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**Propagande politique et projet d' « Etat pour tous les
Serbes » :
conséquences de l'instrumentalisation des médias à
des fins ultranationalistes**

Rapport rédigé à la demande du Bureau du Procureur du Tribunal Pénal International pour l'ex-Yougoslavie par
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Sommaire

I. La propagande politique : définitions, principes de base et spécificités yougoslaves

1) Le recours à la propagande : historique et définitions

- Ce qu'est la propagande
- Propagande licite et illicite
- Une efficacité prouvée par le passé
- Propagande et « Etat de tous les Serbes »

2) Les principes de base de toute propagande

- Faire simple
- Projeter sur l'autre ses propres fautes
- Instrumentaliser les nouvelles à son avantage
- Répéter inlassablement son message
- S'appuyer sur les mythes et l'Histoire
- Bâtir un consensus national

3) Précis de propagande serbo-yougoslave

- Les médias érigés en pièce maîtresse de la propagande
- Une règle : dresser les uns contre les autres les communautés yougoslaves
- Utiliser les médias comme arme à part entière

II. Des médias au service de la guerre

1) L'Histoire manipulée au profit d'objectifs nationalistes

- La responsabilité des intellectuels
- Milosevic s'appuie sur les médias pour conquérir le pouvoir
- « L'identité serbe menacée »
- La mystique serbe au service de Milosevic
- La médiatisation des « messes politiques »
- L'assaut sur les médias
- La télévision, pièce maîtresse du dispositif

2) Les médias au cœur de la guerre yougoslave

- Justifier le recours à la force contre l'ennemi
- Stigmatiser l'adversaire

- La paranoïa du complot

3) Le triomphe de la désinformation

- Des nouvelles dérangeantes systématiquement minimisées ou dénaturées
- Diffusion de fausses nouvelles pour stigmatiser davantage l'ennemi

III. La mise au pas de toute information et opinion alternatives comme condition du succès de la propagande officielle

1) Une presse serbe sous haute surveillance

- Pressions psychologiques sur les journalistes récalcitrants
- Le rejet de tout média d'information à caractère fédéral
- Le plan d'action contre la presse indépendante
- L'implication directe des époux Milosevic

2) Propagande guerrière et cohésion nationale pendant la guerre du Kosovo

- Une « grille de lecture » imposée
- Politique répressive contre les « traîtres »
- La Serbie victime d'un énième complot international
- Une nouvelle guerre menée « contre le peuple serbe »
- La mise en quarantaine de la presse internationale

3) Les raisons de l'impact de la propagande sur l'opinion publique

- Une population déboussolée par une crise généralisée
- Le soutien des grands relais d'opinion au régime
- La presse officielle : unique source d'information pour 90% des serbes
- Une alternance politique démocratique impossible
- Absence de tout esprit critique

1. La propagande politique : définitions, principes de base et spécificités yougoslaves

1. Il ressort de nombreux rapports, études, articles et témoignages que les politiques ethniques observables en ex-Yougoslavie de la fin des années 1980 au début des années 2000 ont pour point commun d'avoir été appuyées et rendues possibles par des médias devenus les auxiliaires parmi les plus fidèles des partis nationalistes au pouvoir dans les différentes républiques¹.

2. Tadeusz Mazowiecki, Rapporteur spécial désigné par la Commission des Droits de l'Homme des Nations Unies, a tôt noté l'influence néfaste qu'exerçaient certains médias sur l'opinion publique yougoslave. Dans son *Rapport spécial sur les médias* de décembre 1994 il expliquait notamment que, « Depuis le début des conflits, les informations diffusées par les médias de l'ex-Yougoslavie ont consisté pour l'essentiel en discours nationalistes et en attaques et insultes généralisées dirigées contre les autres peuples. Il n'est pas surprenant », ajoutait-il, « que ce phénomène ait conduit directement à la perpétration d'horribles atrocités sur les champs de bataille et dans l'ensemble du territoire »².

3. Les nouveaux pouvoirs issus de l'implosion de l'ex-Yougoslavie se sont en effet servis des médias comme d'une arme susceptible de participer à la réalisation de leurs objectifs politiques à court et à long terme. Pour ce faire, chaque pouvoir au sein de chaque République a cherché à mettre la main sur les médias présents sur son territoire, et en particulier la télévision, les transformant en instruments de propagande du régime chargés de faire « adhérer » les populations à leurs conceptions et à leurs actions politiques.

¹ On pense en particulier, par ordre décroissant, à la Serbie, à la Croatie et à la Bosnie-Herzégovine...

² *Rapport spécial sur les médias* de Tadeusz Mazowiecki, Rapporteur spécial désigné par la résolution 1994/72 de la Commission des droits de l'homme des Nations Unies, E/CN.4/1995/54 du 13 décembre 1994, p. 35.

4. La propagande politique nationaliste, par médias interposés, a préparé et conditionné l'opinion publique à la guerre – favorisant de la sorte les pires atrocités perpétrées dans le cadre des politiques ethniques. Quelques rares professionnels de l'information, parce que témoins placés au cœur de l'événement, sont les premiers à s'en être émus. C'est par exemple le cas de Nenad Pejic, ancien directeur des programmes de *Sarajevo TV* jusqu'en avril 1992, pour lequel « sans les médias, particulièrement sans les chaînes de télévision, la guerre dans l'ex-Yougoslavie n'est pas imaginable »³.

En Serbie, Slobodan Milosevic a sciemment utilisé et contrôlé les médias pour imposer les thèmes de la propagande nationaliste, afin de justifier aux yeux des citoyens la création d'un État – à l'intérieur duquel vivraient toutes les populations serbes – mais aussi pour renforcer son pouvoir. Pour que la propagande diffusée via la presse écrite et les médias audiovisuels soit pleinement efficace, Milosevic s'est personnellement assuré le contrôle des médias publics, a limité la liberté de parole des médias indépendants existant – en les empêchant par toutes sortes de moyens d'informer les citoyens, et a veillé à ce que les journalistes s'en tiennent à la ligne officielle, adhèrent aux idées et au programme du pouvoir ; en un mot, qu'ils se soumettent à la discipline imposée. Le témoignage de l'un de ses plus proches collaborateurs, Borisav Jovic, éclaire parfaitement la façon dont Milosevic s'est servi des médias pour asseoir ses projets politiques nationalistes. « *For years* », écrit Borisav Jovic, « *he paid the biggest attention to the media, especially television. He personally appointed editors-in-chief of the newspapers and news programmes, especially directors-general of the radio and television. Perhaps in no other area but this was he in direct communication with all editors who <<fed>> the public with the news, comments and generally with information. He was deeply convinced that citizens formed their view of the political situation on the basis of what they were presented and not on the basis of their real material and political position.*

³ Voir l'interview de Nenad Pejic, réalisée par Anne Bracy, in *La Lettre de Reporters sans frontières*, décembre 1992, p.24.

*What is not published has not happened at all – that was Milosevic's motto*⁴. Différents types de moyens et de pressions ont été utilisés par Milosevic pour exercer son contrôle étroit⁵ sur les organes d'information et sur les professionnels. Parmi les mesures auxquelles le régime Milosevic a eu le plus recours on peut notamment citer :

- la rétrogradation de journalistes jugés trop indépendants dans les médias publics et concomitamment la promotion de ceux qui servaient avec zèle le pouvoir. Les journalistes parmi les plus attachés à leur indépendance faisaient l'objet de condamnation publique quand ils n'étaient pas simplement renvoyés ;
- l'imposition de lourdes taxes et amendes, le retrait des licences d'émission, le refus d'autorisation d'émetteurs plus puissants, l'arrêt de l'approvisionnement en fournitures nécessaires au fonctionnement des journaux et des radios, l'organisation d'opération coup-de-poing ont été utilisés pour limiter et parfois annihiler la capacité des médias indépendants à fournir au public serbe des informations alternatives ;
- les attaques contre les journalistes indépendants, dont certains ont été arrêtés, condamnés, malmenés et accusés de trahison pour leurs écrits ;
- l'utilisation par les autorités politiques de leur influence sur le secteur économique et le système judiciaire pour faire pression sur les médias et les journalistes indépendants.

Les mesures ci-dessus citées ont été employées tout au long de son règne par Milosevic et son régime, pour réguler la distribution de la parole publique et s'assurer le contrôle sur le contenu des messages véhiculés par les médias. On peut par exemple illustrer ce fait par la campagne particulièrement agressive menée à partir de 1998 contre la presse indépendante – précédant l'intervention de la communauté internationale au Kosovo et en Serbie – qui allait consister à faire taire toute voix critique, en interdisant les médias indépendants⁶ ou encore en

⁴ In *Last Days of the SFRY*, Journal of excerpts translated by David Stephenson for the ICTY, p.15.

⁵ « (...) Milosevic had complete domination over the media (...) », *idem* p.144.

⁶ The International Committee to Protect Independent Media in Federal Republic of Yugoslavia rapporte ainsi que *TV Plova* (à Plova) était interdit le 21 avril, puis le 2 juillet *Radio Kontakt* (à Pristina), le 18 août c'était le tour

faisant adopter en octobre 1998 une nouvelle loi sur l'Information faisant peser sur les professionnels et les organes de presse des menaces de rétorsion économiques les plus dissuasives⁷ en cas d'opposition au régime⁸.

5. Mais si les médias ont préparé la guerre qui éclate avec la proclamation de leur indépendance par la Slovénie et la Croatie le 25 juin 1991, télévisions, radios et journaux l'ont aussi sciemment entretenue en se mettant au service de la guerre, en se livrant une bataille médiatique intense faite de propagande haineuse, d'informations tendancieuses et mensongères. A cet égard, on peut comme exemples citer les fausses informations relayées par les médias serbes et relatives aux pseudo massacres de bébés et/ou d'enfants (serbes) par des Croates ou des Musulmans.

Le 20 novembre 1991, vers la fin du siège de Vukovar par l'Armée fédérale et les troupes serbes et à un moment où les manifestations contre la guerre se multipliaient à Belgrade, une information recueillie par un correspondant de *Reuters*, Vjekoslav Radovic, fait état du massacre de 41 enfants d'origine serbe, âgés de cinq à sept ans, à l'intérieur d'une école élémentaire du village de Borovo Naselje⁹. *Télévision Belgrade* va consacrer des heures d'antenne à cette information non confirmée : rapportée pour la première fois dans un reportage de guerre, la nouvelle allait faire ensuite la Une des journaux¹⁰ et émissions

de *Radio City* (à Nis), le 9 octobre de *Radio Senta* (à Senta), le 10 octobre de *Radio Index* (à Belgrade), le 13 octobre de *Danas* et de *Dnevni Telegraph*, le 15 octobre de *Nisu Borbu* et que le 8 octobre était également interdite la diffusion des programmes d'information en serbe des médias internationaux tels de *Voice of America*, *BBC*, *RFI*, etc. Voir <http://www.free2000.opennet.org/bans98.html>.

⁷ Le Comité Helsinki pour les Droits de l'Homme en Serbie a ainsi calculé qu'entre l'adoption de la loi en octobre 1998 et le 1er novembre 1999, trente organes de presse ont eu à payer des amendes pour un montant de total de 18 millions de dinars équivalent à 1,125 million de \$ Us. Voir *Report on the Escalation of Repression in Serbia*, pp.7-8.

⁸ Là encore le témoignage de Borisa Jovic est des plus explicites sur les intentions réelles du pouvoir : « As political and social problems in the country grew bigger, releasing information for the public came under tighter control, until a law was passed stipulating that anyone, without a trial, only through minor-offence procedure, could be deprived of all their property in case they published something that the government considered untrue, in other words something that did not suit it ». In *Last Days of the SFRY*, Journal of excerpts translated by David Stephenson for the ICTY, p.18.

⁹ « 41 Children Found Dead in School after Croats Flee », *Reuters*, 20/11/1991.

¹⁰ Dans le journal de début de soirée le présentateur rend ainsi compte de la nouvelle : « The news of the massacre of 41 children in the elementary school in Borovo Settlement has made local and international headline news. Independent British ITV carried out the testimony of photo reporter Goran Mikic, according to

télévisées du soir. Au cours d'une émission d'information spécialement dédiée à la couverture des événements de Vukovar et de Slavonie Occidentale, l'invité est le photographe freelance – Goran Mikic, le premier à avoir fait état de cette information. Au cours de son interview¹¹ sont diffusées des photos d'adultes massacrés mais aucune photo relative au massacre d'enfants. Le jour suivant, le 21 novembre, un démenti de l'Armée Fédérale, suivi de celui de Reuters¹², est rendu public alors même qu'a lieu la suite de l'émission d'information consacrée à ce massacre – contraignant le présentateur à se justifier et à s'excuser¹³.

whom retreating Croatian guardsmen carried out a real bloodbath of entire Serb families, he says that all of Bosanski Settlement is full of dead bodies of people murdered with knives and axes. ITV says this photojournalist has transmitted statements of Yugoslav People's Army soldiers who say that 41 Serb children had been slaughtered. This news has been labelled in the ITV Teletext as urgent. It's the first time that someone has reported on crimes committed by Croatian guardsmen. Reuters says that Croatian soldiers had been accused of butchering 41 children during their retreat from advancing Yugoslav People's Army forces. Reporters of Television Belgrade, and according to the latest informations, all television stations worldwide, are making huge efforts to provide public evidence and photographs of this hideous carnage".

¹¹ Interview :

- Goran Mikic : « We saw plastic bags full of little dead-bodies, I managed to creep up to about twenty meters distance. It was plain to see that they were children between five and seven years of age, their throats were slit, there was a lot of blood around their heads, it was so sickening, even the soldiers wept, and so even at the cost of our lives we wanted too... »
- Editor : « Do you have an estimate on the number of dead bodies that could be called children's ? »
- Goran Mikic : « It was all a big pile, they were putting heads and bodies together, it was all so horrible, there must have been around forty according to their count, but it was impossible to be more accurate »
- Editor : « You had a camera, did you try to take pictures ? »
- Goran Mikic : « I did, I got up, however, bullets were whistling all around me, a soldier pointed his rifle at me and ordered me to lie down because otherwise I would have been killed »
- Editor : « You were explicitly forbidden to take pictures ? Do you have any idea whether anyone shot some pictures ? »
- Goran Mikic : « Well, I don't know, I assume the Army did, that could be reasonable and those pictures needed to be taken ».

¹² "Photographer Retracts Key Elements in Account of Massacre". Il est ainsi précisé dans l'article : "A Yugoslav photographer who reported that 41 children had been massacred near Vukovar, allegedly by Croatian troops, retracted key elements of his story on Thursday, admitting he had not seen or counted any bodies. Reuters, which issued the story headlined <<41 Children Found Dead in School after Croats Flee>> on Wednesday, has withdrawn the story on the grounds that it contained incorrect information and has apologized to subscribers"...

¹³ Présentateur de l'émission spéciale : "It's easy to admit a reporter's blunder now, the young men, that photojournalist from Reuters, was very convincing, first of all he had several dozen close-up photographs which were drastic in what they showed. He's young, he seemed appropriately excited during all that time, and if he had managed to convince Reuters, we received the news from Italian ANSA network via Tanjug, and we traced that news story and found a man, we were really happy, as reporters, that we finally found someone whose account was cited by news agencies worldwide. Assuming the news story was not authentic, now we can't say whether it is or is not, because we have no convincing proof, and it's always easy to apologize when a wrong piece of information slips through under normal circumstances, not to mention this atmosphere of war, where people sometimes hallucinate in such terrible circumstances".

Pour ces différentes interviews, voir *Images and Words of Hate : Vukovar 1991*, produit par Ljiljana Lalic, ARHTEL, *The Right to Pictures and Words against Censorship and Abuse of Media*, 1995.

Quoique cette information ait tôt été démentie par l'Agence *Reuters* – dont l'employé à l'origine de l'information, renvoyé, aurait par la suite été nommé au rang de correspondant à New-York pour l'agence *Tanjug*, elle allait entre-temps être largement diffusée par les médias contrôlés par le régime de Belgrade¹⁴. Aucun des journalistes de ces médias ne s'est alors interrogé sur la validité d'une telle information alors même que dans ce village, subissant un siège depuis plusieurs mois, les enfants avaient été évacués et qu'aucune école élémentaire ne fonctionnait plus depuis longtemps dans la zone des combats... La très forte médiatisation de la « mort » de ces 41 enfants, « égorgés par des Croates assoiffés de sang », venait utilement conforter l'image cultivée par les médias serbes d'un peuple croate « criminel et génocidaire » de même qu'elle allait affaiblir les voix des opposants à la guerre et entraîner un afflux de nouveaux volontaires sur le front¹⁵.

Autre mensonge destiné à nourrir la haine de l'ennemi colporté par les médias serbes, celui ayant trait au fait que les Musulmans de Sarajevo – assiégée – nourriraient les animaux affamés du zoo municipal avec des enfants serbes. Cette fausse information, diffusée par *TV Pale* et son présentateur Risto Djogo – porte-voix du régime de Radovan Karadzic¹⁶, mais aussi par l'agence de presse *SRNA*, allait être reprise sans aucune vérification par *Tanjug* et par les médias contrôlés par le régime Milosevic. *TV Belgrade*, dans son journal télévisé de 19H30, regardé par plusieurs millions de téléspectateurs, annonce ainsi l'information par une correspondance radio avec sa journaliste sur place à Sarajevo : « *The Muslim extremists have*

¹⁴ Dans son édition datée du 22 novembre *Politika* publie en première page un article intitulé « *Un crime à la face du monde* » affirmant en substance que les journalistes du monde entier rapportent le meurtre de Serbes et que le fascisme croate a enlevé des centaines de vies... En page deux est relaté le massacre des 41 enfants Serbes. Dans l'édition du 23 novembre, un démenti – sous la forme d'un avis aussi lapidaire que discret – est publié en fin de journal.

¹⁵ Sur cet épisode, voir Katarina Subasic, « *Role of the Media and the Internet as Tools for Creating Accountability to Poor and Disadvantaged Groups : Former Yugoslavia* », in *Human Development Report Office*, Occasional Paper, Background for HDR 2002, 2002/18, United Nations Development Programme, p. 13; et Lazar Lalic, *Three Years in TV Serbia*, Independent Media Union, Belgrade, 1995, pp. 106-107 et 111-112.

¹⁶ Zinka Dizdarevic, « *Macedonian Media War* », *Institute for War and Peace Reporting's Balkan Crisis Report*, n°284, Friday 28 September, 2001.

come up with the world's most horrible way of torturing people. Last night, they threw Serb children to the lions in the local zoo. So says the Serb patrol"¹⁷.

Certains hommes et acteurs politiques, avec la complicité de « professionnels » de l'information, ont donc, à dessein, détourné les médias de leur vocation première d'informer et de divertir pour en faire de simples outils de propagande dévoués à leur cause.

6. De part et d'autre, il y a incontestablement eu, orchestrées par de véritables spécialistes de la propagande, manipulation et instrumentalisation des sentiments et ressentiments des populations composant la Fédération - afin de stigmatiser les différences identitaires et de rendre désormais impossible toute vie commune au sein de l'espace yougoslave. L'entreprise de dénigrement systématique de la communauté musulmane bosniaque par les médias serbes de Bosnie-Herzégovine, relayée en cela par les médias de Serbie, en constitue un bon exemple. Risto Djogo, le présentateur vedette de *TV Pale*, fut ainsi le chantre de la supériorité serbe et de la dégénérescence musulmane bosniaque - ses attaques répétées visant d'un côté à blesser outrageusement les Musulmans en tant que communauté et d'un autre côté à faire douter les publics serbes de l'appartenance des premiers au genre humain. La journaliste Katarina Subasic rapporte ainsi : « *One of the most notorious examples of Djogo's presentations was when the sound of (Bosnian President) Alija Izetbegovic's speech was followed by the images of a monkey* »¹⁸.

Le recours à la propagande : historique et définitions

7. Le recours à la propagande par les protagonistes du conflit yougoslave n'est pas nouveau en soi : on n'a en l'occurrence fait que réutiliser certaines techniques et recettes éprouvées

¹⁷ Source : *"Images and Words of Hate : TV News at 7:30 P.M."*, B92 video & film production and Right to Pictures and Words Foundation, Produced by Lazar Lalko, ARHITEL, 1998.

¹⁸ *Op.cit.* p.16.

dans d'autres contextes et notamment dans l'Allemagne nazie des années trente, où les techniques de manipulation des foules par la propagande et la désinformation¹⁹ avaient préparé et conditionné l'opinion publique allemande à la Seconde Guerre mondiale et au génocide qui l'a accompagnée.

Ce qu'est la propagande

8. Il est difficile d'expliquer ce qu'est la propagande politique au travers d'une définition unique, par trop réductrice : c'est la raison pour laquelle on a préféré rendre compte du phénomène « propagande » en partant de la pluralité des définitions existantes – chacune pouvant insister sur tel aspect ou point particulier.

9. Le terme propagande renvoie à l'origine à une acception religieuse – plus particulièrement à la *congregatio de propaganda fide* (Congrégation pour la propagation de la foi), mise sur pied par l'Eglise dans le cadre de la Contre-Réforme – et n'a pris son sens (laïc) actuel qu'à partir de la fin du XVIII^e siècle avec la Révolution Française. C'est en effet à cette époque, dans un contexte européen éminemment défavorable au nouveau régime républicain, que l'idéologie se ligua aux armes pour mener la guerre moderne et que la propagande deviendra l'auxiliaire de la stratégie²⁰. Il s'agissait non seulement de répandre les idées révolutionnaires parmi la population et les armées – ce qui se fera par des associations de « Propagande », de créer et renforcer la cohésion nationale républicaine mais aussi de faire naître la peur et le désordre chez l'adversaire. Historiquement, la propagande politique est en effet étroitement liée à la guerre et peut de façon certaine être considérée comme la guerre poursuivie par d'autres moyens.

10. D'une manière générale on parle de propagande dès lors que l'on a affaire à une « action exercée sur l'opinion pour l'amener à avoir certaines idées politiques et sociales, à soutenir

¹⁹ Sur ce point voir Tchakhotine Serge, *Le viol des foules par la propagande politique*, 1939.

²⁰ Jean-Marie Domenach, *La propagande politique*, « Que sais-je ? », P.U.F., 1973, p.18.

recours à la propagande politique, en tant que moyen d'y parvenir, est donc partout employé et ce quel que soit le régime politique considéré. Ce qui fait véritablement le caractère néfaste et répréhensible de la propagande, c'est quand celle-ci est utilisée de façon totalitaire et pour la promotion d'objectifs politiques antinomiques avec le respect des droits de l'homme et contraires au droit international²⁵.

Une efficacité prouvée par le passé

13. Les précédents historiques sont là pour illustrer l'efficacité de la propagande politique et les ravages que celle-ci est susceptible de provoquer. La propagande stalinienne, tout particulièrement sous la férule d'un Andreï Idanov, s'immiscera dans tous les secteurs de la société (politique, science, cinéma, sports, peinture, littérature, musique, etc.) en vue de l'avènement d'un « Homme nouveau » ; « être » à construire auquel sera finalement sacrifiée toute forme d'opposition – par le biais des purges politiques, déportations de groupes de

²⁵ Il faut à ce propos rappeler qu'il existe des éléments de définition en droit international. C'est par exemple le cas de l'article 20 du *Pacte international relatif aux droits civils et politiques*, adopté par l'Assemblée générale des Nations Unies dans sa résolution 2200 A (XXI) du 16 décembre 1966 et entré en vigueur le 3 janvier 1976, qui stipule que « toute propagande en faveur de la guerre est interdite par la loi » et que « tout appel à la haine nationale, raciale et religieuse qui constitue une incitation à la discrimination, à l'hostilité ou à la violence est interdit par la loi ». (Parmi les États qui ont signé et ratifié ce Pacte, on trouve la Yougoslavie). Et de l'article 4 de la *Convention internationale sur l'élimination de toutes les formes de discrimination raciale*, adopté par l'Assemblée générale des Nations Unies dans sa résolution 2106 A (XX) du 21 décembre 1965 et entrée en vigueur le 4 janvier 1969, qui invite les États parties prenantes à condamner « propagande et toutes organisations [...] qui prétendent justifier ou encourager toute forme de haine et de discrimination raciales » ainsi qu'à « déclarer délictueux punissables par la loi toute diffusion d'idées fondées sur la supériorité ou la haine raciale, toute incitation à la discrimination raciale, ainsi que tous les actes de violence, ou provocation à de tels actes, dirigés contre toute race [...] ».

On peut par ailleurs noter que la croyance en l'effet massif de la propagande radiodiffusée a très tôt gagné les enceintes internationales. Les États, en effet, ont cherché à s'en prémunir et à s'en protéger en tentant de mettre sur place, dans le cadre de la Société des Nations (S.D.N.), une Convention interdisant la diffusion de programmes de propagande sur le territoire d'États étrangers. Signée à Genève le 23 septembre 1936 et entrée en vigueur le 2 avril 1938, la « Convention internationale concernant l'emploi de la radiodiffusion dans l'intérêt de la paix » prévoyait notamment :

Article premier : « Les Hautes Parties contractantes s'engagent mutuellement à interdire et, le cas échéant, à faire cesser sans délai sur leurs territoires respectifs toute émission qui, au détriment de la bonne entente internationale, serait de nature à inciter les habitants d'un territoire quelconque à des actes contraires à l'ordre intérieur ou à la sécurité d'un territoire d'une Haute Partie contractante ».

Article 2 : « Les Hautes Parties contractantes s'engagent mutuellement à veiller à ce que les émissions diffusées par les postes de leurs territoires respectifs ne constituent ni incitation à la guerre contre une autre Haute Partie contractante ni incitation à des actes susceptibles d'y conduire ».

Voir *Recueil des Traités* (1938), Société des Nations, Genève, p. 302.

une politique, un gouvernement, un représentant »²¹. A partir de techniques spécifiques, la propagande vise à influencer l'attitude fondamentale de l'individu : en ce sens elle « *est une tentative d'influencer l'opinion et la conduite de la société de telle sorte que les personnes adoptent une opinion et une conduite déterminée* »²².

11. Les techniques permettant cette influence ont considérablement évolué avec les progrès scientifiques réalisés depuis lors. Le 20^e siècle a de ce point de vue opéré une rupture quantitative et qualitative : la photographie, le cinéma, la presse à grand tirage et surtout la radio puis, plus tard, la télévision ont remplacé les supports traditionnels de la propagande politique qu'étaient la musique, l'éloquence, la poésie ou encore la sculpture. Les nouveaux véhicules ou supports de la propagande politique s'adressent et touchent dorénavant un nombre beaucoup plus grand d'individus – phénomène d'urbanisation aidant – avec de nouveaux procédés (l'instantanéité du son et, surtout, de l'image) favorisant plus l'émotion que la démonstration et tendant davantage à suggérer qu'à expliquer. Cette évolution, qu'a également connue la publicité, à laquelle la propagande emprunte ses techniques, nous amène à introduire une troisième définition plus exhaustive qui fait de la propagande « *le langage destiné à la masse (qui) emploie des paroles ou autres symboles que véhiculent la radio, la presse, le film* »²³. Le but du propagandiste est d'influencer l'attitude des masses sur des points qui sont soumis à la propagande, qui sont objets d'opinion »²⁴.

Propagande licite et illicite

12. Tout homme politique et tout gouvernement cherche naturellement à asseoir sa légitimité, à faire partager ses idées et à obtenir le soutien du plus grand nombre possible d'individus : le

²¹ Définition tirée du *Nouveau Petit Le Robert*, Dictionnaire de la langue Française 1, Paris, 1993.

²² Bartlett, *Political Propaganda*, cité par Jean-Marie Domenech, *op.cit.*, p.8.

²³ Liste de médias à laquelle il faut aujourd'hui ajouter la télévision et l'Internet pour que cette définition soit tout à fait actuelle.

²⁴ *Propaganda, communication and public opinion* (Princeton), cité par Jean-Marie Domenech, *op.cit.*, p.8

population et autres assassinats d'opposants. Obsessionnelle, centrée sur le culte du Chef (Staline) et la répétition de dogmes et de slogans, la propagande stalinienne - à laquelle pourrait être rattachée la propagande maoïste - s'accompagne de la censure, de la direction centralisée des outils de diffusion (médias), de l'instrumentalisation des nouvelles ou encore de mises en scène collectives ne tolérant aucune autre forme d'expression critique²⁶.

14. C'est cependant le régime nazi, sous l'influence essentielle de Hitler et de Goebbels, qui va le plus innover dans l'utilisation de la propagande comme arme en soi²⁷, pour mobiliser les masses allemandes autour de slogans tels que la conquête de l'espace vital et la défense du peuple allemand (censé être l'élément pur et supérieur de la race blanche, de l'aryen) - préludes à l'établissement d'un Empire aryen millénaire... A la différence de la propagande de type communiste, qui cherche généralement à mobiliser autour d'objectifs concrets, la propagande nazie ne s'assigne pas de buts précis, elle cherche davantage à provoquer un choc émotionnel et joue grandement sur l'irrationnel des foules. Elle cherche à stimuler la haine et l'appétit de puissance qui sommeillent en elles. Ce qui permet de la caractériser, c'est que l'idée compte moins ici que le choc psychologique que l'on veut provoquer chez la masse, en recourant à des techniques et des procédés qui jouent tour à tour sur des mécanismes psychiques, physiologiques et inconscients des foules.

15. On a vu que les propagandes stalinienne et nazie étaient toutes entières tournées vers la réalisation d'objectifs totalitaires, l'avènement d'un « Homme nouveau » et d'un Empire aryen millénaire. La dimension totalitaire et la spécificité de la propagande mise sur pied par le régime de Slobodan Milosevic à partir de 1987 tiennent quant à elles dans la volonté de

²⁶ Voir Louis Bodin, Jean Touchard, Pierre et Irène Sorlin, *Lénine, Trotski, Staline : la presse et l'évolution du pouvoir en Russie soviétique. 1921-1927*, Librairie Armand Colin, Collection Kiosque ; et Georges Maod, *Le système d'information et de propagande en URSS et dans les Pays de l'Est*, Polycopiés, Institut Français de Presse, Université Paris II.

²⁷ Voir Alfred Grosser, *Hitler, la presse et la naissance d'une dictature*, Librairie Armand Colin, Collection U2, 1972.

rassembler l'ethnie serbe au sein d'un seul et même Etat²⁸ – et donc implicitement à chasser les populations non serbes de tous les territoires où vivent des serbes, en les rattachant à la

²⁸ De très nombreuses déclarations des principaux leaders serbes – lourdes de menaces et dans lesquelles émerge implicitement ou explicitement l'idée selon laquelle les populations non serbes doivent partir des territoires où vivent des Serbes ou bien alors se soumettre... – ont été systématiquement diffusées via les médias.

Slobodan Milosevic :

« Le mythe du Kosovo avait unifié tout le peuple serbe dispersé à travers la Yougoslavie (...) Il jette aujourd'hui encore un rôle considérable en ce qui concerne la position du peuple serbe au Kosovo, mais aussi dans toute la Yougoslavie (...) Aujourd'hui, six cents ans plus tard, nous nous trouvons à nouveau dans les batailles et devant les batailles. Celles-ci ne sont pas avec des armes, bien que cette forme ne soit pas encore à exclure » (Politika, 29 juin 1989).

« Ceux qui ici, en Yougoslavie, soutiennent la terreur au Kosovo portent un coup sérieux à la Serbie et à la Yougoslavie (...) Les Serbes et les Monténégrins ne sont pas restés seuls, ces derniers jours. Chaque foyer, en Serbie, est à leur côté. Et chaque foyer, en Serbie, est prêt à partir demain pour le Kosovo (...) Car ils savent (i.e. les « chauvinistes albanais »), et doivent le savoir aussi dans l'avenir qu'ils n'auront, ni n'occuperont jamais un seul pouce du territoire serbe. Et surtout, ils n'auront pas et n'occuperont pas le Kosovo et la Metohija » (Politika, 6 février 1990).

« On doit de décider du destin de la Yougoslavie seulement les peuples de cette Yougoslavie, parce que ce ne sont pas les républiques qui ont créé la Yougoslavie, mais bien les peuples (...) En ce qui concerne le peuple serbe, il désire vivre dans un seul Etat. C'est pourquoi toute division en plusieurs Etats, qui séparerait les différentes parties du peuple serbe en le plaçant dans les cadres d'Etats souverains différents, ne peut, de notre point de vue, être acceptée. C'est-à-dire – et je serai encore plus précis – ne peut même pas être envisagée » (Danar, 15 janvier 1991).

Vojislav Seselj, président du Parti radical serbe :

« Our point is perfectly clear. We are in favor of the renewal of the Serbian State in the Balkans, a state that would unite all Serbian territories: the present-day Serbian federal unit, Serbian Macedonia, Serbian Montenegro, Serbian Bosnia and Serbian Herzegovina, Serbian Dubrovnik, Serbian Dalmatia, Serbian Lika, Serbian Kordun, Serbian Slavonija, and Serbian Baranja », interview by Branko Akamie, in Trihuna, October 1, 1990.

« Nous n'avons rien contre le fait que le nouveau << poglavnik >> des autachis Franco Tudjman forme son Etat indépendant de Croatie, mais seulement à l'Ouest de la ligne Karlovac-Ogulin-Karlovac-Virovitica. Nous vengerons le sang serbe et présenterons la facture au nouveau mouvement autachiste pour tous les crimes et pour un million de victimes serbes. Tout le serbisme ; le serbisme n'a pas de prix ! (...) Il faut que 100.000 Croates partent de Serbie, sans quoi la Serbie, tout simplement, ne sera pas en mesure d'installer les malheureux Serbes chassés de Croatie. Cela sera un simple échange de populations, effectué sous la pression de la terreur gouvernementale croate » (Politika, 14 mai 1991).

« Muslims should know that the best thing for them would be to live in a single state, just like the Serbs. And if they don't want that, let them form their Jamahiriya in those areas where they are the majority population, and even then they cannot have a compact whole. They will remain scattered; otherwise we would resettle the population. The Serbs from areas with an absolute Muslim majority would be resettled and vice versa, but not a single Serb is going to live under the Jamahiriya regime. », interview by Olivera Miletovic, in ON, March 1, 1992.

« (...) As for the people of Croatian nationality: all of them, except those who fought with us for the freedom of Serbian Slavonija, i.e. those who went to the frontline as members of the reserve forces, will have to go following the principle of retaliatory duty. If TUDJMAN expelled more than 300.000 Serbs, what are the Croats in Serbia waiting for ? We will have to provide those Serbs with accommodations somewhere », TV « Politika » with Seselj, interviewed by Vera Radovic on June 12, 1992.

Mirko Jovic, président du Renouveau national serbe :

« Si jamais nous avons le droit de décider dans notre Etat, personne ne pourra se déclarer Macédonien, Musulman ou Monténégrin de nationalité (...) Dans la future Serbie pour laquelle nous aurons, ils (i.e. les Macédoniens) peuvent se considérer même comme des extra-terrestres, mais qu'ils gardent ce sentiment pour eux ; Nous savons qu'ils sont des Serbes » (Nedjeljna Dalmacija, 20 mai 1990).

« Les Serbes doivent comprendre que cette guerre (i.e. en Bosnie) ne peut pas se terminer par un accord. C'est la guerre pour les territoires, et là où les combats se déroulent en ce moment, soit il n'y aura plus de Musulmans, soit il n'y aura plus de Serbes » (Politika, 27 mai 1992).

Rodovan Karadzic, président du Parti démocrate serbe de Bosnie :

« Serbie historique ». L'étude attentive de la couverture médiatique en Serbie à l'époque montre que la « nécessité » de mettre à la porte les non serbes est un thème redondant dans les médias²⁹ – que le message soit véhiculé par des politiques, des intellectuels, des militaires, des journalistes, etc. La presse dans son ensemble reprend systématiquement et en cœur les déclarations incendiaires faisant état des dangers³⁰ pesant sur les populations serbes et menaçant explicitement ou implicitement les non serbes de représailles³¹.

« This is the third or the fourth republic which wants out of Yugoslavia.... The path they embarked on is the same highway which led Croatia to hell, but the hell of war in B&H would be even more terrible, for Muslims could perhaps become extinct... Hence don't try to negotiate things in Europe to which you are not entitled » (Vesirje Novosti, 16 octobre 1991).

