many Albanian civilians in many places along the border line with Albania, including the case in question. He further states that: " *wherever we have managed to see the murders and massacres committed against Albanian civilians, we have come across many material evidences, mainly cold weapons.*" *Aware of the argumentative value and*

---

<sup>5</sup> Verbal statement of Enver Rexha, former activist of NMLK, provided the data on 18.02.2000, Prizren.

*importance of the knife, I took it from the scene to testify in the case.*" Meanwhile, on June 16, 2001, he donated this exhibit to the Museum of Kosova as evidence.<sup>6</sup>

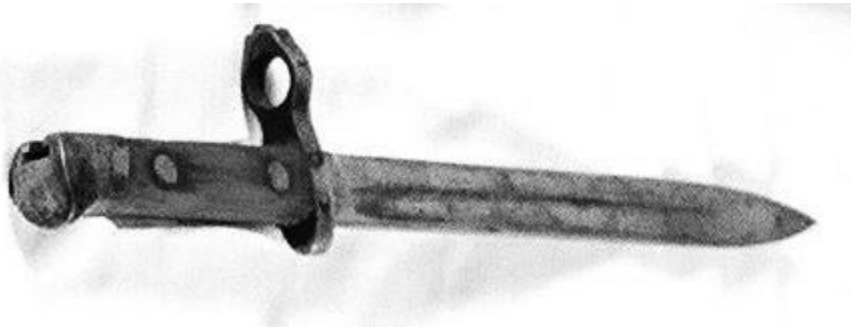


*Fig. 2. Knife found in the village of Vërmicë in Prizren*

**Military knife:** found in the village of Celinë, namely in the Hasanaj district of Rahovec, on March 25, 1999. According to the witness Sadik Hasani, it is proven that the knife was used by the paramilitaries and the military of the Serbian forces to kill and massacre the Albanian civilians of this the village. So, exactly in March 1999, 81 villagers of all ages were massacred. Among other things, the witness states that the Serbian forces, in addition to killing the Albanian civilians, then massacred them by cutting off their various body parts, such as: noses, tongues, eyes, heads, hands, feet, and in the end they took them all out. internal organs, so in many cases it was impossible to identify your relative. To kill people easily, they usually used fire weapons, while their corpses were then cut and dismembered in the most barbaric ways possible with cold weapons, just to scare the Albanians and make them suffer as much as possible. According to the witness Sadik Hasani, at the time when the villagers of the village of Celina were killed, there were also five close members of his family among them. After the end of the war, with the good intentions of contributing to the illumination of Serbian crimes, he handed over the material evidence, including the knife, to the Museum of Kosova, as the most competent institution for the preservation and presentation of war crimes, on December 10, 2000.<sup>7</sup>

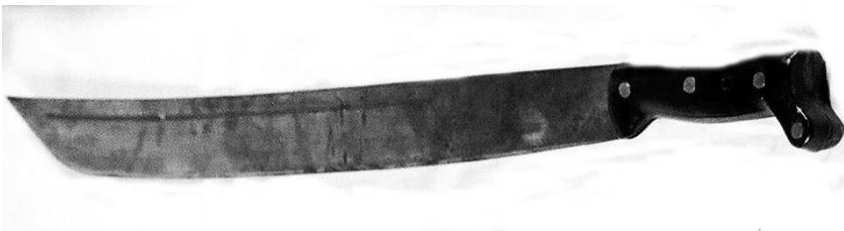
<sup>6</sup> Verbal statement of Xhemshit Krasniqi, former superior of KLA, Pashtriku Operative Zone in Prizren, provide the data on 16.06.2001, Prizren.

<sup>7</sup> Verbal statement of Sadik Hasani, former student of the Faculty of Economics of UP, provided the data on 10.12.2000, Celine Rahovec.



