

*Written Testimony of Atifete Jahjaga, Former President of the Republic of Kosovo
submitted before the U.S. House of Representatives Committee on Foreign Affairs
on
“Kosovo’s Wartime Victims: The Quest for Justice”
April 30th, 2019*

Honorable Mr. Chairman of the Committee,
Honorable Members of the Foreign Affairs Committee,
Ladies and gentlemen,

As I speak here today, I carry the burden of hundreds of thousands of lives that have been shattered by the war in Kosovo. They want their stories to be heard and demand justice for the crimes perpetrated against them. It is not a burden to take lightly. We would like to use this occasion to share parts of our painful history, and seek support for our ongoing quest for justice. More specifically, this hearing today offers us a chance to share with the U.S. lawmakers and the global audience how justice failed the victims of the Kosovo war and what measures should be taken in order to move forward.

Around this time, 20 years ago, NATO intervened in Kosovo to stop the ethnic cleansing of the Albanian population of Kosovo committed under the orders of the President of Serbia of that time, Slobodan Milosevic. We are forever grateful to the U.S. for its leadership in ending the war and opening a new chapter of history for Kosovo. Since then, we have been going through the tremendous task of dealing with grief and trauma, rebuilding our homes, building democratic institutions, and seeking justice - all at once.

In today’s context, as we seek to normalize relations with our neighboring country of Serbia, the former aggressor, and negotiate peace - we want to bring to the fore the issue of justice for the war crimes and crimes against humanity committed by the Serbian state apparatus consisting of military, police, and paramilitary forces. This is not only a key issue for the citizens of Kosovo. It is imperative for establishing a durable peace through a recognition of the truth, which is currently under attack from various efforts of the Serbian authorities to distort historical facts about the Balkan wars, change the narrative, and minimize the harm, devastation, and the ethnic cleansing campaign against the Albanian Kosovars during 1998-1999.

It is justice for the innocent lives that were taken, the survivors, as well as the families of the missing people, to share the truth about what happened in the Kosovo war with the committee members.

Our dignity and humanity were stripped away 20 years ago. As numerous international verification missions, human rights reports, witnesses and survivors have attested, the Kosovo Albanians, as the ethnic majority of Kosovo, were the target of some of the most grievous human rights

violations during the Kosovo War of 1998-1999. Milosevic wielded absolute control over the Serbian police, military and paramilitary forces, which carried out extensive and systematic human rights abuses. Other ethnic minorities got caught up in between, and although not a primary target, suffered similar abuses.

This war destroyed the lives of hundreds of thousands of civilians and forced nearly one million people to leave their homes. During the period 1998-2000, a total of 13,535¹ people were killed, including 1,230 children under the age of 18, and 1,647 are still missing. 80% of these victims were Albanian. An estimated number of 20,000 Albanian women and men experienced sexual violence, as a tactic of war.

In March and April of 1999, through an ethnic cleansing campaign, nearly one million refugees were expelled from the country. The overwhelming majority of Kosovo refugees were pushed by Serb forces to flee to the neighboring countries of Albania, Macedonia and Montenegro. This forced expulsion of about half of Kosovo's population was accompanied by a campaign of terror, abuse, torture, sexual violence, and killings. In the context of a joint criminal enterprise, as the International Criminal Tribunal for former Yugoslavia (ICTY) concluded, Serbian forces confiscated and destroyed personal identity documents as part of the plan of forcible displacement of Kosovo Albanians, with the purpose of making their return home much more difficult.²

First-hand stories of refugees are not only passed on from one generation to the other, but made headlines in the international media of the time. Serbian forces crammed Albanians from the capital Prishtina into trains, forcing them to leave - a scene that to many was reminiscent of scenes from the Holocaust during World War II. When three trains with about 5,000 refugees arrived in Bllace, Macedonia, a witness shared her account:

“When the trains pulled in, people were pushed down the hill and crammed on to the train. Two old people died in the crush.”³

While hundreds of thousands of Kosovo Albanians were able to find refuge in neighboring countries, although in miserable conditions, tens of thousands experienced unspeakable crimes in Kosovo. Between 1998-1999 there were hundreds of mass killings, but only 74 of them were recorded. In a crusade of killings, Serbian forces rounded up Albanian men of all ages in door-to-door operations to summarily execute them. Indiscriminate violence was widespread. Families were separated. Innocent civilians were slaughtered. The social fabric of our communities was destroyed.

Among the gravest orchestrated crimes against civilians were a series of massacres under “Operation Reka,” which were characterized by indiscriminate violence and mass executions. The operation was carried out in Gjakova in April 27 and 28, 1999. Serbian soldiers and police first entered the homes of over eight Albanian-inhabited villages of the Gjakova municipality, and forced the residents to leave.⁴ Several thousands of residents left at once in convoys of tractors, as

¹Humanitarian Law Center, Kosovo Memory Book 1998-2000. http://www.kosovomemorybook.org/?page_id=29&lang=de

² Humanitarian Law Center, “Dossier Operation Reka”, 2015. http://www.hlc-rdc.org/wp-content/uploads/2015/10/Dossier-Operation_Reka.pdf

³Marcus Turner, “War In The Balkans: Kosovo close to full ethnic cleansing”, 1999. <https://www.independent.co.uk/news/war-in-the-balkans-kosovo-close-to-full-ethnic-cleansing-1084510.html>

⁴ Humanitarian Law Center, “Dossier Operation Reka”, 2015. http://www.hlc-rdc.org/wp-content/uploads/2015/10/Dossier-Operation_Reka.pdf

Serbian soldiers and police led them towards the city of Gjakova. At the checking point there, they robbed them of all the money and jewelry they could find, and then separated the men from the women, the children, and the elderly, who were forced to move in the direction of Albania. 350 Kosovo Albanian civilian men were killed in this operation, including 36 underage boys.⁵ There were no survivors in this mass killing. The Belgrade-based organization Humanitarian Law Center (HLC) has documented the whole operation, from the planning of the operation to the concealment of the bodies, and their dossier includes the names of all the men lost in this operation.