Borislav Vucurevic, président de la région autoproclamée d'Herzégovine orientale :

« Je voudrais faire savoir au peuple serbe que nous allons corriger toutes les injustices relatives aux frontières que Josip Broz avait tracées, par erreur, avec son sale doigt. C'est à bon marché qu'il accordait aux Croates et aux Musulmans des territoires serbes. Les Musulmans constituent seulement une minorité négligeable qui doit se soumettre au peuple serbe majoritaire. Nous ne nous arrêterons pas, nous les chasserons jusqu'à Zagreb, s'il le faut. La vengeance, nous l'avons dans notre sang et dans notre serment » (Danias, 29 octobre 1991).

Vuk Draskovic, président pour le Mouvement serbe du renouveau :

« Nous sommes pour une Serbie qui (...) comprend d'abord le territoire actuel de la Serbie, bien évidemment avec ses deux provinces qui n'auront plus le statut de provinces : puis la Banania, la Macédoine, c'est-à-dire la Serbie du Sud, et le Monténégro. En outre, le Renouveau national serbe réclame l'incorporation à la Serbie des régions historiques et ethniques de notre peuple en Bosnie, en Slavonie, en Herzégovine, en Lika, dans le Karst, en Banija et en Kvarin de Kain (...) Aucun Serbe tué ni aucun Serbe blessé ne doit rester non vengé. Ceux qui, en Croatie, annoncent de nouvelles persécutions doivent savoir que ces tombes serbes ne sont pas encore vengées. Nous devons dresser des fichiers de nos ennemis » (Cité dans *Le nettoyage ethnique. Documents historiques sur une idéologie serbe*, rassemblés, traduits et commentés par Mirko Gemek, Marc Gjidara et Neven Simac, Fayard, Paris, 1993, p.316).

²⁹ Un bon exemple en est constitué par la déclaration de l'académicien et romancier Dobrica Cosic qui, marquant adroitement la rhétorique, commence par se défendre d'appeler au nettoyage ethnique avant de le souhaiter ensuite dans les faits : « We need not aspire to ethnically clean Serbia, but we should liberate those who don't feel free with Serbs and who limit Serb freedoms » (Pramene, Dnevnik, Novi Sad, 1992, page 176). Momcilo Selic, historien ultranationaliste, appelle quant à lui à l'expulsion des non serbes : « The thing we must do is expel many to their places of origins, close down borders like Enver Hadja did in Albania, make a unitary Serbia, and then they can complain as much as they want » (Duga, 12-26 septembre 1992). De son côté, Mirko Kulic, parlementaire appartenant au Parti socialiste de Milosevic, hésite entre une expulsion tenant compte de critères humanitaires et des mesures plus radicales : « In this situation when Croats are committing genocide against Serbs, the question is whether we should thus react towards Croats... I don't favour the same measures, for it would mean that we would have to kill and slaughter Croats in Serbia, but humane re-settlement of population could be effected voluntarily... » (Borba, 3 avril 1992). Commandant de l'Armée de Novi Sad, le Général Andreja Biorcevic tranche pour sa part pour la manière forte : « All Serb countries and Serb people must be in one state. And if you cannot provide for that diplomatically, we shall ensure that by war and there shall be rivers of blood... » (Vreme, 30 mars 1992). Pour Radovan Karadzic, leader des serbes de Bosnie, l'existence d'un Etat serbe unitaire ne saurait même pas être questionnée : « No force or power can prevent us from creating a Serb state... only God may, and God shall not do it, because he is on our side » (Radio Belgrade II, 1 mars 1993). Le Métropolitain Amfilohije Radovic, à propos de l'union des territoires serbes, déclare : « Backbone of these United Countries is perhaps known, and in the face of all misfortunes, it is taking shape. And that backbone is Serbia and Montenegro, perhaps Eastern Herzegovina, a good part of Bosnian Krajina, Serb Krajina... Outlines of those Serb countries are emerging amid all these developments, and it is a pity that we did not respond to woes and screams from Srpska Krajina on time » (Duga, 20 April 1992).

³⁰ « For decades, the Serbs in the socialist Croatia have had no ethnic rights that they had in Austria-Hungary Empire. They endure it as the heavenly doom, and we, their compatriots, keep silent out of fear, indifference,

Propagande et Etat pour tous les Serbes

16. Cette politique visant à la constitution d'un Etat pour tous les Serbes s'est accompagnée de politiques ethniques, qu'une habile propagande a justifiées aux yeux de l'opinion publique serbe. Il faut souligner que si les médias ont été l'une des pièces maîtresses de cette propagande c'est parce qu'un contexte particulier a aussi favorisé leur sujétion au pouvoir politique. En effet, il n'existait pas à proprement parler de tradition de médias indépendants à l'intérieur de la Fédération Yougoslave : au sein d'entreprises de presse propriétés d'institutions publiques, les journalistes étaient considérés comme des « travailleurs politiques »³² devant défendre les idées du Parti, toute critique étant sévèrement sanctionnée. Avec l'implosion de la Fédération, l'indépendance des différentes républiques et l'éclatement de la guerre, les professionnels se sont mués en « patriotes » nationalistes³³. Les « traîtres » à la nation étaient quant à eux systématiquement écartés³⁴.

groved...Is the Serbian fate in the war in Croatia-genocide, and in socialistic peace-discrimination and assimilation », Dobrica Cosic Duga, n° 406, 16-29 September 1989.

³¹ « Serbs mustn't renounce their age-old objective to live in one state. That idea is priceless. We must act like other serious historical peoples in similar circumstances (...) Serb people must regain their confidence and dignity. And must defend themselves. Even if it were to remain the only people in this world, or the one putting up resistance to the whole world », Gajko Dogo, poet (Politika Ekspres, 6 April 1992).

³² (...) The Serbian people do not accept IZETBEGOVIC as their President. They don't want him and there is no power that's going to make them accept ITZEBEGOVIC. The Serbian people had to arm and to organize themselves as military units. And it was our common duty to support them as much as our circumstances would allow us : with material, financially, with arms, and by sending volunteers, etc. for they are our brothers Serbs', Vojislav Seselj, Studio B, November 1990.

³³ We have already deployed several Chetnik groups in Zagreb and in some other cities in Croatia, which are trained for sabotage and terrorist actions, and should a massacre of the Serbian civil population happen, the Chetniks will strike against Zagreb and other Croatian strongholds with all their force. You see, revenge is blind during the process of retaliation. We might have innocent victims; however, nothing can be done about that. Let the Croats think first. We are not going to strike first, but if they strike, we will not pay attention at our target anymore. If the Army does not disarm the Ustaushas urgently, a lot of blood is going to be shed", interview by Verica Miljevic, ON, May 24, 1991.

³⁴ Milica Pesic, journaliste à Télévision Belgrade et à la Radio Télévision Serbe de 1983 à 1992, précise à ce propos : « According to the Code of Journalists of Yugoslavia, a journalist was defined as a <<socio-political worker who, conscientiously adhering to the ideas of Marxism-Leninism. [...] participates in the establishment of socialist self-management of society>> ». In Manipulations on Television Belgrade, A Thesis in International Journalism, Presented to the Department of Journalism, City University in partial fulfillment of the requirements for the Master of Arts Degree, Department of Journalism, City University, London, September 1994, p.12.

³⁵ Sur cette transformation du concept de journaliste, voir Dragica Mugosa, « Réseau alternatif d'information », AIM, Alternativna Informativna Mreza (Réseau Alternatif d'Information). Libre parole, libre media: des droits menacés ? Audition publique devant la Commission des affaires étrangères, de la sécurité et de la politique de

17. A une situation de dévolution des médias au Parti Communiste - ce dernier contrôlant tous les canaux de diffusion des nouvelles, ne laissant finalement place qu'à une contre-propagande clandestine - a succédé une situation où les médias, dans un contexte de transition politique, passent sous le contrôle des nouveaux pouvoirs nationalistes au sein de chaque république³⁵. En Serbie, c'est la formation politique de Slobodan Milosevic qui va contrôler à son profit le paysage médiatique³⁶. Bien que n'ayant pas rompu avec l'idéologie communiste,

défense, Sous-commission des droits de l'homme du Parlement Européen, Bruxelles, 25 avril 1996
http://www.europarl.eu.int/hparings/speccu/reseau_en.htm

³⁴ Les purges ont été l'instrument privilégié pour écarter les journalistes récalcitrants. Après la reprise en main de *Politika* par Milosevic par l'entremise de Zivorad Minovic (voir note de bas de page du paragraphe n°41), plus de 70 rédacteurs seront relevés de leurs fonctions ; les journalistes des médias audio-visuels ne seront pas non plus épargnés par de nombreuses purges dès lors qu'ils se montrent trop indépendants. Un petit livre bleu, intitulé *Purges à la radio-télévision de Belgrade*, publié en avril 1993 par le syndicat indépendant de la radio-télévision, recense ainsi le détail des purges avec les dates, les noms des personnes concernées, leurs fonctions, etc.

³⁵ La structuration même du paysage médiatique de l'ex-Yougoslavie a favorisé cette évolution nationaliste des médias. Le constat que Borisav Jovic - l'un des plus proches collaborateurs de Milosevic et alors président de la Fédération Yougoslave - fait à la date du 17 octobre 1990 est éclairant : « *The wave of hatred and national prejudices threatens to return us to our bloody past. This has become the greatest danger to the security and integrity of the country. All of this has been furthered by the open information and propaganda war in Yugoslavia's completely divided media market. Relations among the individual federal entities have gotten so bad that contacts on the level of responsible institutions have been severed or reduced to confrontation through the media* ». Il en va de même dans sa lettre de démission de la présidence yougoslave qu'il adresse aux citoyens via la Télévision de Belgrade : « *(...) The media are completely divided and the media war has assumed such intensity that the opposing sides can be considered belligerents (...)* ». In *Last Days of the SFRY*, Journal of excerpts translated by David Stephenson for the ICTY, pp.177 et 258.

³⁶ Les médias serbes sont avant tout conçus par les membres du Parti de Milosevic et par ses alliés radicaux nationalistes comme des instruments politiques d'appui au régime, chargés de concourir à la réalisation de ses objectifs ultranationalistes. Les quelques citations d'hommes politiques et/ou de journalistes qui suivent montrent combien est forte leur croyance en le pouvoir des médias et conséquemment combien il est important à leurs yeux de les contrôler :

« (...) as the chief editor I have certain obligations and certain authorizations, and my priority in conducting and realizing the policy of the communists' association... I am saying that I have got the obligation to prevent anything that is not in the line with the Communists' association, and that it is not its program policy, from being published in *Politika* », Zivorad Minovic, rédacteur en chef de *Politika*, in Miodrag Marovic, « *Politika* » and *Politics*, Comité Helsinki pour la Yougoslavie, à paraître.

- « On 9 March Serb people were misled. 9 March was organised in Belgrade by Ante Markovic and foreign intelligence services!... The one who raids the TV station, intends to topple the authorities. The one who takes the TV station, has taken over power! And nowhere in the world, any regime would let it happen without much blood-letting. Hence Draškovic is the main culprit for the blood-shed », Dr. Vojislav Šešelj, « the Chetnik duke », in *Duga*, 13 avril 1992.

- « Serb people know well who is to be the most credited for establishment of unified Serbia, and Ekspres spearheaded that fight. Hence we shall not allow that master-minds of such a policy, which led up to the current democracy, be groundlessly persecuted », Tomica Raičević, membre du Comité exécutif du SPS, in *Politika Ekspres*, 22 avril 1992.

- « Spirit of democracy has taken root in our Public Information Law and in information houses. We initiated personnel changes in RT Belgrade », Radoslav Zlatanovic, député du SPS à l'Assemblée Populaire serbe.

- « I am displeased with the smear-campaign against our house it is spearheaded by those who work in our house, and don't want to leave it. Gentlemen, follow your convictions, that is only fair enough. Don't daydream, be rid of illusion that you would stage a coup in TV (...) What do they want? They get their salaries, have incentives, enjoy all elements of social standard, including a holiday resort in Zlatibor (...) I am pleased that

celle-ci va pourtant connaître, dès 1986-1987, une dérive nationaliste à laquelle seront étroitement associés les médias. Sous le contrôle de Milosevic et de son parti, ceux-là vont être chargés de distiller le venin de la haine et de la peur parmi la population serbe, que la propagande présente comme directement menacée dans son existence même par la présence des autres ethnies minoritaires³⁷. Pour ce faire, le régime Milosevic va recourir aux techniques et principes classiques de la propagande, éprouvés efficacement en d'autres lieux et en d'autres temps.

RTV Serbia stepped into the world, and became the world TV, liberated from the protectorate of Croat TV. We have our international channel, which is also used by Macedonia, Montenegro and B&H. I am pleased with the help we had given to Serb people in Croatia, we prevented both their mental and physical deaths at the hands of Ustashi. Our TV and radio programs can be followed in whole Croatia. I am glad that we have helped the Serb people in Croatia, notably in Krajina, to launch their own radio and TV program. Dobrosav Bjelic, ancien Secrétaire exécutif du Comité central de la Ligue des Communistes de Serbie et directeur de la RTS, interview à *Večernje Novosti*, 30 mars 1992.

³⁷ Comme le montrent les déclarations incendiaires de Vojislav Seselj, systématiquement rapportées par les médias :

- « If barricades or a Muslim revolt emerge in Sandžak we shall immediately send in our war-hardened voluntary units. So Muslims would better be more cautious. And our war veterans shall continue their campaign if necessary up to Anatolia. Many Islam fanatics from Novi Pazar, Sjenica and Tutin have already perished in their capacity of the Croat mercenaries and Izetbegovic's soldiers in Bosnia », in *Borba*, 17 mai 1992.

- « I think that all Croats should be expelled, barring the one who responded to the call-up. Also exempted should be Serb Catholics (Šokci and Bunjevci) who enjoy full equality. We shall give to Croats addresses of exiled Serbs from Zagreb and Vukovar », in *Večernje Novosti*, 17 avril 1992.

- « I would expulse Croats on several grounds. Firstly because they are utterly disloyal inhabitants of Serbia, the vast majority of them are members of the HDZ, or collaborate with that party, and they do their utmost to internally destabilise Serbia. They are close collaborators of Ustashi. We shall have to retaliate, for Tudman expelled 160,000 Serbs. In view of the latter, what are Croats in Serbia waiting for? Thirdly, the largest number of Croats living today in Serbia were settled by Ante Pavelic in Zemun, Slankamen and other places...at work is the principle of the state reason in the situation when the state is at risk. We must foil those fifth-columnists. We would do that in an utterly humane way. We would give them addresses of Serbs driven out of Croatia. Those are clear-cut, simple and utterly human solutions. We cannot treat Croats in a human way, and our own people in an inhumane way », in *Osmica*, 22 avril 1992.

- « Members of all national minorities shall have the same right like citizens of Serbia.... We appeal to Hungarians not to back adventurers like Andras Agoston, for they might not fare well.... And they should remember that Serbs can be extremely spiteful and revengeful, and that we shall use arms if necessary (...) expulsion of Croats from Vojvodina and Serbia and repatriation of Serb refugees to Serb territories ensured by the presence of Blue Helmets who would also make possible referendum related to the issue of Serbian border, which was not in Karlovac, but rather in a Karlovac suburb, not in Virovitica, but in Pukrac (...) once the Serb Republic of Krajina and Republika Srpska join B&H the newly-emerged Yugoslavia shall easily proclaim itself for a federal state of Serbia and thus finally get its Serb army (...) We fight for the state whose name shall be Serbia, but we have accepted the concept of this rump Yugoslavia because of international circumstances », in *Borba*, 3 mai 1992.

Autre exemple : envoyé en Vojvodine pour effectuer un reportage sur les revendications autonomistes prêtées aux Hongrois, un reporter de la RTS, au lieu d'interviewer les autorités et la population locales, affirmera péremptoirement : « They [Hungarians] have never stopped dreaming of once again becoming a part of the Austro-Hungarian empire. They even want to change the names of the streets in this town and call the old square by the name Germans called it during The Second World War – Hitler square ! ». Cité par Milica Pesic, *op.cit.* p35.

Les principes de base de toute propagande

18. Il existe en effet un certain nombre de techniques de base que l'on peut retenir de l'histoire de la propagande politique et que l'on retrouvera employées en ex-Yougoslavie, par imprimé, radio, télévision, images, cinéma et spectacles interposés.

Faire simple

19. Le premier principe de base consiste à faire simple. C'est-à-dire que pour être sûr que le public retienne ce que le propagandiste veut qu'il retienne, il est plus opératoire de délivrer un message court et concis, qui résume ou au besoin caricature un programme, une politique ou une idée. Ce message est véhiculé au travers de différentes formules brèves et marquantes, selon le principe de la publicité : le « mot d'ordre » - à l'origine réunion au cours de laquelle les chefs militaires donnaient leurs ordres - résume le but à atteindre et a valeur de consigne commune aux membres d'un parti, d'un groupe, d'une communauté... ; le « slogan », qui s'apparente plus à un cri de guerre et qui a un contenu beaucoup plus passionnel (qui joue sur la haine, sur l'exaltation, etc.) ; ou encore le symbole (une image, un dessin, un air de musique...), qui a, pour un groupe social donné (communauté, ethnie, peuple), une valeur évocatrice magique ou mystique. Il s'agit en fin de compte de trouver les formules courtes et limpides permettant de condenser un programme ou une doctrine politique, de sorte qu'il soit aisément mémorisable par la masse.

20. Cette règle de la simplification est d'autant plus valable lorsqu'il faut stigmatiser son adversaire ou son ennemi en l'affublant des qualificatifs les plus péjoratifs possibles³⁸. En

³⁸ De nombreuses déclarations politiques nationalistes simplistes, caricaturales et péjoratives ont été ainsi véhiculées via les médias contrôlés par le pouvoir de Belgrade pour discréditer Albanais, Croates ou Musulmans. Dans son édition du 5 juillet 1991, le magazine *Duga* publiait les propos de campagne de l'ultra-nationaliste radical Vojislav Seselj, qui déclarait alors qu'« il faut égorger les Croates, non pas avec un couteau, mais avec une cuillère rouillée ».

choisissant par exemple de diaboliser aux yeux de son peuple ou de sa communauté les combattants ennemis, c'est l'image de toute la communauté adverse que l'on cherche à ternir et sur laquelle on jette le discrédit. En ce sens, la propagande est ennemie de la nuance et cherche toujours à grossir le trait pour marquer les esprits.

21. Il est également courant de résumer à l'extrême, en une formule à l'emporte-pièce, les maux auxquels un pouvoir se trouve confrontés et qu'il entend imputer à ses nombreux adversaires. On avance alors la théorie du complot, procédé bien commode qui permet de mettre pêle-mêle tous ses ennemis dans le même sac³⁹, à l'image de la propagande hitlérienne

La veille le 4 juillet, il faisait part de ses intentions à ON : s'il dirigeait la Serbie : « I would first order the army to pull out its troops and weapons from the area of today's Slovenia and thus enable secession of Slovenia. Then I would order amputation of Croatia and the pull-out of army and weapons along the line Karlobag-Ogulin-Karlovac-Virovitica. I would suspend all federal bodies and set up a committee of the Serbian National Saving with sweeping powers until the end-year elections for the Constitution-Making Assembly. It would be pointless for Croats to hide immediately. They are cowards. They are genetically cowards. In Western Srem 22 Serb defeated over 300 Ustashi special forces. Bosnia is indisputably Serbian, and all those Muslim fundamentalist who disagree with that idea, may timely pack up and leave. I think that the genetic being of Serb people is always ready for warfare. Every Serb is a born soldier, and Europa knows that well. Many Balkans nations who underrated Serbs, paid dearly for that stand of theirs. I don't believe that anyone would soon dare impose to us solutions contrary to our national interests ».

« Les Croates sont un peuple pourri. Je n'ai jamais encore rencontré un Croate convenable », affirmait-il encore le 6 août 1991 dans une interview à Der Spiegel (reprise par l'agence Tanjug Press de Belgrade dans son bulletin du 8 août, pp.14-15). Toujours dans la même veine, il déclarait à Iskra (Birmingham) le 1^{er} décembre 1991 : « Les Croates sont un peuple décadent. Je n'ai jamais rencontré un Croate honnête » (pp.4-6).

Autre exemple, la déclaration de Biljana Plavsic, reprise par Borba le 8 février 1993 : « Rape, unfortunately belongs to the war strategy of Muslims and some Croats towards Serbs. For Islam rape is normal, for that religion tolerates polygamy. Throughout 500 years of Turkish occupation both beggs and agas were entitled to spend the first night with a recently married woman from the 'mob'. Also under the Islamic religious tenets nation of a child is the one of his father »...

³⁹ Voir par exemple la déclaration de Dobrica Cosic à Nada en juillet 1994 : « Break-up of Yugoslavia by dint of national secessions, in which Germany in collusion with EC, America and later Islamic powers, played a major role, was tantamount to declaration of the WW3 with the same goals from both WW1 and WW2. Serb people responded by the defence war, the war for their survival and their democratic state. Despite that war and goals thereof, Serbs shall survive and attain its fundamental national objectives. Serbs shall create a new state, whose character shall deny and prevail over national and ideological goals of all sides and participants in the Serb civil war, waged under occupation in 1941-1945 period. This current war and its objective-a single, unified state of Serb people-should suspend our ideological antagonisms and divisions originating from the civil war and the WW2.....Hence the national reconciliation was effected by history proper ».

Voir aussi les articles suivants parus dans Politika :

- « <<I hate all things Serbian, and Serb people>>. This motto is still the rallying cry of unprincipled coalition. It is obvious that anti-Serbianism is in the "West" still fashionable among certain circles. It has always been present in the political scene since the end of the WW2, but now its aggressive and destructive manifestations are in full swing. Western politicians and theoreticians cannot stand any longer the Serb syndrome of liberator, and thus they try their best to prevent and thwart further development and prosperity of Serbia ». Radoslav Jankovic, in Politika, 26 May 1989.

- « Anti-Serb hysteria in Croatia, Slovenia and B&H had a major impact on par of foreign public opinion, the one traditionally under influence of the Catholic circles, hostile towards Serbs, considered schismatics, and under influence of Muslim fundamentalist centres working full-throttle on Islamisation of planet. Many anti-Serb articles, maintaining that Serbia stripped Kosovar Albanians of their "fundamental autonomous rights" are

qui s'est tant appesantie sur la pseudo conspiration des « démocrates », des « ploutocrates » et des « bolcheviks » contre l'Europe...

Projeter sur l'autre ses propres fautes

22. Un second principe couramment employé réside dans le fait de projeter sur ses ennemis ses propres fautes ou de lui prêter la volonté de commettre des actes que l'on est soi-même sur le point d'accomplir. Dans ce registre il est classique d'entendre certains régimes parmi les plus belliqueux jurer qu'ils ne veulent pas la guerre et qu'en fait c'est le camp adverse qui est le seul responsable de celle-ci. Cette logique trompeuse conduit à présenter l'attaque comme la seule défense possible à son opinion publique et comme une opération qui vous est imposée, pour laquelle le seul choix réside finalement entre la vie ou la mort...

La campagne d'opinion par médias interposés pour justifier la guerre contre les Croates en constitue un bon exemple. Dans son numéro spécial du mois de juillet 1990, le magazine *Duga* s'y emploie à sa manière. Sous la plume de Mihajlo Markovic, idéologue marxiste et philosophe proche collaborateur⁴⁰ du président serbe, on peut lire que « la tragédie des Serbes de Croatie n'est pas encore terminée – elle continue et dans un futur proche elle pourrait

written by people bankrolled by the powerful Albanian drug-peddling mafia and financed from the state coffers of Albania" Batic Jovanovic, in *Politika*, 31 May 1990.

- "In Yugoslavia there is a long-running political war...but few know its causes, political goals and plans and the character of possible armed conflict. And that war should bring about disintegration of Yugoslavia, that is, recovery of Austro-Hungary and formation of Greater Albania. Hence under way is organisation of political war against Yugoslavia on anti-Serb grounds. The US, NATO and Vatican are engaged in effecting that division. They took on the roles of Germany, Italy and Great Britain from WW2. Post-war anti-Serb policy of those countries envisaged a bigger genocide than the WW2 one against the Serb people. Introductory phase of that war should unfold in Kosovo and Metohija and elsewhere. And that war would not be feasible without obvious and decisive backing of external factors". Radivoje Jovanovic-Beadonja, in *Politika*, 4 December 1990.

⁴⁰ Académicien, celui-ci fut nommé en 1985 membre du Comité pour la préparation du *Mémoire sur les problèmes actuels de la société* et accéda au poste de vice-président du SPS, au lendemain de sa création en juin 1990. Dans les semaines qui suivent, et à l'approche des élections de décembre 1990, il fera lui-même le déplacement pour soutenir le SPS à Negotin, Novi Sad, Krusevac, Smederevo, Nis et Uzice. Sur ce point, voir l'historienne Olivera Milosavljevic « Du mauvais usage de l'autorité scientifique » in *Radiographie d'un nationalisme : les racines serbes du conflit yougoslave*, sous la direction de Nebojsa Popov, Les Éditions de l'Atelier, Paris, 1998, p.220 ; sur la proximité de Markovic avec Milosevic, voir Florence Hartmann, *Milosevic, la diagonale du fou*, Denoël, Paris, 1999, pp.77, 176, 234, 320, et 372.

atteindre de tragiques proportions »⁴¹. Dans le même numéro, le docteur Jovan Raskovic, leader du Parti démocrate serbe de la Krajina, allait dans le même sens : « *Status of Serb people in Croatia is worse than the status of any, even the smallest national minority in Yugoslavia. Everyone has the right to language, culture mass media, etc. We, the Serbs in Croatia, are the only ones who are deprived of that right. To strip one people of their right to mother tongue and alphabet is a kind of crime* »⁴².

Instrumentaliser les nouvelles à son avantage

23. Un troisième principe tient dans le fait de tourner à son avantage les nouvelles pour diriger les esprits, en particulier grâce à l'étroit contrôle exercé sur le paysage médiatique. Là aussi il s'agit de grossir l'importance ou la signification d'un fait rapporté – par exemple par le biais d'un titre et d'un commentaire jouant sur l'enthousiasme ou la haine – ou au contraire d'en

⁴¹ Plus loin, il poursuit : « *Today Serbs are second-class citizens. The thesis that in the Republic of Croatia only Croat people enjoy sovereignty, while Serbs are treated as the disenfranchised "mob" who owes to the Croat state loyalty, is openly espoused. Systematic denial of and underrating of the WW2 genocide against Serbs makes the existence of the Serb people in Croatia were precarious. Denial of responsibility for the crime, clears the way for its repeat* »...

⁴² Voir aussi les exemples ci-dessous :

- « *Everyone should know that Serbs and Serbia must be defended in Croatia, unless in a near future we want to defend ourselves from Tudman in Zemun* », Pavle Obradovic, Vice president of Popular Assembly of Serbia, at a Kraljevo rally, TVB-Primo news, 23 September 1991.

- « *In its defence the Serb people shall turn Vienna into Hiroshima* », Vojko Kupresanin, President of SAO Bosanska Krajina, *Večernje Novosti*, 27 October 1991.

- « *This variant of the rump Yugoslavia is the first clever game played by Serbs, and it is likely to be successful...For the first time we are creating a state bigger than Dušan's Kingdom, with minimal efforts and minimal casualties...We, in this war, must avenge Jasenovac, Golubnjača, and all those mass graves with the Serb victims. So when Montenegrins conquer Dubrovnik and we Tarnopol, we shall all ultimately meet in Zagreb. Only after a definitive military rout of Croats, we can at peace create our state* », Mirko Jović, President of the SPR, *Pogledi*, 29 November-13 December 1991.

- « *I think that it is important that our people in Krajinas are now de facto exempted from the Croatian authorities, for they were bent on destroying it...* », Irinej Bulovic, Episcopo of Bačka, *NIN*, 20 March 1992.

- « *27 members of my family were killed in the WW2. My mother grew in an orphanage in Belgrade. I am involved in the whole story through the tragedy of my grandmothers and grandfathers...I feel sorry for young Ustashi when we take them before the firing squad...But when I am at the front, when I fight and see my enemies die, I feel happy for thus are eliminated people who threaten my people. It has nothing to do with murder...Croats used all the means available, fascism, democracy, civil society, to promote the idea of destruction of Serbs in these territories* », Dragoslav Bokan, Leader of «*Belj orlovi*», *Duga*, 29 March-11 April 1992.

dénaturer le sens (notamment par un recours à des citations détachées de leur contexte) ou de faire le silence dessus⁴³ lorsqu'il est contradictoire avec la version officielle des choses⁴⁴...

Répéter inlassablement son message

24. Une autre caractéristique de toute propagande politique est la répétition systématique et récurrente du thème ou des thèmes principaux, de façon à laisser une trace indélébile dans les esprits⁴⁵. Pour ne pas lasser la masse, le message (le sens) doit cependant changer de forme et

⁴³ Le 16 janvier 1993, par exemple, alors qu'un énième massacre faisait 8 morts et 18 blessés à Sarajevo et que des Serbes étaient tués dans le village bosniaque de Skelane, la *Télévision de Belgrade* ne rapportait que le second événement.

Télévision Belgrade fit aussi le silence total sur certaines informations : aucune information ne sera ainsi donnée le 5 février 1992 sur le fait qu'un acteur musulman bosniaque très renommé fut sévèrement battu à Belgrade, idem le 19 octobre 1992 quand 17 personnes furent tuées et 150 blessées à Sarajevo ou encore le 18 mars 1993 à la suite de la destruction par des Serbes de cinq mosquées à Bijeljina dont l'une placée sous la protection de l'U.N.E.S.C.O. Milica Pesic, *op.cit.* p.25.

⁴⁴ La RTS passera ainsi sous silence l'exode forcé des Croates du village de Hrtkovec en Voïvodine à l'été 1992 ; quand elle y tournera un reportage le 20 août, personne parmi les personnes interviewées ne s'inquiètera du sort réservé aux Croates. Voir Rade Veljanovski, « Le revirement des médias audiovisuels », in *Radiographie d'un nationalisme : les racines serbes du conflit yougoslave*, sous la direction de Nebojsa Popov, Les Editions de l'Atelier, Paris, 1998, p.316. Sur cet épisode voir aussi Milica Pesic, *op.cit.* p.26.

Autre exemple, lors de la prise de la ville de Zvornik, en Bosnie, par les suppléants serbes, les médias serbes annonceront la « libération » de la ville sans dire un mot sur les quelque mille cadavres qui jonchaient les rues. Les télévisions occidentales étaient interdites dans la zone pendant plus de trois mois par les paramilitaires... Florence Hartmann, *op.cit.* pp. 265 et 271.

On peut aussi relater le fait divers survenu le 3 septembre 1987 au Kosovo, qui allait faire l'objet d'une instrumentalisation politique anti-albanaise des faits par la presse serbe. Ce jour-là une jeune recrue albanaise vidait son arme sur ses camarades de chambrée, tuant deux musulmans, un Croate et un Serbe. Malgré toute évidence, ce crime fut qualifié de politique par les médias serbes, qui lui accordèrent une très large publicité. *Politika* lui consacra par exemple quatre pages, dont une couverture, les jours qui suivirent...

⁴⁵ On peut dans cet esprit citer les efforts de propagande, lourds de menaces, mis en place par médias interposés pour dissuader les Musulmans de quitter la Fédération Yougoslave :

- « It is true that Slovenians and Croats want to secede. But in my mind Muslims don't have any interest in secession from Yugoslavia. As regards Muslims a large part of them are heavily indoctrinated, but we nevertheless assess that most Muslims want a good, tolerant, civilised, and I would say, civil, friendly and good-neighbourly relations with Serb and other peoples in Yugoslavia... They don't want fragmentation of Yugoslavia, for there are deep roots, blood ties... », Slobodan Milosevic in *NIN*, 12 April 1991.

- « An agreement should be reached with Serbs while they are ready for such an agreement. No war should be waged with Serbs. It is beautiful to cohabit with them, and lethal to wage wars with them. We shall not be at peace until Foča, and Goražde are annexed to Herzegovina, as they historically and geographically belong there », Biljana Plavšić in *Intervju*, 21 September 1991.

- « War in B&H is avoidable, for Muslims don't feel like waging a war. Muslims in Bosnia are the majority population, but they inhabit only 18% of territory, mostly along river Bosna, and perhaps there they stand a chance of forming their independent Džamahiria. Most Muslims are not against cohabitation with Serbs », Vojislav Šešelj in *NIN*, 21 January 1992.

- « I would like us to cleanse Eastern Bosnia, but I don't mean ethnically cleanse... International community has started using that term for a natural phenomenon, and moreover qualified it as a war crime. Even if we kept 70% of the territory, there shall be no peace there. To tell you the truth I am not inclined towards them. But if I want to be at peace I must give them something, let them organise their life, because then they would not keep disturbing me. This is how I perceive those 30% », Biljana Plavšić in *Svet*, 6 September, 1993, Novi Sad.

s'adapter aux caractéristiques de chaque public aussi souvent qu'il est nécessaire. L'efficacité de toute propagande nécessite donc un suivi précis, une instrumentalisation qui la nourrisse continuellement en nouvelles informations, « preuves », révélations, formules choc, et qui la fasse rebondir à l'occasion d'un événement considéré comme marquant.

S'appuyer sur les mythes et l'Histoire

25. Pour être pleinement efficace, la propagande doit par ailleurs s'appuyer sur et partir d'un support ou d'un terreau qui existaient antérieurement : le plus souvent elle recourt à la mythologie ou exploite les sentiments conscients et inconscients (haines, préjugés historiques) présents dans la psyché des peuples – à l'image de la propagande nazie qui utilisa avec le succès que l'on sait ce procédé pour exacerber les antagonismes entre Croates et Serbes... La propagande caresse toujours dans le sens du poil les idées préconçues, les préjugés et les a priori – elle est d'autant plus efficiente qu'elle conforte les masses dans leurs croyances et les rassure quant à leurs opinions⁴⁶.

Bâtir un consensus national

- "Muslims are genetically spoilt material who converted to Islam. And generation after generation those genes were condensed. They became worse, and they dictate and express the Muslim way of thinking and conduct. The latter is embedded in their genes", Biljana Plavšić in *Svet*, 6 September, 1993, Novi Sad).

- "We are upset by a rising number of mixed marriages between Serbs and Muslims, for they allow for exchange of genes between ethnic groups, and subsequently lead to degeneration of Serb nationality", Biljana Plavšić in *Oslobođenje*, May 1994, Sarajevo.

⁴⁶ Ainsi en va-t-il des crimes imputés aux Croates durant la Seconde guerre mondiale, comme l'illustrent les exemples suivants :

- « One of the most inhumane, dishonourable and undemocratic actions is genocide. It was committed in the WW2 in Croatia (the then Independent State of Croatia) by Ustashi against Serbs, Jews and Romany. No-one can resurrect the killed in Jasenovac, Staro Sajmište, Jadovna and other concentration and detention camps. And only a small good will gesture is needed ... to prove once again that the current leaders of Croatia don't accept the ideology of genocide », Dr. Stojan Adasevic, in *Politika*, 5 March 1990.

- « ... Myth of Ustashi Movement, is re-born. This must rise concern of all Yugoslavs, regardless of their nationality, religion, and political convictions. Croats must be concerned too, and not only Serbs in that republic. Repeat of 1941 is not possible, but the blood may be again let... We don't want vengeance nor oblivion, although we have been trying to forgive crimes for decades. And sons of those who have committed those crimes should be concerned about the consequences of the current escalation of the Greater Croatia ideas, and notably Mr. Tudman, charismatic leader of the ICD, who is emerging in the political arena of Croatia in Yugoslavia. Crimes which belong to the nationalist folly can be traced back to recent past, hence they cannot be easily forgotten », Dara Stobotka-Peles, *Politika*, 22 May 1990.