*Fig. 3. Knife found in the village of Celina in Rahovec*

**Two swords:** found in the house of a Serb in the village of Dresnik in the municipality of Klina in October 1999. According to information obtained by Halit Sahitaj, it is said that the swords were used by Serbian paramilitary and military forces to massacre Albanian civilians in the region of Peja. According to him, the bloody swords are the most authentic concrete evidence in which the traces of the crime are clearly seen, which the Serbian forces used as the most monstrous methods to show this time that their hatred towards the Albanians is pathological and well organized by the state apparatus that from the second half of the 19th century, and continues to appear until the end of the 20th century. We are saying this because of the fact that to use such weapons in war to cut and dismember innocent victims, you must be very depraved in spirit, cannibal-like or insanely savage, even more so in this century when the consciousness of man and the civilized world in general reached another level, while the mentality of the Serbian occupier had remained below the medieval level. Both swords were brought to the Museum of Kosova on December 6, 1999, as evidence to prove the Serbian genocide against the Albanians and to inform and educate the younger generations about what happened in Kosova during the 1998-1999 war.<sup>8</sup>



<sup>8</sup> Verbal statement of Halit Sahitaj, former student of the Faculty of Philology of the UP, provided the data on 06.12.1999, Çifllak-Rahovec.



*Fig. 4. Two swords found in the village of Dresnik in Klina*

**The ax** found in the village of Marec in the municipality of Prishtina, with which the Albanian Faik Vitia was massacred by the Serbian police forces in April 1999. According to the data of his close cousin, Behxhet Vitia, who says that the Serbian forces except that were armed and organized in advance with cold weapons, also when they entered the houses of the Albanian villages they killed and massacred them with their work tools, whether they were agricultural or household such as axes, scythes, sickles, saws, etc. And in this particular case, Faik Vitia was massacred with our axes that the villagers mainly used for family needs, namely for cutting wood in the forest or at home. After the end of the war, this exhibit was brought to the museum by Behxhet Vitia, who served as material evidence to present Serbian crimes to local and especially international opinion through thematic exhibitions in the museum.<sup>9</sup>



*Fig. 5. Ax found in the village of Marec in Prishtina*

**Knife handle with Russian inscriptions called "DUMA":** found in the house of Avdurrahman Kelmendi's family in the village of Fortesë of Rahovec. According to his confession, on April 24, 1999, Serbian and Russian paramilitary forces who came voluntarily and as mercenaries from Russia, were stationed in his house from where they

<sup>9</sup> Verbal statement of Bexhet Vitia, former KLA fighter, provided the data on 02.05.2000, Marec-Prishtina.

raped, killed and massacred many Albanians, including Nadie Spau from Rahoveci, Shaipi with son from the village of Brestoc of Rahoveci and many others. Numerous material evidences, including the knife with Russian inscriptions, used by Russian paramilitaries against Albanian civilians, many of whom had participated in the 1998-1999 Kosova war within the Serbian forces, testify to these crimes. The knife handle is concrete evidence that clearly speaks of the participation and committing crimes in Kosova. It is important to highlight the fact that, during this time, in the village of Bellacerk (Fortesë) in Rahovec, dozens of Albanians from this village were killed and massacred by Serbian and Russian paramilitary forces. The handle of the knife bearing the Russian designation "Duma", after the war on January 13, 2001, was donated to the Museum of Kosova, as historical material evidence to prove the participation and massacres caused by the Russian paramilitaries.<sup>10</sup>



*Fig. 6. Knife handle with Russian inscriptions found in the village of Bellacerkë (Fortesë) in Rahovec*

**Wooden stick:** found in the Ferronickel factory in Drenas, as a result of the research conducted by the scientific and professional collaborators of the history sector at the Museum of Kosova, during the months of November-December 1999, in which case, in addition to this wooden stick was also found among many material evidences. According to eyewitness data obtained from the Albanian community that lived near this locality, they told about the events that had happened during the war in this city. Among other things, they told us what the wooden stick was used by the Serbian forces. The wooden bat, or as it