Concealment of the bodies was also orchestrated by the high-level authorities of the regime. The bodies of 350 men, who were brutally killed, were buried in mass graves in several locations in the municipality of Gjakova. Then, days after, those bodies were disinterred from the primary graves, put into refrigerated lorries, and transported to Serbia in several locations near Belgrade. 309 mortal remains of the 350 men killed in the operation were found in 2001 in a secret mass grave in Batajnica, a suburb of Belgrade.

The whole operation and the cover up were planned by high-level police and military of the Federal Republic of Yugoslavia (FRY), almost all of whom were “found guilty and convicted by the ICTY for the crimes committed in Operation Reka.”⁶

To date, Batajnica was the largest mass graves of Kosovo Albanian bodies, but not the only one. There are three other locations in Serbia where mortal remains of Kosovo Albanian civilian men, women, and children were found, and there’s reason to believe that there are still more that have not been disclosed to date. A total of 941 bodies of Kosovo Albanians, killed mainly in execution style with gunshots mostly in their head, have been found in four mass graves:⁷ 744 of them in Batajnica, and the rest in Petrovo Selo, Lake Perućac, and Rudnica. The first three were found in 2001, whereas the one in Rudnica in late 2013. Evidence indicates that the decision to conceal the bodies was given directly by former President of FRY, Slobodan Milosevic, in an effort to hide evidence of mass killings and ethnic cleansing of Kosovo Albanians. In the regime of the time, this process was called “clearing up the terrain” or “sanitization.”⁸

Yet, the scale of crimes against Kosovo Albanians was so immense that it was impossible to match with a cover-up scheme. The evidence of these crimes screamed through the bodies of the men, women, and children, which were even left in the open for weeks. It still screams through the injuries and physical damages of those who have been tortured and raped, and still have wounds and severe post traumatic stress disorder (PTSD). And it screams through the stories of survivors, who witnessed atrocities that still haunt them.

Besarta Jashari was only 10 when she witnessed the brutal massacre of her entire family of 56 members, including children, women, and elderly. On March 5, 1999, the Serbian police surrounded her family with heavy artillery and tanks, in an effort to kill Adem Jashari, Hamëz

⁵ Humanitarian Law Center, “Dossier Operation Reka”, 2015. http://www.hlc-rdc.org/wp-content/uploads/2015/10/Dossier-Operation_Reka.pdf

⁶ Ibid. More information about the ICTY convictions for crimes committed in Operation Reka can be found in the appeal judgement of Djordjevic 2014 and Sainovic et al. 2014.

⁷ Humanitarian Law Center, “Dossier: The cover-up of evidence of crimes during the war in Kosovo: THE CONCEALMENT OF BODIES OPERATION”, 2017. http://www.hlc-rdc.org/wp-content/uploads/2017/01/Dosije_OPERACIJA_SKRIVANJA_TELA_eng.pdf

⁸ Ibid.

Jashari, and Shaban Jashari, who were leaders of Kosovo's armed resistance.⁹ After a three-day siege, everyone was killed, except for Besarta. She lived to tell the truth to us, and to the world. Among others, she shared her story with the late war correspondent for *The Times*, Marie Colvin, who then revealed it to the world. She described the moments after Besarta shook her three dead sisters (7, 8, and 10 years old), trying to wake them up:

“Besarta climbed through a hole in the wall and ran around the house, shouting: 'Anybody - is anybody still alive?' When nobody answered, she crawled back under the table. The pause in the shelling was all too brief. Besarta would spend the night and the next day alone, with her family dead all around her, as the Serbs' rockets came again and again, smashing into the whitewashed house with red-tiled roof that had once been home. A bright, happy pupil at school, Besarta was the sole survivor of an attack that can now be revealed as nothing less than a calculated, cold-blooded massacre.”¹⁰

Another cold-blooded massacre was committed in Reçak on January 15, 1999, where 45 Kosovo Albanians, including women and a child, were brutally killed. They were shot at close range, mostly in the head. Human Rights Watch reports showed that the Serbian special police forces and the Yugoslav Army had orders from high level government officials to “go in heavy” in Reçak and kill the village inhabitants.¹¹ A survivor from the Reçak Massacre told Human Rights Watch:

“My son H.B. was running on my left side, maybe two meters from me. He had his trousers in his hands, we did not have time to dress properly. He was warning me to move aside and suddenly he fell down. The bullet hit him in the neck. In front of me, my husband fell as well. He didn't move anymore.”¹²

In the immediate wake of the massacre, Ambassador William Walker, who then led the Kosovo Verification Mission, saw the crime scene.