26. Une autre fonction ou caractéristique de la propagande est de chercher à développer un sentiment d'unanimité au sein de la population, en escomptant que les opinions individuelles se conforment à l'opinion publiquement professée. C'est notamment au travers de médias ou autres manifestations et défilés que la propagande tente d'emporter l'assentiment général. Pour parvenir à ce conformisme de la pensée, il est fréquent de voir montrés en exemple des intellectuels, des sportifs ou des vedettes ; de par le prestige dont ils peuvent jouir, leur adhésion à ce qui est présenté comme l'opinion générale (ou cause commune) peut se traduire par un effet d'entraînement ou de contagion⁴⁷. C'est également via les médias et spectacles de masse qu'elle peut parvenir à susciter la peur ou l'exaltation chez les individus. Le but affiché est bien sûr ici d'occuper le terrain, de multiplier les démonstrations de force, de montrer sa

⁴⁷ Ce procédé sera particulièrement utilisé au moment de la guerre en Croatie par la *Télévision Serbe*, celle-ci cherchant à forger un esprit d'unité nationale et à stimuler l'engagement de volontaires pour y combattre. Pour cela, elle prendra souvent en exemple des « individus modèles », qu'elle interviewera dans le dessein d'influencer le comportement et/ou la façon de penser de la masse des téléspectateurs. On citera ici deux exemples pris au moment du siège de Vukovar.

Le premier met en scène un Parlementaire Serbe ayant troqué ses habits civils pour l'uniforme et ayant choisi de servir son pays sur le front plutôt que sur les bancs de l'Assemblée...

- News editor : "Among the volunteers and reserve soldiers going off to fight the war in Croatia, many are also members of the Serbian Parliament. So far more than twenty Serbian members of Parliament have donned military uniforms. On the territory of Western Serbia we also find Serbian member of Parliament Dragoslav Aleksic"
- Dragoslav Aleksic : "It's my patriotic duty and that is why I am here to fight together with the Yugoslav People's Army, to fight for the Serbs who live outside Serbia, and to prevent any enemy incursions on the territory of the Republic of Serbia, which has regrettably been happening recently. But with our military campaigns and our unity, which is essential, Serb unity, I believe we can accomplish our goals"
- Reporter : "Where is it more difficult, in Parliament or here in the war ?"
- D.A. : "In the Parliament"
- Reporter : "Why ?"
- D.A. : "Because here we are more united, there, I am sad to say, the situation is completely different"

Le deuxième exemple montre, chose inhabituelle, une interview d'une jeune femme en uniforme expliquant les raisons qui l'ont poussée à s'engager auprès des forces combattantes serbes :

- Reporter : « This is rather unusual, a young woman going to the war, is it or is it not, what do you think about that ? »
- Young woman : "I don't think it is, we need to answer the call to arms, I am a mother of two small children"
- Reporter : "Where are you from ?"
- Young woman : "I am from Piro"
- Reporter : "How old are you ?"
- Young woman : "Thirty three"
- Reporter : "What made you decide to go ?"
- Young woman : "Well, when I watch television, I see what's going on and I want to help, and it's worth sacrificing my life for this here Serbia of ours"

Pour ces deux exemples, voir *Images and Words of Hate : Vukovar 1991*, produit par Lazar Lalic, ARHITEL, *The Right to Pictures and Words against Censorship and Abuse of Media*, 1995.

prééminence sur l'adversaire. Une telle logique conduit naturellement à dénoncer comme étant des traîtres ceux qui mettent en doute ou s'élèvent contre cette propagande ou cause commune.

Les médias ont ainsi eu, sous le régime Milosevic, cette fonction de dénonciation⁴⁸ et de frapper d'ostracisme ceux qui, à un moment ou à un autre, ont pu questionner publiquement ou s'élever contre l'ultranationalisme ambiant. A ce titre les médias indépendants, les seuls à s'ouvrir à l'opposition, seront les premiers visés par les accusations de trahison et ce particulièrement en temps de campagne électorale. Le 5 décembre 1992, le journaliste-commentateur Stefan Grubac, l'un des principaux porte-voix de la propagande nationaliste à la *Télévision de Belgrade*, déclarait par exemple : *"So-called independant journalists collaborate with foreign forces and continually betray their fatherland. The media where these people work are actually among those who want civil war in Serbia and want war in Kosovo"*... Le lendemain, un "expert" en religion, le Dr Milan Jevtic, affirmait : *"If there is anybody to be blamed for war in Bosnia, it is the so-called independent newspapers BORBA and VREME from Belgrade. By campaigning for peace they actually prevented Serbs to be properly prepared for fighting with Muslims. So they are responsible for so many dead*

48 La encore médias et ultranationalistes - qu'ils soient responsables politiques, dignitaires orthodoxes, intellectuels, etc. - ont fonctionné main dans la main pour faire passer le message et favoriser l'homogénéisation de la société serbe, alors que les quelques rares médias indépendants tentaient quant à eux de les dénoncer. Les extraits de presse ci-dessous en sont un bon exemple :

- *"And there where the Serb blood is let and Serb bones fall, that must be a Serb Country, those who think otherwise, are on the side of our enemy"*, Prêtre Nikanor, *Borba*, 3 avril 1991.

- *"In Serbia, thank God, we are not in agreement, although we should be when the existence of the people must be defended... those against their own people, are traitors"*, Ljubomir Tadic, *Duga*, 5-29 juillet 1991.

- *"It seems to me that at this moment of time, Belgrade is unfortunately a veritable fifth-columnists' city, it is full of rogues, cowards, false pacifists, backers of the other side, but Serbia cannot shoulder the burden of that menagerie on its back for ever"*, Moma Kapor, *Borba*, 7-8 mars 1992.

- *"Perhaps Vukovar need not be repaired, but rather left as a warning to our offspring... If we did not heed the warning in the shape of Jasenovac, they might be wiser. All Serb traitors who have led their people to the brink of survival, should be brought here and tried at the scene, under the shadow of these ruins, before the ghosts of butchered children"*, Srdan Stanišić, *"Dilas should be hanged"*, *Pogledi*, 27 mars - 10 avril 1992.

- *"We are speaking about islamised Serb traitors during the Ottoman enslavement, but we gloss over an important fact that our modern traitors are much more dangerous, and lethal than traitors in the distant past... their treason imperils the very being of Serb people"*, Métropole of Montenegro and Coastal Area, Amfilohije Radovic, *Borba*, 28-29 mars 1992.

Serbs"⁴⁹. Des procédés analogues seront utilisés contre les composantes de la société civile et l'opposition politique, opposées à la guerre en Bosnie. Ainsi, le 3 avril 1993, commentant sur la RTS une manifestation pacifique organisée à Belgrade le jour même par le Mouvement Civique contre la Guerre, Stefan Grubac dénonçait comme anti-Serbes les manifestants : « *Belgrade intellectuals and so-called anti-war activists are under the protection of Itzebegovic. They have not Serbs from Bosnia in their hearts but Muslims and foreign agency's money* ». Couramment taxés de traîtres à la Serbie et d'espions à la solde de la CIA, les membres de l'opposition seront coutumiers d'attaques menées par la *Télévision de Belgrade*, comme le 26 septembre 1992 lorsqu'un commentateur déclarait à leur propos : « *They are just so-called opposition, they want to sell our brothers Serbs in Croatia and Bosnia, they want power just to help our enemies to destroy Serbia and Serbs* ».

Précis de propagande serbo-yougoslave

27. Pour que ces différents principes de base puissent jouer à plein, condition d'une propagande réussie, il est nécessaire de combattre et d'empêcher l'expression d'informations ou d'idées alternatives - ou à tout le moins faire en sorte qu'elles restent confinées à un cercle étroit, qu'elles ne franchissent pas le seuil des médias de masse. Le régime de Slobodan Milosevic s'y est, comme d'autres, employé ; en s'assurant un contrôle total sur les médias propriétés de l'Etat ou d'institutions publiques ; en restreignant la liberté de la presse indépendante, en empêchant celle-ci, par tous les moyens, d'informer les citoyens ; en exerçant une pression constante sur les journalistes pour qu'ils respectent certaines limites à ne pas franchir, pour qu'ils acceptent d'appuyer le programme et les idées du pouvoir, pour qu'ils se soumettent à la discipline.

⁴⁹ Milica Pesic, *op.cit.* p.23.

Milosevic a en effet très tôt réalisé tout l'intérêt qu'il y avait à contrôler et à utiliser et le Parti et les médias pour conquérir et conserver le pouvoir. Il va s'y employer en renouvelant les cadres du Parti avec ses propres troupes et va personnellement veiller à ce que soient placés à la tête des médias publics ses plus fidèles⁵⁰ alliés au sein du Parti – traditionnellement les directeurs des chaînes de radio et de télévision, à l'instar du reste du directeur du groupe de presse *Politika*, étaient en effet membres du Comité central du Parti. Milosevic va s'appuyer sur le magazine *Duga*⁵¹, mais surtout sur les quotidiens *Politika* et *Politika Ekspres* – respectivement dirigés par Zivorad Minovic et Slobodan Jovanovic⁵², proches alliés politiques de Milosevic installés à leur poste de rédacteur en chef par la Ligue des Communistes de Serbie en 1986 – pour éliminer toute opposition à ses positions nationalistes sur le Kosovo au sein du Comité central de la Ligue des Communistes de Serbie, en septembre 1987⁵³. La 8^{ème} session de la Ligue des Communistes de Serbie, qui voit peu après la victoire définitive de Milosevic sur ses adversaires, sera pour ce dernier l'occasion recenser les journalistes à renvoyer pour ne l'avoir pas soutenu en cette occasion. Ivan Stojanovic, directeur général du groupe *Politika* est alors remplacé à ce poste en novembre par Zivorad Minovic ; ce même Zivorad Minovic entreprend alors une reprise en main des publications du groupe – la rédaction de *Svet* est refondue, les publications pour la jeunesse, *NON*, *Mladost* et *Student* sont supprimées... ; Mirko Djekic, rédacteur en chef de *Nin* (publication du groupe *Politika*), dont Milosevic avait souhaité la réorganisation éditoriale quelques mois auparavant⁵⁴, subit le

⁵⁰ Ainsi que le confirme Borisav Jovic, la fidélité d'une personne à son égard était le premier critère dans le choix de ses collaborateurs par Milosevic : « *The key factor for him was whom he trusted, not whom the people trusted. It did not matter if the person was capable and honest, diligent and active, it was important to be loyal to him* ». In *Book on Milosevic*, op.cit. p.31.

⁵¹ Critiqué dès 1985 par le la Ligue communiste de Serbie, *Duga* adopte une nouvelle politique rédactionnelle nationaliste à la suite de l'éviction de son rédacteur en chef au printemps 1987.

⁵² Ce même Slobodan Jovanovic qui transformera quelques années plus tard la respectée agence de presse *Tanjug* en agence au service exclusif de Milosevic.

⁵³ Voir paragraphe 41.

⁵⁴ « *Editor in chief of Duga was changed, but the situation in Duga will not change before the change in Duga's editorial office in wider sense. We are talking also about a new editor of Nin. Regardless of the decision we reach, we will not solve problems in Nin, unless a serious reconstruction of the whole editorial office takes*

même sort ; idem pour Mihailo Eric, rédacteur en chef des nouvelles à la *Télévision de Belgrade (RTB)*... Les provinces autonomes sont elles aussi touchées quelques temps plus tard par ces purges opérées au sein des médias. En Voïvodine, après la « Révolution des yaourts », les principaux journalistes de la *Radio-Télévision Novi Sad* et du quotidien *Dnevnik* sont remplacés. Au Kosovo, le gouvernement serbe reprend les médias en main dès l'été 1990 : le rédacteur en chef de *Radio-Télévision Pristina* est remplacé et quelque 1300 personnes sont écartées le 5 juillet ; le journal *Rilindja*, seul journal en langue albanaise, est fermé, entraînant la mise à pied de 200 journalistes ; sont également fermées six stations locales en langue albanaise, etc. La mainmise du régime Milosevic sur les médias audiovisuels, entreprise dès 1986-1987, est complète à l'été 1991. Au lendemain d'une marche de l'opposition organisée à Belgrade le 9 mars 1991 pour protester notamment contre le contrôle du Parti de Milosevic sur la Télévision, celui-ci fait passer une nouvelle Loi unifiant la radio et télévision sur tout le territoire de la république : les centres de Novi Sad, Pristina et de Belgrade n'allaient plus dès lors former qu'un seul et même réseau plus facile à contrôler. La nouvelle Loi sur la Radio et la Télévision en Serbie transférait les actifs de la RTS à l'Etat, qui en devenait propriétaire, et de fait au Parti de Milosevic... Toute la direction de la radio et de la télévision était remplacée et de nouvelles nominations étaient décidées⁵⁵.

Les médias érigés en pièce maîtresse de la propagande

28. Les médias ont été utilisés comme armes de guerre, tantôt pour la réalisation d'objectifs politiques – par exemple lancer et défendre le thème d'un Etat pour tous les Serbes- tantôt

place », déclaration faite le 18 février 1987 lors d'un meeting du Comité Municipal de la Ligue des Communistes.

⁵⁵ En août Dobrosav Bjelečić, ancien Secrétaire exécutif du Comité central de la Ligue des Communistes de Serbie, est nommé directeur général ; Krsto Bjelić, un temps chargé de la propagande guerrière pour la République Serbe de Krajina, est nommé rédacteur en chef des programmes d'information...

pour exécuter des buts stratégiques – comme la conquête de territoires par la force⁵⁶, la pratique de l'épuration ethnique ou encore la destruction de cibles présentées comme symboliques et prioritaires... Pour parvenir à ses fins, le régime Milosevic va donc tout faire pour s'assurer le contrôle de la télévision, de la radio et de la presse écrite : cette main mise sur les plus grands canaux de diffusion de nouvelles va s'accompagner d'une méthode combinant propagande, informations partielles (et partiales), fausses nouvelles, manipulation, absence de couverture de certains faits, etc. Tout cet arsenal va être mobilisé pour servir à justifier la création d'un Etat pour tous les Serbes⁵⁷ – et par conséquent à légitimer une politique ethnique, présentée comme un combat pour la liberté, une mesure pour protéger la terre natale du peuple Serbe – et, finalement, pour renforcer le pouvoir et la position du régime Milosevic.

Milosevic a ainsi parfois lui-même proféré les menaces les plus claires à l'encontre de ceux qui s'opposeraient à l'unité serbe. Le 16 mars 1991, dans son adresse aux responsables des conseils communaux de Serbie, il déclarait par exemple : *« Nous devons assurer notre unité en Serbie si nous désirons, en notre qualité de plus grande et plus peuplée des républiques, dicter la suite ultérieure des événements. Ce sont les questions des frontières, les questions de l'Etat. Et ce sont toujours les puissants, et jamais les faibles, qui dictent les frontières. Il est*

⁵⁶ Alors que la guerre débute en Slovénie et que les affrontements se multiplient en Croatie entre forces croates et autonomistes serbes, toute la propagande du régime de Belgrade s'emploiera à préparer son opinion publique à la nécessité de protéger les Serbes vivant hors de Serbie et donc à la guerre avec la Croatie. Interviewé à la Télévision Serbe, Vojislav Seselj, leader du Parti Radical Serbe, déclare : *« I don't think the force should be used to prevent Slovenia from seceding from Yugoslavia. Their leaving us is to natural advantage. As for Croatia, things are a bit different. We can't have the same attitude towards Croats and Slovenes. The Croatian can go as well, but without Serbian territories. Since the federal government practically does not exist, the Serbian government should assume its authority on the entire territory or what has remained of Yugoslavia. The military high command has to accept it, otherwise the army will fall apart. The Serbian army can be formed within 48 hours, since the majority of Serbians officers would join it. Withdrawal of troops and arms should be ordered to the Karlobag-Ogulin-Karlovac-Virovitica line, thus amputating Croatia »*. C'est toujours à la télévision que les figures de proue du régime annoncent quels sont les objectifs à atteindre – à l'instar d'un Mihajlo Markovic, académicien Vice-Président du parti au pouvoir lorsqu'il déclare dans un entretien télévisé : *« It is more and more evident that the Croatian leadership will not have the power to impose its will upon the Serbs in Kranj, Slavonija, Western Srem... and Raranja. By establishing a new ethnic border and the withdrawal of the Yugoslav Army to this new border of Yugoslavia, we will prevent further prolongation of this war »* Voir *« Images and Words of Hate : Year Two »*, Foundation for Right to Pictures and Words, Ljazar Lalic, B 92-ARIJTEL, 1997.

⁵⁷ Voir aussi les exemples paragraphe 15.

donc fondamental que nous soyons puissants. Et pour être puissants, il faut que nous soyons unis sur ces intérêts nationaux qui sont les nôtres (...) J'ai ordonné hier encore la mobilisation du contingent de réserve de la milice et, aussi, la mobilisation et la formation de nouvelles forces de milice ; le gouvernement a reçu les instructions pour préparer des formations appropriées qui assureraient notre sécurité en toutes circonstances, c'est-à-dire qui nous rendraient capables de défendre les intérêts de notre république, mais aussi, ma foi, les intérêts du peuple serbe hors de Serbie (...) J'ai été en contact avec les nôtres de Knin, de Bosnie, les pressions sont énormes (...) j'espère qu'ils ne seront pas idiots au point de se battre contre nous. Car si nous ne savons pas bien travailler et gérer l'économie, au moins nous saurons bien nous battre »⁵⁸. D'une façon générale les médias vont être utilisés pour dissuader⁵⁹ les non serbes de rester sur les territoires considérés comme historiquement serbes – quitte pour cela à utiliser la force⁶⁰ pour purifier ceux-ci⁶¹.

Une règle : dresser les uns contre les autres les communautés yougoslaves

29. Certains mots-clefs vont être utilisés de façon récurrente pour provoquer, parmi les citoyens serbes, une réaction de défense et de soutien au projet gouvernemental d'Etat pour tous les Serbes. On peut citer par exemple les termes de « fascistes oustachis » et de « coupeurs de gorges » pour stigmatiser les Croates ou de « oustachis islamistes » et de « combattants du djihad » pour décrire péjorativement les musulmans bosniaques⁶²... Le recours systématique à de tels mot-clefs, dont la terminologie a été imposée aux médias par le

⁵⁸ NIN, 12 avril 1991, pp.40-41.

⁵⁹ « We don't need Greater Serbia, but only realistic borders within which only Serbs shall live and engage in self-rule », Dr. Jovan Rašković in Čačak, Politika, 15 May 1991.

⁶⁰ « What we conquer is ours. We conquer only what is ours. Who wants to join us is OK, who does not: a bullet in his back », General Andrija Burić, Commander of Corps of the Yugoslav Army, NIN, 21 August 1992.

⁶¹ « I would like us to completely cleanse Eastern Bosnia from Muslims. I am not referring to ethnic-cleansing. But they have thus termed pejoratively a natural phenomenon, and qualified it as a war crime », Biljana Plavšić, Svet, Novi Sad, 6 September 1993.

⁶² Exemple type de ce procédé, le reportage tourné à Bratunac en Bosnie-Herzégovine (diffusé le 31 juillet 1992 par la RTS) où, selon les termes employés par le journaliste, 114 serbes avaient été massacrés « au nom d'Allah »...

régime Milosevic, a sans aucun doute provoqué et entretenu des comportements de haine envers les communautés non serbes.

Utiliser les médias comme arme à part entière

30. Comme nous tenterons de le montrer plus loin, l'instrumentalisation des médias pour des desseins nationalistes a été pensée comme un élément à part entière d'une campagne militaire, en ce sens on peut vraiment parler de « médias de guerre ». En créant des mensonges, en inventant des différences et en exagérant des oppositions entre communautés, télévision, radio et presse écrite ont joué un jeu dangereux. Un usage systématique de fausses informations, d'informations partiales, de non couverture de certains événements a permis d'inspirer, de provoquer la haine et la peur parmi les communautés. Les médias ont préparé psychologiquement le terrain pour la montée des haines nationalistes et sont devenus une arme quand la guerre a éclaté.

31. On peut illustrer ceci par quelques exemples sur lesquels nous reviendrons plus en détail plus loin. D'une part des faits historiques ont été mystifiés pour servir des objectifs nationalistes et pour faire en sorte que le peuple Serbe sente et exprime un désir de revanche envers les ennemis désignés, les Croates et les Musulmans - que l'on présente comme le Diable. Dans un contexte d'euphorie patriotique, les médias contrôlés par le régime ont d'autre part largement diffusé le mensonge selon lequel l'opposition politique et les médias indépendants seraient responsables de tous les maux affectant la Serbie. Enfin, sous la pression des autorités politiques, les médias ont dû tenté de convaincre les citoyens Serbes qu'ils étaient les victimes d'un complot international visant à les éliminer et à faire disparaître la Serbie de la surface du globe... La construction de tels stéréotypes haineux par les médias,

et en particulier par la télévision nationale⁶³, a sans conteste jeté les fondements émotionnels nécessaires à la conduite de la propagande guerrière.

⁶³ L'écrivain Philip David, renvoyé de la RTS en 1993, auquel était reproché notamment sa participation à la mise sur pied d'un syndicat indépendant en son sein, résume bien, en tant qu'observateur privilégié, le rôle spécifique de la Télévision Serbe : « Today it is clear to everyone that without the role played by television, that war would perhaps not even happened, or at least it would not have been so bloody. Television played the key role in creating hate speech in other words preparing the war and later, in war propaganda. That role was expressed in creating stereotypes. For example, one of the stereotypes was the genocidal character of Croats, another was the suicidal character of Muslims, then there was the stereotypes of the existence of an international conspiracy against Serbia, a stereotype that all independent reporters and independent intellectuals were in the service of foreign intelligence agencies, etc. If you tried to do something, write or think outside of the stereotypes, you would be proclaimed a traitor ». In *Images and Words of Hate : Vukovar 1991*, produit par Lazar Lalic, ARHITEL, *The Right to Pictures and Words against Censorship and Abuse of Media*, 1995.

II. Des médias au service de la guerre

32. Le conflit de l'ex-Yougoslavie illustre le fait qu'il ne peut plus aujourd'hui y avoir de guerre sans mots d'ordre, sans slogans et donc sans propagande et sans communication. En Serbie particulièrement, l'instrumentalisation des médias au service d'objectifs et d'intérêts nationalistes relève d'un plan mûrement réfléchi – lui-même partie d'une stratégie de conquête et d'affirmation identitaire.

33. Aussi l'expression "guerre médiatique" prend-elle ici tout son sens puisque qu'on a affaire, comme dans toute situation de guerre, à un contexte d'affrontement et de conflit lié à des buts et à des objectifs politiques qui renvoient non seulement à des fins stratégiques (conquêtes territoriales, prises ou destructions de cibles privilégiées, nettoyage ethnique...) et à des moyens adéquats (contrôle des médias) mais qui requièrent également une méthode, une tactique pour "toucher" l'adversaire (propagande, désinformation, manipulation, mensonge, etc.).

34. La dimension temporelle de cette guerre médiatique nous a conduit à distinguer trois types d'actions à l'œuvre⁶⁴. Tout d'abord, les actions à long terme d'éducation, de conditionnement des esprits et de modelage des mentalités – en un mot de contamination, qui correspondent grosso modo à la phase du développement du nationalisme serbe du début des années 1980 jusqu'en juin 1991⁶⁵. Phase qui est marquée par une tentative de récupération et de manipulation de l'Histoire afin de mobiliser l'opinion publique Serbe contre de nouveaux dangers. Ces thèmes sont portés par toute la scène intellectuelle et artistique serbe – que l'on

⁶⁴ Voir l'article de l'amiral Pierre Lacoste, "La guerre médiatique", in *Défense Nationale*, décembre 1987, pp. 25-33.

⁶⁵ Certains programmes audiovisuels, où le passé interpellait désormais ouvertement le présent, contribueront ainsi, contexte politique aidant, à précipiter l'éveil du sentiment national serbe – à l'image de l'émission « *When all the saints* », diffusée par Radio-Belgrade et Radio-Navi Sad en 1988, ou de la dramatique « *Bienvenue à Gallipoli* », diffusée sur le deuxième programme de Radio-Belgrade le 11 avril 1991, où sont contées les aventures et mésaventures de l'armée serbe durant la Première guerre mondiale.

considère le théâtre, la littérature, la peinture, etc. Ensuite, à partir de 1986-87, les actions à moyen terme qui ont pris la forme de campagnes d'opinion destinées à propager certains thèmes ou certaines idées allant dans le sens d'objectifs bien définis. La rubrique « *Echos et réactions* »⁶⁶ du quotidien *Politika* a eu ici un rôle essentiel au sens où elle a donné une enveloppe « scientifique » au nationalisme serbe – la qualité des contributeurs, académiciens, docteurs, universitaires, magistrats, etc. lui conférant une autorité ou légitimité certaine aux yeux de l'opinion publique serbe⁶⁷. Enfin, liées plus directement au début des hostilités, des actions tactiques conjoncturelles, indissociables des précédentes, telles que rumeurs et mensonges...

L'Histoire manipulée au profit d'objectifs nationalistes

35. Un climat de méfiance puis de haine de l'autre, se nourrissant des peurs ancestrales et jouant sur un nationalisme exacerbé, s'est progressivement exprimé dans chaque république à partir de la fin des années 1980. Si la perméabilité des opinions publiques aux messages simplistes et xénophobes véhiculés par les médias ne laisse pas d'étonner, celle-ci s'explique en fait par l'existence d'un terreau exceptionnellement propice. En effet, l'impact des messages médiatiques pourrait être comparés aux effets d'une drogue hallucinogène sur des opinions restées marquées par les déchirements de la guerre de 1940 ; événements dramatiques dont on sait qu'ils ont été totalement "refoulés" et occultés par un pouvoir fédéral et par la volonté d'un homme, Tito, de crainte que tout rappel, toute allusion à ces faits ne réveillent les pires démons et ne conduisent à l'éclatement de la Fédération...

⁶⁶ Voir paragraphe 49.

⁶⁷ Pour l'historienne Olivera Milosavljevic, cette « participation active de l'élite intellectuelle [à *Politika*] a apporté un semblant d'objectivité – propre au discours scientifique et non politique. Cette caution des intellectuels n'a donné que plus de poids à cette propagande, en comparaison du discours transparent, des propagandistes purement politiques, bien que le contenu des déclarations des uns et des autres revint au même ». Voir son article « Du mauvais usage de l'autorité scientifique » in *Radiographie d'un nationalisme : les racines serbes du conflit yougoslave*, sous la direction de Nebojsa Popov, Les Éditions de l'Atelier, Paris, 1998, p.233.

36. Ce sont finalement le maintien de ce tabou pendant des décennies et l'absence d'une salutaire entreprise d'exorcisation collective au sortir de la guerre - par un véritable travail historique public d'analyse des faits et des responsabilités - qui ont rendu plus facile la manipulation de l'histoire⁶⁸ par les partis politiques nationalistes confirmés ou arrivés au pouvoir dans les ex-républiques fédérées avec la tenue des élections libres de 1990.

37. La structure même du système médiatique fédéral mis en place sous Tito - caractérisé par une forte décentralisation, pour garantir à chaque culture des plages d'expression, et où chaque république avait développé son propre complexe médiatique⁶⁹ - a favorisé la main mise de ces partis nationalistes sur ce qu'ils considéraient désormais comme leurs médias...

La responsabilité des intellectuels

38. En Serbie, la question nationale allait se poser ouvertement dès le milieu des années 1980, dans un contexte de stagnation économique et de crise sociale. Début 1986, sous l'influence du romancier et académicien serbe Dobrica Cosic, l'*Union des Ecrivains Serbes* se transformait en caisse de résonance de la revendication identitaire serbe, en multipliant les

⁶⁸ Voir à ce propos Gordana Igric, "Relectures guerrières de l'histoire yougoslave", in *Le Monde Diplomatique*, septembre 1995. L'article démontre l'entreprise de démolition de l'histoire passée de la Fédération, à travers la lecture des nouveaux manuels scolaires. Ainsi, « (...) les jeunes Serbes apprennent dès l'âge de dix ans que leurs <<concitoyens>> ont été ignorés par la Constitution croate, puis réduits au rang de minorité nationale et déchus de leurs droits. Quant à <<l'Eglise catholique et ses croyants fanatisés>>, ils <<ont entrepris de lutter contre l'Eglise orthodoxe et les Serbes>>... Puis l'ennemi extérieur entre en scène : <<A cause du parti pris de la communauté européenne, et avant tout de l'Allemagne, puisqu'elle en est le membre le plus influent et le plus agressif, la lutte n'a plus cessé (...). Pour la troisième fois au XXème siècle, l'Allemagne et l'Autriche ont répété leur « Drang nach Osten » (« marche vers l'Est »), mais cette fois politiquement et économiquement, en apportant leur soutien aux forces sécessionnistes des Républiques yougoslaves>>. La Serbie et le Monténégro se sont alors défendus en combattant côte-à-côte pour la Yougoslavie. Ce qui <<provoqua la colère et la revanche des inspireurs du nouvel ordre mondial, qui décidèrent de les punir>>. Dans leurs cours de géographie, les élèves serbes de quatorze ans apprennent non seulement les caractéristiques de la <<République serbe de Krajina>> et de la <<République serbe de Bosnie>>, mais on veut également qu'ils sachent interpréter la dissolution de la Yougoslavie : « C'est pendant la guerre religieuse de Croatie, qui commença en 1991 et qui dura encore, que fut créée la République serbe de Krajina (...). Voulant mettre fin à la guerre nationale et religieuse, les Nations Unies ont pris la décision de mettre la Krajina sous la protection de leurs forces armées>> ».

⁶⁹ Pour ne prendre que l'exemple de la télévision, la Radio Télévision Yougoslave (RTV) n'était en fait qu'un réseau de coordination des 8 centres de télévision présents dans les différentes républiques. C'est un organisme central basé à Belgrade, le JRT, qui était chargé de la coordination des échanges de programmes entre ces centres.

appels et les manifestations en faveur de la signature d'une pétition dénonçant « le génocide » dont serait victime la population serbe du Kosovo.

39. Mais c'est la publication, quelques mois plus tard, à travers une fuite organisée dans *Vecernje Novosti*⁷⁰, de quelques extraits d'un *Mémoire sur les questions sociales actuelles dans notre pays* de l'Académie Serbe des Sciences et des Arts, qui allait véritablement mettre le feu aux poudres et poser publiquement la question nationale serbe. Dans ce texte rédigé par seize académiciens, largement inspiré par Dobrica Cosic⁷¹, on retrouvait exposées – au travers de l'analyse de la crise du système fédéral socialiste – toutes les thèses nationalistes qui nourriront les haines ethniques et provoqueront la guerre. Le *Mémoire* dénonçait ainsi la discrimination – politique, sociale, économique⁷² et culturelle

⁷⁰ 25 et 26 septembre 1986.

⁷¹ Une place à part revient à Dobrica Cosic en tant qu'académicien et romancier – mais aussi en sa qualité d'ancien chargé de la propagande du Parti communiste de Serbie, dans l'instrumentalisation des frustrations et dans la montée du nationalisme serbes. Dès 1977, dans son discours prononcé lors de sa réception à l'Académie le 29 mars, il mettait en exergue le destin « tragique » du peuple serbe (notamment au Kosovo) qui avait « gagné toutes les guerres mais perdu toutes les paix ». Par ses prises de position anti-yougoslaves répétées, par ses attaques nombreuses contre les populations non serbes, Dobrica Cosic a une responsabilité directe dans la montée de la haine inter-ethnique – jetant même de l'huile sur le feu lors des guerres de Croatie et de Bosnie-Herzégovine.

Le 20 juin 1989 il déclarait dans une interview à la revue *Danas* : « Depuis longtemps, je ne suis plus convaincu que le yougoslavisme soit un intérêt serbe a priori, et encore moins que ce yougoslavisme équilibre à la démocratie et au socialisme (...) Le yougoslavisme serbe, tel qu'il se manifeste en ce moment, se transforme dans le vœu des autres peuples yougoslaves en son contraire : il provoque de l'antiyugoslavisme et de l'antisérisme. Je ne vois aucune raison pour que nous Serbes, soyons davantage pour la Yougoslavie que n'importe quel autre peuple yougoslave (...) ».

Alors que la guerre éclatait en Croatie, il déclarait dans *Politika*, le 15 septembre 1991 : « Notre Etat s'est transformé en pays de malheur et de honte ; la paix s'y est transformée en guerre ; les peuples que nous considérons comme fraternels nous rendent la haine et l'inimicé non fraternelles, ustachistes et VMIRO-istes ; nos voisins sont devenus à nouveau nos persécuteurs et assassins ; le peuple serbe en Croatie cherche refuge et mène une guerre défensive, alors qu'une centaine de milliers fuient en Serbie. Dans ce temps du mal prolongé, nous ne sommes pas seulement des victimes ; nous aussi, nous causons des souffrances aux autres, peu importe de savoir pourquoi et combien (...) Une Europe qui se présente comme une nouvelle Europe se comporte à l'égard de la Serbie comme la vieille Europe : elle accepte le mensonge chauvin comme une vérité politique, le nazisme comme une démocratie, les victimes elle les qualifie de bourreaux (...) ».

De même, au moment où se déroulaient des combats en Bosnie-Herzégovine, il s'adressait ainsi à ses pairs de l'Académie : « Le pire nous est arrivé : la dislocation de la Yougoslavie nous annule deux siècles de lutte de libération pour la vie des Serbes dans un Etat ; les Serbes en Croatie et en Bosnie-Herzégovine sont menacés par la restauration de l'ustachisme et de l'islam militant, et effrayés par le nouveau génocide, ils sont forcés de mener une guerre terrible de défense contre la Croatie chauvine-ustachiste et contre le djihad musulman ; nous sommes punis par la mise au ban de la communauté mondiale ; nous sommes condamnés à un long calvaire, à l'humiliation, à l'écocide, à l'assimilation. Aux crimes qui nous sont infligés, nous répondons par des crimes et nous nous déshonorons parfois au point de ne plus nous reconnaître ». In *Politika*, 16 juin 1992, p.7.

⁷² L'exploitation économique dont seraient victimes la Serbie et les Serbes allait par exemple très tôt être dénoncée dans les colonnes de *Politika* :

- dont le peuple serbe était victime de la part des autres républiques de la Fédération⁷³.

Coalition anti-serbe qui, par le biais de la Constitution de 1974, aurait relégué la Serbie et les serbes dans une position inférieure : partant des intérêts propres au peuple serbe, les seize académiciens appelaient donc à la reconquête des territoires perdus et à la reprise du contrôle serbe sur les provinces autonomes du Kosovo et de la Voïvodine. Cet appel lancé à l'unité des serbes éparpillés aux quatre coins de la Fédération – qui seraient victimes au Kosovo, mais aussi en Croatie et en Bosnie-Herzégovine, de « génocide culturel », « d'extermination » ou « d'assimilation forcée » – exigeait que les serbes puissent dorénavant posséder et diriger

- « I demand satisfaction in the name of all workers of the Heavy-Duty Vehicles "Prag" in Rakovic, who lost their jobs when their plant in the post-war period was fully dismantled and transferred to Maribor, where the "TAM" was founded. Thus Serbia had to be a blood-donor for those who are insulting it now. It had to give up its modest industry for the sake of industrialisation of purely rural Slovenia ! ». Engineer Sava Maksimovic, in *Politika*, 15 November 1988.

- « I have never understood the real goal of the cross-border trade, but I fully understood its results. Namely in a very small, underdeveloped have emerged very strong commercial companies, which under the guise of cross-border trade amassed enormous wealth by effecting imports from Italy, Austria, Germany, France, England and Switzerland, the countries allegedly "bordering" with Slovenia, at the expense of "border belt" comprising, in addition to Slovenia, Croatia, B&H, Serbia, Montenegro and Macedonia. I hope that it is not necessary to explain how much money Serbia and other federal units of the SFRY had to give to a powerful Slovenian commercial machinery for this kind of favour/service. It bears stressing that numerous wheeling and dealing Italian companies have profited from such trading ». Miroslav Gašić, in *Politika*, 22 April 1989.

- « I remember how a deceased high official, from northern parts of the country, justified the decision to erect a "TAM" plant in Maribor by stating that the local availability of highly skilled workforce shall boost development of all our regions ! ». Ilija Devic, in *Politika*, 12 May 1989.

- « Information that Vojvodina and part of Serbia were to be inundated during the Informbiro pressure caused disappointment and consternation of population at large. People were not conscious of that conspiracy. They believed that all the actions were taken for the benefit of socialism and working people. After many years the people have finally learnt that military and economic experts planned to put a dam on Danube (Djerdap gorge) in order to erase part of Serbia and Vojvodina from the map of the world ». Dimitrije Govodzeica, in *Politika*, 27 August 1989.

- « It was recently publicly stated that the external debt of Yugoslavia is \$ 15 billion. Repayment of that debt is effected by the National Bank of Yugoslavia, from the state coffers. Since that bank has relevant data of the break-down of that debt, a Salomonic solution was found: each republic should repay its part of debt, even those republics which have not received foreign currency from the granted loans ». Ratka Despotovic, in *Politika*, 6 November 1990.