---

<sup>10</sup> Verbal statement of Avdurrahman Kelmendi, brother of KLA martyr Agim Kelmendi, provided the data on 02.05.2000, Bellacerkë (Fortesë), Rahovec.

is known in the general public as a "baseball bat", was used by the Serbian forces for massive group and individual beatings of all Albanians who were violently caught around the city and gathered at the Ferro-nickel factory in Drenas, exactly where the main station of Serbian forces was. As a result of brutal beatings, many Albanian civilians died, while a small part of them remained permanently disabled. The brutality went so high that the Serbs, apart from killing, mutilated and trans-figured their corpses by changing their clothes before mass burying. The exhibit in question is an integral part of the war collections, which serves as historical evidence to prove the crimes committed by Serbian forces against Albanian civilians.<sup>11</sup>



*Fig. 7. Wooden stick found in the Ferronickel factory in Drenas*

**Bloody rope:** found in the village of Duhël in Shtime, dated July 10, 1999. According to sources received from the Operative Zone of Pashtrik, the information sector, under the leadership of the superior Halil Çadraku, who confirms that all this material evidence including here the rope was used by the Serbian paramilitary and military forces to commit violence and murder against the Albanian civilian population, not even sparing the most sensitive categories such as children, women, the elderly and the handicapped. As for the rope, on which the traces of the crime are clearly visible, it was used specifically to strangle civilians to death. So, the Serbian barbarians did not leave any method

---

<sup>11</sup> Work reports from the field, during research investigations in the collection of material evidence of the war between the years 2000-2015, History Sector, Museum of Kosova, Pristina.

or different means that they did not use to rape and kill the Albanians in the most animalistic ways. The selection of murders through ropes, barbed wire and other objects were well thought out by Serbian criminals. They did this with the claims that the Albanians had to suffer as much as possible during the killing process, to scare them into leaving their homeland and for Kosova to be populated with Serbs. The exhibit in question was donated to the Museum of Kosova as historical evidence on December 9, 1999.<sup>12</sup>



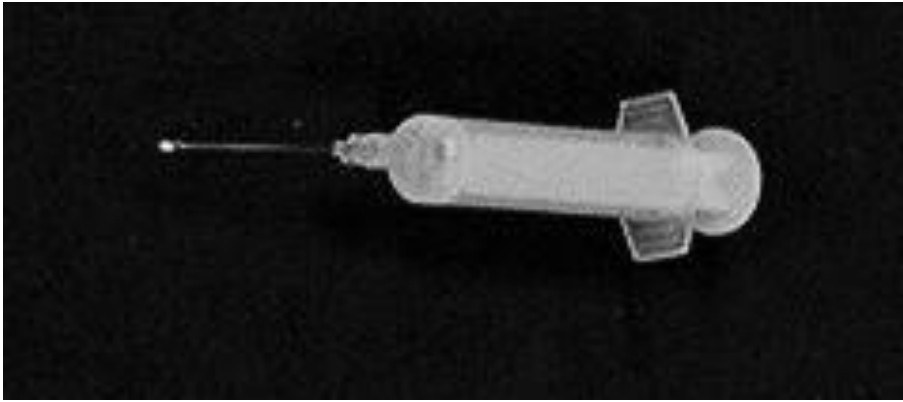
*Fig. 8. Bloody rope found in the village of Duhël in Shtime*

**Syringe:** According to sources received from the Operative Zone of Pashtrik, the information directorate, under the leadership of KLA superior Halil Çadraku, the syringe was found in the village of Duhël in Shtime on July 10, 1999. According to him, the syringes were used by paramilitary units and Serbian military for drugging them so that their actions were as rampant and severe as possible in the execution of the crimes committed against Albanian civilians. This form was mainly applied by the Serbian paramilitary units that the Serbian state had organized and mobilized criminals from Serbian prisons, criminals with experience from the wars in Croatia and Bosnia and Herzegovina, as well as criminals coming from the world of crime in Serbia and outside of it. In other words, all these groups of criminals, using drugs and other narcotic substances, tried to avoid the feeling of spiritual pain and under