“From what I personally saw, I do not hesitate to describe the event as a massacre, obviously a crime very much against humanity.”¹³

In Reçak, international monitors and journalists witnessed the atrocities, as well as the regime's efforts to change the narrative of what had happened there. Ambassador Walker reflects on what he saw the day after:

“We started up the hill again, and every 15 or 20 yards, there was another body, in all sorts of grotesque postures. All the ones that I saw were older men, and they were obviously peasants. There was no sign of uniforms or weapons. They were killed where they lay, the way the bullets were in their bodies, in their eyes, and in their tops of their heads, they had been killed where they lay. There was no way this could have been faked”... “Nothing I saw

⁹ Armend R. Bekaj, “The KLA and the Kosovo War”. https://www.berghee-foundation.org/fileadmin/redaktion/Publications/Papers/Transitions_Series/transitions8_kosovo.pdf

¹⁰ Marie Colvin, “The Massacre at Prekaz”, 1998. http://www.bosnia.org.uk/news/news_body.cfm?newsid=2842

¹¹ Human Rights Watch, “Human Rights Watch investigation finds: Yugoslav Forces Guilty of War Crimes in Racak, Kosovo”, 1999. <https://www.hrw.org/reports/1999/kosovo/Obrinje6-07.htm>

¹² Human Rights Watch, “Yugoslav Government War Crimes in Racak”, 1998. <https://www.hrw.org/legacy/campaigns/kosovo98/racak.shtml>

¹³ Radio Free Europe/Radio Liberty, “They Screamed Until They Died -- Remembering Kosovo's Racak Massacre”, 2019. Video accessed through <https://www.youtube.com/watch?v=kO4sVJeLawE>.

on the hill had anything in common with the government's first story, which was that there was a clash with uniformed, armed KLA, and that 15 had been killed. Everything I saw was consistent with what the villagers were telling me, less than 24 hours after it had happened, which was that the government had come in there and done this. The government was already putting out stories that uniforms had been taken off, and other clothes put on. The stories got more and more fanciful as the days progressed.”¹⁴

The brutal images of Reçak were shared with the world, through international journalists that saw the aftermath of the massacre. This showed the world the truth of what had happened. But there were hundreds of cases of killings, torture, rape, and brutal force used against the civilians that never made headlines. In some cases, they were covered in the reports of international missions that interviewed refugees. A psychologist who interviewed women survivors of sexual violence shared the stories she collected in a report for the UNFPA:

“In Berlenitz, women told of soldiers separating the men from the others. Soldiers wearing masks encircled the young boys and women. The young boys had their throats slit one at a time, but only after their ears and sometimes their noses had been cut off. The torturers sharpened their knives in front of the women and terrorized children. They then cut open the stomachs of many pregnant women and skewered the fetus on their blades. One of the witnesses was 32 years old. She was spared because her pregnancy was not yet visible. She is currently in a clinic trying carry out her pregnancy in spite of severe contractions that began during the scene of the torture.”¹⁵

And there are hundreds other experiences that were never heard. Not in the media. Not in the reports of local and international organizations. In most cases, these experiences are passed on from one generation to another to make sure that we never forget what happened. In some cases, predominantly with survivors of sexual violence, the experiences die with the survivors.

Even with all the efforts to “clear up the terrain,” destroy evidence, and change the narrative, the truth always finds a way of coming out. It was revealed through the testimonies of survivors and witnesses, international observers and journalists, and it was also revealed by some Serbian soldiers, who were a part of the Kosovo war. A few of the ones who have shared their experiences publicly seem to not be able to live with themselves after what they have seen or perpetrated. A Serbian officer in the former Yugoslav Army during the Kosovo war recollects horrific stories from that period:

“During one ethnic cleansing operation in a village in south-eastern Kosovo, we gave the villagers half an hour to leave their homes. They were standing in a long line along the road leading out of the settlement. A reservist nicknamed Crni (Black) went up to an old man who was holding a child aged around three or four. He grabbed the toddler from the man's arms and demanded a ransom of 20,000 German marks. The Albanian only had 5,000. Crni took the child by the hair, pulled out a knife and hacked off its head. '5,000 is

¹⁴PBS Frontline, “Ambassador William Walker Interview”. <https://www.pbs.org/wgbh/pages/frontline/shows/kosovo/interviews/walker.html>

¹⁵United Nations Population Fund, “Assessment Report on Sexual Violence in Kosovo”, 1999. <https://reliefweb.int/report/serbia/assessment-report-sexual-violence-kosovo>

only enough for the body,' he said and walked off past the other villagers, carrying the child's head by its hair. All of this took place in front of dozens of people. We were all in a state of shock: some soldiers vomited, while our young second lieutenant fainted at the terrible sight of the headless body writhing in the dust."¹⁶

The officer is still enraged that Crni was never tried as he should have, but was just declared insane and was let free.

Another officer shares a similar story.

"I watched with my own eyes as a reservist lined up around 30 Albanian women and children against a wall. I thought he just wanted to frighten them, but then he crouched down behind an anti-aircraft machine-gun and pulled the trigger. The half-inch bullets just tore their bodies apart. It looked like a scene from a cheap movie, but it really happened. I don't know how I will live with these memories, how I'll be able to raise my own children. I'm not willing to accept the collective guilt. I want to see those who committed these atrocities stand trial for their crimes."¹⁷

Just like this officer, we want to see those who committed these atrocities in trial. It is not our choice to make "monsters" out of an entire population. That is why we need justice, and that is why we need Serbian authorities to take responsibility for the atrocities committed during the Milosevic regime. This is the only way for the people of both Kosovo and Serbia to distinguish between those who committed crimes and those who did not. And when this difference is clearly established, we have a solid chance to move forward.

Now, I would like to bring to your attention a matter that is very close to my heart. One, for which unlike other atrocities, it took us years to be able to talk about - openly. One, where the victims and survivors are judged instead of being supported. That is the issue of sexual violence during the Kosovo war.