⁷³ Quatre points ou griefs essentiels sont développés par les Académiciens ; le premier a trait à la « discrimination persistante de l'économie serbe pendant la période d'après-guerre » et au retard qu'elle a accumulé par rapport aux autres Républiques et en particulier face à la Croatie et à la Slovénie ; le second touche à « la place constitutionnelle de la Serbie, non définie et pleine de conflits intérieurs », qui empêche sa « consolidation politique » ; le troisième renvoie au « génocide physique, politique, juridique et culturel de la population serbe au Kosovo et en Metohija », qui « représente la plus grande défaite de la Serbie dans les luttes de libération qu'elle a menées » ; le dernier dénonce la « discrimination » et « la politique d'assimilation raffinée et efficace » qui frappe « le peuple serbe en Croatie ». Voir « Mémoire fait par un groupe d'académiciens de l'Académie Serbe des Sciences et des Arts sur des questions sociales actuelles de notre pays. Deuxième partie : La position de la Serbie et du peuple serbe », publié in *Le nettoyage ethnique. Documents historiques sur une idéologie serbe*, rassemblés, traduits et commentés par Mirko Grmek, Marc Gjidara et Neven Simac, Fayard, Paris, 1993, pp.236-269.

librement leur propre Etat, quitte pour cela à recourir à la force et à remettre en cause les frontières communes avec les autres républiques de la Fédération⁷⁴.

40. Slobodan Milosevic réussit à obtenir que le Comité central de la Ligue des communistes de Serbie ne se prononce pas sur ce texte explosif – il n'y aura aucune destitution ou limogeage. Il ne se prononcera pas tout de suite ni ne condamnera personnellement le *Mémorandum*. Certains indices⁷⁵ laissent d'ailleurs à penser que Milosevic et son entourage

⁷⁴ Les académiciens précisent ainsi : « L'établissement de la pleine intégrité nationale et culturelle du peuple serbe – peu importe dans quelle république ou province il se trouve – est son droit historique et démocratique. L'acquisition de l'égalité et un développement indépendant ont pour le peuple serbe un sens historique plus profond. En moins de cinquante ans, sur deux générations consécutives, le peuple serbe exposé aux requêtes à l'undantisme physique, à l'assimilation forcée, à la conversion religieuse, au génocide culturel, à l'endocritisme idéologique, à la dévalorisation et à l'abnégation de sa propre tradition sans un complet de culpabilité imposée, désarmé intellectuellement et politiquement, fut exposé à des épreuves trop dures pour ne pas laisser des traces profondes dans son être psychique (...) S'il compte sur son avenir dans la famille des peuples civilisés, le peuple serbe doit avoir l'occasion de se retrouver et de devenir un facteur historique, de retrouver la conscience de son être historique et spirituel, de voir clairement ses intérêts économiques et culturels, d'élaborer un programme social et national moderne qui inspirera les générations d'aujourd'hui et de demain (...) ». Ibid pp.265-266.

⁷⁵ Si Slobodan Milosevic n'a pas pris personnellement position au moment de la publication des extraits du *Mémorandum* dans *Vecernje Novosti* et qu'il a réussi à éviter toute condamnation par le Comité central de la Ligue, il reconnaîtra publiquement quelques années plus tard la légitimité qu'avait l'Académie à intervenir dans la politique serbe : « En ce qui concerne l'Académie, je ne vois vraiment pas pourquoi elle n'aurait pas d'influence sur la politique en Serbie. Quel est le peuple, quel est l'Etat au monde se prétendant sage qui aurait honte de son Académie ? » (in *Politika*, 22 décembre 1989). Cette complicité avec l'Académie est réciproque : lors de son assemblée générale de mai 1989 cette dernière déclara : « La Serbie, grâce à la lutte admirable et à l'unité de son peuple, aux prix de positions hârdies, courageuses et honorées et à l'unité de la nouvelle direction du Parti et de l'Etat, sous la direction du président Slobodan Milosevic, a recouvré sa souveraineté, son caractère étatique, son unité et elle est devenue un membre à part égale de notre communauté socialiste, fédérative et multinationale. L'Académie a soutenu et soutient aujourd'hui encore les efforts et le programme de la nouvelle direction serbe ». Déclaration reproduite dans l'édition du 26 mai 1989 de *Politika*, qui tirait en titre gras, pour l'occasion : « L'Académie a soutenu et soutient le programme de la nouvelle direction serbe »...

A partir de 1990 Milosevic étalera d'ailleurs au grand jour ses contacts avec les auteurs du *Mémorandum* – pour les sonder sur son projet d'unifier tout le peuple serbe au sein d'un seul Etat. Borislav Jovic raconte que Milosevic recevra plusieurs fois Dobrica Cosic au cours de l'hiver 1990 (voir *Les derniers jours de la République socialiste fédérative de Yougoslavie*, extrait de journal intime, éd. *Politika*, 1995, Belgrade, p.130.) En avril 1992 Milosevic placera Dobrica Cosic, le véritable inspirateur du *Mémorandum*, à la tête de la nouvelle fédération yougoslave...

En janvier 1992, l'académicien et député du Parti socialiste de Milosevic au Parlement serbe, Antonije Isakovic, déclarait : « The fundamental thing is that "Memorandum" had its impact-some accepted it, while anti-Serbs were mostly against it », *Duga*, 1-14 février 1992.

Un autre indice de collusion entre le groupe Milosevic et les inspirateurs du *Mémorandum* se fera jour en juin 1992 lorsque certains académiciens auront le malheur d'exiger la démission de Milosevic. Rados Smiljkovic, dirigeant du Parti socialiste et fidèle de Mira Markovic (Hartmann, op.cit. p.31), l'épouse de Milosevic, déclarera alors : « Les membres de l'Académie n'ont pas le droit, en signant la pétition demandant la démission du président de la République, de nuire de cette manière à la position de cette institution dans la vie de la nation. Les Académiciens ne peuvent pas demander dans le *Mémorandum* une chose et maintenant quelque chose de tout à fait opposé ». In *Politika*, 15 juin 1992, p.11. Le soir même de cet appel à Milosevic de 65 académiciens pour que celui-là se retire du pouvoir, Mihaljo Markovic, académicien et Vice-président du Parti de Milosevic, déclarait lors d'une émission à la Télévision nationale : « (...) Raising questions about the position of the Serbs in Kosovo, Croatia and Bosnia, the Academy has advocated for a beginning of the battle which has brought us to the situation we're in today. From the way these questions have been raised it was obvious we had to fight for

pourraient ne pas être étrangers à la fuite dans *Vecernje Novosti* : le fait que la prestigieuse Académie Serbe aborde les relations entre les partenaires yougoslaves et pose la question de la position de la Serbie dans l'ensemble yougoslave allait légitimer l'émergence sur la place publique et sur la scène politique d'un programme nationaliste anti-yougoslave. L'architecte Bogdan Bogdanović, qui quitta l'Académie Serbe en 1981, confirme ainsi que, selon lui, la publication du document traduisait la connivence entre certains cercles politiques et intellectuels belgradois et que le *Mémorendum* constituait un encouragement, une caution scientifique au nationalisme Serbe : « *Such a document couldn't have come out without collaboration between the academicians-national leaders and some Party's members. Not Stambolic for sure (...) In Belgrade it was welcomed as a start for a race : <<our intellectuals are telling us to go forward>>. To what ? To Greater Serbia, of course. To wars, to fulfilment of our great traditional ideals, etc.* »⁷⁶.

Milosevic allait plus tard reprendre ce programme à son compte, qu'il utilisera pour arriver au pouvoir avant de commencer à l'appliquer véritablement, avec le concours direct de certains académiciens⁷⁷, une fois élu à la Présidence de la Serbie. Or dans sa conquête du pouvoir comme dans l'instrumentalisation qu'il fait de l'Histoire et de la mythologie serbes, les médias allaient se révéler ses plus précieux auxiliaires.

the right of the Serbs to survive in these parts. And we had to express our human solidarity, thus getting into conflict with great powers and the New World Order. So it's immoral that some members of the people who had stood up in the name of the whole nation, that had a complete consensus with very little exceptions, today blame others for the consequences of this politics. The whole thing is immoral, it can be excused by pragmatic reasons, by fear of the consequences, by the need to submit to those who are stronger, but not by moral reasons". Voir le documentaire *The Academicians*, réalisé par Mirko Bojovic et produit par Lazar Lalic, ARHITEL, 2002.

Enfin, il convient de rappeler que la mise à mort politique de Dragisa Pavlovic orchestrée par Milosevic en septembre 1987 est directement liée à l'attaque lancée par le premier contre l'Académie Serbe des Sciences et des Arts et son *Mémorendum*... A ce propos, Borisav Jovic écrit : « *Dragisa Pavlovic was at the time the most prominent Serbian politician who had been attacking the Serbian Academy of Arts and Sciences for the contents of the well-known draft of the Memorandum, but also because he openly sided against Milosevic himself concerning the way of solving Serbian problems in Kosovo and Metohija* », in *Book on Milosevic*, op.cit. pp.9-10, ⁷⁶ *The Academicians*, op.cit.

⁷⁷ Bogdan Bogdanovic précise ainsi : « *This will sound horrible, but I think it is true. I heard they had committees of demographers, historians, psychologists to see, as they were sure about the war, how many lives could Serbian nation afford to lose, what would Serbian casualties in the war be. Can you imagine that horror ? Old men counting how many young men they could send to war to get killed !* » - *Idem*.

Milosevic s'appuie sur les médias pour conquérir le pouvoir

41. Dans la bataille décisive que remportait S. Milosevic contre l'aile réformatrice du Parti communiste de Serbie en septembre 1987 - d'abord acquise contre Dragisa Pavlovic, le président des communistes de Belgrade, puis contre Ivan Stambolic, le président serbe - les médias serbes les plus importants allaient en effet jouer un rôle capital. Et Dusan Mitevic, numéro deux de la *Télévision de Belgrade* intime⁷⁸ de Milosevic, et Zivorad Minovic, rédacteur en chef de *Politika*⁷⁹, et Slobodan Jovanovic, directeur de *Politika Ekspres*, soutiendront Milosevic contre ses ennemis au sein du Parti, accusés d'être anti-titistes et anti-yougoslaves... Obtenue de haute lutte lors d'une réunion du Comité central du Parti, la victoire de Milosevic sur l'aile réformatrice du Parti allait donner lieu peu après à un coup médiatique orchestré par Dusan Mitevic⁸⁰ : la « huitième session » du Parti fut en cette occasion et pour la première fois retransmise en « direct » à la télévision devant plusieurs millions de téléspectateurs serbes, qui allaient être témoins de la prise de contrôle du Parti communiste de Serbie par Slobodan Milosevic⁸¹. Borislav Jovic, fidèle allié de Milosevic et ancien Président de la Fédération Yougoslave, allait confirmer que la médiatisation de cette

⁷⁸ « Mira Markovic : Power behind Milosevic », *BBC News*, Saturday, 13 January, 2001.

⁷⁹ C'est Zivorad Minovic qui va apporter le soutien de *Politika* à Milosevic dans les luttes de pouvoir que connaissait La Ligue des communistes de Serbie. Après la victoire de Milosevic, il va être nommé directeur général du groupe à la place de Ivan Stojanovic - parallèlement il allait être chargé, au sein du Comité central, des « âmes » et des « cervaux » puisque lui étaient désormais échues les deux fonctions d'« encadrement politique et idéologique » des cadres et celle de « propagande et d'agitation ». C'est lui qui va faire des publications du groupe *Politika* l'arme idéologique du gouvernement serbe. Voir Mark Thompson, *Forging War, The Media in Serbia, Croatia and Bosnia-Herzegovina*, Article 19, "International Centre against Censorship", Avon, May 1994, p.69.

⁸⁰ Dusan Mitevic précisera son rôle dans une interview accordée le 29 septembre 1994 à l'équipe de la BBC préparant un documentaire sur le suicide de la nation yougoslave : « (...) In socialist countries, as you know, sessions were not broadcast live. We reported from the sessions but there were no live broadcasts. But this time we made a precedent. It lasted for two days and it was broadcast live on one of our channels. The decision was made by me personally because I thought it would be better to air it instead of having many TV crews covering the event. But the basic reason why this decision could be implemented was that I didn't consult anyone and nobody actually banned the broadcast (...) And president Milosevic scored a major point there because with that coverage he gave the people the opportunity to support him and it made things easier for him greatly because, you know, a month later some top state leaders were replaced, including Ivan Stambolic, so the public was prepared in advance with the live coverage of the session ».

⁸¹ Florence Hartmann, *Milosevic, la diagonale du fou*, Denoël, Paris, 1999, pp.19-21.

« huitième session » fut un acte législatif important pour Milosevic dans sa prise de contrôle du Parti⁸².

42. Cette mise en scène venait en rappeler une autre, celle du 24 avril 1987 où, envoyé au Kosovo pour y rencontrer la minorité serbe se plaignant des exactions commises par les autorités autonomes albanaises, Milosevic allait bâtir sa légende de défenseur des serbes du Kosovo à partir d'un incident et d'un discours prémédités⁸³. Un incident qui aurait été monté de toute pièce avec la police locale, qui allait être l'occasion pour ce dernier de prononcer sa phrase « *personne n'a le droit de frapper ce peuple* », adressée à la minorité serbe, émit en effet filmé par la *Télévision serbe*, présente sur les lieux avec la complicité d'un Dusan Mitevic⁸⁴. Diffusées et rediffusées sur l'antenne, commentées à longueur de colonnes dans la presse écrite, ces images allaient sceller la figure d'un Milosevic sauveur et unificateur du peuple serbe et consolider son pouvoir au sein du Parti.

« L'identité serbe menacée »

43. Cette première manifestation de la collusion entre Milosevic et les médias serbes, réunis autour d'objectifs nationalistes, allait être suivie, dès l'été 1987 et jusqu'en 1990, d'une intense campagne médiatique visant à monter les serbes contre la majorité albanaise du Kosovo, accusée de tous les maux.

44. La représentation d'une identité serbe menacée par ses voisins, et en premier lieu par les albanais, allait être largement exploitée par un quotidien comme *Politika*, qui allait devenir

⁸² Borislav Jovic écrit ainsi : « The echo of the discussion at the CK session was enormous. All the media, television, radio and the daily papers, broadcast every word that was spoken. The citizens "glued" themselves to their TV and radio sets and started in huge numbers to take part in the debate by sending telegrams of support to Milosevic and criticism to the current way of conducting the policy. These telegrams were read out loud at the session in order for all CK members to be familiar with them, which stirred resistance and dissatisfaction in the Sramholic group, but also encouraged new telegrams to be sent, and so indefinitely. As never before, headlines in the newspapers, almost from the front page to the last page, were a huge as if they had been on posters, with highlights from speeches of all the speakers. Politization reached its climax. By public vote Milosevic's policy was accepted and the responsibility of Dragisa Pavlovic established, with only seven voices against ». In *Book on Milosevic*, Belgrade, 2001 (Drafttranslation by ICTY), p.44.

⁸³ Daniel Vernet, « Milosevic, l'homme du malheur serbe », in *Le Monde*, 7 octobre 2000.

⁸⁴ Remy Ourdan, « Les guerres perdues de Slobodan Milosevic », *LeMonde.fr*, 31 mars 2001.

l'un des principaux instruments de manipulation et de désinformation aux mains du régime⁸⁵.

Colportant les pires rumeurs, sans vérification et les présentant pourtant comme avérées, le

⁸⁵ On peut ici citer l'exemple du prétendu accroissement exponentiel de la population albanaise, qui ferait partie d'un plan soigneusement mis sur pied et qui menacerait toute présence serbe au Kosovo, présenté comme le berceau historique de ce peuple :

- « Current numerical superiority of Albanians in the Autonomous Province of Kosovo and in some other areas represents the mainstay of Greater Albania demands. But that numerical superiority, and high birth-rate are not a natural consequence of the historical development, but rather a result of their political will. It is obvious and need not be proved (there's a design to their settling and re-settling, high birth-rate is propagated, bigamy is tolerated, etc.) It is essential that we understand this as a violence against ordinary social development and treat it accordingly, by violent means. While creation of the Greater Albania is a publicly proclaimed goal of the Albanian separatists, their covert goal, in the foreseeable future is the break-up of Yugoslavia. This is best attested to by the direction of Albanian population-settling. There is a conspicuous absence of Albanians in areas which under the post-First Balkans War treaty were to be annexed to Bulgaria. The moment is approaching when the Serb and Macedonian people shall be finally separated by the buffer zone inhabited by the non-Slavic nations, thus Macedonians shall be practically isolated from the rest of Yugoslavia. Similar developments are taking place in Sandžak, which used to be the link between Serbia and Montenegro ». Djordje Jankovic, in *Politika*, 5 November 1988.

- « Every state, notably the one characterised by a major disproportion of population birth-rate, must take care of "the national distribution of babies." This also applies to Yugoslavia, for its two big republics and one big province (Vojvodina) cannot reach the birth-rate of Kosovo. More babies are born in Kosovo than in the federal units of Croatia, Slovenia, and Vojvodina ! It is an inalienable right of every citizen of ours to procreate and multiply, but it is also his or her obligation to take care of the future of all children in Yugoslavia. But nations with high birth-rate and those with a low one should be equally concerned over the upset biological scheme of rejuvenation of the entire population of the SFRY. High birth-rate of a people in the joint state could be accepted only if it is agreed upon by all other peoples, that is their consent to "sustain" the increased number of children and share with them all resources and territories. Any forcible socialisation would be contrary to the crystal-clear democracy, as formulated by Comrade Kardelj: "rights of every citizen of the SFRY are limited by the rights of other people in the country." ». Miodrag D. Igojatic, in *Politika*, 20 November 1988.

- « Though humiliated, survived Albanian nationalists and separatists in the post-WW2 period did not renounce their mindless goals. They changed their tactics, but their strategic goal remained the same like in 1912, 1919, 1944-1945. Armed rebellion was replaced by the hellish plans of conquest of habits of South Slavs through the demographic boom of Albanian population in our country, aiming at creation of the "ethnically pure Kosovo." This strategy was translated into all kinds of open and perfidious pressure on indigenous Serbs and Montenegrins to emigrate, penetration of separatist into all institutions of socio-economic system in Kosovo and Metohija, and measures aiming at albanisation of Kosmet and separation of this province from the FR Serbia and plans to legally transform Kosovo and Metohija into republic, which would later secede from Serbia and SFRY and unit with the Popular Republic of Albania ». Dr. Gavro Marjanovic, in *Politika*, 6 December 1988.

- « While the birth-rate of the Serb people is rapidly decreasing, Albanian baby boom has been far quite some years the most salient problem of Yugoslavia. It used to be the taboo topic. Many glossed over it, and some stated that they were too ashamed to discuss the topic of birth-rate. However Albanians are not ashamed of having the highest birth-rate in Europe, and are instead striving to make it the highest in the world. Our federal constitution guarantees the right to free birth, but has forgotten to add "in line with economic possibilities of the society." It is impossible to meet megalomaniac demands of a demographic conqueror ». M.A. Dusan Nikolic, in *Politika*, 30 October 1989.

- « Albanian policy of the political leadership of Yugoslavia since mid-60's until 1981, that is until the fifth-column mutiny of Albanian separatists and chauvinists, was a total failure: it considerably contributed to a forcible changes of the ethnic map of Kosovo and Metohija, that is to forcible albanisation of that old centre of the Serb statehood and spirituality ». Batic Jovanovic, in *Politika*, 5 May 1990.

Un mécanisme similaire allait être employé à l'encontre les Croates, que l'on va présenter comme les héritiers des responsables de crimes commis contre les autres populations, dont les Serbes, pendant la Seconde guerre mondiale. Les parallélismes abusifs participent également d'une manipulation et d'une désinformation du public :

- « The world if not informed enough about this Ustashi genocide, for if it were some countries would not tolerate its followers, and Jasenovac would not have been omitted from the list of the European worst

journal décrivait une situation apocalyptique qui n'avait rien avoir avec la réalité vécue au Kosovo mais qui forgeait le ressentiment serbe et incitait du même coup à la haine et à la violence. Cette façon de faire reprenait une technique déjà employée par la propagande nazie pour justifier à l'avance une agression contre la Tchécoslovaquie et la Pologne au nom de la défense des minorités allemandes : des « informations » et des « récits » émanant de ces dernières et faisant état des atrocités qu'elles subissaient, étaient reproduits tels quels par la presse allemande, lui conférant de la sorte le caractère de l'authenticité⁸⁶...

45. Dès 1987 Milosevic allait s'appuyer sur les médias dont il se servait directement et de façon cynique pour imposer ses thèmes obsessionnels. Le journaliste belge Jean-Paul Collette confirme ainsi que « selon plusieurs témoignages » il aurait « lui-même inspiré les messages

concentration camps during WW2. I don't know if it has the highest death toll, but I know that deaths meted out there were the most ». Dr. Ljubomir Ramčević, in *Politika*, 8 May 1989.

- « Croatia, so-called Democratic Community is proud of Ante Starčević! According to folk saying, the Wise Shy Away from Places Where the Fools Tread, Croatia is proud of so-called Independent State of Croatia and is covertly and stealthily priming the new slaughter of Serbs in Croatia and Bosnia and Herzegovina. If these honest, but passive and indifferent Croats allow the installation of Tudman and his followers... then the bloodiest civil war in Yugoslavia shall break out... this is most feasible in view of recent statement of Tudman's close aide Šeks that they intended to eliminate all unitarists in Croatia ». Radoslav Blagojević, in *Politika*, 3 March 1990.

- « Your intentions are to compel the entire Croat nation to feel responsibility for genocide committed by the rogish elements of the Croat people, Ustashi. You, like your backer and name-sake Dr. Franjo Kuharic, have the courage to speak about "only" 40-50,000 victims in the concentration camp of Jasenovac, although we have to date discovered in mass graves in Grahovo six times more victims ». Čedomil Huber, "Open letter to Dr. Franjo Tudman", in *Politika*, 8 March 1990.

- « Genocide was forgotten thanks to efforts of the party and partisan leadership of Yugoslavia, and notably high-ranking politicians by their passivity. A gesture similar to Brundt's has never been made by head of our state. Even lesser gestures of tribute and memory have not been made... and those which have been made have always focused on the general humanistic and not on the concrete historical aspect of the event ». Mr. Miroslav Živković, in *Politika*, 5 June 1990.

⁸⁶ Le magistrat Antoine Garapon et l'universitaire Muhamedin Kullashi décortiquent parfaitement l'application de ce procédé au Kosovo dans leur article *Les ressorts du discours de la haine autour du Kosovo*, notamment lorsqu'ils écrivent : « L'unité retrouvée se réalise autour de la diabolisation des Albanais et plus précisément de trois thèmes revenant inlassablement jusqu'à être martelés aussi bien par les médias que par les intellectuels eux-mêmes qui ont joué un rôle de relais déterminant : l'invasion, le "génocide" et "l'exode". Tous ces thèmes permettent de comprendre qu'il ne s'agit pas d'un nationalisme ordinaire revendiquant un territoire mais plus profondément d'un discours raciste, c'est-à-dire fondé sur la diabolisation de l'autre qui est transformé en étranger. La propagande est recourue aux procédés classiques à savoir la construction d'un grand mensonge à partir des "petites vérités" (les conflits de droit commun systématiquement transformés en conflits inter-ethniques, les tensions réelles entre Albanais et Serbes dans des périodes de crises politique et économique), les récits de cruautés à partir de faits inventés ou de données largement faussées, et en particulier par la répétition incessante des mensonges ("génocide", "terreur", "purification ethnique") qui, avec le temps, prennent pour l'opinion serbe l'apparence de la vérité ». <http://www.cerf.fr/cerf/pays/kosovo.htm>

de propagande télévisés à travers lesquels il déverse son hystérie nationaliste »⁸⁷. Cette véritable main-mise de Milosevic sur les médias et sur leur contenu a été également confirmée par Borisav Jovic, l'un de ses plus proches collaborateurs, qui écrivait par exemple à la date du 2 août 1990 - dans le carnet de notes qu'il tenait quotidiennement en tant que vice-président puis président de la République Fédérale Socialiste de Yougoslavie : « I wrote a series of three articles, <<The Truth About Ante Markovic>>, and sent them to Slobodan. He instructed that they be published in Politika. They will appear as instalments on the 5th, 6th and 7th under some pseudonym. We must expose him, because the people are seriously mistaken about who he is and what he is. Many see in him some sort of savior, but he is an ordinary imposter and enemy of the Serb nation »⁸⁸.

La mystique serbe au service du pouvoir

46. L'utilisation de l'histoire et la réactivation des anciens mythes serbes à des fins nationalistes allaient alors donner lieu à l'orchestration de manifestations politico-culturelles destinées à entretenir la mobilisation des masses serbes. La propagande nazie avait montré que les mythes possèdent sur les masses une forte puissance cohésive : c'est en effet par les mythes et donc l'appel aux forces de l'inconscient, à la peur et à la terreur, à l'instinct de puissance ou encore à la communauté perdue, que la propagande orchestrée par Goebbels était parvenue à conquérir et à fondre les allemands en une masse compacte. Le régime serbe allait employer une recette similaire : pour souder la population, la propagande officielle

⁸⁷ In « Un monstre d'opportuniste », édition en ligne du journal *Le Soir*, 12/02/2002, <http://www.educweb.org/Alterfocus/Dossiers/Delponte/Milosevic.htm>

⁸⁸ In *Last Days of the SFRY*, Journal of excerpts translated by David Stephenson for the ICTY, pp.145-146. Autre exemple intéressant donné par Borisav Jovic : "It happened very often that Milosevic received for talks various foreign statesmen, who had different views and opinions than him on the issues discussed. The rule was never to stand in front of TV cameras, where everybody could express their views, but to publish a press release, which had been personally edited by Milosevic and which featured his views as the subject of the talks, without the views of the other party". In *Book on Milosevic*, Belgrade, 2001 (Drafttranslation by ICTY), p.16.

puisait aux sources de la mystique serbe ; celle d'un peuple victime et martyr malmené par l'histoire, et celle de la Grande Serbie, indissolublement liée à la religion orthodoxe⁸⁹.

47. Dès 1987, donc, les intellectuels les plus nationalistes se relayaient à la télévision et encensaient le passé de la nation serbe alors que se multipliaient dans les journaux les feuillets historiques⁹⁰ magnifiant la Grande Serbie médiévale et les articles répertoriant les injustices et les attaques dont avaient été victimes les serbes⁹¹, de la bataille de *Kosovo Polje* en 1389 - qui vit la victoire des Ottomans et qui mit fin à l'autonomie de la Serbie - au "génocide" perpétré contre les populations serbes en 1941 par l'État croate⁹² indépendant, reconnu par Hitler et Mussolini et dirigé par Ante Pavelitch, chef du mouvement nationaliste des Oustachis responsable de l'assassinat du roi Alexandre en 1934... Le 9 février 1990 *Politika* publiait par exemple une lettre signée par Vojislav K. Stojanovic, président de l'Association des enseignants universitaires et des scientifiques de Serbie, qui se livrait à une très nette exagération des chiffres concernant le nombre des victimes serbes durant la Seconde guerre mondiale ou la prétendue explosion démographique des Albanais du Kosovo : « *Le peuple serbe n'a jamais été un peuple conquérant, et il n'a jamais cherché à opprimer*

⁸⁹ A partir de l'été 1991, il y a proscription à la RTS de toute musique écrite ou jouée par des non serbes alors qu'une place de plus en plus importante est accordée à la religion orthodoxe et à ses représentants. Les reportages sur les fêtes orthodoxes sont alors systématiques.

⁹⁰ Citant le cas de *Politika*, Mark Thompson, écrit à ce propos : « *From 1987, Politika was swiftly monopolized by hate - and fear - mongering articles about a growing roster of internal and external enemies (the Albanians of Kosovo and, later, the Croats, the Slovenians, the Bosnian Muslims, the Vatican, and the CIA). The back pages of the paper, meanwhile, were <<given over to interminable obsessive features on Serbia's past : its battles, its dynasties, its unique sufferings>>* ». In *Forging War. The Media in Serbia, Croatia and Bosnia-Herzegovina*, Article 19, "International Centre against Censorship", Avon, May 1994, p.69.

⁹¹ Parmi les multiples émissions de télévision et de radio à contenu historique et destinées à montrer les menaces pesant sur le peuple serbe et justifiant les attaques contre les populations non serbes de Croatie et de Bosnie-Herzégovine, on peut citer par exemple :

« *Rouge est le ciel* », documentaire dramatique diffusé en août 1991 par *Radio Belgrade* et évoquant, témoignages à l'appui, l'exode du peuple serbe de Croatie ; l'émission sur la « *Consécration de la fosse de Kupresko Polje* », diffusée sur *TV Belgrade*, où furent jetés des Serbes égorgés pendant la Seconde guerre mondiale ; le reportage « *Le Monument* », diffusé sur le deuxième programme de *Radio Belgrade*, évoquant le « nettoyage » d'un village serbe d'Herzégovine durant la Seconde guerre mondiale ; ou encore « *Le sabre ne coupe pas les têtes roumaines* », reportage radio où le présent est lu à la lueur du passé et où sont évoqués les malheureux serbes massacrés par les oustachis... Pour plus de détails, voir Rade Veljanovski, *op.cit.* pp.314-315.

⁹² Exemple parmi d'autres, durant l'été 1990, le quotidien *Politika*, au travers de sa rubrique « *Échos et réactions* », consacre cinq de ses six pages à des articles répertoriant les crimes des "Oustachis" durant la Seconde guerre mondiale.

d'autres peuples. Mais les autres peuples, selon un destin funeste, ont cherché à le soumettre et à l'opprimer (...) dans le crime de génocide commis par les ultra-nationalistes croates, le peuple serbe a perdu plus de deux millions de victimes innocentes pour la simple raison qu'elles étaient serbes (...) Les Albanais ont agi de manière immorale et inhumaine : ils ont développé une campagne inouïe en faveur de la fécondité de leurs pauvres et misérables femmes, et c'est ainsi que s'est développée chez eux une explosion démographique jamais vue nulle part, la plus forte du monde. Ils ont ainsi multiplié leur nombre par 50, en seulement quarante ans, au Kosovo et en Metohija »...

La médiatisation des « messes politiques »

48. Cérémonies artistiques, religieuses et rituelles allaient se multiplier dans tout le pays pour commémorer les « victimes serbes » à travers l'Histoire. Milosevic, qui connaissait l'impact psychologique de ces mises en scène sur la foule et qui ne négligeait pas d'y participer en personne, veillait à ce qu'elles figurent en première place de l'agenda des médias⁹³ : ainsi, en avril 1990, deux rédactrices en chef d'un programme d'informations à la *Radio-Télévision Novi Sad* (Voïvodine) étaient mises à la porte pour n'avoir pas fait leur principal titre de la célébration d'une fête serbe à laquelle assistait Slobodan Milosevic⁹⁴...

49. D'un point de vue symbolique, la « messe politique » la plus réussie fut sans conteste l'organisation par le régime, le 28 juin 1989, du six centième anniversaire de la défaite du « Champ des merles » à Kosovo Polje, qui vit les Ottomans prendre pied pour plusieurs siècles dans la région. Devant un million de serbes rassemblés pour l'occasion, Slobodan

⁹³ La sociologue Véronique Nahoum-Grappe rappelle ainsi que « <<la renaissance du peuple serbe>> a été le grand thème de la propagande orthodoxe à partir des années 1987. Les cérémonies religieuses qui <<enterraient à nouveau les morts>> (vieux thème anthropologique), martyrs serbes des génocides passés dont les ossements étaient censés exsaler la <<terre serbe>>, furent abondamment retransmises à la télévision de Belgrade où les « martyrs étaient brandis ». In *Les violents systématiques en ex-Yugoslavie - 1991-1995*, Symposium international « Les enfants de la guerre. Devenir, mémoire et traumatisme », organisé par le Centre international de l'Enfance et de la Famille, Programme CEDRATE, 6-8 mars 1997, Paris. <http://psydocfr.broca.inserm.fr/colloques/cr/cedrate/intervcedra.html>

⁹⁴ Reporters sans frontières, *La liberté de la presse dans le monde. Rapport 1991*, p.179.

Milosevic promettait de « nouvelles batailles » au peuple serbe pour le laver de cette défaite sacrificielle, qui avait fait plusieurs dizaines de milliers de morts, et appelait au réveil national. La *Télévision serbe*, comme d'ailleurs l'ensemble des médias, allait donner une importance particulière à cette mise en scène qui présentait Milosevic comme le personnage salvateur qui avait rendu au peuple serbe sa dignité collective en récupérant le « paradis perdu » de la vieille Serbie⁹⁵. Ainsi que l'écrit à juste titre Florence Hartmann, « la machine de propagande du régime jouait sur les émotions, glorifiait le passé, manipulait la mémoire collective pour préparer les esprits à la guerre que Slobodan Milosevic venait d'annoncer »⁹⁶. A cet égard, une place à part doit être réservée au quotidien *Politika* et sa rubrique « Echos et réactions », réputée pour prôner la haine et la xénophobie. Entre juillet 1988 et mars 1991, ce seront plus ainsi plus de 4000 contributions – d'intellectuels, syndicalistes, militaires, enseignants, docteurs, etc. mais aussi d'institutions publiques – qui seront publiées. A partir de thèmes différents – directement inspirés des griefs ou objectifs présentés dans le *Mémoire* de l'Académie Serbe de 1986⁹⁷, le même message revenait inlassablement comme un leitmotiv, celui des injustices historiques faites au « Peuple » serbe⁹⁸... Sous-entendu : que le temps était venu de réparer. Cette rubrique, qui a joué un rôle

⁹⁵ Le 28 mars 1989 étaient adoptés des amendements à la Constitution de la république de Serbie qui privaient dorénavant les provinces du Kosovo et de la Voïvodine de l'autonomie dont elles jouissaient depuis 1974.

⁹⁶ *Op.cit.*, p.53.

⁹⁷ Il est à noter que les Académiciens contribueront largement à nourrir cette rubrique. Les premières contributions à « Echos et réactions » datent de novembre 1988 et appuient la politique menée alors par le pouvoir et consistant en la propagation d'un sentiment anti-slovène et anti-autonomiste. Voir les articles des Académiciens Dejan Medakovic (« Nous ne permettrons à personne de nous priver de notre avenir », édition spéciale « La bataille pour la vérité » du 19/11/88) et Vasilje Krestic (« Les fondements historiques de l'autonomie de la Voïvodine », 4 et 5/11/88).

⁹⁸ Voici quelques exemples de contributions d'intellectuels à la rubrique « Echos et réactions » abordant ces différents thèmes, où le même message revient en filigrane - celui d'un peuple victime :

By Prof. Dr. Marko Mladenovic, writer, Radomir Smiljanic

« (...) Today exodus of Serbs from South, is helped by Europe, notably the Catholic one, for it hopes to win over the Muslim Albanians in Yugoslavia (Albanians are 98% Muslims, while the West literally lies that only 40% are of that faith) by thus open support, it hopes to convert them all to Christians, in the next stage of development. But they forget that the Muslims and Orthodox people cohabited for centuries, and are therefore closer... Thus Vatican would like to hurt the Serbs (and Slavs) again, in the similar way it had damaged in earlier history Slovenians and Croats by their latinization. (...) And Croats? Why do they keep silent? And are they silent? Svarcar made a cautious remark "that despite continuing love, people need not live together any longer." Why then those Slovenians and Croats wanted so much to join Yugoslavia, although we knew they did

not like us very much and were wary of such unification? Well it was well-known that they wanted to seize 'their' territories from the victorious Serb army. And still they could not do anything without that army. By the force of historical circumstances, they were on the opposite side, and we Serbs understood that and accepted them in joint state. But then in the last war they paid us back by Herzegovina and Dalmatian mass graves and knives (...)

" in Politika, 13 décembre 1989.

- " (...) However the most vague is the US stance, those actions of the US diplomacy, which is heading towards the diplomatic bankruptcy, by opposing the Serb nation, the biggest and most state-making nation in the Balkans. Does America know that it is still at war with Croatia, because the notorious Independent State of Croatia declared war to the US in the late 1941, and the Croat Democratic Community has naturally taken on the rights and obligations of the former? " in Politika 3 juin 1990.