---

<sup>12</sup> Verbal statement of Halil Çadraku, former superior of KLA, provided the data on 02.05.2000, Prizren.

its influence to rape, kill and massacre the Albanian population of Kosova.<sup>13</sup>



*Fig. 9. Syringe, found in the village of Duhël in Shtime*

**Bread mahogany of the Albanian tradition:** damaged and desecrated with Serbian and Russian nationalist inscriptions, found in the house of Avdurrahman Kelmendi's family in the village of Bellacerkë (Fortesë) in Rahovec. According to his confession, on April 24, 1999, Serbian and Russian paramilitary forces who came voluntarily and as mercenaries from Russia, were stationed in his house from where they killed and massacred dozens of Albanian civilians of this village. Numerous evidences and available materials prove serious criminal facts, including the bread mahogany with Serbian and Russian Cyrillic.

As Avdurrahman Kelmendi testifies, the bread mahogany was originally used for normal eating purposes. After they had consumed alcohol, the table was misused for mockery, showing disregard for the ethnic-cultural heritage of Albanians. They have written nationalist symbols, graphics of naked female figures and in the end, they did shameful actions, performing physiological needs on it. Such actions against Albanian culture and historical heritage have occurred in all the municipalities of Kosova, which it also testifies to cultural crimes or as it is known in the international terminology *culturocide*.

It is important to emphasize the fact that the bread mahogany with all its characteristic appearance that reflects Serbian and Russian barbarism, in July 1999, after NATO's entry into Kosova, was used as evidence against the settlement of the Russians in Rahovec, in addition to

---

<sup>13</sup> Ibid.

many other crimes committed in this region. Meanwhile, on January 13, 2001, the bread mahogany was donated to the Museum of Kosova, as historical material evidence to prove the cultural crimes in Kosova.<sup>14</sup>



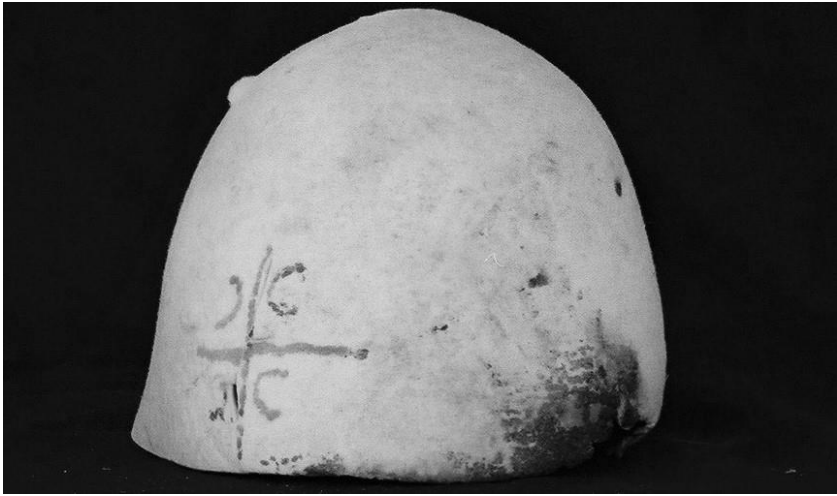
*Fig. 10. Bread mahogany of the Albanian tradition desecrated and damaged with Serbian nationalist inscriptions, found in the village of Bellacerkë (Fortesë) in Rahovec*

**The bloody white pleat** with Serbian nationalist inscriptions (the writing of four "S's"), of Shefki Halil Dedinca from the village of Lajthishtë (Leshkoshiq), found in his apartment in Bresje in Fushë Kosova. According to the confessions of Naim Buelnica, Shefkiu went missing during the war in Kosova by Serbian paramilitary forces on March 7, 1999, who has not yet been found. There were many such cases where Albanian civilians were killed with the white pleat on their heads, this is due to the fact that the Serbian forces hated any cultural and national symbols related to the Albanians, so even in the case of Shefki Dedinca's white pleat, they were written the four S's, to show their chauvinist ambition for a greater Serbia. After the end of the war, this