During the Kosovo War, rape was utilized as a weapon of war. As in many other conflicts where rape is used as a tool of war, the survivors face stigma for a crime unjustly committed against them. Rape was used to destroy the social fabric of our communities. By brutally violating the bodies of the women, the Serbian military, police, and paramilitary forces were attacking the men who were not accessible to them, and whom they could not kill and torture directly.¹⁸ Through rape, they aimed to emasculate Kosovo Albanian men by calling them out for being weak and incapable of "protecting" their women. In most cases, women survivors of sexual violence were spared their lives, though tremendously injured both physically and psychologically, and were told that they were allowed to live so that they could remember "who did that to them." Most survivors begged the rapists to kill them, after being completely stripped off of their dignity and humanity.

¹⁶ Global Voices Balkans, "Serb Officers Relive Killings", 2019. <https://iwpr.net/global-voices/serb-officers-relive-killings>.

¹⁷ Ibid.

¹⁸ United Nations Population Fund, "Assessment Report on Sexual Violence in Kosovo", 1999. <https://reliefweb.int/report/serbia/assessment-report-sexual-violence-kosovo>

Instead, in most cases, the Serbian forces removed their masks during the act of their crime demanding that the women look at their face so that they could remember them throughout their lives.

Prior to the war, Kosovo Albanian women were demonized by the state produced propaganda of the Milosevic regime and portrayed as worthless childbearing factories. This propaganda fueled the hysteria that the high birth rate among the Kosovo Albanians would further increase their demographic percentage in Kosovo, and thus lead to their takeover of the country.¹⁹ As such, rape was weaponized to significantly decrease the reproduction rate, by either causing permanent injuries due to which women could not bear children, or by marking them for life in an effort to make them unwanted by the society.

There is no exact number of survivors of sexual violence during the war. Most women did not report the rape due to feelings of shame and stigma. Some of them were murdered after the rape. Thus, the exact number of survivors will never be known. Based on a survey of women refugees conducted by the Center for Disease Control and Prevention in 1999, the estimate is that between August 1998 and August 1999, between 23,200 and 45,600 Kosovar Albanian women were raped.²⁰ The Center for Protection of Women and Children, a local NGO, estimate that at least 20,000 women and girls were raped. Some other reports have estimates ranges between 10,000 and 30,000 cases of survivors of sexual violence.²¹ While the overwhelming majority of victims of rape were women, there were also men that were raped, as a tactic of war. Given the different estimates, we take the estimate 20,000 women and men raped as a good approximation to the real number, based on the average of the available data.

As we can observe in other conflicts too, one of the ways that rape serves its role as a weapon of war is by unjustly putting the blame on the victim, rather than the perpetrator. The act of the rape is always surrounded by shame: the collective and individual shame of women for what they have gone through, as well as the collective shame of men for not being able to “protect” the women. Ultimately women carry their shame, as well as the price for the shame and emasculation that men feel, and as a result the stigma is unjustly placed upon them. It is no surprise that a vast majority of them did not report the crime against them, and that until now only two of them - Marte Tunaj and Vafsije Krasniqi Goodman- have openly shared their story.

In the aftermath of the Kosovo war, unfortunately, addressing the issue of the survivors of sexual violence was not regarded as a priority. Not by the international community who had executive

¹⁹ Human Rights Watch, “III. Gender-based violence against Kosovar Albanian Women”, 2000. https://www.hrw.org/legacy/reports/2000/frj/Kosov003-02.htm#P152_28499

²⁰Michelle Hynes, “Sexual Violence Against Refugee Women”, 2000. https://www.researchgate.net/publication/12252633_Sexual_Violence_Against_Refugee_Women

²¹ Kosova Women’s Network, “Exploratory Research on The Extent of Gender-Based Violence in Kosova and Its Impact on Women’s Reproductive Health”, 2008, <https://womensnetwork.org/wp-content/uploads/2018/10/20130120165614663.pdf>; Serbeze Haxhiaj, “The Enduring Agony of Wartime Rape in Kosovo”, Balkan Insight, 2017. <https://balkaninsight.com/2017/05/29/agony-of-wartime-rape-victims-endures-in-kosovo-05-28-2017-1/>

powers over the territory of Kosovo, neither by the provisional government institutions of our country. In absence of attention from the central level, women activists began working directly with survivors, trying to provide emergency services. Yet, it took time for survivors to come to the local organizations offering help, and often even more time to open up to them. As years went by, many women committed suicide, and a number of them died of different diseases that were at least partially related to their experience. We will never be able to offer these survivors full recognition, reparation, or justice for their suffering, and failing them will forever be a burden in our conscience.

In spite of the challenging context, women activists were vocal, and kept fighting the silence and the social taboo of this horrendous war crime. In 2014, during my mandate as the President of the Republic of Kosovo, the National Council on the Survivors of Sexual Violence during the War in Kosovo was established by Presidential decree.²² The council brought together stakeholders to coordinate efforts to meet the needs of the survivors, from recognition of their status to reparation, access to justice, and fight to end stigma. In the same year, the Parliament amended the Law on the Status of War Veterans and Families of the Civilian Victims to include the survivors of sexual violence during the war. Based on this amendment, in 2015, the Government of Kosovo passed a regulation to establish a special commission that would facilitate the distribution of individual benefits. The Government Commission on Recognition and Verification of the Status of Sexual Violence Victims During the Kosovo Liberation War began its operations in 2018, and to date 1,026²³ women have applied for the legal recognition of their status.