- " Today in the heart of Europe, the West sees Serbs, its former ally from both WWs, only through Vatican's merciless propaganda (through the Croat-Slovenian tribalism). At the heart of the dispute is obviously Kosovo, which the Western and Comintern politicians had firmly decided to hand-over to Albania, the most retrograde and obscure construction in the world (I always feel sorry for our Kosovo Shiptars when I think how they shall live when they find themselves in their state, on the other side of Prokletije). Poor Westerners also talk about how Serbs have firmly embraced orthodox Bulsevism, so that they cannot eliminate it... Terrible of Serbs in Kosovo and in Croatia was not a good enough warning of the heralded rage. Serbs are becoming "notorious", although we have given to the Shiptari national minority more than they merited under any criteria (Academy of Sciences, University, National Library, TV, radio, press, all in their mother tongue) and we even allow foreign commissions to work in all parts of our country... and we forget that we have started the war in 1914 because we banned the entry of one such commission... We rejected that ultimatum and the whole world had to wage that war! Then our move was prompted by the need to preserve dignity of one people (...) Mikulic became the symbol of restored dignity of Serbs, and he might become a key prime mover in the next election of head of state, even if his newly-emerged party fails to win 30% of votes at the next elections. He is the only serious candidate in the future general, popular referendum: republic or kingdom. I talked to him once for full 6 hours, and found no fault with him " in Politika 6 septembre 1990.

By Dr. Mileta Markovic, Zagreb

(letter to the President of the European Parliament in Strasbourg)

- " (...) It is tantamount to questioning the Nazis, and not the Jews about genocide against Jews. In Kosovo in place is persecution of Serb people, and not of Albanian people. That persecution started three hundred years ago. Although it may sound paradoxical, the fact is that the most massive persecution and exodus of Serb people happened in the post-war Socialist Yugoslavia. Also intimidated and threatened are all the other Slav and non-Slav people in Kosovo, Montenegrins, Macedonians, Muslims, Turks, Croats and Roma, and all peoples living close to borders of so-called "Great Albania", imagined and gradually realised "by fire and sword" campaign stage-managed by power-holders from Tirana (...). According to the 1948 population census, there were 58% Albanians (350,000) and Serbs and other peoples 42% (about 300,000) in Kosovo. And since 1948 incredible things happened in Kosovo: now in Kosovo there are nearly 2 million Albanians, and Serbs and other peoples 300,000! And that happened because three bombs were planted in Kosovo by the political and State leadership. The first 'bomb' was birth-rate: Albanian population in Kosovo (and outside Kosovo) has the highest birth rate in Europe, and among the highest in the world. That birth-rate is boosted by all means available by Albanian separatists for they are waging a demographic war, or a campaign to conquer foreign territories. Pertinent data may be found in the recently published *Bela knjiga* (White book). The second "bomb" was mechanical growth of population. Although NR Albania since 1948 was considered a hostile country of Yugoslavia, many families crossed that border and settled in Yugoslavia, and no-one tried to stop them. On the contrary they were immediately given houses and property of native population (Serbs, Montenegrins, etc.) and even social assistance. Currently no-one knows how many Albanians have thus illegally emigrated to Yugoslavia, while no Serb or Montenegrin (and there are quite a few of them in Albania) managed to escape to Yugoslavia, because in Albania they are stripped of their National, cultural and religious rights. The third "bomb" is a political one: under the 1974 Constitution Serbia was divided into three parts, which practically made possible the creation of an Albanian state in the Balkans. Thus Serbs and other peoples in Kosovo became national minorities, and Albanians a rising nation, for the Socialist Autonomous Province of Kosovo practically became a state within the state. It was not an experiment error of Albanians, but was a result of a wrong concept of the Yugoslav (con) federation. It was a very risky " in Politika, 1 juillet 1989.

By Radomir Smiljanic

- " (...) Both the deaf and blind are aware that Ante Markovic-style way out of crisis, entails further "exploitation of all resources" by Slovenia and Croatia, at the expense of a central and southern republics of the SFRY. Depreciated prices of electric power, coal (Serbia is its largest producer), railway and PTT services (the longest railway lines run through Serbia and South of Yugoslavia), of ferrous and non-ferrous products (Serbia, B&H, Montenegro and Macedonia are the largest producers thereof), clearly indicate that the federal government,

primordial dans la manipulation de l'opinion publique serbe, était reprise dans ses grandes lignes par les médias électroniques contrôlés par le pouvoir, *TV Politika* et *TV Belgrade*. Ces très nombreuses contributions étaient présentées comme étant l'expression de la volonté du « Peuple » serbe et servaient du coup comme autant de justifications à la mise en œuvre des thèses nationalistes du régime Milosevic – procédé classique de propagande visant à créer artificiellement l'unanimité ou la cohésion autour d'un leader, de sa politique...

L'assaut sur les médias

composed of representatives of 6 republics and 2 provinces, are catering to the needs of the two republics in the North West, Slovenia and Croatia (whose representatives make up over half a composition of that government)", in Politika 24 décembre 1989.

- " (...) If, as it clearly stems from conduct of many Tudman faithful, the Croatian secession came about, and Yugoslavia was broken up, Serbs shall then also attain their right to chose with whom they shall live outside the right-wing, neo-Nazi Croatia, for in the latter their existence would be threatened in view of still raw memories of the terrible genocide committed at the hands of the most Croat sons in Pavelic's Croatia. Tudman calls that country "the historical dream of all Croats". Perhaps Serbs shall also avail themselves of the right to secede as people, like Croats, and then shall probably join the most probable "vestiges" of Yugoslavia, on the territory adjoining Bosnia, for example ", in Politika 22 août 1990

- " (...) I had to ask the lady minister from Slovenia what the Slovenian foreign policy would be like in view of the fact that, for example, Yugo-Italian Osim Agreements would remain in place as long as the Yugoslav federation existed. (And she told me that Yugoslavia no longer existed.) And Italy, it is a well-know fact had its legitimate territories in the whole Istria up to Sušak, Zadar and many other islands and peninsulas. Slovenia, therefore, would be land-locked (similarly to Serbia) and Croatia would get Only one fifth of its current coastline ", in Politika, 22 octobre 1990.

By Veljko Guberina

- " (...) After WW2 Serb people was the first one to embrace slogan "Brotherhood and Unity." And instead of extending support to Serb people in their justified struggle for the rights already enjoyed by other peoples in this country, they were attacked in the most brutal way...and their only fault was their belated reaction against discrimination of their own people by the Albanian national minority which in this country enjoys superior rights to any other national minority in Europe, rights SUPERIOR TO THE ONES EXERCISED BY SERB AND MONTENEGRIN PEOPLE IN KOSOVO... ", in Politika, 20 janvier 1989.

- " (...) Slovenia which proclaims its full sovereignty should be ready to defend its territorial integrity. But as Slovenia is aware that it cannot do it successfully, it needs confederation as the form through which it ensures deployment of Serb soldiers (renowned for their qualities) as guardians of its borders, which Slovenia got thanks to existence of the Yugoslav state! If it no longer wants Yugoslavia, then it cannot count on Serbia ", in Politika, 9 octobre 1990.

- " (...) And who throws their weight behind the current leaders? Only five million people shouldering an onerous legacy from the near past. The people who did not make their name in history thanks to glorious war victories, famous warriors, or created empires, but people whose name was put on the map of the world in 1102 when they gave their freedom on a plate to foreigners. Had not Serb soldiers came to Croatia in 1918, it would have never been recovered ", in Politika, 25 janvier 1991

- " (...) As regards that he needs to be explained two things, which he should have known long time ago: Shiptari in Yugoslavia are a national minority, but enjoy rights superior to those exercised by any other minority in the world, and they were accorded those rights during the Vatican-Vienna and Comintern harangue against Serbia and Serb people, and the second thing we have to explain is their current number-3 million! He is probably referring to the golden Tito's era when all Romany, Muslims, Turks, Gorani, etc, who lived in Kosovo and Metohija were simply declared "Shiptari", in Politika, 21 février 1991.

50. La propagande officielle du régime allait être d'autant plus efficace que Slobodan Milosevic prenait le contrôle⁹⁹ de la télévision de Belgrade juste après s'être "imposé" à la tête du parti communiste¹⁰⁰ : la direction était remplacée par des hommes de confiance et membres du parti chargés de renforcer la pression idéologique du "renouveau nationaliste serbe"¹⁰¹ ; plusieurs centaines de journalistes n'adhérant pas à la politique de Slobodan Milosevic étaient mis à la porte de la télévision¹⁰² et des journaux¹⁰³ à Belgrade, Novi-Sad et Pristina.

51. En juillet 1990, dans la foulée du décret mettant fin à l'autonomie du Kosovo et de la dissolution du Gouvernement et du Parlement, était décidée la suppression des programmes radiophoniques et télévisés en langue albanaise dans la province – privant ainsi plus de deux

⁹⁹ Ce contrôle sera renforcé en juillet 1991 par l'adoption d'une *Loi sur la Radio et la Télévision* qui crée une seule entreprise (*Radio Télévision Serbe*) désormais propriété de l'Etat – le gouvernement ayant une ascendance totale sur la RTS.

¹⁰⁰ La journaliste Véronique Soulé précise ainsi que dans les semaines qui suivent le huitième plénum de la Ligue des Communistes de Serbie, le « nouveau chef du PC Serbe place ses hommes à la tête des principaux médias : la Télévision de Belgrade (deux chaînes reçues dans toute la Serbie...) et le puissant groupe Politika, qui possède notamment deux quotidiens et une dizaine d'hebdomadaires », *Libération*, 21 mars 1991, p.20.

¹⁰¹ Témoin privilégiée de ce lien ombilical entre le parti de Milosevic et la RTS – pour y avoir travaillé de 1983 à 1992, la journaliste Milica Pesic précise sur ce point : « Officially and formally, RTS is a public enterprise. However, in practice it is a television station controlled primarily by the Serbian government – in other words, by the Socialist Party of Serbia (SPS) – the party in power – and its allies. All the leading men in RTS, instead of being appointed by the Parliament of the Republic, as is laid down in the relevant law, are actually chosen by the ruling party (SPS). And the extent to which the RTS and the regime are linked is illustrated by the following : The Director of RTS, Milorad Vucelic, is simultaneously a member of the Main Board of the Socialist Party of Serbia. Many journalists are also officials or members of the SPS, in contradiction to the Law on Public Information », *op.cit.*, p.16.

¹⁰² Les purges au sein de la RTS seront régulières : en janvier 1993, par exemple, la direction licenciat de facto – sur critères politiques et ethniques – 1500 journalistes, employés et techniciens qui se voyaient interdits d'accès à leurs locaux de Belgrade et de Novi Sad. Contestée par les intéressés, cette décision sera pourtant validée en septembre suivant par la Cour Suprême de Belgrade. Rapporté par Reporters sans frontières, *La liberté de la presse dans le monde. Rapport 1994*, p.391.

Voir aussi le témoignage de Milica Pesic, *op.cit.* pp.48-51.

La mise à l'écart des journalistes qui s'opposaient à la ligne rédactionnelle guerrière de la RTS était ainsi justifiée par Vukar Jokarovic, le Président du Conseil d'Administration : « La RTS, télévision nationale et d'Etat, a une importance particulière. Elle ne peut se permettre, en ces temps où nous subissons des pressions de toutes sortes et où un génocide est perpétré à l'encontre du peuple serbe spolié de tous ses droits nationaux, de demeurer anationale, de ne pas prendre la défense des intérêts nationaux, qui sont vitaux (...) Dans les institutions chargées de l'information travaillent des gens arrivés à des époques diverses, aucun d'eux n'est jamais parti. Ainsi, la Radiotélévision de Belgrade est plus yougoslave que belgradoise ou serbe. C'est la même chose pour certains journaux et magazines. Dans tous ces médias, des gens oeuvrent en fait contre la Serbie. Ce sont les Serbes d'Ante, ils supportent ces entreprises en servant la zizanie au sein du personnel. Ainsi affaiblies, elles ne sont plus en mesure de s'organiser efficacement ». In *Epoka*, mars 1992.

¹⁰³ *Nin*, l'hebdomadaire le plus connu de Serbie verra ainsi sa rédaction entièrement remaniée en juin 1988 sur ordre de Milosevic – qui choisira ce journal pour annoncer, le 30 juin, dans une interview « le réveil de la nation serbe humiliée », détaillant alors dans son programme toute référence à l'idéologie communiste...

millions d'Albanais d'informations dans leur langue maternelle - et le journal *Rilindja* y était interdit¹⁰⁴. Parallèlement, une vingtaine de journalistes de langue albanaise du Kosovo étaient arrêtés et emprisonnés par les autorités de Belgrade et quelque cinq cents journalistes de la radio-télévision travaillant au Kosovo étaient renvoyés...

La télévision, pièce maîtresse du dispositif

52. Ce verrouillage quasi total des médias allait permettre au leader serbe et à son parti, le Parti Socialiste Serbe, d'emporter facilement les premières élections libres en décembre 1990¹⁰⁵... Outre le groupe de presse écrite *Politika*, c'est la télévision qui allait se révéler le vecteur essentiel de la mystification de l'Histoire en Serbie. Traditionnelle dispensatrice de l'idéologie officielle, la télévision restait en effet le média de loin le plus important, du fait qu'il allait longtemps constituer¹⁰⁶ la seule source d'information pour plus de 90% des serbes¹⁰⁷. Ainsi, en réécrivant l'Histoire, en se basant sur des bribes de réalité - c'est-à-dire par le biais d'une mémoire sélective qui « consiste à s'exonérer de (ses propres) crimes tout en privilégiant la mémoire des crimes commis par les autres »¹⁰⁸ - ces médias allaient contribuer à la démonisation des autres communautés, particulièrement des albanais du Kosovo, des croates et des musulmans bosniaques.

¹⁰⁴ Reporters sans frontières, *La liberté de la presse dans le monde. Rapport 1991*, p.180.

¹⁰⁵ Malgré l'autorisation du multipartisme, les médias officiels restèrent fermés à l'opposition naissante, à laquelle ils ne laissèrent aucune chance et qu'ils s'employèrent à discréditer : « A la télé, on évoque à peine des manifestations de plusieurs milliers de personnes et l'on caricature le rival potentiel de Milosevic, Vuk Draskovic, président du Mouvement serbe du renouveau, présenté comme un dangereux exilé ». *Idem*.

¹⁰⁶ En effet, l'étroit pluralisme de l'information qui existait en Serbie jusqu'au début 1995 - avec quelques rares médias indépendants, mais de fait extrêmement limités au plan de la diffusion et donc à faible audience - était plus que jamais menacé. Après la reprise en main de *Borba*, seul quotidien indépendant (début 1995) et de *Svetlost*, le plus fort tirage régional en Serbie en septembre, c'est la télévision indépendante *Studio B* (limitée à Belgrade) qui était nationalisée au mois de février 1996.

¹⁰⁷ A ce propos, la journaliste Nicole du Roy note que « dans ce pays (la Serbie) de 46% d'illétrés (presque une personne sur deux), la seule information qui couvre l'ensemble du territoire et atteint les campagnes est celle de la télévision d'Etat ». In « Serbie : la télé parano », *Télérama*, n°2257 du 14 avril 1993, p.12.

¹⁰⁸ Stanco Cerovic, « L'information est-elle possible face à la propagande ? », in *Dialogues et documents pour le progrès de l'homme/Expériences et réflexions sur la reconstruction nationale et la paix*, Documents de travail de la Fondation pour le progrès de l'homme, n°64, p. 190.

53. En 1990, pour préparer et justifier la reprise en main de la province du Kosovo¹⁰⁹ par Milosevic, la télévision serbe lançait, à coups de commentaires globalisants, une campagne contre les Albanais du Kosovo, accusés "d'empoisonner les puits et d'égorger les enfants", campagne relayée par le quotidien *Politika* qui publiait les courriers de lecteurs - en fait souvent des pièces montées - attestant le fait que les Albanais y violaient les femmes serbes par centaines¹¹⁰. Dans l'édition du 9 février 1990 de *Politika* on pouvait ainsi lire, sous la plume de Vojislav K. Stojanovic, président de l'*Association des enseignants universitaires et des scientifiques de Serbie*, que « (...) Aujourd'hui, les terroristes albanais, bestiaux, se déchaînent au Kosovo et en Metohija, en détruisant et en agressant tout ce qui est serbe, en faisant irruption dans les maisons serbes et en terrorisant les rares personnes qui y sont restées. Au Kosovo et en Metohija, règne la terreur des terroristes armés jusqu'aux dents (...) ».

Slobodan Milosevic lui-même participera à la stigmatisation de la communauté albanaise du Kosovo, offrant une vision extrêmement manichéenne de la situation et fermant la porte à toute solution non nationaliste dans la province autonome. C'est ainsi qu'il déclarera dans un discours retransmis par *TV Belgrade* : « *Even children know the truth about Kosovo and Serbia, so it is quite superfluous to say anything more about it. To those who think otherwise I should say that I refuse to talk about it because we need never try to find excuses for Serbia's determination to put an end to the murders of Serbs and Montenegrins in Kosovo and for our unwillingness to accept any discussion on establishing an Albanian state on Serbian territory. To avoid any confusion, I hasten to add that anyone seeking concessions along these lines would first have to depose the ruling Serbian leadership* »¹¹¹. Cette porte fermée à toute

¹⁰⁹ Le 28 septembre 1990 est promulguée par Belgrade une nouvelle Constitution supprimant l'autonomie de ses deux provinces, la Voïvodine et le Kosovo.

¹¹⁰ Voir Catherine Humbiot, "La manipulation de la mémoire", *Le Monde*, 22 juillet 1993.

¹¹¹ Voir « *Images and Words of Hate : Year One* », *Foundation for Right to Pictures and Words*, Lazar Lalic, B 92-ARHTEL, 1996.

discussion entraîne en juillet 1990 la proclamation de la République indépendante du Kosovo et immédiatement après la suspension de l'Assemblée de Pristina par le gouvernement serbe – ce dernier introduisant une administration d'urgence à *TV Pristina* et dans les journaux albanais.

54. D'une manière générale, avant le déclenchement de la guerre par la Serbie, les médias audiovisuels de Belgrade ont diffusé de nombreuses émissions consacrées au rappel d'événements historiques qui sont toujours mis en parallèle avec les persécutions dont seraient victimes les serbes de Croatie et de Bosnie.

L'arrivée au pouvoir à Zagreb du HDZ lors des élections d'avril-mai 1990 va à cet égard marquer un coup d'accélérateur. Prenant prétexte du fait que la nouvelle constitution votée par le Parlement Croate fait des Serbes une minorité nationale, ceux-ci – confortés par le signal qui leur est donné par Slobodan Milosevic dans un discours adressé au Parlement Serbe et diffusé par *TV Belgrade*¹¹² – organisent la résistance sur le terrain. Naît alors à la *Télévision Serbe* un type nouveau de « reporter de guerre » propagandiste et de très nombreuses interviews de Serbes de Croatie sont réalisées et diffusées, allant toutes dans le sens d'une exacerbation de la situation sur le terrain¹¹³ – seules les positions les plus extrémistes ayant droit de cité. Parallèlement à de tels reportages qui font la « Une » des actualités télévisées du soir, se multiplient des émissions spéciales, certaines atteignant 90 minutes, dont l'objectif

¹¹² "Recent events and, above all, grave conflicts and acts of state-terrorism in Croatia, aggravated the Yugoslav political crisis, which already had a long history of ethnic strife, and assumed proportions of an armed conflict with elements of a civil war, with numerous casualties, columns of refugees, break-downs in traffic and supply... What we have now is a natural and legitimate self-defence immanent in the historical dignity of any nation. All efforts directed at qualifying it as banditism through loud, well-organised propaganda and ballyhoo only reveal a counterproductive and non-effective concept, essentially chauvinistic and pro-fascist, which stifles the national interest and human dignity of a people fighting a just battle for equal national and civil rights". « Images and Words of Hate: Year One », Foundation for Right to Pictures and Words, Ljazar Lalic, B 92-ARHTEL, 1996.

¹¹³ Après avoir interviewé plusieurs citoyens serbes de Croatie, un reporter, face à la caméra et devant un parterre d'autonomistes serbes, conclue ainsi son reportage : « Is this the opinion of all inhabitants of Koin, all Serbs in Kranjia and Croatia ? It is hard to tell. The people we interviewed don't represent all of them, but their feelings are quite indicative and should be counted with by those who make decisions in their names ». *Idem*.

premier est de monter le public serbe contre ses ennemis désignés et de préparer le terrain à la guerre¹¹⁴.

Autre tentative d'intimidation de l'opinion publique, fin janvier 1991, la *Télévision Serbe* diffusait un document – « *La vérité sur l'armement des formations terroristes du HDZ en Croatie* » - filmé par le service de contre-espionnage militaire (KOS) mi octobre 1990, qui venait « prouver » la responsabilité directe des dirigeants au pouvoir à Zagreb dans l'armement clandestin. Dans ce document vidéo en noir et blanc, le public peut voir le Ministre Croate de la Défense, Martin Spegelj, filmé par une caméra cachée, expliquant son plan d'action contre les casernes yougoslaves et promettant des liquidations. C'est du moins ce qu'annonce la *Télévision Serbe* parce qu'à l'écran, les mots prononcés par Martin Spegelj sont inaudibles et c'est une voix off qui les répète à l'attention des téléspectateurs serbes : « *And if something should happen, just give orders to all your men : kill the extremists. On the spot. On the street, in the barracks, wherever. Just shoot right in the stomach. It is not going to be a war, but a civil war without mercy. Not even for women and children. Just plant bombs into family apartments* »¹¹⁵. Faux ou véridique, ce document, diffusé à deux reprises durant la même soirée, créa l'effet désiré, à savoir un électrochoc dans l'opinion publique serbe qui voyait ainsi confirmé le caractère intrinsèquement mauvais du pouvoir à Zagreb...

¹¹⁴ On retrouve dans ces programmes les thèmes du ressentiment serbe tels qu'exprimés dans le *Mémoire* de l'Académie de Belgrade en 1986. Là encore on multiplie à satiété les interviews avec les Serbes de Croatie. Telle femme déclarant par exemple :

- « *Serbs were ready to forget its name and heritage, its ancestors, all for the brotherhood and unity, mass-tombs and concentration camps... I have a lot of ancestors in those tombs. However, if the politics towards Serbs in Croatia continued...* »
- « *You mean communist politics ?* »
- « *Yes. The majority of Serbs would be assimilated in 10 years.* »

Interviewé un homme déclare pour sa part : « *Boranj and West Sram ethnologically and historically absolutely belong to the Serbian people. So do all other territories inhabited by Serbs. It would be absurd to turn Croatia, or any other territory into a Serbian one* »... A la question de savoir quels devraient selon lui être les contours du nouvel Etat Serbe, un autre homme répond : « *The boundaries of the Serbian autonomous Region will be... There is a historical link. Where Serbian blood was shed by the Ustasas knives, there will be our boundaries* ». Dans un autre entretien, un troisième homme explique : « *If the Croats really want to create an independent state they can do so on their ethnic territory. Could you imagine that there people would disappear, that these mountains would fall, or a Croatian flag hoisted instead of the Serbian one ?* ». Voir « *Images and Words of Hate : Year One* », *Foundation for Right to Pictures and Words*, Laza Lalic, B 92-ARHITEL, 1996.

¹¹⁵ *Idem*. Voir aussi F. Hartmann, *op.cit.*, pp.107-109

Les plus hautes autorités morales et intellectuelles Serbes sont partie prenante du conditionnement de l'opinion publique pour justifier la guerre à venir avec la Croatie. A la télévision nationale, du haut de leur autorité incontestée, ils participent à l'interprétation de ce que sont les intérêts vitaux de la Serbie. Les rappels incessants de l'Etat Croate Indépendant et des atrocités commises par les Oustachi servent d'alibi aux objectifs politiques du régime et sont à la base du développement et de l'intensification de la haine inter-ethnique. Un reportage télévisé est ainsi consacré le 4 août 1991 à une cérémonie d'excavation des restes de martyrs de crimes oustachi – présentés au public dans des dizaines de petits cercueils, présidée par l'Académicien Dobrica Cosic : « *One of the greatest sins of my generation, is this funeral which we perform fifty years too late, the funeral of Prebilovac martyrs. We committed this sin because we foolishly believed that by forgetting the Ustashi crime we contributed to the brotherhood of the Serbian and Croatian peoples* »¹¹⁶. Le parallèle entre le passé et le présent, où l'on assimile le régime de Frandjo Tudjman à celui d'Ante Pavelic, est fait pour pousser au paroxysme la haine anti-croate. On voit ainsi à l'époque à la *Télévision Serbe* un Jovan Raskovic, psychiatre, académicien et leader des Serbes de Croatie, déclarer lors d'un meeting : « *The genocide has begun, and it depends on the Serbs in Croatia and in Serbia and the international factor, Europe and the world whether their movement will reopen its concentration camps and the pits used as collective tombs. But one thing is for sure : Serbs will never again be led to the pits by just a couple of Ustashas. Serbs have to put up a great resistance and the genocidal idea will collapse along with the genocidal Croatian state* »¹¹⁷.

Cette tendance ira croissante avec le début de la guerre avec la Croatie : ce sera notamment le cas de la diffusion d'un documentaire, intitulé "Umetnici o genocidu" ("Les professionnels du

¹¹⁶ « *Images and Words of Hate : Year Two* », *Foundation for Right to Pictures and Words*, Lazar Lalic, B 92-ARHITEL, 1997.

¹¹⁷ *Idem*.

génocide¹¹⁸), relatant, sur la base de nombreux témoignages, les exactions du gouvernement croate d'Ante Pavelitch en 1941 et destiné à réveiller dans la mémoire collective un sentiment de persécution, identique à celui ressenti par les Serbes durant la Seconde guerre mondiale, avec à la clef la criminalisation du peuple croate dans son ensemble¹¹⁹...

55. L'imagerie des Turcs et de la longue domination ottomane en Serbie sera elle aussi abondamment utilisée pour dénigrer la communauté bosniaque musulmane, présentée comme tête de pont de l'expansionnisme naturel des Turcs et donc implicitement comme une menace de reconstitution de l'Empire Ottoman d'antan.

56. Cette propagande médiatique a été particulièrement réussie car elle a joué sur des ressorts profonds, en s'appuyant sur des sentiments durablement enracinés dans la conscience collective serbe. Au peuple serbe qualifié d'innocent et juste sont systématiquement opposés ceux qui l'ont martyrisé au fil des siècles et qu'il faut désormais arrêter pour éviter que de

¹¹⁸ A l'origine de cette prétendue « nature génocidaire » du peuple croate, on trouve le travail du psychiatre serbe de Croatie, Jovan Raskovic qui, dans un livre *Le pays fou (Luda Zemlja)*, allait contribuer au réveil du peuple serbe et justifier la création de la Grande Serbie. Pas un débat ou une émission consacrée par la télévision serbe au problème des minorités serbes de Croatie, de Bosnie et du Kosovo, ne se déroulait sans cet invité d'honneur et spécialiste de ces questions... Son livre émit du reste diffusé en 1990 dans toute la fédération au travers d'une campagne médiatique (journaux et des télévisions) où il était présenté comme le plus grand scientifique et psychiatre de son époque. Rodovan Karadzic, son élève en psychologie des groupes à Zagreb en 1988-1989, puisera largement dans l'idéologie de Raskovic pour alarmer les populations serbes de Bosnie sur la menace de génocide fomentée par les musulmans bosniaques qui aurait plané sur eux. Karadzic, qui accéda à la tête du SDS grâce à la protection de Raskovic, inscrira son action et celle de son parti dans les pas de ce dernier. Voir par exemple la déclaration « Nation and State Above All », qu'il a prononcée à l'Assemblée de Pale en juin 1996 ; *SRNA News*, June 28, 1996 (http://www.4ebiz.net/kosta/tar/RS/dean/rs_news/rs_news_info.html). Cette « nature génocidaire » du peuple croate sera particulièrement instrumentalisée par le magazine *Duga*, à travers la rubrique que tenait le journaliste et intellectuel Brana Crnecic. Le radical Vojislav Seselj déclamera lui-même à plusieurs reprises que les Croates en tant que peuple génétiquement lâche sont portés à pratiquer le génocide. Lors d'une rencontre en septembre 1991 avec l'évêque orthodoxe Lukijan à Borovo Selo, près de Vukovar en Croatie, il traitait publiquement les Croates de peuple « génocidaire » et « pervers de nature ». Voir *Stav*, n°82, 9 septembre 1991, p.29.

¹¹⁹ Florence Hartmann écrit ainsi : « Un montage diffusé à une heure de grande écoute le 27 juillet 1991 à la télévision de Belgrade juxtaposait les discours de Franjo Tudjman et ceux d'Ante Pavelic, l'allié d'Hitler et de Mussolini. Les feuilletons réactualisant les massacres de l'Etat croate de Pavelic publiés par la presse, le martyre serbe relayé sans cesse sur les écrans de la télévision de Belgrade, le rappel du passé qui finissait par dévorer le présent dans les esprits, les amalgames entre les persécutions d'autrefois et celles dont seraient aujourd'hui victimes les Serbes de Croatie contribuaient à inciter et à justifier la violence qui allait suivre. Sous l'effet de la propagande, les Serbes ne désignaient plus les Croates que par le terme d'Oustachis ou de fascistes, les considérant comme des instruments de l'hégémonie allemande en passe de créer le 4^{ème} Reich ». *Milosevic, op.cit.* p.172.

nouveaux malheurs ne le frappent¹²⁰. En ce sens, les innombrables et douteux "parallèles historiques" ont véritablement préparé, jour après jour, l'opinion publique à l'éclosion du conflit.

57. En grossissant les faits, en simplifiant d'autres, l'ensemble de ces médias allaient devenir les supports de l'idéologie nationaliste serbe. En créant des « *oppositions simples, en désignant clairement des adversaires, en utilisant des phrases-chocs et des mots bien affûtés* », ils allaient offrir à des millions de gens une lecture réductrice et primaire d'une réalité autrement complexe et ambivalente¹²¹.

58. A la propagande anti-albanaise des débuts va succéder ensuite une propagande anti-slovène, anti-croate puis anti-bosniaque – propagande multiforme au service d'un seul et même objectif politique : la création d'un Etat pour tous les Serbes.

Parallèlement à la propagande dirigée contre les ennemis de l'extérieur, le contrôle total qu'exerce le Parti Socialiste de Milosevic sur la *Télévision Serbe* lui permet de faire taire les voix discordantes de l'intérieur. Quand elles ne sont pas tout bonnement ignorées les actions de l'opposition sont systématiquement dénaturées et assimilées à des actes de trahison contre la Serbie. Le procédé typique de désinformation à l'œuvre, dès qu'il s'agit de la couverture médiatique, peut être parfaitement illustré par la façon dont *TV Belgrade* a présenté aux téléspectateurs la grande manifestation de l'opposition du 9 mars 1991. Alors que 200.000 personnes se réunissent à Belgrade devant le siège de la RTS pour exiger le départ de la direction de celle-ci, le rassemblement tourne à l'affrontement au cours duquel un policier et un manifestant trouvent la mort. Le soir même le présentateur du journal télévisé présente les

¹²⁰ Aussi, n'est-ce pas un hasard si, comme l'écrit Stanco Cerovic, "(...)avant le déclenchement de la guerre par la Serbie, la télévision serbe ne diffusait que des récits épouvantables, tous inventés, avec témoins <<fabriqués>> à l'appui, sur les crimes et les viols commis par les Musulmans ou les Croates (...)". In "L'information est-elle possible face à la propagande ?", p. 190.

¹²¹ Sur ces processus à l'œuvre, voir Henri Madelin, "Information et idéologie, Télévisions en guerre", *Le Monde Diplomatique*, octobre 1990.

événements de façon tronquée¹²² : le journal est construit autour de la mort du policier, dont les images de la veuve, en larmes et portée à bout de bras, sont largement diffusées. Rien n'est par contre dit du deuxième mort, un jeune manifestant de dix-sept ans – que le communiqué du Ministère de l'Intérieur, lu à la télévision, ignorera également¹²³. Des images, filmées et diffusées par la télévision indépendante *NTV Studio B*, dont l'aire de diffusion est limitée à la capitale, montrent pourtant une version fort différente de la vérité officielle. Ces images montrent en effet une foule écoutant calmement les discours des leaders de l'opposition et que c'est l'emploi par les forces de l'ordre de gaz irritants pour disperser les manifestants qui marque le début de l'effusion de sang. De telles images, contredisant la vérité officielle, ne seront pas montrées à la télévision nationale, où les scènes de brutalité policière sont censurées et où seules celles « prouvant » la violence de l'opposition seront vues par les téléspectateurs. Alors que des manifestations étudiantes de protestation ont lieu dès le lendemain, les événements de la veille dominent l'actualité télévisée : les images d'un discours du Président Milosevic au Parlement, dans lequel celui-ci met en cause la main de l'étranger à travers l'action de l'opposition¹²⁴ sont largement diffusées. Parallèlement, le régime encourage toutes les composantes sociales à le soutenir et à dénoncer les manifestations étudiantes et de l'opposition. La télévision nationale leur ouvre grandes ses portes, notamment au journal télévisé où sont lus des appels à participer à une grande

¹²² « Thanks to the rampage of vandals, so far 76 people asked for medical help in Belgrade. The majority of them are policemen. One of them, guarding law and order, lost his life on the sidewalks of Belgrade, Nedeljko Kosovic, father of two, was killed by the demonstrating mob. Our crew visited the Nedeljko Kosovic's family... ».

¹²³ « While trying to prevent the violent charges by Serbian Renewal Movement supporters to TV building, the National Assembly and the Republic Presidency, during the SRM demonstrations in Belgrade, so far, a few dozens of policemen have been wounded. One of them succumbed to the wounds. The Serbian Home Ministry also warns in its statement that, if these destructive and terrorist acts by the SRM supporters do not cease right away, in order to protect the constitution and people's lives, all means will have to be used, including firearms ».

¹²⁴ « Not a single citizen of Serbia or Serb outside Serbia who can find interest in destroying peace and democratic institutions in Serbia. Only an enemy of Serbia could have such an aim : to divide the citizens of Serbia from within, so that Serbian people would quarrel among themselves instead of striving for prosperity and welfare, to destroy a united Serbia, or to install a puppet-regime to rule it, executing, without question, orders from abroad ».

manifestation de soutien devant avoir lieu le jour même¹²⁵. Cette manifestation de soutien sera largement couverte par *TV Belgrade*, qui accordera une place centrale au discours de l'académicien et Vice-Président du parti au pouvoir, Mihajlo Markovic, stigmatisant les traîtres à la Serbie et dressant un panégyrique à Slobodan Milosevic : « *Just when the neo-ustashas are getting ready for the decisive attack on Knin, right at the moment an invisible hand has started the mechanism for the destruction of Serbia. Since the time of Peter I, we haven't been blessed with such an extremely capable, honest and courageous leader, Slobodan Milosevic* »¹²⁶.

Les médias au cœur de la guerre yougoslave

59. L'action de la propagande sur les populations pour les amener à adhérer aux politiques nationalistes guerrières a pris la forme de véritables campagnes d'opinion. Tantôt il s'est agi de justifier la conquête de territoires qualifiés d'ancestraux mais occupés par l'ennemi - ennemi qu'il a bien fallu "chasser", tantôt de dénigrer une ethnie ou une nation pour mieux légitimer la violence employée à son encontre (c'est-à-dire en fait se poser en victime du nationalisme des autres pour mieux alimenter son propre nationalisme...) ou, encore, de réduire à néant ou presque toute forme d'opposition¹²⁷ aux pouvoirs nationalistes à l'intérieur de chacune des républiques.

¹²⁵ « *Our Women's Movement calls upon all women and all citizens who have a free and proud Serbia at heart to come to the rally at Usce today at 1 P.M. There we shall defend Serbia and its president, who are endangered by their enemies plots* ».

¹²⁶ Pour cette citation et les précédentes, voir « *Images and Words of Hate : Year One* », *Foundation for Right to Pictures and Words*, Lazar Lalic, B 92-ARHITEL, 1996.