---

<sup>14</sup> Verbal statement of Avdurrahman Kelmendi, brother of KLA martyr Agim Kelmendi, provided the data on 02.05.2000, Bellacerkë (Fortesë), Rahovec.

relic was brought to the museum by Naim Buelnica, who served as material evidence to present Serbian crimes.<sup>15</sup>



*Fig. 11. Bloody white pleat with Serbian nationalist inscriptions (the writing of the four "S"), found in Fushë Kosovë*

**Dozens of shell casings** of various calibers used by the Serbian military and police forces against the Albanian civilian population in Kosova, found as a result of research conducted by scientific and professional collaborators of the history sector at the Museum of Kosova during the years 2000-2015. According to eyewitness data obtained from the Albanian community that lived near these localities, they told about the events that had happened during the war in their settlements. They, among other things, told us what and by whom the various Serbian artillery shells were used. According to them, in each military base where the Serbian army operated in Kosova, heavy artillery was used in order to bombard the settlements where the Albanian civilian population had gathered and sheltered from afar; through fields, mountains, gorges, villages and even cities. As a result of these shells, thousands of Albanian civilians were killed and maimed all over Kosova. The number of killings by Serbian artillery came mainly from the size of the shells and the volume of them fired. The above-mentioned shell casings of all calibers, from the smallest to the largest, are the factual evidence that reflect the genocide-level Serbian crimes in Kosova. The casings of various shells, now transformed into museum exhibits, within the National Museum of Kosova, are an integral part

<sup>15</sup> Verbal statement of Naim Buelnica, family member, provided the data on 10.03.2002, Fushë Kosovë.

of the collections of the 1998-1999 war, which serve as historical facts to argue the crimes of the Serbian forces against civilian Albanians.<sup>16</sup>



*Fig. 12. Dozens of shell casings of different calibers used by the Serbian military and police artillery forces against the Albanian civilian population found in all municipalities of Kosova where there was a war in 1998-1999*

In the context of Serbian crimes against Kosova Albanians, a very sensitive segment that happened in Kosova during the 1998-1999 war was the rape of Albanian women. According to international law and the Statute of the Hague Tribunal, violations are criminal offenses classified as crimes against humanity. Therefore, the terrorist power of Serbia, led by the criminal Milosevic, was not spared even about the massive rape of Albanian women in Kosova. These forms of actions of Serbian criminals were aimed at the political, psychological, moral and spiritual discredit of Albanians in general and women in particular.<sup>17</sup> Based on information from the field obtained from witnesses and various victims, it turns out to be more than twenty thousand (20,000), the number of Albanian women raped during the last war in Kosova.

---

<sup>16</sup> Work reports from the field, during research investigations in the collection of material evidence of the war between the years 2000-2015, History Sector, Museum of Kosova, Pristina.

<sup>17</sup> Luljeta Selimi, " Rrëfime tronditëse (women raped during the war in Kosova)", Pristina, 2003, p. 90, 91.

<sup>18</sup>For this dimension of crimes, we have several photographs and three pairs of underwear of raped women found in the village of Duhël between the municipalities of Shtime and Suhareka.<sup>19</sup>

**Underwear of raped and sexually abused Albanian women:**

According to sources received from the Operative Zone of Pashtrik, the directorate for information, the underwear of sexually abused Albanian women was found in the village of Duhël of Shtime, which borders the municipality of Suhareka, on July 10, 1999. According to the data, the underwear of women are authentic testimonies that prove that during the war in Kosova, the Serbian army and police brutally abused Albanian civilian women. In order to clarify and argue the sexual crimes committed by Serbian criminals, as museum material evidence, it was given to the Museum of Kosova by Halil Çadraku, a former senior KLA superior in the Pashtrik Operative Zone, on February 9, 1999..<sup>20</sup>



Fig. 13. Underwear of Albanian women raped by Serbian military and police forces 1998-1999

<sup>18</sup> "Koha Ditore" newspaper, June 1, 1999, Pristina, p. 4.