Upon leaving office, I established the Jahjaga Foundation, which is focused on empowering youth and women of Kosovo to push for positive developments in our society and beyond. Empowering the survivors of sexual violence and supporting their plea for justice is one of the central issues that the Foundation has been working on. The Jahjaga Foundation continues to be a strong advocate for the survivors through continuous advocacy projects for the recognition of their status, ending stigma, and facilitating access to justice. Still, there is much more that must be done to meet many of the needs of the survivors, starting with economic empowerment. Due to the stigma unjustly placed upon them, the survivors were isolated, deprived of life opportunities, unable to even provide for themselves and their families. As a result, the vast majority of them live in dire economic conditions and in need of support.

Another very sensitive matter that is still to be publicly and institutionally addressed relates to children born out of rape, who at present must be have 20 years of age. There is a dearth of data or even estimates as to what the number of children born as a result of the rape is, as the vast

²² More information on the context in this matter can be found in the UN Women report “The conflict did not bring us flowers”, 2016. http://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2016/the-conflict-did-not-bring-us-flowers_eng.pdf?la=en&vs=5055

²³ Data provided by the Government Commission on Recognition and Verification of the Status of Sexual Violence Victims During the Kosovo Liberation War, April 2019.

majority of survivors in this situation kept this information hidden or unreported. A survivor who was impregnated after rape, shared her story two years ago.

“One woman who gave birth as a result of wartime rape said paramilitary units held her for two days in a private house in a village near Peja. ‘I didn’t even know I was pregnant. When a medical doctor told me about the pregnancy, I wanted to commit suicide. I was 17. They told me the pregnancy was in the sixth month and it was too late for an abortion,’ she said. In a short, difficult conversation at one of the centres providing support to victims of violence, she shared her story of the baby’s delivery. ‘A doctor and a psychologist arranged with an urologist to write a diagnosis, showing allegedly that my belly was growing because one of my kidneys wasn’t working,’ she said. A German NGO paid the rent for a flat where she could hide from her family until she gave birth. She said her son was a healthy baby: ‘He didn’t cry at all.’ But she only breast fed him once – and then gave him up. ‘I don’t know where he is. I didn’t want to know about him. I still don’t want to know,’ she replied briefly, declining to offer more details.”²⁴

Published in a local news portal, her story was a reminder of the many cases like her, and the collective failure to do them justice. This matter requires to be handled with great sensitivity, and we are still trying to figure out how to help the young men and women, and their families, without putting them at risk of prejudice, bullying, or any other potential harm.

Most pregnancies that resulted due to rape were ended as early as possible. They were done in very poor conditions, and again due to stigma, the number of abortions cannot even be estimated. One of the organizations that works with survivors claims that 12 out of the 120 women they work with became pregnant after the rape. Out of the 12, 11 of them had abortions, and one of them had the child, and then abandoned the baby.²⁵ This is one organization alone.

We are still working hard to navigate this consequence of the war, that we inherited from the Milosevic regime, and provide support and reparations to the survivors. It is a daunting task, which is made harder when the perpetrators run free and the Serbian authorities deny their responsibility. It is a battle that we have to fight on many fronts, starting with medical support and psychosocial help, to fight against stigma, economic empowerment, support for children born as a result of rape, and access to justice. Survivors of sexual violence during the war in Kosovo have many needs. Having met hundreds of them, I have to share that every single one of them, told me that they need justice more than anything else, in order to move forward.

There have been some efforts towards justice for sexual violence,²⁶ but that is not merely enough. That is why we will continue to call for justice. But, we also have to remember that we are running

²⁴ Serbeze Haxhiaj, “The Enduring Agony of Wartime Rape in Kosovo”, Balkan Insight, 2017. <https://balkaninsight.com/2017/05/29/agony-of-wartime-rape-victims-endures-in-kosovo-05-28-2017-1/>

²⁵ Ibid.

²⁶ In the ICTY mega trial of six Serbian leaders of the Yugoslav security sector, only General Nebojsa Pavkovic, the commander of the Third Army, was found responsible for the sexual violence committed under his watch, a violence he knew and could foresee, but did not stop nor

out of time. Time is taking its toll on the survivors and remaining witnesses and they cannot wait forever to see justice being served. That is why we have to act now. Justice is long overdue.

Another matter that is long overdue is the return of the missing people, if they are alive, or their remains. To date, 1,647 people remain unaccounted for.²⁷ The issue of the missing people is still an open wound that makes countless families relive the pains of the war. Twenty years after the war, there are numerous many of us who are still looking for our missing loved ones - parents, spouses, siblings, and children.

We have to do everything possible to shed light on the fate of the missing persons. Our citizens have the right to know what happened to their loved ones. They are not asking for revenge. They need answers and they need closure. And if they cannot get their loved ones back alive, they are at least entitled to have a grave they can visit, and after 20 years, be able to grieve.

We have tried to learn more about the fate of the missing people through a number of initiatives, but progress has been slow. All these endeavors, in which the institutions of our country, family members and the international community were involved, have unfortunately been met by the institutions of Serbia's unwillingness to cooperate. And cooperation with Serbia, which does not share data and does not open its archives, is essential to obtaining these answers. States who are truly committed to justice must abide by international norms and regulations, and must not hide the crimes. By hiding them, they become accomplices to the regime who committed them in the first place.

As years go by, the families of the missing people try different avenues to find their loved ones. They pressure Kosovo institutions, and share their stories for local and international media and missions, in an effort to pressure Serbia to disclose information about them. Naim Hadergjonaj shared his quest to find his two missing brothers for the International Committee of the Red Cross.

“Our hopes won't vanish until they - or something belonging to them - is found, dead or alive, we believe the truth will come out.”²⁸

Halil Ujkani, 85 years old, is still looking for his three sons who went missing in Spring 1999.