¹²⁷ Dans le domaine des médias par exemple, il y a eu durcissement à Belgrade dans le contrôle de l'information avec la création en mars 1993 d'un *Conseil de l'information* auprès du gouvernement, composé en majorité de journalistes "patriotes". Ce Conseil a été créé à l'initiative de Brana Crncevic, un intellectuel nationaliste proche du pouvoir et collaborateur au magazine *Duga*... Parallèlement, au mois d'avril commençait une bataille contre les correspondants étrangers, avec l'instauration d'un visa obligatoire pour l'entrée en Yougoslavie.

Milica Lucic Cavic, journaliste au sein du secteur audiovisuel public serbe durant la guerre, résume bien le dévoiement de la télévision d'Etat et de certains professionnels dans l'action qui a été la leur dans le conflit : « *In these wartime years television has completely pushed aside its initial function – to provide information – and has become a propaganda tool, a propaganda vehicle that served the state. Many reporters working on television forgot that there was a code, that a journalist's duty was to provide timely and accurate reporting and they served some other aims. These other aims were to kindle disposition for war, to ignite ethnic hatred, which naturally made it easier for the war to flare. In those news reports, in those news stories, there were always the good guys and the bad guys. Ours are the good guys, they are not murderers, they are members of a celestial people, a heroic nation; the others are the killers, the others have perpetrated crimes against us, the others are supported by a worldwide conspiracy, the Vatican, America, the CIA, the KGB, masons, and who knows what not* »¹²⁸.

La guerre va accélérer le dévoiement de professionnels se muant en acteurs, pour ne pas dire en soldats du conflit. En contradiction avec l'éthique de la profession, on verra par exemple des reporters participer à l'interrogatoire de prisonniers Croates et/ou Musulmans bosniaques¹²⁹, prendre directement partie pour l'un des protagonistes du conflit¹³⁰, présenter comme témoins de crimes des personnes trop proches ou trop éloignées des faits rapportés, etc.

¹²⁸ In *"Images and Words of Hate : Vukovar 1991"*, produit par Lazar Latic, ARHTEL, *The Right to Pictures and Words against Censorship and Abuse of Media*, 1995.

¹²⁹ Voir *"Images and Words of Hate" "Year Two" et "Year Three"*, *Op.cit.*

¹³⁰ On citera cet exemple de reportage réalisé par une journaliste de TV Novi Sad, interviewant un artificier Serbe ou Monténégrien en train de pilonner les lignes ennemies sur le front autour de Dubrovnik :

- Reporter : « *How long have you been here ? Do you have visitors ?* »
- Artificier : « *It has been ... two months. A month and a half* »
- Reporter : « *Have you had any reporters or TV crews ?* »
- Artificier : « *Apart from this crew from TV Novi Sad, no one else came* »
- Reporter : « *TV Novi Sad wishes you luck* ».

Et l'artificier reprend son pilonnage sous le regard de la caméra. « *Images and Words of Hate : Year Two* », *op.cit.*

L'émotion suscitée sur l'opinion publique par la diffusion d'images de corps de victimes civiles serbes innocentes, ou la narration de tels faits, est une technique qui sera largement utilisée par la *Télévision Serbe* pour provoquer une réaction d'horreur envers l'ennemi et par ricochet de soutien au régime – que l'on considère la guerre en Croatie ou en Bosnie. La Télévision joue sur l'émotivité du public en présentant des tragédies individuelles pour lesquelles le téléspectateur ne peut que compatir, en l'absence de tout mécanisme de protection – particulièrement dès lors qu'il s'agit des êtres les plus fragiles que sont les enfants. On peut illustrer ceci par les trois exemples suivants.

Alors que les combats font rage en Croatie, *TV Belgrade* diffuse le « témoignage » d'un dignitaire religieux orthodoxe d'un monastère de Zenum – Friar Filaret – qui, assis devant une table sur laquelle repose un crâne humain noirci, sur lequel la caméra fait des gros plans successifs, raconte :

- « *Ustashi raided a Serbian village near Kukuruzari. They captured little Lijla and made his mother watch them cut the boy's throat. Then they took his body away* »
- Reporter : *"It happened on his birthday ?"*
- *"Yes, on August 2, this year. The boy's mother ran after them begging them to give her her son's body, but they carried him away and later burned his corpse. The skull is the only thing left. But she wouldn't have got even his skull if it hadn't been for one woman who, although a catholic, was humane and compassionate enough to show her the place where her son was buried. So she went there and found only this charred skull"¹³¹.*

Autre exemple, ce "reportage-portrait" d'un jeune garçon serbe de Bosnie narré par un reporter de guerre de *TV Belgrade* : « *This is my new friend, Cvetko . It was the war that made our paths cross. I wish it hadn't, not in this way. Until the war, he used to live here and he*

¹³¹ « *Images and Words of Hate : Year Two* », *Foundation for Right to Pictures and Words*, Lazar Lalić, B 92-ARHITEL, 1997.

had everything (des images d'une maison saccagée sont montrées). Now, at 14, he has his youth and nothing else and no one else (le jeune garçon est filmé en train de se recueillir sur trois tombes, avec une musique de circonstance). It was 7 in the morning that Saturday, January 16th, 1993. Muslim troops raided his village. They killed his mother Ivanka, father Novak and sister Mitra, while his elder brother vanished without a trace. Just for the record, this is the fate of little Cvetko Ristic, the fate of a small nation"¹³². Troisième exemple, ce reportage de guerre sur la mort de deux garçons serbes lors de combats à Testic, en Bosnie, et diffusées sur la RTS : « Instead of a truce, there were new victims in Testic (...). Alija's missiles have killed two boys in the streets of Testic, a 9-year-old Marko Parovic and 12-years-old Igor Jotanovic » (diffusion d'images prises sur des tombes fleuries et de photos des enfants). Suivent alors des images du père de l'un des deux garçons, effondré devant sa maison et disant au reporter : "Let's go home, please... I can't stand it... He was playing right there... Ustashi shot him... The motherfuckers !". Le père se saisit alors du micro du reporter et crie : « I swore at my son's grave that I will get my revenge ! ». Les téléspectateurs sont alors introduits dans la maison ; sur fond d'image de la photo du garçon sa mère pleure : « They took away your joyfull youth, my son ! How am I going to live without you ? Oh, God, where are you now ? Help us if you are out there ». Puis, de nouveau, images du père, blessé : "The world doesn't see this, curse on it ! Cursed be America ! Milosevic, my precious ! Help us, please !"¹³³.

Justifier le recours à la force contre l'ennemi

60. L'objectif politico-militaire d'un Etat pour tous les Serbes, qui suppose le rattachement de territoires bosniaques et croates où vivent des populations serbes, a été appuyé par les médias serbes qui ont servi d'outils de légitimation de l'usage de la force et de la violence.

¹³² "Images and Words of Hate : Year Three", Foundation for Right to Pictures and Words, Lazar Lalic, B 92, ARHIVEL, 1999.

¹³³ *Idem*.

C'est encore la *Télévision Serbe* que choisira Slobodan Milosevic en juillet 1991 pour donner, dans un discours, le signal que la guerre est désormais inévitable¹³⁴. De même, les plus hautes autorités militaires occupent-elles alors le petit écran – se multiplient ainsi les reportages rendant compte des visites de Milosevic aux Forces Armées et sur le bon degré de préparation de celles-ci en cas de besoin, et c'est le Ministre de la Défense, Veljko Kadijevic, qui annonce, dans un discours retransmis par la télévision nationale, la décision d'intervenir en Croatie. Dès cet instant tout est fait pour souder l'opinion publique derrière le régime, des témoignages de soutien affluent à la RTS. Comme par exemple ceux adressés aux convois de l'Armée quittant Belgrade sous « l'encouragement des étudiants » et se dirigeant vers le front ennemi : « *We filmed this long convoy around 2 A.M. on the Belgrade-Zagreb highway. Several hundred students come down on the highway cheering the Yugoslav Army convoy* ». Le lendemain, filmés devant le défilé interminable des convois militaires, des témoignages de citoyens serbes, sélectionnés, se succèdent à l'écran pour galvaniser l'opinion publique et favoriser un front uni commun : « *This should have happened long ago. Tonight we will all go and defend our country* » ; « *You are ready to defend it ?* "I" *At any time* »¹³⁵. Dans le bruit des armes et des combats qui succède, seules les opinions les plus favorables aux objectifs de conquêtes territoriales auront le droit de cité. Les prises de positions d'un Vojislav Seselj sont alors systématiquement médiatisées, telle cette déclaration faite en septembre 1991 devant le Parlement Serbe et diffusée par *Télévision Belgrade* : « *Karlobag-Ogulin-Karlovac-Virovitaca must be our option and the army must withdraw its troops to this line. If they cannot withdrawn from Zagreb without fight, they should pull out under fire, and constantly*

¹³⁴ "Serbia cannot protect itself from the war to which it may be exposed if it is not ready for it and if it becomes lulled into a belief that it cannot happen. Its readiness should, for now, be expressed firstly, within the Yugoslav National Army and, secondly, within its own armed forces, comprised of the Serbian Territorial Army units which are trained to defend the Republic of Serbia. The Serbian Territorial Army forces have modern equipment and, when it comes to their number and quality of training, they are superior to similar forces outside Serbia, including their so-called <<para-military units>>. This is what the citizens of Serbia should know and take into account". « *Images and Words of Hate : Year Two* », Foundation for Rights to Pictures and Words, Lazar Lalic, B 92-ARHITEL, 1997.

¹³⁵ *Idem*.

shell Zagreb. The army still has unused resources. If its troops are in danger it has the right to use napalm bombs and everything else it has in its arsenals. It is more important to save an army unit than to fear there might be casualties. It's their own fault. They wanted war, now they have it"¹³⁶...

61. La télévision de Belgrade s'est employée à justifier, de façon systématique, le recours à la force et donc à la violence par les serbes, en assenant au public des affirmations simplistes qui n'apportent en fait que très rarement une information ou indication précises - ne serait-ce que sur les dates ou les lieux par exemple. La couverture des combats à Vukovar par la *Télévision serbe* est particulièrement éclairante en la matière : dans la façon de présenter les événements - et notamment les pertes infligées à l'ennemi, tout est fait pour faire croire au public que les Serbes défendaient la ville.

A travers reportages et commentaires agrémentés d'images, la télévision s'emploie à cultiver la haine inter-ethnique et religieuse envers la communauté croate, catholique : un jugement global les dépeint comme inhumains - rendant de la sorte plus facile, voire légitime, leur humiliation, leur destruction et leur élimination. Pour y parvenir, les envoyés spéciaux multiplient interviews de militaires et de civils. A cet égard l'interview - devant la ligne de front - de Lijia Kojic, commandant le Quartier Général de la Défense Territoriale pour la région de Slavonie et de Baranja, témoigne de la participation de l'Armée Fédérale Yougoslave à cette entreprise de démonisation. Interrogé par le journaliste de la *Télévision Serbe* sur le fait que les Oustachi utilisaient des femmes et des enfants serbes comme boucliers humains (on notera ici l'absence de conditionnel dans la question...), le militaire confirmait sans apporter aucune preuve à cette affirmation : « *Well, that is unfortunately correct, it proves they are weak, it proves they are inhuman. It shows how far they are prepared to go, they are not only sacrificing Serbs, whom they have imprisoned and arrested*

¹³⁶ *Ibidem*.

*and kept as hostages, but also their own Croats who did not go along with them »¹³⁷... Les témoignages de civils recueillis par les reporters sur place à Vukovar sur de prétendues atrocités commises par les « Oustachi » n'apportent aucun élément de preuve à ces allégations et les témoins ne sont jamais des témoins directs. Dans un reportage qui y est consacré, un journaliste montre à la caméra des dents en or dans la paume de sa main et affirme : *« I am holding in my hand some golden teeth, they told me these teeth were extracted with a knife, from practically living people, which they killed »*. Plus loin, le journaliste poursuit, interviewant un vieil homme en uniforme vert :*

- *« Do you have any examples of anyone being killed, slaughtered or having suffered similar atrocities ? »*
- *“I left earlier but as I know there were other kinds of torture”*
- *“What happened ?”*
- *“Well, they slaughtered, gouged out eyes, cut off children's fingers. In baking pans on liberated territories we found children they wanted to roast. Soldiers with heads cut off, the injured were disembowelled”*
- *“They have no mercy even on those wounded ?”*
- *“They have no mercy on anyone, I don't know how that is, what are they, animals or what, they are not human”¹³⁸*

Tout est fait pour stigmatiser l'adversaire. Dans cette optique, les médias serbes mettent continuellement l'accent sur les crimes commis par le régime Croate lors de la Seconde guerre mondiale – les téléspectateurs sont par exemple incités à croire que la nation croate dans son ensemble est génocidaire, le public serbe étant alors conditionné à verser dans la haine inter-ethnique. Toujours lors du siège de Vukovar, la *Télévision Serbe* annonce, fort à propos..., qu'un témoignage historique inédit venant d'être publié et faisant état de sources

¹³⁷ Voir *Images and Words of Hate : Vukovar 1991*, produit par Lazar Lalic, ARHITEL, *The Right to Pictures and Words against Censorship and Abuse of Media*, 1995.

¹³⁸ *Idem*.

italiennes confirme que la Croatie oustachi avait bien l'intention de réduire à néant le peuple Serbe lors de la Seconde guerre mondiale – volonté dont serait implicitement et également porteur la Croatie de Frandjo Tudjman : « *A very special historical testimonial has just recently been published on Croatian Ustashi crimes over the Serbs during the so-called Independent State of Croatia. Previously undiscovered secret documents of the Italian Army say, among other things, that Zagreb had a Church-State project of total Serb annihilation (...) In those several months in 1941, practically from the birth of the Independent State of Croatia on April 10, all through April-May 1942, inasmuch as the Italians were there to records the events, the number of casualties reached a number probably greater than 80.000. Every serious researcher could easily confirm this, but regardless of this figure, here it says 46.286 people – Serbs, and it gives the dates, places, names of perpetrators and indicates where those documents can be found* »¹³⁹.

Autre exemple, à propos de la Bosnie cette fois-ci, lors du journal télévisé du 2 août 1992, le présentateur affirmait que "les forces croates et musulmanes veulent éliminer tout ce qu'il y a de serbe sur ces lieux. La terreur, la haine fanatique, le génocide physique et moral sur les serbes de Bosnie, les agressions en territoire serbe entrent dans leur optique politique et militaire".

62. Pour donner plus de poids à ces assertions, le montage des images diffusées joue pleinement sur la souffrance d'hommes et de femmes pour engendrer la haine. Lors de son journal télévisé de 19H30, c'est-à-dire l'heure à laquelle 2,5 millions de serbes sont rivés devant leur petit écran, la RTB montrera des images insoutenables (cadavres d'hommes, de femmes et d'enfants - présentés comme serbes alors qu'il est impossible de les identifier comme tels - en gros plans : cerveaux éclatés, corps décomposés, etc.; maisons et églises

¹³⁹ *Images and Words of Hate : Vukovar 1991, op.cit.*

détruites, tombes profanées...) qui sont présentées comme des preuves de l'agression faite aux serbes. Comme si cela ne suffisait pas, ces images sont accompagnées et appuyées par une rhétorique guerrière simpliste mais efficace chargée de désigner les ennemis du peuple serbe. Les musulmans sont traités de "moudjahidines", de guerriers du "djihad" ou de "fondamentalistes musulmans", tous ces qualificatifs étant bien évidemment mis en parallèle avec le rappel de l'occupation ottomane et son lot de conversions forcées à l'islam...

Stigmatiser l'adversaire

63. Les commentaires faits par les journalistes serbes, y compris dans les journaux, proscrirent les termes "bosniaque" ou "forces bosniaques" au profit d'expressions péjoratives et connotées le plus négativement : on relève entre autres l'exemple des "guerriers d'Ali¹⁴⁰, armés par Saddam Hussein" qui mènent "une guerre sainte au nom de l'islam". Le 17 août 1992, le journaliste de *Télévision Belgrade*, Ranko Elez, traitait ainsi pêle-mêle les forces Musulmanes bosniaques de « *fondamentalistes islamistes* », d'« *islamistes chauvinistes* » et stigmatisait les « *hordes cruelles d'Alija [Izuebegovic]* »¹⁴¹. A cela s'ajoute que la Serbie est historiquement présentée comme le rempart contre l'invasion islamiste en Europe...

64. De leur côté, les croates et leurs combattants sont désignés sans nuance d'« Oustachis¹⁴² » ou de fascistes se battant au nom de l'Allemagne. La presse et la télévision serbes tentent de montrer à leur public que le pouvoir croate, avec à sa tête le président Tudjman, n'est rien d'autre qu'une réminiscence du pouvoir « oustachi » de la Seconde Guerre mondiale. *Politika Ekspres* fait ce parallèle dans son édition du 27 juillet 1991 lorsqu'il rend compte de la peur des Serbes de Croatie face à la « milice croate » et à son

¹⁴⁰ C'est-à-dire Alija Izuebegovic, chef de l'État bosniaque.

¹⁴¹ Milica Pesic, *op.cit.* p.36.

¹⁴² Fascistes croates alliés de l'Allemagne nazie et de l'Italie mussolinienne durant la Seconde Guerre mondiale.

emblème (le sahovnica) s'inspirant du drapeau du régime fasciste croate allié des SS et d'Hitler...

D'une façon générale, les reportages de guerre réalisés par les envoyés de la *Télévision Serbe* sur les lieux de combat seront tout entiers tournés vers cet objectif de stigmatisation de l'ennemi. Dans l'un des premiers reportages de guerre consacré aux combats en Croatie et diffusé aux actualités de 19H30, la description qui est faite aux téléspectateurs du camp adverse est symptomatique de ce que sera pendant des mois la couverture médiatique : « *The panic-stricken Tudjman's mercenaries and villains, calling themselves the guards, have barricaded themselves in the centre of Kostajnica, shooting at everything. We also found out that a horde of butchers from the Tudjman's Black Legion is headed towards Banija. The horde of mercenaries and murderers thirsty of Serbian blood barricaded in Kostajnica seem to realize that they have been written off* »¹⁴³.

65. Les ennemis des serbes sont comparés à des forces démoniaques, à travers un vocabulaire étudié pour susciter la peur et la haine¹⁴⁴. Le 21 janvier 1993, un reportage de *Télévision*

¹⁴³ Voir « *Images and Words of Hate : Year Two* », *Foundation for Right to Pictures and Words*, Lazar Lalić, B 92-ARHITEL, 1997.

¹⁴⁴ La terminologie employée dans les médias serbes pour stigmatiser l'ennemi leur a été imposée par les politiques au travers de directives non écrites. Il leur était ainsi demandé de ne plus dire de commentaires du type « les forces de Croatie ont attaqué ce village » mais de parler à la place de « hordes oustachis » ou de « hordes barbares fascisto-vaticanes » qui ont « attaqué ce village ». Voir par exemple le témoignage du journaliste de l'Agence *Tanjug* Backo Diklic rapporté par Catherine Humblot, in « *Ex-Yougoslavie : médias fauteurs de guerre II. L'hystérie << patriotique >>* », *Le Monde*, 23 juillet 1993, p.5.

On notera que cette terminologie ne sera pas sans effet sur la façon de penser et de parler du public en général. Le vocabulaire fabriqué par les médias serbes sous contrôle, et principalement la RTS, s'est en effet imposé dans la manière dont les individus s'expriment. Dans les très nombreux témoignages et entretiens réalisés avec des civils, ce sont ainsi les mêmes expressions, les mêmes tournures qui reviennent sans cesse. Comme à la *Télévision*, le mot « génocide » est par exemple employé à tort et à travers. On s'en rend bien compte dans ce reportage sur le blocage, à Ljubovija, de l'aide humanitaire onusienne à destination de Srebrenica et de Bratunac, dans lequel le reporter interviewe plusieurs femmes serbes sur leurs motivations. Leurs réponses collent au plus près au discours journalistique propagandiste : « *My son was killed in this war. I don't want this aid to feed his enemies ! They committed genocide against the Serbs, they slaughtered, castrated, gouged eyes and now we should feed them so that they could kill us all !* » ; « *My only son and a 22-year-old grandson got killed ! I don't want anyone to help the Ustashi ! They burned down my home ! What more do they want !* » ; « *I lost a 17-year-old daughter and my husband ! I won't let them kill again !* », etc. « *Images and Words of Hate : Year Three* », *Foundation for Right to Pictures and Words*, Lazar Lalić, B 92, ARHITEL, 1999.

Les mots, les expressions qui sont utilisés par les personnes interviewées sont ceux appris à la télévision – structurant mentalement leur discours et faisant office de « prêt-à-penser ».

Belgrade effectué sur le front croate prévient ainsi les téléspectateurs Serbes : « *Be careful with ustashas. Even when they are dead they can kill you* »¹⁴⁵...

Le manichéisme bons-méchants vaut également pour la description des combats. Les reportages montrant les forces serbes en mouvement ne comportent aucune image de destruction, de victime civile. Lorsque les forces serbes attaquent une ville, l'action est présentée comme un moyen de défense : selon la terminologie officielle, les serbes n'attaquent jamais les premiers¹⁴⁶. Le contraste est saisissant avec les reportages relatant les offensives opérées par les troupes croates, qui n'épargnent rien mais qui détruisent tout, et qui égorgent systématiquement les civils serbes ! Soldats croates et musulmans - "sales, lâches et drogués"

¹⁴⁵ Cité par Milica Pesic, *op.cit.* p.36.

¹⁴⁶ Ainsi, au moment de la prise de Vukovar en Slavonie, le soir, sur la première chaîne, le journal de TV Belgrade présente la bataille d'un ton vainqueur : « *notre armée contrôle la situation : les fascistes Oustachis ont dû reculer* ». Rapporté par Jean Ariel, « *L'écran non aligné* », *Télérama*, n°2180 du 23 octobre 1991, p.68.

Il est vrai qu'à la Télévision Serbe les combats à Vukovar ont toujours été présentés comme une action de « libération » de la ville - à preuve cet extrait de reportage réalisé par l'un de ses envoyés spéciaux sur le terrain à l'occasion de la prise de contrôle d'un des quartiers de la ville par les troupes serbes : « *Another in a series of victories in the battle for Vukovar - the fall of the infamous Milovo brdo, the last oasis of Ustashi fighters in the upper part of the town, proving that army assessments were absolutely realistic. As of today, the Yugoslav flag is waving on the town's highest point. The citizens from this part of town have come out from their shelters to embrace the freedom they had waited for so long. In this military operation, Yugoslav People's Army units were accompanied by brave local territorial defense units. This successfully completed operation has become one of the most significant victories in the campaign to liberate Vukovar. Fighting side to side, the Army and territorial defense units made a significant drive into Pionirska street, finally taking and connecting with the liberators of Milovo brdo. It needs to be said that enemy resistance was crushed without losses. Presently the Army is pulling out the exhausted civilians in the occupied areas and moving them to safety. The suffering and pain in their eyes have given way to tears of joy, kissing and embracing the liberators, and a thousand and one <<thank you, thank you>>* ». Voir *Images and Words of Hate : Vukovar 1991*, produit par Lazar Lalic, ARHITEL, *The Right to Pictures and Words against Censorship and Abuse of Media*, 1995.

Le commentaire journalistique offert au public serbe, comme clef de lecture du conflit, dans le cadre du journal télévisé de TV Belgrade ne fait pas davantage preuve de recul et verse dans la caricature. Le siège de Vukovar est ainsi justifié par Ratko Dmitrović, le présentateur des actualités de 19H30 : « *In Vukovar more than a thousand Serbs are feared to have been butchered by the Croatian neo-fascists, including several dozen Serbian children who have fallen victim to the Ustashi knives. Bodies of entire families are still being found slaughtered on the very doorsteps of their homes. This town is a great Serbian martyrdom. For the past months, Vukovar's outskirts have been just outer limits of a huge concentration camp* ». « *Images and Words of Hate : Year Two* », *Foundation for Right to Pictures and Words*, Lazar Lalic, B 92-ARHITEL, 1997.

Autre exemple, cet extrait du programme « *No-one is like me* » diffusé le 12 décembre 1991 sur la Seconde chaîne de Radio Belgrade, dans lequel Milos Bojovic, député du Parti socialiste au Parlement serbe, déclare : « *Why are you asking me about war? You must also know that Serbia is not at war! Serbia is not at war! Nor is Krajina. At war are Ustashi authorities in Croatia, and you have witnessed how they do it, in a wily, perfidious way, they have prepared a genocide against Serbs, they simply want to eradicate us. But it is not only war. At play are interests of Germany, Italy and Austria...small people get a handful of dollars and you can do anything with them. But Serbs are different, they cannot be bribed, or bought, they are ever ready to defend their homeland, their state, their freedom. That is history, that is a genetic legacy in Serb genes. But all the cards are now on the table, now everything is clear. There are three largest denominations, the Catholic one, the Muslim one and the Orthodox one, the best and brightest among them. Now all efforts are made to enslave all Orthodox peoples living in these territories, to turn us into galley-rowers. But that shall not happen!* ».

- sont opposés aux combattants serbes célébrés comme courageux et téméraires, toujours prêts à se porter au secours de la victime et de l'innocent¹⁴⁷. Quand cette image d'Épinal est sérieusement écornée, comme par exemple lorsque le 2 août 1992 le *New-York Newsday* révèle l'existence de camps serbes en Bosnie-Herzégovine et que la communauté internationale, à travers l'ONU, nomme le 14 août un rapporteur spécial de la Commission des droits de l'homme, la RTS viendra au secours de Rodovan Karadzic. Lors d'une interview en direct au journal télévisé du soir, celui-ci peut tranquillement démentir ces accusations sans être aucunement gêné par les questions du présentateur ou par des témoignages contredisant ses dires¹⁴⁸...

66. Pour Catherine Humblot, journaliste au *Monde*, c'est même toute « une mythologie guerrière (qui) s'est élaborée, glorifiée par la télévision de Belgrade à travers des héros dignes des bandes dessinées, tel le capitaine Dragon surgi avec ses miliciens du fond des ténèbres séculaires »¹⁴⁹... La RTS et la presse ont de ce point de vue une responsabilité particulière pour avoir travesti des crimes de guerre en actions héroïques perpétrées par des

¹⁴⁷ Deux correspondances de guerre de *TV Belgrade*, de Mostar, illustrent cette façon de procéder. Le premier rapporte la destruction d'une caserne de l'Armée : « *Current events in Bosnia were recently anticipated in Mostar. Right after the peace talks and on the very eve of Bairum, the army barracks <<Severni logor>> was blown up. It was planned by Ustashi and carried out by jihad warriors with a cruelty typical of both. It marked the first time Jihad set foot on European soil.* » Dans une autre correspondance, l'ennemi actuel est plus explicitement comparé avec l'ennemi d'hier : « *The day on the Mostar frontline has been relatively peaceful without significant military provocation. In places, however, the Ustashi launch occasional attacks, but they are obviously too weak to mount an all-out offensive. Their commando unit now choose to raid the liberated territory. Especially worrisome are reports of what's happening to the Serbs of Ruska Gora and Bogodol where two to three hundred Serbs were savagely massacred and all their property destroyed. The crime resembles those committed by the Ustashi in 1944.* » ¹⁴⁸ « *Images and Words of Hate : Year Three* », Foundation for Right to Pictures and Words, Lazar Lalic, B 92, ARHITEL, 1999.

¹⁴⁸ Présentateur : « *Mr. Karadzic, good evening. May we, please, have your comment on the allegations that there are camps in which Serbs torture Croats and Muslims ?* » Rodovan Karadzic : « *Good evening. During my stay in London, we invited British reporters to come and visit all locations with such alleged camps. They visited four locations in Serbia, including Loznica. They visited Pale and saw there was no camp there, they saw a penitentiary in Kula, where criminals and POW's are kept in decent conditions. Today they have visited Omarska and Prijedor. We offer our every corner for international inspection.* »

« *Images and Words of Hate : Year Three* », Foundation for Right to Pictures and Words, Lazar Lalic, B 92, ARHITEL, 1999.

¹⁴⁹ *Le Monde*, 23 juillet 1993.

« seigneurs de guerre » (tels Arkan, Dragan et Seselj¹⁵⁰) érigés en exemples ou en modèles aux yeux des téléspectateurs et des lecteurs¹⁵¹.

67. Les médias croates ou bosniaques ne sont certes pas exempts de critiques tant ils ont eux aussi usé et abusé de qualificatifs discréditant les serbes, dont celui de "terroristes chetniks"¹⁵². Si l'on fait une comparaison entre la propagande nationaliste serbe, croate et bosniaque, on constate que la première surpasse les deux autres tant par l'échelle que par le contenu des messages médiatiques délivrés¹⁵³.

La paranoïa du complot

68. Mais ce qui distingue profondément le nationalisme serbe, c'est son caractère paranoïaque. On peut l'illustrer par la permanence, dans les médias et dans les discours des hommes politiques, de l'idée de complot contre la nation serbe. Vecteur principal de la théorie du complot international dont serait victime la Serbie, la *Radio-Télévision Serbe* met ainsi systématiquement en avant cette thèse dans ses reportages et dénonce « le monde (qui) veut nous faire courber l'échine, sacrifier notre honneur et nos frères de Bosnie et de Croatie », ce sur fond d'images de populations serbes en exil et de soldats serbes massacrés¹⁵⁴... Peu après les débuts de la guerre avec la Croatie, et devant le soutien qu'auraient apporté à cette dernière certains segments de la communauté internationale – la *Télévision de Belgrade*

¹⁵⁰ *Politika Ekspres*, parlant de Seselj et de ses troupes, et en relation avec les événements survenus à Borovo Selo, près de Vukovar, célébrait dans son édition du 4 avril 1991, « ces volontaires partis défendre le peuple serbe menacé »...

Peu après, pratiquant l'amalgame et dénaturant les faits, Seselj déclarait le 3 mai à *NTV Studio B*, propos repris par *Borbu* le 10 mai : « *Borovo Selo indicated that Serbs are armed... They killed 12 Ustashi. That is Serb heroism... I have contacts with those Serbs in Borovo Selo... where the major role was played by the Chetnik movement. Chetnik arms triumphed on 2 May in Borovo Selo, not even 15 Ustashi could take one Serb Chetnik. We sent our volunteers everywhere, the best ones are in Zagreb, those trained for special raids and terrorist actions* ».

¹⁵¹ « *I met Arkan and kissed him. I always kiss heroes* », Biljana Plavšić, *Duga*, 22 January-4 February 1994.

¹⁵² Extrémistes serbes.

¹⁵³ Cette "perfection", ce "savoir faire" serbe est alors matérialisé en ex-Yougoslavie par un cliché qui dit qu'en comparaison "Goebbels était un enfant" – laissant entendre par là que la propagande serbe était encore plus efficace que la propagande nazie et son principal artisan.

¹⁵⁴ Reporters sans frontières, *La liberté de la presse dans le monde. Rapport 1993*, pp.338-339.

prendra souvent pour cible le Vatican et l'Allemagne, considérés comme les alliés historiques de la Croatie. Ainsi diffusera-t-elle un reportage couvrant une manifestation de rue accusant le Vatican de soutenir le « régime fasciste oustachi ». Une femme âgée, brandissant une banderole sur laquelle est inscrite le slogan « Vatican Satan », déclare ainsi : « *The Pope should go to Jasenovac ! The Pope is an Ustashi !* ». Dans le même reportage sont diffusées les images de l'historien Ratko Petrovic, un haut-parleur à la main, haranguant les manifestants en ces termes : « *The genocide over the Serbian people has been going under the auspices of Vatican. This is now going to stop !* »¹⁵⁵. A peu près au même moment l'Allemagne était directement accusée d'être à la tête de ce complot par le Ministre de la Défense Serbe, Veljko Kadijevic, dont le communiqué était lu par la présentatrice du journal télévisé de TV Belgrade : « *Germany has openly attacked our country for the third time. It now resorts to modern methods, but it also uses the fascist methods from World War II. Germany then made use of the so-called <<fifth column>>. Now it opts for various other methods of special warfare. In preparation for economic and military action* »¹⁵⁶. La presse écrite relaie elle aussi cette idée de complot – prétendument ourdi de l'extérieur, et qui revient comme un leitmotiv¹⁵⁷.

¹⁵⁵ Voir « *Images and Words of Hate : Year Two* », *Foundation for Right to Pictures and Words*, Lazar Lalic, B 92-ARHITEL, 1997.

¹⁵⁶ *Idem*.

¹⁵⁷ Voir à titre d'exemples :

« *The fate of our state does not depend any longer on our will power, courage and honesty, intelligence, orientation towards the heavenly empire, all those virtues in which we excelled throughout history. We now depend on international carpetbaggers, wheeler-dealers, financiers, masterminds of the policy which aimed to break up the state created through much bloodshed* », Academic Radovan Samardžic, *Epoha*, 5 November 1991.

« *Saint Sava opted for a humiliated and weakened Byzantium for he saw in it the indomitable spirit of Orthodoxy, and turned his back to the all-powerful Rome, from which the foul smell of the first inquisition pyres were coming. Hints of Auschwitz and Jasenovac. We fear that the new world order is emerging, and it is based on trilateral alliance of America, Japan and Europe... a planetary ant-house is being created and only laws of the hedonist society shall be in place there... We should do some penance, in order to have a pious kind and tsur, respectively in Serbia and Russia... It would mark the return to the sense of the cult and not to the formal rite (which we are frequently witnessing now)* », Mr. Danilo Krstic, episcopo of Budim, *Pogledi, Kragujevac*, 18 October-1 November 1991.

« *It is better if we all perished, instead of accepting dubious foreign decisions on our fate* », Momčilo Đujic, *Chetnik Duke, Borba*, 14 January 1992.

« *International community is immoral, it shall kill us all* », Priest Amfilohije Radovic, *Borba*, 13 July 1993.

69. Ce complot prend des formes différentes suivant un contexte lui-même évolutif – le responsable à l'origine du complot importe finalement peu, l'objectif de cette technique classique étant à chaque fois de détourner l'opinion publique serbe des vrais responsables des difficultés rencontrées par la population sur le plan interne. Belgrade, relayée par les serbes de Bosnie et de Croatie, évoquera tour à tour le complot "vaticano"¹⁵⁸-oustachi-allemand¹⁵⁹ – faisant ainsi directement allusion au massacre de Serbes pendant la Seconde Guerre mondiale, et le complot américain (on note ici et là une résurgence de la propagande communiste); complots internationaux dont la manifestation la plus concrète serait l'embargo des Nations Unies frappant la Serbie depuis mai 1992¹⁶⁰.

Au fur et à mesure que l'attitude de la communauté internationale se fait plus dure face à la Serbie et à la République Serbe de Bosnie-Herzégovine, et notamment après les frappes sur des objectifs serbes autour de Gorazde, la RTS et les médias serbes bosniaques évoquent l'idée d'un complot international génocidaire contre les Serbes. A la suite de ces bombardements de l'OTAN, le présentateur du journal télévisé explique aux téléspectateurs : *« The bombs dropped on Gorazde hit the UN building in New-York. The USA, which, in fact, initiated the air-strikes, have destroyed the UN in an effort to gain full control of war and*

"By carving up Yugoslavia via national secessions, in which Germany played a decisive role, and which were made possible by EC, US, and Islamic forces, Serb people were de facto declared the WW3. All those factors had similar goals, to the ones pursued by Axis Powers in both WWI and WW2", Dobrica Cosic, Nada, 29 June 1994.

¹⁵⁸ *Politika* affirmera dans son édition du 10 février 1991 que la Croatie avait reçu du Vatican un prêt de 4 milliards de \$US pour désintégrer la Yougoslavie...

Le 21 septembre 1992, Dragan Krivacevic, rédacteur-présentateur du journal télévisé déclarait par exemple : *« International community lead by Vatican wants Serbs on their knees. Together with our enemies from inside, Muslims and Croats from Serbia, they want us to beg them. But, they are not going to see that scene »*. Milica Pesic, *op.cit.* p.34.

¹⁵⁹ Le 30 août 1995, TVBI diffusait par exemple les extraits d'un reportage d'une chaîne allemande dans lequel de jeunes nazis exprimaient leur haine des serbes et se vantaient d'avoir combattu aux côtés des croates et exterminé un bon nombre de serbes... Ce reportage montrait également des nazis en France et en Italie, suggérant à travers ces figures extrémistes que la programmation de l'extermination du peuple serbe relevait bien d'un complot mondial.