<sup>19</sup> The museum collection of evidence for war crimes in the National Museum of Kosova, Pristina.

<sup>20</sup> Verbal statement of Halil Çadraku, former superior of KLA, provided the data on 02.05.2000, Prizren.

## CONCLUSIONS

The matter developed as above brings us to the conclusions that the paper is a serious attempt to accurately present the struggle of the Albanian people for freedom and independence. In order to realize this cause, it was requested that many citizens of Kosova be sacrificed over the years, focusing on the crimes committed on a genocide scale caused by the Serbian criminal occupying forces, such as; destructions, burnings, murders, deportations, rapes and going to extremes where even the most sensitive categories of our people were killed and massacred, such as children, women, the elderly and the handicapped.

Also, below we are presenting a general summary of the murders, massacres, rapes, expulsions, disappearances and destructions, which are listed as follows:

- The number of civilian Albanians killed by Serbian forces in Kosova is: **9,525**
- The number of martyrs under the organization of the KLA war is: **2,800**
- The number of Albanians who disappeared during the war and have not been found until today is around **1,600**
- So the total number of Albanians killed during the war in Kosova reaches the figure of approx **14,000**
- More than **800,000** Kosova Albanians were forcibly expelled from their homeland.
- The number of municipalities, villages, houses damaged and burned by Serbian forces during the war in Kosova 1998-1999: **29** municipalities, **100** villages, **99,362** houses.
- The number of educational, cultural, health and public services facilities damaged:  
education and training facilities **534**, number of health facilities **240**,  
number of facilities of  
culture (heritage) **869**, the number of public service facilities **407**.

Therefore, thanks to the resistance of the Albanian people of Kosova over the years, the war of the KLA and the intervention of NATO led by the USA, made it possible for the more than 100-year-old Serbian crimes and massacres against the Albanians of Kosova to come to an end and Kosova to go on its own historical course.

GENOCIDE AND MASSACRES OF SERBIA IN KOSOVA  
(1998-1999)  
Scientific conference  
(28 April 2023)

2024

*Publisher:*  
KOSOVA ACADEMY OF SCIENCES AND ARTS

*Translator:*  
Arbenita Morina

*Technical editor:*  
KASA

*Size:* 18.5 press tray  
*Circulation:* 300 pieces  
*Format:* 16x24 cm

*Press:*  
Focus Print  
Shkup

Cataloging in Publication – (CIP)  
National Library of Kosova "Pjetër Bogdani", Prishtina

323.282(=18:496.51)"1998/1999"(062)

Genocide and massacres of Serbia in Kosova : (1998-1999) : Scientific conference : (28 April 2023) = Gjenocidi dhe masakrat e Serbisë në Kosovë : (1998-1999) : konferencë shkencore : (28 prill 2023) / përgatiti për botim Frashër Demaj ; këshilli organizues Isa Mustafa ... [etj.] ; translator Arbenita Morina. - Prishtinë : Akademia e Shkencave dhe e Arteve e Kosovës, 2024. - 296 f. : ilustr. ; 24 cm. - (ASHAK : Seksioni i Shkencave Shoqërore)

Teksti në gjuhën angleze

- |                   |                 |                      |
|-------------------|-----------------|----------------------|
| 1. Demaj, Frashër | 2. Mustafa, Isa | 3. Bajraktari, Jusuf |
| 4. Bajrami, Arsim | 5. Manaj, Ramë  | 6. Morina, Arbenita  |

**ISBN 978-9951-26-080-0**