“The Serbian military caught them on the evening of April 19 in the Serb-inhabited village of Dreth. An old Serb woman who was taking care of her cows said that she witnessed the moment when they were stopped by the military. There was no shooting or killings that day.” ...“On April 22, my Serb neighbours in north Mitrovica saw my son and some other while Serbian military took them in a military truck... My neighbour Bogoljub Aleksic

punished (Milutinović et al. 2009). It took five more years and the Appeal Judgment against Nikola Šainović, former Deputy Prime Minister, Sreten Lukić, former head of the MUP (Ministry of the Interior) in Kosovo (Šainović et al. 2014), and Vlastimir Djordjević, former Assistant Minister of the Serbian MUP (Djordjević 2014), for the ICTY to recognize that judges had made “a legal error” by not finding them guilty of the same crime: sexual violence as a crime against humanity in the persecution of the Albanian population in Kosovo.

²⁷International Committee of the Red Cross. “Twenty years on, 1,647 people still missing in Kosovo,” 2018.

<https://www.icrc.org/en/document/twenty-years-1647-people-still-missing-kosovo>

²⁸ International Committee of the Red Cross, “Kosovo: Families of missing persons are still looking for answers”, 2016.

<https://www.icrc.org/en/document/kosovo-families-missing-persons-are-still-looking-answers>

heard that they were taking them to Pozarevac [in Serbia].”...“I have searched for them both among the living and among the dead. Every day I imagine that I’m finding them.”²⁹

It is important for us to share with the Committee that the majority of the missing people of Kosovo are Kosovo Albanians. Among them there are also Serb, Roma, Bosniak, and other minority communities. Yet, they are all the same to us. They are all Kosovo citizens, and their families want them back - dead or alive. And we continue to keep looking for all of them, until we know of their fate, and their families finally get closure. And we will continue to seek justice for everything that happened to all. No exceptions.

Recognizing that justice is central for a strong democracy, well functioning of the country, as well as to reconciliation efforts with Serbia and our quest for long-lasting peace, Kosovo has established a Specialist Court for crimes allegedly committed in Kosovo by the Kosovo Liberation Army (KLA), to ensure a mechanism of justice for any wrongdoing. This has not been easy for us, since the main perpetrators of the widespread and systematic crimes committed against us are still moving freely in Serbia and elsewhere.

To date, there have been some, yet insufficient, efforts to provide justice for the war in Kosovo. One of them was through the International Criminal Tribunal for the former Yugoslavia at The Hague, established by the United Nations in 1993. The ICTY was launched with high expectations and the hope that it could show great progress in prosecuting individuals responsible for serious violations of the international humanitarian law that were committed in the territory of the former Yugoslavia since 1991. But the quest for justice was painfully slow and it did not result in a full or coherent exercise of retributive justice.

A glaring example was the prosecution of Milosevic. Milosevic was initially arrested and charged with abuse of power and corruption, and then transferred to The Hague to face charges of crimes against humanity, war crimes, and genocide before the ICTY. However, Milosevic died from natural causes before getting his verdict. His demise only added to the frustration of millions of people, in Kosovo, Bosnia and Croatia, that he could not be judged for the horrendous crimes of which he stood accused. The ICTY through a lengthy and highly complex trial failed to deliver Milosevic the verdict on charges of genocide, crimes against humanity, grave breaches of the Geneva Conventions, and violations of the laws and customs of war. Moreover, by having a broad scope of charges tied to only this figure, ICTY failed to indict and prosecute many of his fellow collaborators. Milosevic even got to defend himself in the process – to cross-examine witnesses, to further intimidate the women sitting across from him that were raped by the Serbian forces under his orders.

The ICTY has set important precedents in international law in many respects, but the ICTY failed to bring justice to many Kosovars who lost their loved ones in the conflict, and to create a record of the wide range of crimes/atrocities that were committed during the Kosovo War. This failure extended to UN-run courts in Kosovo, who despite broad competencies to investigate a crime scene – which Kosovo was in 1999 – did little to deliver justice for the crimes committed and thus also address the collective trauma that Kosovo suffers from.

²⁹Filip Rudic et al., “Missing Persons: Balkan Families Suffer as Search Goes”, 2018. <https://balkaninsight.com/2018/08/30/missing-persons-balkan-families-suffer-as-search-goes-on-08-29-2018/>

While there are still many cases pending in different courts, there have only been 64 final convictions for war crimes - over the lengthy course of 20 years. ICTY convicted eight Serbian leaders for war crimes and crimes against humanity in Kosovo. Two Albanians, KLA commanders, were convicted for war crimes in Kosovo. In Serbia, courts have convicted 15 Serbs and one Albanian for war crimes. In Kosovo, under the jurisdiction of United Nations Mission in Kosovo and the European Union Rule of Law (EULEX) mission in Kosovo, there have been 40 persons convicted for war crimes - 35 of whom are Albanians, four Serbians, and one Roma.³⁰ Thus, there are a total number of 64 persons convicted of war crimes in Kosovo, the majority of which are Albanians (38), whereas there are 25 Serbs and one Roma.

The number of trials for the crime of sexual violence are even smaller. At the ICTY it took a long time to at least establish that rape was not an isolated crime but was deployed in the campaign of ethnic cleansing with the intent of terrorizing people. In domestic courts, we are very far from justice. In the two trials for rape in the Serbian Special War Crimes Chamber, the charges were against former KLA members, one of whom was convicted.³¹ In Kosovo, so far, there have been only three cases of prosecutions for rape, which were acquitted after appeal.