¹⁶⁰ L'embargo et ses conséquences seront le plus souvent présentés de façon biaisée. Ainsi, le 20 novembre 1992, lors du journal télévisé, le présentateur Stefan Grubac dénature le contenu d'une résolution de Conseil de sécurité – exemptant les produits alimentaires et pharmaceutiques, en expliquant aux téléspectateurs : *« They [the foreigners] deny food and offer news, they deny medicine and offer comments instead »*. Cité par Vojin Dimitrijevic and Jelena Pejic, University of Belgrade Law School, in *« The effects of UN Sanctions Against Yugoslavia (Serbia and Montenegro) : Theory and Conventional Wisdom in the Current Context »*, note n°43, <http://www.uke.ac.uk/politics/publications/journals/kentpapers/dimitri.html>.

peace in the world and in this way possibly started an era of new colonialism. And every colonialism implies genocide, which was, unfortunately, first committed against the Serbs. The civilian casualties in this attack are proof of that". Dans la même logique seront diffusés à la RTS les propos tenus par l'académicien et écrivain Dobrica Cosic, en sa qualité de Président Yougoslave, lors d'une rencontre avec les leaders de la République Serbe de Bosnie-Herzégovine et mettant eux aussi en avant ce thème obsessionnel : « *It is a total war waged against our nation. We are victims of all sorts of genocide : physical, spiritual and moral, by denying us the right to be one nation. It is waged by armies, politicians, churches, the media, by an entire universe set on winning this war against us. I believe the most important thing of all is to do everything in our power to defend the truth. We must tell the world that these are the times of shame and deceit in which no means are spared to spiritually annihilate an entire nation. This spiritual genocide against our nation is committed by an entire civilization through the so-called mass-media* »¹⁶¹...70. Parallèlement, les plans de paix successifs de la communauté internationale ont été dénoncés comme des stratagèmes machiavéliques pour que les serbes abandonnent leurs frères de Bosnie ou de Croatie. Ainsi, le 10 avril 1993, la télévision serbe affirmait, par la voix de son présentateur, que signer le plan Vance-Owen revenait à approuver "le nettoyage ethnique à l'encontre des serbes"... Sous la pression et les menaces de la communauté internationale la propagande des médias allait néanmoins virer de bord, en même temps que Slobodan Milosevic - qui appelait début mai les Serbes de Bosnie à ratifier le plan¹⁶². Le pouvoir de Milosevic sur la RTS se vérifiait une

¹⁶¹ "Images and Words of Hate : Year Three", Foundation for Right to Pictures and Words, Lazar Lalic, B 92, ARHITEL, 1999.

¹⁶² Borisav Jovic raconte que, pour faire plier Karadzic, Milosevic utilisa tous les moyens possibles et organisa une campagne de démonisation à laquelle les médias participèrent : « *When Radovan Karadzic, President of the Republic of Srpska, refused to accept the so-called Vance-Owen plan which Milosevic himself supported, he organised such demonization of Karadzic that was below not only any moral personal dignity but also the high-ranking positions they both occupied* ». In *Book on Milosevic*, Belgrade, 2001 (Drafttranslation by ICTY), p.29. Un autre épisode intéressant éclairant la sujétion des médias à Milosevic eu lieu au sein même de la RTS au moment de la négociation du plan Vance en 1991-1992. Jugé trop proche de Milan Babic, le « président » de la République serbe de Krajina - qui refusait le plan Vance et qui s'opposait à Milosevic, le rédacteur en chef de la RTS, Krsto Bjelic était renvoyé et remplacé par Dragoljub Milanovic du quotidien *Politika Ekspres*...

nouvelle fois en cette occasion, les commentaires journalistiques à propos du plan Vance-Owen variant du tout au tout en un mois d'intervalle – épousant fidèlement la volte-face du leader serbe. Milica Pesic note à ce propos : « *At the beginning of April 1993 Bosnian Serbs were offered a new solution : the Vance-Owen plan. The Serbian regime was against the plan. So was the TVB. And on 2 April commentator Ratko Dmitrovic¹⁶³ says : <<The plan is a way for ethnic cleansing of Serbs in Bosnia. If they sign that plan there will be nothing else for them but to commit collective suicide or convert to Catholicism or Islam or leave Bosnia>>.*

Il est intéressant de noter qu'à partir du moment où Milosevic accepte le plan Vance, les termes péjoratifs « *oustachi* » et « *coupeurs de gorge* » sont remplacés par celui d'armée ou de forces croates – les reportages de guerre se faisant par ailleurs plus courts et étant renvoyés en fin de journal télévisé... La Télévision Serbe s'emploie alors à présenter le plan Vance comme une victoire obtenue grâce à l'action de la Serbie et de son dirigeant. Lors de son adoption, le présentateur du journal télévisé de la télévision nationale affirme ainsi dans son éditorial : « *The Serbian people's intense craving for peace was once again confirmed by the official Serbian policy. By adopting the peace plan drawn up by Cyrus Vance, acting as UN Secretary General's personal envoy, and enjoying the unambiguous support of the United States, Serbia has finally and definitely cast off the stigma of belligerence impressed on her by the neo-Nazi forces of Croatia and Europe. If any Balkan nation has ever reached maturity through hardship and pain of a war fought for peace and freedom, then it is the Serbian nation. From such a nation and its government nothing else could have been expected but a policy of peace. But by the same token, no one could have expected it to capitulate and renounce its national dignity and rights in the name of somebody else's illusion of peace. Serbian peace policy cannot be regarded as an attempt to save face or preserve the regime. Rather, it is an expression of full moral, political and historical adherence to its principles. The policy that Serbia and its president Slobodan Milosevic have pursued so far leaves not even a shred of doubt when it comes to protecting the interests of the Serbian nation.* » Voir « *Images and Words of Hate : Year Two* », *Foundation for Right to Pictures and Words*, Lazar Lalic, B 92-ARHITEL, 1997.

Borislav Jovic donne un autre exemple intéressant du lien ombilical entre Milosevic et « ses » médias. Opposé à l'accession de Slobodanka Gruden à la tête de la municipalité de Belgrade, Milosevic, qui avait un autre candidat, allait ruiner sa réputation en montant de toute pièce une campagne de presse contre cette dernière : « *Since all the media were under complete control of Slobodan Milosevic, and since Slobodanka was elected contrary to his will, already proved mechanism of isolation and discrediting started to work. Then it clearly showed how powerful Slobodan was in SPS leadership comparing to us, who benevolently and trustfully left him to have all the influence on media (...). In media a campaign against Slobodanka Gruden started. They were saying that she was bribed to allot some locations to Dajana Milanovic, owner of the Dajment Bank, and it was never proved. It was only to dishonour her and to show that persecution and over throwing was justified. Machinery for discrediting worked all until Slobodanka had enough of it and resigned* », *op.cit.*, p.116-188.

¹⁶³ Correspondant de *Politika* à Zagreb avant de devenir une figure de proue de l'ultra-nationalisme sur le petit écran, Ratko Dmitrovic se fera particulièrement remarquer par ses positions va-t-en-guerre : « *Despite claims of some military-political analysts that artillery and missile attacks on some towns failed to bring the war victory or help Krajina prevail in armed conflicts, I tend to share the view that this is the best way for Krajina to keep Croatia in a checkmate situation. Serbian heavy artillery forces can thus control Sisak and a large industrial zone (refinery, ironworks, thermo-power plant, chemical industry "Radonja"), Karlovac and its industrial potential, Zadar, Šibenik, Osijek... As regards Zagreb is it only 25 km away from the range of the Serbian heavy artillery* », in *Argumenti*, July 1994. Cité par Petar Lukovic, *Helsinki Committee for Human Rights in Serbia*, http://www.helsinki.org.vu/authors_singletext.php?lang=en&idek=448.

Quelques années plus tard, interviewé sur son rôle à la RTS, où il fut présentateur du journal entre 1991 et 1993, Ratko Dmitrovic tentent de se disculper : « *I resented the way RTS presented the events at the time. It's all got far worse by now, it hit rock bottom. I tried to raise it with the editors, I was not one. I was just a commentator with no say in shaping the programme. I requested that we enter the media war and wage it through the most powerful of its media – television. They never fought one. It was all cheap, party propaganda, a total disaster* » ... ¹⁶³ « *Images and Words of Hate : Year Three* », *Foundation for Right to Pictures and Words*, Lazar Lalic, B 92, ARHITEL, 1999.

Just a month later, after Milosevic changed his attitude towards the plan and became an advocate of it, TVB had all news bulletins full of politicians and ordinary people appealing for a signature of the plan because Serbs in Bosnia <<had enough of war there and it is time for peace now>>¹⁶⁴. La même volte-face aura lieu à *Radio Belgrade I*. Alors qu'en avril la propagande en faveur de la guerre y atteint son point culminant, que les cartes du plan Vance-Owen sont présentées comme injustes et anti-serbes, le ton change radicalement à partir de début mai¹⁶⁵.

71. Autre visage de cette machination anti-serbe, le complot prétendument orchestré par les "traîtres" de l'intérieur¹⁶⁶ : les journalistes accusés de ne pas coller à la ligne Milosevic¹⁶⁷ seront ainsi écartés de leurs fonctions, après avoir été nommément désignés comme "traîtres" par les hérauts du régime. L'ultra-nationaliste Vojislav Seselj, chef du Parti radical, qui annonçait par avance les intentions réelles du Gouvernement serbe¹⁶⁸, dressera ainsi à plusieurs reprises, lors de conférences de presse retransmises par les médias officiels, les listes

¹⁶⁴ *Op.cit.* p.23.

¹⁶⁵ Lola Stamenkovic, qui a étudié les programmes de *Radio Belgrade* entre février et mai 1993 (les émissions de 15H00 et de 19H00) note ainsi : « After the Bjeljina Assembly the style of reporting on the war in Bosnia-Herzegovina changes. Unlike in the previous period, this new style sees the transmitting of statements which endorse the Vance-Owen plan as a whole and point to the danger of prolonging the war and risking a military action against Yugoslavia, if the peace is not signed. The statements of Serb leaders in Bosnia that the Vance-Owen plan does not guarantee peace are criticized. Less radio and television time is devoted to accounts from the war front, reporters are called to quote new sources of information (diplomatic sources, etc.) ». Voir son article "Radio Belgrade I - Domination of Ethnic Stereotypes", in *Hate Speech. An Analysis of the Content of Domestic Media in the First Part of 1993*, Center for Antiwar Action, Belgrade, 1994, p.38.

¹⁶⁶ Alors que la guerre avec la Croatie commençait à prêter le flanc à la critique de la part de la société civile serbe, et à un moment où il s'agissait de consolider la nouvelle frontière née des conquêtes territoriales, la Télévision Serbe, dans son journal télévisé du soir, donnera lecture d'un communiqué du Parti socialiste au pouvoir qui sonne comme un avertissement aux voix discordantes : « The Socialist Party gives its full support to the Army and calls upon all its members and citizens to fulfill their civic duty, defend their homeland from fascism and prevent extermination of the Serbs in Croatia. The Serbs always managed to pinpoint and eliminate traitors, and we believe they will be able to do it again ». Voir « Images and Words of Hate : Year Two », *Foundation for Right to Pictures and Words*, Lazar Lalic, B 92-ARHITEL, 1997.

¹⁶⁷ Ces pressions publiques sur les journalistes indépendants ne sont pas propres à la Serbie, on les retrouve aussi bien en Croatie, en Bosnie ou au Monténégro par exemple.

¹⁶⁸ Cette collusion, pour ne pas dire confusion, entre Parti socialiste et Parti radical, était de notoriété publique comme en témoignent ces trois exemples :

- « Je respecte Seselj parce qu'il est conséquent dans ses convictions politiques et parce que je crois que lui et son parti ne sont pas financés par l'étranger », Slobodan Milosevic, in *Tanjug*, Belgrade, 22 mars 1992.

- « We share with Radicals, love for Serbia, patriotism, and the air that we breathe », Radovan Radovic, député du SPS, lors de la session parlementaire, RTS, 28 January 1993.

- « Milosevic is powerful because of the strength of his power and backing of the second most powerful party, the Serb Radical Party », Vojislav Seselj, *NIN*, 20 August 1993.

des journalistes "incontrôlables ou partisans" qui seront effectivement écartés¹⁶⁹. Alors qu'une grève de six jours éclatait en avril 1992 à la seconde chaîne (culturelle et musicale) de la radio pour protester contre la reprise en main politique des services, Vojislav Seselj rendait publique au cours d'une conférence de presse une liste de journalistes à éliminer selon lui de la radio et de la télévision¹⁷⁰ ; cette liste fut lue à la plus grande heure d'écoute au journal télévisé. La plupart des journalistes grévistes, comme Ana Koteska, présentée comme « *pro-bulgares* », étaient par la suite placés en congé forcé ou marginalisés¹⁷¹. De nouveau, le 6 janvier 1993, dans une conférence de presse, Vojislav Seselj annonçait une nouvelle purge contre les « *journalistes incontrôlables et partisans pour mettre les choses à la radio-télévision définitivement en ordre* », et menaçait « *partout où nous avons le pouvoir, et partout où nous le partageons, il y aura des purges* »¹⁷². Le 9 janvier 1993, un haut cadre du Parti de Milosevic, Goran Percevic, faisait une déclaration similaire au journal télévisé, expliquant que ceux qui « *ne pensent pas comme nous* » ne peuvent pas travailler dans les institutions publiques. Quelques jours après ces déclarations prémonitoires, 1500 journalistes et autres personnels technique ou administratif étaient interdits d'entrée à la radio-télévision et mis en « congé forcé ». Les journalistes renvoyés, le plus souvent des membres du syndicat des journalistes indépendants, étaient alors remplacés par de nouveaux venus dont la faible formation et expérience importaient moins que leur obéissance et leur patriotisme – entraînant de la sorte des tensions au sein de la rédaction. Parmi ces nouveaux arrivants figurait notamment, au service de l'information à *TV Belgrade*, le journaliste Aleksandar Ljubicic, qui deviendra rédacteur au journal et qui avait l'habitude de menacer avec son revolver ceux qui pensaient « différemment »¹⁷³...

¹⁶⁹ John McKay, « *Working for a Beta day* », in *War Report*, may 1995, p.18.

¹⁷⁰ Milica Pesic, *op.cit.* p18.

¹⁷¹ Voir C.Humblot, « Résistances et purges », *Le Monde*, 24 juillet 1993, p.4.

¹⁷² *Politika*, 7 janvier 1993.

¹⁷³ Rapporté par Milica Pesic, *op.cit.* p18.

Les médias indépendants n'étaient pas moins dénoncés et attaqués comme traîtres. Le 27 mai 1992, le présentateur de la deuxième édition du « Journal » de *Télé-Belgrade (RTS)* déclarait par exemple : « Pour la première fois à Belgrade depuis le début de la guerre, les prétendus partisans de la paix portent un brassard noir en signe de deuil. Les médias internationaux rivalisent d'hystérie anti-serbe. A l'intérieur même du pays, les publications belgradoises *Borba et Vreme* en font désormais autant »...

Triomphe de la désinformation

72. Si la désinformation consiste bien en l'utilisation "de techniques de l'information - notamment de l'information de masse - pour induire en erreur, cacher ou travestir des faits", alors on est réellement en droit de parler du triomphe de ces procédés dans le cadre du conflit yougoslave. Quel que soit le bord considéré - même s'il est vrai que, là encore, les médias serbes "se distinguent" - tous les médias (agences de presse, journaux, radiotélévision...) ou presque ont régulièrement procédé soit à la falsification de la vérité, soit à l'imposition du silence sur certaines informations "cruciales", soit à la création des fausses nouvelles... Certains "médias" utiliseront indistinctement tout l'éventail des possibilités qu'offrent ces trois techniques.

73. D'une manière générale, toute information contradictoire avec la propagande officielle est méthodiquement écartée. L'un des exemples les plus flagrants en la matière est sans nul doute le bombardement par les forces serbes des villes de Sarajevo et de Dubrovnik. Les images diffusées sur Dubrovnik étaient accompagnées d'un commentaire accusant notamment les preneurs d'images occidentaux de manipulation et d'avoir fait brûler un pneu devant leurs

caméras pour faire croire que la ville était en flamme¹⁷⁴... Quant aux bombes lâchées sur Sarajevo et les dégâts occasionnés, pendant quelques mois ils n'existeront tout simplement pas aux yeux des téléspectateurs serbes puisque la télévision de Belgrade, pour nier leur existence, diffusera des images de la ville prises des mois, voire des années auparavant¹⁷⁵. De son côté, *TV Pale*, par la voix de son présentateur Risto Djogo, affirmera tout au long du siège de Sarajevo que les Musulmans se « bombardaient eux-mêmes »¹⁷⁶. Cette « négation-reconstruction » de la réalité sera amplement relayée par la *Télévision de Belgrade*, qui affirmera par exemple le 26 décembre 1992 que le siège de Sarajevo était le fait des Musulmans : « *Muslims are keeping Sarajevans under siege from inside of city, and Serbs are just protecting their own hills around the city* »... Dans le même registre, lors de l'incendie de la Bibliothèque Universitaire de Sarajevo, imputable selon elle aux Musulmans, la correspondante de *TV Belgrade* rendra ainsi compte de l'événement : « *Last night in Sarajevo, there was a fire in the University Library. Luckily, the invaluable cultural treasure had been moved out of it two months before. It is now difficult to establish what exactly caused the fire. True, there was heavy fighting near Trebevic last night. We scrutinized the façade for shell-damage close-up, but were unable to find any. We noticed, however, that the flames licked from within. It all points to yet another Muslim manipulation like the one in Dubrovnik when car tyres were set on fire* »¹⁷⁷...

Des nouvelles dérangeantes systématiquement minimisées ou dénaturées

¹⁷⁴ Le 11 août 1992, le président du directoire de la *Télévision de Belgrade* reconnaissait les dégâts infligés à la ville mais précisait : « *There are just four houses in Dubrovnik which are destroyed and these belong to Serbs* »...

¹⁷⁵ Le journaliste Daniel Deluce, ancien correspondant de *Reuters* à Sarajevo, écrit à ce propos que « la Radio Télévision Serbe a construit un étrange univers dans lequel Sarajevo, la capitale bosniaque, n'avait jamais été assiégée et la ville croate de Vukovar, dévastée, avait été « libérée » ». L'offensive médiatique lancée par Belgrade », poursuivait-il, « a contribué à faire naître une propagande tout aussi détestable dans d'autres républiques yougoslaves, et les séquelles en seront ressenties pendant des années ». In « *La guerre des médias* », *Revue de l'OTAN*, Vol.48, n°3, Hiver 2000-2001, p.16.

¹⁷⁶ Katarina Subasic, *op.cit.*, p.16.

¹⁷⁷ ¹⁷⁷ « *Images and Words of Hate : Year Three* », *Foundation for Right to Pictures and Words*, Lazar Lalic, B 92, ARHITEL, 1999.

74. Il est aussi fréquent qu'une information dérangeante soit minimisée dans sa signification. La simple annonce de la chute de l'enclave de Srebrenica en juillet 1995 est ainsi reléguée en fin de journal télévisé par la RTB¹⁷⁸, loin derrière les informations principales du jour : à savoir les affaires économiques du pays et la guerre en Tchétchénie... Le sens donné à l'événement par les médias serbes fut pour le moins dénaturé. Katarina Subasic écrit à ce propos : « *As the world attention was fully focused on the mass deportation of Muslim civilians and still unclear number of victims estimated between 6 and 8.000, both the Bosnian Serb media and Milosevic-controlled outlets in Serbia described it as a "liberation of the town run by Islamic fundamentalists", not mentioning at all any of wide atrocities committed during the weeks of Serb offensive* »¹⁷⁹...

75. Quand elles parviennent malgré tout à filtrer, certaines informations mettant directement en cause la responsabilité de serbes dans la perpétration d'atrocités sont détournées. Le 27 mai 1992 dix-sept habitants de Sarajevo sont tués et cent-cinquante blessés par un obus serbe au moment où ils faisaient la queue pour avoir du pain. Les images de ce massacre ne seront montrées par la RTS qu'accompagnées de la version officielle des serbes accusant le gouvernement de Sarajevo de l'avoir organisé pour provoquer l'intervention des occidentaux¹⁸⁰... De Sarajevo, une journaliste commente l'événement sur fond d'images du carnage : « *There has been another atrocious massacre today in Sarajevo. A mortar shell fell amidst a group of civilians who were queuing for bread in Vase Miskin Street. Twelve people were killed and more than a hundred wounded. The scene shocked the local people. With*

¹⁷⁸ Alors que l'on sait pertinemment à l'époque, comme l'écrit Remy Ourdan, que les "soldats de Mladic mitraillent les colonnes de réfugiés, assassinent et égorgent". In "Ratko Mladic le barbare", *Le Monde*, 9 février 1996.

¹⁷⁹ *Op.cit.* p.17.

¹⁸⁰ Un scénario qui se répétera avec les 68 morts et 142 blessés causés par un mortier serbe sur le marché de Sarajevo le 5 février 1994. Le 9 février, "la télévision serbe de Pale diffusait les images des télévisions occidentales en commentant chaque détail, avec arrêt sur image, et chaque fait que les serbes considéraient comme étant une preuve d'une mise en scène des Bosniaques". Voir à ce propos l'intéressant mémoire de maîtrise "Le rôle de la télévision d'Etat dans la montée du nationalisme extrémiste en Serbie", Sonja Milenkovic, Université Paris II Panthéon-Assas, 1994/1995, pp 79-82.

reference to this, general Nedjo Boskovic, who is negotiating the withdrawal of the Army from the barracks said it was unbelievable that there could be such a monster who could shoot people who came out of shelters to buy bread. <<The perpetrators and their commanders must be found>> said Boskovic, and since he did not see the scene of the crime, he refrained from commentary on who the possible culprits were". Suit une interview de Momcilo Krajisnik, président de l'Assemblée du peuple Serbe de Bosnie-Herzégovine, déclarant : "Having gathered all information about this incident, I can claim that the Serbian Army never fired a single shell on Sarajevo today or violated yesterday's truce. We must certainly preserve peace in Sarajevo at all costs". Un peu plus tard dans une autre correspondance de Sarajevo, TV Belgrade diffuse le commentaire suivant, contestant qu'un obus ait pu être à l'origine de ce carnage et accuse la partie bosniaque : « *Serbia forensics claim that anti-personnel contact mines had been planted there the night before. They also claim that they have evidence that the bombing was planned by Mirza Jamakovic, a police specialist for precisely this type of assignments, and Halil Rusmir. They also say it was a planted device and not a mortar shell because the blast caused no damage on the pavement and the casualties mostly suffered wounds on the lower extremities. Ballistics experts add that it was impossible that a single shell could have been so precisely lobbed into this street surrounded by many high rises* "... Comme pour venir donner plus de poids à cette interprétation, un communiqué de l'Armée serbe bosniaque sera aussi diffusé sur TV Belgrade : « *During this day, May 27th, this year, the Army of the Republic Srpska did not open fire from either infantry, or any other weapons, on any target in the Sarajevo area. As for the TV-shots of alleged explosions in downtown Sarajevo, we are sure this is a malicious propagandistic scheme aimed at achieving certain effects from here and abroad. This is even worse than the alleged bombing of Banoki Dvori, or Dubrovnik* "181.

181 "Images and Words of Hate : Year Three", Foundation for Right to Pictures and Words, Lazar Lalic, B 92, ARHITEL, 1999.

Trois mois plus tard, le 8 septembre 1992, une explosion ayant fait quatre victimes à Sarajevo était attribuée par la journaliste de la RTS, Lidija Duvancic - et sans attendre une éventuelle vérification, aux Musulmans, « *continuant leur scénario désormais bien connu consistant à démoniser les Serbes de Bosnie dans l'intention de provoquer une intervention militaire internationale* ».

76. La RTS n'est pas la seule à procéder de la sorte, *Politika* a aussi justifié sans discontinuer l'effort de guerre de la partie serbe bosniaque, ne donnant crédit qu'aux informations émanant des serbes bosniaques. Par une présentation tendancieuse et sans aucune analyse du conflit - notamment par une absence totale d'explication de la position du gouvernement bosniaque - le quotidien de Belgrade a lui aussi activement contribué à l'aveuglement de l'opinion publique serbe.

Diffusion de fausses nouvelles pour stigmatiser davantage l'ennemi

77. La création de fausses nouvelles constitue une autre forme, sans doute la plus pernicieuse, de la désinformation. *SRNA*, la télévision des serbes bosniaques, parlera, "à l'époque où Sarajevo était coupée du monde, des lions affamés du zoo de Sarajevo auxquels <<les Musulmans jettent les enfants et les femmes serbes en guise de repas>>"¹⁸². Technique de propagande déjà employée par l'Allemagne nazie, où le martèlement et la répétition des mêmes mots et des mêmes expressions visent à les faire passer pour vrais auprès des masses.

La guerre en Bosnie sera particulièrement propice à l'invention de fausses informations et de mensonges grossiers par la *Télévision de Belgrade*, à l'instar par exemple de l'information diffusée au journal télévisé du 20 août 1992 dans lequel un reporter envoyé sur place affirmait que 4.000 Serbes de la rive gauche de la Drina étaient menacés de génocide ; ou encore cette nouvelle alarmante diffusée au bulletin d'information le 16 octobre 1992 et faisant état d'un

¹⁸² In "Les émules de Goebbels", *La Lettre de Reporters sans frontières*, Jelena Ponorac, novembre 1992, p. 7.

plan ourdi par les autorités Musulmanes de Sarajevo dont l'objectif était l'assassinat de quelque 200 Serbes¹⁸³...

78 D'autres mensonges tout aussi déments, repris par les médias serbes sans aucune vérification - comme l'existence de "*colliers fabriqués par les croates avec des doigts coupés d'enfants serbes*"¹⁸⁴, sont élaborés pour fanatiser les populations serbes éparpillées sur différents territoires et, finalement, justifier des politiques de conquêtes et de nettoyage ethnique¹⁸⁵. En filigrane de ces grossiers trucages transparait donc l'idée que tous les moyens sont bons face à de tels démons...

¹⁸³ Milica Pesic, *op.cit.* p.28.

¹⁸⁴ C. Humblot, *Le Monde*, 23 juillet 1993.

¹⁸⁵ Dans son rapport *Restriction on the Broadcast Media in FR Yugoslavia*, le Comité International pour la protection des médias indépendants en République Fédérale de Yougoslavie (The International Committee to Protect Independent Media in Federal Republic of Yugoslavia) écrit à ce propos : "*News programs modify or even create information in order to fit the political objectives of the government. Often that objective is to create and foster enemy images among the population. Before and during the wars in Bosnia and Croatia, RTS whipped up Serbian nationalism by dehumanising non-ethnic Serbs and promoting visions of Serbia's historical glory. The media campaign aimed at instilling and fostering fear among the public, a feeling of threat, of helplessness, and the need for resistance*". Free Slobodna 2000, September 1998, p.7.

III. La mise au pas de toute information et opinion alternatives comme condition du succès de la propagande officielle

79. Dans un régime donné, la propagande officielle a d'autant plus d'impact que n'existe pas face à elle de « contre-propagande », ou à tout le moins que les idées et les opinions politiques contradictoires ne trouvent pas à s'exprimer via des canaux de diffusion capables d'atteindre la masse des citoyens. Le régime de S. Milosevic l'a bien compris qui, suivant les circonstances politiques du moment, veillera systématiquement à contenir l'embryon de presse indépendante existante dans d'étroites limites. Le recours à des moyens légaux et extra-légaux pour faire taire les voix discordantes, de même que des pressions exercées sur les professionnels de l'information par le régime, expliquent *in fine* l'absence d'émergence d'un réel espace public de discussion et permettent de comprendre l'aisance avec laquelle le gros de la population serbe aura été sciemment manipulée pendant plus de dix ans. À cet égard, la propagande déployée durant la guerre du Kosovo se chargera de le démontrer une dernière fois.

Une presse serbe sous haute surveillance

80. On a vu que dès 1987 Milosevic s'est employé à instrumentaliser à son profit les médias d'Etat ou contrôlés par l'Etat. Cette prise en main s'est tout d'abord manifestée par la nomination à leur tête de proches, sinon d'intimes collaborateurs, tous membres de sa formation politique – que l'on considère Dusan Mitevic, Milorad Vucelic¹⁸⁶, Dragoljub

¹⁸⁶ Celui-ci a occupé la fonction de Vice-président du SPS. Il a par ailleurs été le responsable de la *TV Novi Sad* avant la guerre avec la Croatie, d'où était diffusée l'essentiel de la propagande guerrière serbe vers la Croatie – ses succès à ce poste lui vaudront sa nomination à la *RTS* à la fin de la guerre contre la Croatie.

Milanovic, Ratimir Vico¹⁸⁷... pour la RTS par exemple, qui veilleront personnellement à l'application des directives transmises par Milosevic lui-même. Parallèlement, des purges furent organisées au sein des entreprises de presse pour séparer le bon grain (les journalistes « patriotes ») de l'ivraie (les journalistes jugés trop indépendants et attachés à un traitement équitable de l'information)¹⁸⁸...

Pressions psychologiques sur les journalistes récalcitrants

81. D'une façon générale, le régime aura recours à tout un arsenal de terreur psychologique, déjà éprouvé par les régimes fascistes de l'entre-deux-guerre, et destiné à convaincre les plus récalcitrants de soutenir la politique nationaliste de Milosevic : « *journalistes licenciés du jour au lendemain ou victimes de persécutions, de menaces physiques, d'intimidations, de coups de fils anonymes* »¹⁸⁹... Les noms de certains figureront même sur des listes noires répertoriant les « ennemis de la Serbie » devant être éliminés¹⁹⁰.

Le rejet de tout média d'information à caractère fédéral

82. Il faut également souligner que dans sa volonté de conserver un monopole absolu sur l'information en Serbie, Slobodan Milosevic allait tout faire pour s'opposer au projet de chaîne de télévision fédérale *Yutel*, voulue par le Premier ministre yougoslave Ante Markovic qui souhaitait la diffusion sur l'ensemble du pays d'un programme d'informations sans partis-

¹⁸⁷ En avril 1982, alors rédacteur en chef du service politique de *Radio Belgrade*, il devenait membre de la Présidence du Comité municipal de la Ligue des Communistes de Belgrade. Il accèdera plus tard au fauteuil de Ministre de l'Information.

¹⁸⁸ Marie-Claude Vogric rapporte ainsi que « *Tanjug*, la fameuse agence de presse, fondée par Tito, (...) que les quotidiens les plus lus, *Politika*, *Ekspres*, *Vocernje Novosti*, ont été remis dans le rang dès 1987 par une purge des directeurs et des rédacteurs en chef accusés de ne pas avoir soutenu Milosevic » In « *La presse de Belgrade sous la férule de Milosevic* », *La Lettre de Reporters sans frontières*, février 1995, p.16.

¹⁸⁹ Jean-Claude Raspiengeas, « *Le dernier espoir démocratique* », *Télérama*, 17 février 1993.

¹⁹⁰ On se reportera par exemple au témoignage de Nenad Pejic, ancien directeur des programmes de *Sarajevo TV*, qui raconte : « *A la fin du mois d'avril 1992, la télévision serbe a diffusé un reportage sur les journalistes qu'il fallait tuer. Mon nom était sur la liste* », *La Lettre de Reporters sans frontières*, op.cit., p.24.

ordonnaient le démontage des relais de transmission mobiles sur tout le territoire de la république et au-delà¹⁹¹. Quelques mois plus tard les locaux de *Yutel* à Belgrade étaient saccagés et le personnel molesté par un commando du mouvement extrémiste serbe « les Aigles blanc »¹⁹².

Le plan d'action contre la presse indépendante

83. Face aux médias sous le contrôle direct du pouvoir, les quelques rares médias indépendants n'occupaient quant à eux guère plus du dixième de l'espace médiatique¹⁹³ national. La raison essentielle du maintien ou de la tolérance de tels médias - symboliquement importants - réside semble-t-il dans des considérations de politique extérieure, la Serbie exhibant ces médias pour donner d'elle, quand il le faut, une image démocratique à la communauté internationale¹⁹⁴...

84. Malgré ce souci évident de respectabilité, le gouvernement de Belgrade a usé et abusé de moyens légaux et extra-légaux pour contrer ces voix dérangeantes¹⁹⁵. C'est en effet par la voix de ces médias indépendants que l'opposition politique au président Milosevic parvenait à s'exprimer, à défaut de pouvoir accéder aux médias publics. L'épisode des élections municipales remportées le 17 novembre 1996 par la coalition de l'opposition « Ensemble » - dont le verdict ne sera reconnu par le pouvoir qu'après plus de trois mois de manifestations quasi-quotidiennes de l'opposition dans les grandes villes - va confirmer que, dès lors qu'il se

¹⁹¹ Jean Ariel, *op.cit.*

¹⁹² Reporters sans frontières, *La liberté de la presse dans le monde. Rapport 1992*, p.321.

¹⁹³ Voir "Situation of the media in former Yugoslavia", Report to the Commission of the European Union, AIM, Paris, March 1995, p. 1.

¹⁹⁴ Véronique Soulé rend bien compte de cette stratégie lorsqu'elle écrit que : « plutôt que de les interdire, il (le pouvoir) soumet les médias indépendants à des pressions financières et juridiques ; plus rarement la police serbe opère des saisies ou fait des descentes. Le but est de limiter au maximum leur audience, tout en préservant une apparence de pluralisme que Belgrade brandit devant la communauté internationale pour asséner qu'« à Belgrade il y a plus de démocratie qu'à Zagreb » ». In « Serbie : la difficile survie de la presse indépendante », *Libération*, 10 janvier 1996.

¹⁹⁵ En 1993, par exemple, alors que les conséquences de l'embargo produisaient leur plein effet, notamment sur les médias indépendants, le ministre fédéral de l'Information faisait ajouter un amendement à la Loi sur l'Information Publique qui autorisait le Parlement fédéral à opposer son veto à une aide étrangère apportée à un média... Voir Milica Pesic, *op.cit.* p.19.

trouve en situation de difficultés politiques, le régime s'emploie à fermer la porte qu'il avait laissée entre-ouverte pour séduire la communauté internationale.

85. En fait la reprise en main de la presse indépendante allait débiter dès la fin 1994 avec le putsch organisé contre le quotidien *Borba* – celui-là même qui avait osé « dénoncer la responsabilité du régime de Belgrade dans la guerre en Bosnie » ou « condamner les bombardements de Vukovar et de Sarajevo »¹⁹⁶. Après avoir déclarée illégale la société par actions qui éditait le journal, le Ministre fédéral de l'Information, Dragutin Brcin, était nommé à la tête du quotidien.

L'implication directe des époux Milosevic

86. Mais, au-delà, c'est tout le secteur de la presse privée qui était alors dans le collimateur du régime, ainsi que l'annonce de façon quasi officielle, début janvier 1995, Mira Markovic, épouse et idéologue du président Milosevic, dans sa chronique publiée dans l'hebdomadaire *Duga*¹⁹⁷. Les médias indépendants et les professionnels qui les animent y sont violemment pris à partie et, selon le procédé de propagande classique, dépeints comme des traîtres à la Serbie¹⁹⁸ : « On saura très rapidement qui a participé au financement de certains partis et de certains médias d'information en Europe de l'Est. Mais, en identifiant les financiers, on

¹⁹⁶ Florence Hartmann, « Le quotidien serbe <<Borba>> tente de résister à Slobodan Milosevic », *Le Monde*, 12 janvier 1995.

¹⁹⁷ Le magazine *Duga* est passé sous le contrôle du pouvoir au printemps 1987, date de la refonte de l'équipe rédactionnelle, et publiait dès lors des articles favorables aux thèses nationalistes de Milosevic. Dans sa rubrique – qualifiée humoristiquement d'« horoscope » par ses détracteurs – Mira Markovic annonçait systématiquement à l'avance les décisions qui allaient être prises par le pouvoir. Proche collaborateur de Slobodan Milosevic, Borisav Jovic écrit à ce propos : « This became evident in practice in the early 1990s, Milosevic's wife started to publish a series of articles in the *Duga* magazine in the form of her diary and thoughts, in which she touched on numerous political and social issues but also announced what could later happen or what should happen. Everything she announced really did happen. What she objected to would be publicly attacked, those she criticised would be dismissed. All of this could happen only in one way, through the support of the state and political machine, led by her husband, which put in practice what she only announced (...) Her texts even attracted huge attention. They often contained, between the lines, real intentions and hints as to whom the texts referred to. A phantom which could destroy one with a single sentence hovered above the people. After each new issue of *Duga* the main topic of analysis by the political public would be a new text by Milosevic's wife, with guesses as to what she wanted to say this time and what would happen afterwards ». In *Book on Milosevic*, Belgrade, 2001 (Drafttranslation by ICTY), pp.23-24.