It is beyond any comprehension that until now there have been more indictments issued for crimes allegedly committed by the KLA than for the planned and orchestrated crimes of Serbian forces committed in Kosovo. While all perpetrators of all types of crimes must be brought to justice, there is a difference we must recognize. In the Kosovo war, violence was orchestrated by the Serbian state. In the aftermath of the war, ethnic crimes were perpetrated by members of Albanian armed groups and individuals. We need to set the record straight: the ethnic cleansing, the war crimes, the rapes as tool of war, the execution of men in Croatia, Bosnia and in Kosovo were part of a plan, a blueprint drafted, orchestrated and executed by the state, by the government of Serbia – a deliberate plan to ethnically cleanse or kill another ethnicity to consolidate power.

We would like to emphasize one very significant matter, as we move forward. Kosovo does not have a problem with the Serbian people. Our issue is with those who perpetrated, supported or deny these crimes and who should be held accountable. Our fundamental issue is that there is still no justice for people who have been brutally massacred. For those who have experienced inhumane treatment and torture. For survivors of sexual violence who are still condemned to silence. For the missing people, whose families do not even have a grave where they can cry on. For the thousands of children orphaned by the war. For the countless number of children abandoned because they were born as a result of rape. For the bodies concealed into mass graves. The perpetrators of these crimes are moving freely in Serbia, and their impunity is our fundamental issue.

Some citizens of Serbia, on the other hand, have shown empathy and solidarity. Many Serbian civil society organizations recognize the human right violations committed by the Milosevic regime, and demand that their authorities be held accountable and take the necessary measures to bring the perpetrators to justice. Just last month, Serbian men and women from the Humanitarian Law Centre, the Youth Initiative for Human Rights, and the Women in Black marched in the streets

³⁰The complete data for final convictions for war crimes were provided via e-mail by the Humanitarian Law Center, on April, 2019.

³¹Amnesty International, “Wounds that burn our soul: Compensation for Kosovo’s wartime rape survivors, but still no justice,” 2017. <https://www.amnesty.org/download/Documents/EUR7075582017ENGLISH.PDF>

of Belgrade towards the Serbian Parliament, carrying a banner with the names of 744 Kosovo Albanians found buried in a mass grave in a police training center in Batajnica, Belgrade.³² At this event, Stasa Zajovic, founder of the civil society organization Women in Black, claimed that they “want to appeal to the citizens of Serbia to stop the silence about these crimes, to inspire compassion, empathy and solidarity.”³³ They understand that through solidarity, the recognition of the humanity of Kosovo Albanians, and build a more solid foundation for reconciliation between Kosovo and Serbia.

Moving forward, we would like to build on their support, and ask for your support in our quest for justice. We believe that there should be a similar structure to the Specialist Court that would prosecute all crimes committed in the Kosovo war. This action is, in fact, long overdue, and it is the only way for long-lasting peace. We have shared the true story of the war in Kosovo with you, hoping that you will continue to be in the right side of history, just like you were 20 years ago. One specific way that you could help us in our quest for justice is by factoring truth and justice for Kosovo crimes, as part of U.S. foreign policy towards Serbia, and work with your European allies to do the same.

Finally, I would like to emphasize that there is absolutely no justification for war. No circumstance can justify the use of violence and torture on civilians. This was a direct violation of international laws of war, particularly in an asymmetric war as the Kosovo war. Due to the territorial ambitions and power lusts of a brutal regime, neighbors became enemies overnight. What started with hateful rhetoric and deprivation of basic rights quickly escalated into widespread violence, killings and ethnic cleansing, which meant to deport an entire ethnic group. We are thankful that the war ended, and we are forever grateful to the U.S. for standing up for the values of freedom and liberty. We thank the U.S. for not tolerating the great injustice that was being done towards the ethnic Albanians and for being on the right side of history. We shall never forget this.

Having experienced war, we do not take peace for granted. Not a single day. But we cannot have sustainable peace without the Serbian authorities recognizing the responsibility of the Milosevic regime and its state apparatus in perpetrating crimes in Kosovo. This recognition is a crucial part in the process of ensuring justice. This would pave the way for reconciliation and would offer Serbia a chance to demonstrate that they are different from their predecessors. The contrary actions, which include attempts to change the narrative of the war, efforts to blur the line between the aggressor and the victims, minimize the suffering that took place, and boast revisionist ambitions to redraw borders, indicate no genuine interest for a shared future in peace. Unfortunately, from what we have seen so far, the current leadership in Serbia has been following the steps of the Milosevic regime. Last year, Serbian President, Aleksandar Vucic, held a speech in front of Kosovo Serbs in northern Mitrovica, where he glorified Slobodan Milosevic, by calling him a “great leader” with the “best intentions.”³⁴ He said this in the same place where Milosevic made his infamous speech that many attribute as exacerbating ethnic tensions in Kosovo and

³² Radio Free Europe/ Radio Liberty, “Serbian Activists Commemorate Kosovar-Albanian War Victims”, 2019. <https://www.rferl.org/a/serbia-belgrade-march-to-commemorate-kosovo-victims/29843705.html>

³³Radio Free Europe/ Radio Liberty, “Serbian Activists Commemorate Kosovar-Albanian War Victims”, 2019. <https://www.rferl.org/a/serbia-belgrade-march-to-commemorate-kosovo-victims/29843705.html>

³⁴ Radio Free Europe/ Radio Liberty, “Vucic's 'Great' Milosevic Remark Evokes Ghost Of 'Greater Serbia'”, 2018. <https://www.rferl.org/a/vucic-s-great-milosevic-evokes-ghost-ee-greater-serbia-/29486327.html>

precipitating war. We do not need this kind of hate speech. We were all witness of what it could do. Which is why we should always be cautious in what we say - words do have consequences.

We have been through a lot pain and suffering, and we want to end it here. Once and for all. We want justice, and we need justice in order to be able to turn a new page. As Kosovo we are committed to build a future of sustainable peace for our country, and the region, and we wish to see our neighboring country of Serbia demonstrate the same resolve.

Thank you.

Annex I. Major Mass Killings in Kosovo

Between 1998-1999 there were hundreds of mass killings. The 74 gravest were recorded by the Humanitarian Law Center, and include:

Nr.	Date	Location
1	February 28, 1998	Likoshan , Municipality of Glllogoc and Qirez , Municipality of Skenderaj
2	March 5,6 and 7, 1998	Prekaz i Poshtëm , Municipality of Skenderaj
3	May 25, 1998	Lubeniq , Municipality of Peja.
4	May 31, 1998	Poklek i Ri , Municipality of Glllogoc
5	July 18, 19, 20 and 21, 1998	Rahovec
6	August 2, 1998	Shtutica , Municipality of Glllogoc
7	August 26, 1998	Grejqefc , Municipality of Suhareka
8	August 27, 1998	Senik , Municipality of Malisheva
9	September 11, 1998	Rezalla , Municipality of Skenderaj
10	September 24, 1998	Dubovc , Municipality of Vushtrri
11	September 26, 1998	Obri e Eperme , Municipality of Glllogoc
12	January 15, 1999	Racak , Municipality of Shtime
13	January 29, 1999	Rogova , Municipality of Gjakova
14	March 20, 1999	Neighborhood II and III in Skenderaj
15	March 24, 1999	Kotlina , Municipality of Kacanik
16	March 25, 1999	Brestoc , Municipality of Rahovec
17	March 25, 1999	Goden , Municipality of Gjakova
18	March 25, 1999	Ternje , Municipality of Suhareka
19	March 25, 1999	Bellacerka , Municipality of Rahovec
20	March 26, 1999	Krusha e Vogel , Municipality of Prizren
21	March 26, 1999	Krusha e Madhe , Municipality of Rahovec
22	March 26, 1999	City of Fushe Kosova

23	March 26, 1999	City of Suhareka
24	March 26, 1999	Celina , Municipality of Rahovec
25	March 26, 1999	Padalishta , Municipality of Skenderaj
26	March 27, 1999	Duzhnje , Municipality of Gjakova
27	March 27, 1999	Samadrexha , Municipality of Suhareka
28	March 27, 1999	Dardania Neighborhood in the city of Peja
29	March 27, 1999	Mamusha
30	March 27, 1999	City of Gjakova
31	March 27, 1999	Krushevc , Municipality of Obiliq
32	March 28, 1999	Izbica , Municipality of Skenderaj
33	March 28, 1999	City of Podujeva
34	March 28, 1999	Samadrexha , Municipality of Suhareka
35	March 29, 1999	Beleg , Municipality of Decan
36	March 30, 1999	Polac , Municipality of Skenderaj
37	March 31, 1999	Pastasella , Municipality of Rahovec
38	March 31, 1999	Joviq , Municipality of Malisheva
39	April 1, 1999	Lubeniq , Municipality of Peja
40	April 1, 1999	City of Gjakova
41	April 1, 1999	City of Fushe Kosova
42	April 2, 1999	City of Gjakova
43	April 2, 1999	Nagavc , Municipality of Rahovec
44	April 2, 1999	Marina , Municipality of Skenderaj
45	April 4, 1999	Kralan , Municipality of Gjakova
46	April 5, 1999	Rezalla , Municipality of Skenderaj
47	April 6, 1999	Reznik , Municipality of Vushtrri
48	April 7, 1999	Lubeniq , Municipality of Peja
49	April 9, 1999	City of Kacanik

50	April 12, 1999	Lubizhda e Hasit , Municipality of Prizren
51	April 13, 1999	Studenica , Municipality of Istog
52	April 13, 1999	Kaliqan , Municipality of Istog
53	April 14, 1999	Carallukë , Municipality of Malisheva
54	April 15, 1999	Silovi , Municipality of Lipjan
55	April 17, 1999	Cikatova e Vjeter , Municipality of Glllogoc
56	April 17, 1999	Poklek i Vjeter , Municipality of Glllogoc
57	April 18, 1999	Koliq , Municipality of Prishtina
58	April 18, 1999	Ribar i Vogel , Municipality of Lipjan
59	April 21, 1999	Nakarada , Municipality of Fushe Kosova
60	April 26, 1999	Mazrek , Municipality of Prizren
61	April 27, 1999	Meje , Municipality of Gjakova
62	April 27, 1999	Korenice , Municipality of Gjakova
63	April 30, 1999	Shtutica , Municipality of Glllogoc
64	April 30, 1999	Verbovc , Municipality of Glllogoc
65	May 1, 1999	Cikatove e Vjeter , Municipality of Glllogoc
66	May 1, 1999	Nabergjan , Municipality of Peja
67	May 2, 1999	Studime e Eperme , Municipality of Vushtrri
68	May 7, 1999	City of Gjakova
69	May 8, 1999	Staradran , Municipality of Istog
70	May 10, 1999	City of Gjakova
71	May 14, 1999	Qyshk, Pavlan and Zahaq , Municipality of Peja
72	May 22, 1999	City of Vushtrri
73	May 22, 1999	Dubrava Prison , Municipality of Istog
74	June 6, 1999	Neighborhood tre soliterat , City of Mitrovica