¹⁹⁸ Cette chronique sera également publiée en partie dans le quotidien *Vecernje Novosti*, plus grand tirage de RFY avec 230.000 exemplaires (*BETA News Agency*, 10 janvier 1995).

identifiera ceux qui ont été financés, ceux qui ont été payés pour transformer leur pays en colonie (...). Morts ou vivants, qu'il importe, les auteurs de ces actes ne pourront pas éviter le jugement de l'Histoire. Il est regrettable bien sûr que le sceau de la honte soit inévitablement porté par leurs descendants (...). Ces mercenaires et ces mouchards qui, pour des devises fortes, organisent des partis <<démocratiques>> et des médias <<indépendants>>, croient naïvement que la lumière ne sera jamais faite sur leurs activités (...). Les traîtres ont toujours essayé de présenter leur trahison comme un acte visant à défendre les intérêts les plus élevés de la Nation. La plupart heureusement n'y sont pas parvenus. Aussi, politiques et journalistes qui servent aujourd'hui d'émissaires aux conquistadores modernes en Europe de l'Est n'y parviendront pas non plus »¹⁹⁹...

87. Dans la perspective du lancement de la campagne électorale pour les élections municipales de novembre 1996, et en recourant au même procédé que contre *Borba* en décembre 1994 et contre l'hebdomadaire *Svetlost*²⁰⁰ en septembre 1995, le pouvoir confie en février 1996 à la municipalité de Belgrade le contrôle de la chaîne de télévision privée *NTV Studio B*, alors la principale tribune des partis d'opposition²⁰¹.

88. Dans la même logique, Slobodan Milosevic fait fermer pour 48 heures, début décembre 1996, les deux dernières radios qui rendaient compte des manifestations antigouvernementales quotidiennes – *B 92* et *Radio Index*, la station des étudiants belgradois²⁰². De novembre 1996 à mars 1997, les manifestations de l'opposition sont par contre délibérément occultées par les médias d'Etat²⁰³, à l'image de la RTS qui, lors de la manifestation monstre du nouvel an qui

¹⁹⁹ Cité dans *La Lettre de Reporters sans frontières*, février 1995, p.18.

²⁰⁰ Ce dernier, publié à Kragujevac, à 120 kilomètres au sud de Belgrade, était lié à une vingtaine de journaux de province prônant le pluralisme.

²⁰¹ *Correspondance de la Presse*, lundi 19 février 1996.

²⁰² *Correspondance de la Presse*, mercredi 4 décembre 1996.

²⁰³ AIM, dans son édition mensuelle de décembre écrit à ce propos : « The state-controlled media have totally ignored the mass protests in Serbia, but have given wide coverage to those in... Zagreb. Politika only informed its readers that opposition supporters had <<demolished>> its building ». In "The struggle for the cities", AIM Review, n°43, December 1996, pp.5-6.

réunit 250.000 personnes à Belgrade et des milliers d'autres dans les grandes villes du pays, diffusera dans son journal télévisé des vues de Londres et de New-York²⁰⁴...

89. Les médias électroniques, qui s'étaient multipliés dans toutes les villes de Serbie après les Accords de Dayton, vont eux aussi subir les assauts du pouvoir. Leur structure juridique approximative va opportunément permettre à ce dernier d'entraver ou de mettre fin à l'activité de ces stations de radio et de télévision – municipales ou privées – au printemps 1997²⁰⁵, à la faveur de l'éclatement de la coalition de l'opposition. De nombreuses mairies gagnées par l'opposition en novembre 1996 allaient en effet être reprises en main par le pouvoir en cette occasion. Parallèlement, à travers la procédure annuelle d'attribution des licences d'émission, quantité de médias électroniques allaient être écartés : « ainsi, en juin 1997, les autorités ont fermé 55 radios et chaînes de télévisions »²⁰⁶.

90. Derrière cette reprise en main générale se trouvait personnellement Milosevic. Ce dernier, tout récemment élu à la présidence de la République fédérale de Yougoslavie le 15 juillet 1997, allait exprimer publiquement son aversion pour les médias indépendants, dérangeants car hors de contrôle et financés de l'extérieur²⁰⁷ : devant l'Assemblée Yougoslave il déclarait

²⁰⁴ « Serbie : propagande, mode d'emploi », in *La Lettre de Reporters sans frontières*, 13 janvier 1997.

²⁰⁵ Mirko S. Mandrino note ainsi : « La majorité des stations "privées", "indépendantes" ou "locales" n'ont pas de permis et fonctionnent donc illégalement selon les normes nationales et internationales. Les seules exceptions sont les stations qui appartiennent à des gens proches du pouvoir (comme les membres de la famille de hauts fonctionnaires) ou qui sont administrées par eux. Les autres n'ont pas de papiers en règle, aussi les autorités organisent-elles de temps à autre des descentes de police dans leurs locaux et confisquent leur matériel. La dernière descente de police, mieux organisée et d'une envergure comme on n'en avait encore jamais vu, a eu lieu en mai-juin 1997. Avec l'aide de policiers, des inspecteurs "officiels" de la radio d'État, accompagnés d'ingénieurs et de techniciens porteurs de cartes de police provisoires, ont mené ces rafles tambour battant. La plupart du temps, non seulement les scellés étaient apposés, mais le matériel était confisqué. Plus de 100 stations de radio et une cinquantaine de stations de télévision ont ainsi été "visitées" – dont Radio Bum, à Pecarevac, Radio Velinka Kikinda, à Kikinda, Radio N, à Nis, Radio 021, à Novi Sad, Independent TV, à Pancevo, TV, à Nis, et beaucoup d'autres ». In *InuRadio*, Vol 9, n°2. Site Internet de l'A.M.A.R.C. http://www.amarc.org/interadio/Vol9_No2/Francais/html/europe.htm

Voir aussi « Independent media under pressure from all sides », *AIM Review*, n°49, July 1997, p.5.

²⁰⁶ Reporters sans frontières, *Dossiers et rapports de missions*. RFY : un Etat de censure.

²⁰⁷ Une campagne haineuse sera lancée contre les médias recevant des subsides de l'étranger, qui sont alors qualifiés de « traîtres à la Serbie ». *Politika* publiera ainsi une liste d'organes de presse indépendants ayant reçu des fonds de la Commission Européenne (*Vreme*, *Nasa Borba*, *AIM*, etc.), dont certains rédacteurs sont dépeints comme roulant en Mercedes et vivant dans de luxueuses villas, qu'ils auraient acquises au travers de leurs activités subversives contre la Serbie... Rapporté par Gordana Igric, « The regime's operation <<media>> », in *AIM Review*, n°35, April 1996, p.10.

le 23 juillet qu'il « est grand temps de mettre de l'ordre dans les médias, des actions doivent rapidement être entreprises à cet effet »²⁰⁸...

91. Avec la dégradation de la situation et du climat politiques à partir de la fin de l'année 1997 – élection difficile de Milan Milutinovic, candidat de Milosevic, à la présidence de la Serbie ; constitution d'un gouvernement de coalition avec le Parti radical serbe (SRS) de Vojislav Seselj et la Gauche yougoslave unie de Mira Markovic ; velléités d'indépendance du Monténégro ; et, surtout, les prémisses du conflit au Kosovo – ce sont les derniers espaces de liberté qui vont se trouver menacés. Là encore, « les méthodes de propagande employées ne vont laisser planer aucun doute sur les objectifs du régime : contrôler entièrement les espaces de contestation potentiels »²⁰⁹. Suivant une technique désormais rodée, la menace extérieure va être systématiquement utilisée comme prétexte pour faire taire les voix discordantes dans le pays.

Propagande guerrière et cohésion nationale pendant la guerre du Kosovo

92. Pendant la crise qui précède la guerre et pendant la guerre elle-même, tout l'effort du régime de Slobodan Milosevic a consisté à renforcer la cohésion nationale autour d'un pouvoir autoritaire²¹⁰, discrédité tant par son échec dans les guerres passées – Croatie et

²⁰⁸ Rapporté par Bénédicte Chesnelong, *Serbie. Le trou noir des Balkans*, Rapport d'une mission d'enquête de la Fédération Internationale des Droits de l'Homme (19-22 septembre 1997). <http://www.fidh.imagenet.fr/rapports/r251-2.htm>

²⁰⁹ Anne Madelain, « Les médias indépendants en RFY : Où se trouve la société civile ? », in *Le Courrier des Balkans*, 9 mai 1999.

²¹⁰ Nebojsa Popov, rédacteur en chef de la revue *Republika*, montre combien le « nouveau » pouvoir serbe, reposant sur un « pluralisme autoritaire » - est alors tout entier concentré à mener sa guerre contre l'opposition serbe. Il explique notamment que « Deux mois avant les bombardements de l'OTAN, commencés le 24 mars 1999, une réunion a éclairé d'un jour cru les difficultés de la démocratie en Serbie. Trois vice-premiers ministres de Serbie, docteurs d'Etat et professeurs d'université de surcroît - MM. Ratko Markovic (Parti socialiste de Serbie, SPS), Vojislav Seselj (Parti radical serbe, SRS) et Milovan Bojic (Gauche yougoslave unie) - ont tenu une conférence de presse au cours de laquelle ils dénoncèrent les huit piliers de la démocratie : l'opposition, les médias, l'Université, les étudiants, les syndicats, les organisations non gouvernementales (ONG), les juges et les membres des futures commissions électorales. Une telle menace nécessitait, selon eux, la mobilisation des plus hautes instances du pays. C'est ainsi que fut mis en place tout un appareil, d'abord

Bosnie-Herzégovine, par sa gestion économique et sociale du pays que par l'enrichissement personnel de ses dirigeants quand le gros de la population serbe s'appauvissait en retour... Belgrade a reconduit ici une stratégie de communication, déjà éprouvée par le passé, consistant à travailler contre les journalistes indépendants, mais aussi contre l'opposition. C'est vrai pour les journalistes étrangers comme pour les journalistes serbes, auxquels a été dénié tout libre accès à l'information sur ce qui se passait réellement au Kosovo. Parallèlement, les médias contrôlés par le pouvoir, très majoritaires dans le paysage médiatique national, étaient tous occupés à dénoncer l'ennemi de l'intérieur (opposition politique et médiatique à Milosevic) et de l'extérieur (Alliance Atlantique et organes de presse occidentaux)... Les citoyens serbes allaient être graduellement classés dans deux catégories, celles des patriotes ou celle des traîtres selon qu'ils soutenaient ou critiquaient les autorités.

Une « grille de lecture » imposée

93. Du côté de la presse indépendante yougoslave – ou du moins ce qu'il en reste après dix ans d'une répression sévère et d'une mise au pas orchestrées par Slobodan Milosevic en personne – l'étau s'est resserré début 1998 avec une multiplication des attaques contre les médias et le pluralisme de l'information. Dans les mois précédant le déclenchement des frappes le 24 mars, ce sont quatre radios et une chaîne de télévision qui étaient interdites, alors que *Nasa Borba*, quotidien de référence en Serbie, cessait dans le même temps sa parution²¹¹. Refusant de se plier à la « grille de lecture » des événements au Kosovo que le ministre de l'Information tente d'imposer le 10 mars 1998 aux journalistes de la presse libre - convoqués pour l'occasion au poste de police - *Nasa Borba*, pas plus que, plus tard, *Danas* ou

idéologique et de propagande, puis administratif, pour éliminer <<l'épouvantail de la démocratie>> ». In « La voix étouffée des démocrates serbes », *Le Monde Diplomatique*, juin 1999, p.6. <http://www.monde-diplomatique.fr/1999/06/POPOV/12121.html>

²¹¹ Cf Hélène Despic-Popovic, « Belgrade a décrété l'état de guerre : Milosevic muselle les médias indépendants », in *Libération*, 25 mars 1999, p.3.

Dnevni Telegraph, ne survivra à l'adoption, en octobre suivant, d'une nouvelle loi sur l'information prévoyant de très fortes amendes contre les voix discordantes²¹².

Politique répressive contre les « traîtres »

94. Dès les premières frappes aériennes une censure de fait va être imposée à la totalité des médias, qui se contenteront – du fait des lourdes peines encourues depuis la loi sur la presse d'octobre 1998 – de reproduire les communiqués officiels du gouvernement et de l'état-major de l'armée. Des militaires vont être postés dans les locaux de chaque média pour veiller à ce que les commentaires sur le Kosovo collent à l'idéologie et aux directives officielles communiquées à la presse par le Ministère de l'Information. Les premières frappes de l'Alliance Atlantique allaient être l'occasion pour le régime de procéder à la fermeture de la *Radio B92* de Belgrade, dernier média indépendant de Serbie. Quelques jours plus tard, le 11 avril, c'est le propriétaire du *Dnevni Telegraph*, Slavko Curuvija, un proche du régime ayant fait « défection » quelques mois plus tôt, qui est assassiné dans les rues de Belgrade, peu après avoir été qualifié de « traître »²¹³ à qui il fallait « régler son compte » par un quotidien de la place qui sera repris par la *RadioTélévision Serbe*²¹⁴... Au Kosovo même, la presse indépendante locale disparaît également²¹⁵, à l'image de *Koha Ditore*, le principal quotidien albanophone, qui cesse de paraître dès le 23 mars.

95. La fermeture ou la mise au pas des quelques rares médias indépendants, dont aucun, il faut le rappeler, n'avait de couverture nationale, rendra impossible toute version différente de celle

²¹² C'est pour avoir publié à sa « une » la lettre gouvernementale énonçant les consignes de « lecture » des événements – c'est-à-dire pour avoir refusé d'un côté de traiter l'UCK de « bande de terroristes » ou de qualifier ses activités de « criminelles » ou de l'autre de parler des « opérations de maintien de l'ordre » ou « de la paix » des policiers serbes – que *Nasa Barba* sera suspendu... Voir Florence Amalou, « Comment Belgrade a progressivement muselé la presse libre », in *Le Monde*, 2-3 mai 1999, p.21.

²¹³ Sur la manipulation politique du concept de trahison par le pouvoir, voir Aleksander Ćiric, « *Postwar Serbia. Hunting Traitors* », *AIM Podgorica*, 22 June, 1999.

²¹⁴ Cf Hélène Despic-Popovic, « *Slavko Curuvija, l'homme qui en disait trop* », in *Libération*, 15 avril 1999, p.10.

²¹⁵ Cf « *Kosovo : mort de l'information indépendante* », in *La Lettre de Reporters sans frontières*, avril 1999, n°137, p.1.

des médias de propagande chargés de répandre la vérité officielle. Cette situation de presse unique explique que le citoyen serbe voit alors dans les massacres et pillages commis contre la population kosovare la destruction de bases de l'UCK au cours « d'opération de pacification » et dans l'exode de cette même population, des malheureux fuyant non pas les exactions des policiers et miliciens serbes mais « les bombardements de l'OTAN »²¹⁶...

La Serbie victime d'un énième complot international

96. L'opinion publique serbe, à laquelle on a tu les exactions commises au Kosovo ou les témoignages des réfugiés, s'est vue servir une propagande efficace – dont le socle reste la *RadioTélévision Serbe*²¹⁷ – jouant sur la fibre nationaliste et réduisant les frappes aériennes à un complot international contre la Serbie. « La propagande est intense », écrit Natalie Nougayrède, l'envoyée spéciale du *Monde* encore présente à Belgrade au lendemain des premières frappes, « les bulletins sont assez fréquents, entrecoupés d'interludes musicaux, de clips à la gloire des forces armées, ou de films sur la résistance des combattants serbes antinazis durant la Seconde Guerre Mondiale »²¹⁸. L'amalgame opéré entre Bill Clinton et Adolf Hitler, la diffusion du film culte de Charly Chaplin *Le Dictateur*, laissent par exemple penser au public serbe qu'il est, une fois de plus, la victime d'une agression nazie et donc menacé dans son être même.

Une nouvelle guerre menée « contre le peuple serbe »

97. Cette propagande guerrière, qui repose sur la haine d'un ennemi aux multiples visages, est le prolongement de celle qui a accompagné l'éclatement de l'ex-Yougoslavie au début des années 1990. Pour le chercheur Jacques Sémelin, cette propagande s'inscrirait d'ailleurs

²¹⁶ *Le Monde*, éditorial, 13 avril 1999, p.19.

²¹⁷ Voir l'historique qu'en dresse Marc Semo, « La RTS, télé haine », in *Libération*, 26 avril 1999.

²¹⁸ « La population est privée d'informations indépendantes », *Le Monde*, 28-29 mars 1999.

directement dans l'histoire de la Serbie et ce, écrit-il, « au moins depuis la Seconde Guerre Mondiale »²¹⁹. La priorité du régime Milosevic est alors en effet de « convaincre l'opinion publique que l'OTAN fait la guerre au peuple serbe et non au régime et à sa machine de guerre »²²⁰.

98. Ce constat explique que les médias serbes continueront à ignorer le drame des kosovars, que le régime, qui refuse pourtant aux journalistes des pays de l'Alliance de rendre compte de la guerre, organise tout exprès à leur attention un convoi pour leur montrer l'épave d'un avion furtif américain F-117, victime d'une avarie technique ou abattu par la défense anti-aérienne... Le moindre « dégât collatéral » dont se rend responsable l'aviation de l'Alliance est exploité médiatiquement, à destination de l'extérieur comme de l'intérieur, pour tenter d'accrediter l'idée qu'il s'agit bien d'une guerre menée contre la population civile.

99. D'une manière générale, la propagande du régime gomme les faits et forge sa propre « réalité », comme le démontre, entre autres, l'entretien, diffusé par la RTS, mettant en scène Slobodan Milosevic et le leader kosovar Ibrahim Rugova – extrait pour l'occasion de sa résidence surveillée de Pristina ; entretien étrange et surréaliste dont l'objectif était de faire croire à la volonté serbe de relancer les négociations à un moment où, sur le terrain, les opérations de nettoyage ethnique s'intensifiaient.

100. Ainsi, des premières frappes aériennes à l'annonce du plan de paix, les médias serbes auront véhiculé une propagande supplantant la simple vérité des faits²²¹, alors que la mise au pas des voix indépendantes, seules susceptibles d'éclairer l'opinion publique serbe, rendait impossible tout traitement honnête et équilibré de l'information sur le conflit au Kosovo et sur l'intervention de l'Alliance Atlantique.

²¹⁹ « Les médias dans la guerre au Kosovo », in *Le Monde*, 25 juin 1999, p.17.

²²⁰ Florence Hartmann, « Une semaine devant la télévision serbe », in *Le Monde Télévision*, 4-5 avril 1999, p.5.

²²¹ Afin d'avoir un aperçu plus précis et plus exhaustif de la façon dont le principal outil de propagande du régime a réinterprété les faits, on pourra utilement se reporter à la chronique « Vu à la télévision serbe » tenue par le journaliste du *Monde* Hector Forest à partir du début avril jusqu'à l'annonce du plan de paix en juin suivant.

La mise en quarantaine de la presse internationale

101. Parallèlement à l'encadrement de la presse nationale, l'accès à l'information sur le terrain au Kosovo et en Serbie a très vite été rendu impossible ou presque aux journalistes étrangers dès le déclenchement des frappes aériennes de l'Alliance, d'innombrables limites objectives à l'exercice du métier d'informer ayant été érigées par la partie serbe.

102. Au lendemain des premières frappes, la police serbe procédait à Belgrade à l'arrestation d'une trentaine de journalistes occidentaux, qui seront interrogés avant d'être expulsés, pour la plupart d'entre eux, de la Yougoslavie²²² ; tel sera notamment le cas de la correspondante de *Libération*, du correspondant du *Soir*, du producteur d'*ABC News* ou encore du journaliste du *Washington Post*...

103. Parallèlement, les autorités serbes tentaient d'entraver la libre circulation des images, procédant à la fermeture de l'émetteur par satellite de l'*Union Européenne de Radiodiffusion* (UER) ou intimant l'ordre à la *Télévision Serbe* de refuser à la chaîne américaine *CNN* l'utilisation de ses moyens techniques pour la diffusion de ses reportages²²³.

104. C'est en fait au Kosovo et dans sa capitale, Pristina, que les mesures répressives à l'endroit des correspondants étrangers furent appliquées avec le plus de rigueur, conformément au communiqué du ministère de l'Information de Serbie en date du 25 mars qui stipulait : « sur la base de l'article 8 de la loi sur la défense de la République de Serbie, le ministère de l'Information décrète l'ordre suivant : expulser les journalistes des médias étrangers venant de pays qui ont participé ou dont le territoire a été utilisé dans l'agression des forces de l'OTAN dans notre pays »²²⁴. Paul Watson, du *Los Angeles Times*, sera le seul

²²² *Libération*, 22 mars 1999, p.5. Voir aussi *La Lettre de Reporters sans frontières*, mai 1999, n°138, p.4.

²²³ *Le Monde*, 26 mars 1999.

²²⁴ Cité par Denis Hautin-Guiraut, *Le Monde*, 27 mars 1999.

journaliste indépendant à passer à travers les mailles du filet et à pouvoir parcourir le Kosovo²²⁵ sur la quasi-totalité des quelques 78 jours qu'auront duré les frappes aériennes, les autres correspondants étrangers ayant dû se replier en Macédoine, en Albanie ou encore au Monténégro d'où ils ne pourront plus rendre compte que du problème des réfugiés...

105. Dans la pratique, les conditions nécessaires à un minimum de transparence de l'information sont inexistantes : la liberté d'aller et venir étant supprimée, c'est avec elle la possibilité de vérifier tel ou tel fait qui disparaît, comme d'ailleurs celle d'interviewer des témoins sur place pour opérer des recoupements, mener une enquête. C'est par définition ce qui fait l'essence même de l'activité journalistique – la collecte de l'information, la vérification et le recoupement des faits, puis leur traitement – qui fut alors refusé aux journalistes étrangers par le régime Milosevic. La non maîtrise par ces derniers de la collecte de l'information et de son traitement explique que l'on se soit alors retrouvé avec une information de « seconde main », avec les risques d'erreur et d'imprécision que cela peut comporter, a fortiori quand il s'agit de rendre compte de l'épuration ethnique en cours... Les journalistes n'auront donc ici été que des témoins auriculaires mais non oculaires de ce qui se passait alors au Kosovo, transformé en huis clos médiatique²²⁶.

Les raisons de l'impact de la propagande sur l'opinion publique

106. Le tour d'horizon des procédés propagandistes observables en ex-Yougoslavie au cours des guerres de Croatie et de Bosnie, et même au-delà, démontre combien la guerre est

²²⁵ Cf Paul Watson, « Témoin de guerre », in *Les Cahiers de Médilogie. Croyances en guerre : l'effet Kosovo*, n°8, deuxième semestre 1999, pp.111-119.

²²⁶ Jean-Paul Marthoz illustre bien ce propos lorsqu'il écrit : « on a ainsi vécu une << guerre en différé >>, les informations sur la situation au Kosovo n'arrivaient qu'au compte-gouttes, par l'entremise des réfugiés interviewés par les représentants des organisations humanitaires postés en Albanie et en Macédoine. Bien que précieuses, ces informations n'ont offert qu'une vision partielle et décalée des exactions commises par les forces serbes et des conséquences des bombardements ». Voir « Une presse qui a refusé le garde-à-vous », in *La guerre du Kosovo : éclairages et commentaires*, sous la direction de Bernard Adam, GRIP, Editions Complexe, Bruxelles, 1999, p.141.

aujourd'hui plus que jamais liée à la maîtrise de l'information et de la communication. Que le contrôle de celles-ci soit un enjeu en soi ou un moyen supplémentaire d'atteindre des objectifs préalablement fixés, on vérifie une fois de plus l'importance du « faire savoir » et du « faire croire ». Absence ou presque d'informations alternatives, verrouillage des médias, poids écrasant de la télévision... Tous ces facteurs expliquent le manque de recul et l'adhésion de la grande masse de la population serbe aux thèses officielles.

Une population déboussolée par une crise généralisée

107. Pour expliquer l'efficacité de la propagande officielle, et comprendre la permanence de son impact sur la population, il faut rappeler le contexte exceptionnellement favorable prévalant à la fin des années 1980. A la grave crise économique et sociale qui touche la Yougoslavie et particulièrement la Serbie, qui n'a pas su moderniser son appareil industriel, se greffe, comme un peu partout en Europe Centrale et Orientale, la progressive remise en cause de la nature idéologique du régime. En effet, aux profondes transformations en cours des structures économiques et sociales, affectant directement le quotidien des populations, s'ajoute la perte des repères hérités de plusieurs dizaines d'années de communisme yougoslave. Désorientée dans ses croyances collectives, la population serbe allait donc constituer une proie facile pour la propagande nationaliste. A l'image de la situation critique prévalant dans la Russie tsariste des années 1910, ou dans l'Allemagne des années 1930, le contexte politique, économique et social défavorables de la Serbie de la fin des années 1980 a constitué un terrain propice à l'apparition et au développement des sirènes nationalistes et xénophobes.

Le soutien des grands relais d'opinion au régime

108. La propagande distillée par des médias comme *Politika* ou la *Radio Télévision Belgrade* (plus tard *Radio Télévision serbe*), en préparant et manipulant l'opinion publique, a permis au régime Milosevic d'obtenir un consensus national autour politique. L'obtention d'un tel consensus a été facilitée par l'appui dont a pu disposer ce dernier auprès d'autres relais façonnant l'opinion publique. Qu'il s'agisse du soutien des intellectuels²²⁷, du monde syndical, des institutions éducatives ou encore et surtout de l'Eglise Orthodoxe. Pour ne prendre qu'un exemple, il est évident que le concours que celle-ci a apporté à la célébration par le régime du six centième anniversaire de la bataille du Champs des Merles en 1989 – en organisant l'exposition itinérante et médiatisée, à travers toute la république, des reliques mortuaires du Prince Lazar et leur enterrement sur ce site symbolique – a pu convaincre plus d'un serbe à adhérer à ce programme nationaliste. Quand on sait que les individus ont tendance dans leur grande majorité à se déterminer par rapport à l'opinion prévalant dans leurs groupes d'appartenance, on comprend que des relais d'opinion comme l'Eglise Orthodoxe, l'intelligentsia et d'autres aient, aux côtés des médias d'Etat, contribué à forger un consensus général autour de la question nationale serbe. Dans une telle atmosphère consensuelle, la question du bien fondé et des possibles conséquences néfastes d'un tel projet ne sera pas discutée, ou en tout cas pas dans les grands relais d'opinion auxquels les masses serbes avaient accès. La presse indépendante aura eu elle-même beaucoup de mal à ne pas céder aux réflexes identitaires. Ainsi que l'écrit Anne Madelain, « *lorsque l'identité collective est en jeu, les médias <<indépendants>> ont souvent du mal à éviter les réflexes identitaires* ».

²²⁷ Le journaliste Stanco Cerovic accorde un rôle important aux intellectuels comme élément d'explication de la passivité des masses. Pour lui, en effet, « *le rôle et la trahison de l'intelligentsia sont déterminants dans les systèmes idéologiques. Sans la contribution des intellectuels, aucun système totalitaire ne peut survivre. Dans le cas de l'ex-Yugoslavie, 90% des intellectuels se sont rangés derrière le pouvoir de Milosevic, à un moment où un autre, et ont défendu le projet nationaliste purificateur. Cette classe a une influence immense sur le peuple* ». In « *L'information est-elle possible face à la propagande?* », *Fondation pour le progrès de l'homme, dph, Document de travail, n°64, p.191.*

et à assurer le pluralisme. La guerre », poursuit-elle, « ne fait que renforcer le phénomène et si la guerre se nourrit de la propagande, la propagande se nourrit aussi de la guerre »²²⁸...

La presse officielle : unique source d'information pour 90% des serbes

109. Les informations et opinions alternatives, qui parcouraient pourtant la société serbe, ne furent jamais mises à la portée du gros de la population. Le premier facteur explicatif tient au fait que les seuls médias couvrant la totalité du territoire de la Serbie étaient la *Télévision* et la *Radio d'Etat*²²⁹. Même si certains étaient autorisés et tolérés, les médias indépendants électroniques n'avaient qu'une diffusion limitée, voire confidentielle : la radio *B 92*, pourtant principal vecteur de contestation du régime et tribune de l'opposition, n'était par exemple captée qu'à Belgrade et dans quelques grands centres urbains mais pratiquement pas dans le reste de la Serbie. Les tentatives d'élargir leur aire de diffusion furent toutes contrées par le pouvoir (saisie d'émetteur, interdiction de relayer des programmes d'autres radios, etc.).

110. Deuxième facteur, si le reste de la république était soigneusement tenu à l'écart des médias indépendants des grandes villes et avant tout de Belgrade – fiefs de l'opposition au régime, c'est parce que c'est là que résidait le réservoir de voix de Milosevic. Belgrade était certes la mieux couverte par les médias indépendants, mais « le pouvoir de Milosevic s'appuyait sur la Serbie profonde qui était, elle, dominée par la presse officielle »²³⁰. À cet égard, la *Télévision d'Etat* avait une place à part en tant que premier média du pays²³¹. La

²²⁸ « Où se trouve la société civile ? », *op.cit.*

²²⁹ « Milosevic veut serrer la vis aux médias privés », *Libération*, 11 mars 1997.

²³⁰ Véronique Soulé, « Serbie : la difficile survie de la presse indépendante », *op.cit.*

²³¹ *Alternativna Informativna Mreža* fait part de statistiques d'audience fort intéressantes : « Research shows that TV Belgrade was (...) the most significant information medium. In October 1990, the central information program of TV Belgrade, <<Dnevnik 2>> (Daily News 2, at 7.30 p.m.) on the territory of Serbia with no provinces, was watched by 2.5 million people, i.e. more than 50 per cent of the population (Plavsic, P., *Mavric, G.*, 1991). A year later, in full swing of the war in Croatia, this figure went up to 3 million or 60% per cent of the inhabitants of Serbia over the age of 10 (Group of authors, 1992). Should about thousands spectators in Vojvodina be added to this (according to the data of the RTV Novi Sad), TV news were watched by at least 3.5

ignorer ou à dénaturer les messages de l'opposition²³⁶. Cette inégalité flagrante des conditions de la campagne fut d'ailleurs dénoncée dans un rapport officiel rédigé par cent dix neuf (119) observateurs dépêchés par la Conférence sur la Sécurité et la Coopération en Europe (CSCE), qui critiquait particulièrement « *la propagande honteuse des médias contrôlés par l'Etat et, en premier lieu, de la télévision qui a ignoré ou modifié le message de l'opposition* »²³⁷.

112. La presse écrite indépendante, de son côté, n'eut guère d'impact sur la grande masse de la population serbe. Durement frappée par l'embargo international pendant la guerre (papier), elle restait l'apanage d'une élite privilégiée urbaine. Importante symboliquement pour les démocrates – qui voyaient en elle le moyen de préserver leur « santé mentale » – la presse écrite a vu sur dix ans ses tirages fondre sous le poids des obstacles de toute sorte mis sur son chemin par le pouvoir, et son lectorat s'épuiser financièrement – à la différence des serbes vivant dans les campagnes ce furent en effet les citoyens qui souffrirent le plus de l'embargo international et des conséquences de la guerre du Kosovo...

Absence de tout esprit critique

113. Toutes ces caractéristiques du paysage médiatique serbe permettent en partie de comprendre la vulnérabilité extrême de la population à la propagande du régime. Celle-ci est en effet parvenue avec succès à annihiler tout esprit critique ; elle y parvenait d'autant plus facilement que les masses yougoslaves dans leur ensemble avaient déjà été travaillées des

²³⁶ Un tel procédé fut employé dès le 30 juin 1990 lors du premier meeting de l'opposition au régime Milosevic : rassemblés devant le siège de la télévision, réclamant la liberté de la presse et des élections multipartites, les manifestants furent sévèrement dispersés par des policiers leur assénant des coups de matraques. Le soir même, on ne vit aucune image de cette manifestation réprimée dans le journal télévisé de TV Belgrade. En lieu et place y était lu un communiqué du Ministère de l'Intérieur : « *The rally is now over, leaving in its wake idle boasts about its <<huge attendance>>. It only served to show that the united Serbian opposition does not enjoy a legitimate support of the Serbian people. Mudslinging at the government and primitive anti-communism proved to be of no avail. The united opposition clearly showed its readiness to sacrifice not only democracy on the altar of power struggle, but also our constitution and even territorial integrity. In their blind lust for power they would sacrifice even Kosovo. The rally only taught us that no opposition party, regardless of the ostensibly democratic face it puts on, can count on the support of the Serbian people if it disregards the country's vital interests* ». Voir « *Images and Words of Hate : Year One* », *Foundation for Right to Pictures and Words*, Lazar Lalic, B 92-ARHITEL, 1996.

²³⁷ Reporters sans frontières, *La liberté de la presse dans le monde. Rapport 1993*, p.343.

dizaines d'années durant par la propagande communiste... L'absence d'informations, ou des informations à sens unique, explique la docilité des masses serbes face à un régime et à une politique nationalistes dont elles ne percevaient pas clairement le caractère criminel ; les populations, soit qu'elles ne voulaient pas voir ce qui se passait, soit qu'elles se contentaient des seules sources d'information officielles, étaient tenues et maintenues dans l'ignorance de ce qui se passait réellement dans la fédération et en Serbie même, et étaient donc psychologiquement disposées à croire n'importe quel mensonge. Florence Hartmann rapporte à ce propos l'expérience significative menée par une équipe de l'Institut d'Etudes Politiques de Belgrade en juillet 1992. L'enquête réalisée alors concluait que « 20% seulement des personnes interrogées répondaient correctement à la question : <<qui a pilonné Sarajevo en mai et juin depuis les hauteurs qui dominent la ville >> »²³⁸. Les 80% restant, soit l'écrasante majorité des interrogés, se basant sur les seules sources officielles, étaient trompés par la propagande du régime²³⁹. Cette situation dramatique, qui ne laissait aucune chance à l'opposition démocratique de faire valoir ses critiques et donc de convaincre l'opinion publique de lui confier les rennes du pouvoir, aura été possible par le poids écrasant de la Télévision d'Etat sur la société serbe dans son ensemble. « La télévision », notait ainsi la journaliste du Monde, « joue en Serbie un rôle de plus en plus important pour la formation de l'opinion. Son manichéisme volontaire se reflète donc sur l'ensemble de la société qui a perdu devant le petit écran tout esprit critique. Les effets sont inquiétants, estiment les spécialistes, qui parlent de l'hypnose de téléspectateurs et de leur incroyable crédulité. Certaines études »,

²³⁸ « La presse serbe sous haute surveillance. M. Milosevic contrôle les médias officiels et fait pression sur les indépendants pour promouvoir ses buts de guerre », Le Monde, 21 novembre 1992.

²³⁹ Dans son rapport *Situation of the media in former Yugoslavia. Report to the Commission of the European Union*, Alternativa Informativna Mreza écrit, à propos du degré de confiance accordé par la population à l'information télévisée : « The central information of TV Belgrade is distinguished by great credibility. According to data, collected by TV itself, 33.7 per cent of spectators absolutely believe its information, and only 13 per cent express disbelief (Timotic, M., 1991). Young spectators express much less trust in this medium (B. Dzuverovic et al., 1992) », op.cit. p.58.

concluait-elle, « affirment que 60% de la population <<croient aveuglément>> aux informations qui sont rapportées par la télévision »²⁴⁰.

Ce contexte particulièrement difficile explique la multiplication et le succès, tout au long de la décennie 1990, de voyants de toutes sortes et leur omniprésence dans les médias serbes. Le régime Milosevic, pour avoir entrevu la valeur potentielle des « sciences occultes », les utilisera comme avant lui Joseph Goebbels – ce dernier ayant en effet noté dans son agenda personnel « le besoin d'incorporer les sciences occultes dans notre propagande (...) nous devons faire pression sur tous les voyants pour qu'ils se mettent à notre service »²⁴¹. Le groupe de presse *Politika*, qui possède alors plusieurs magazines de magie, a ainsi servi de tremplin à près d'une centaine de voyants et diseurs de bonne aventure depuis 1994, auxquels, selon le témoignage d'un propriétaire d'agence de divination belgradoise, « les gens du pouvoir avaient demandé de ne pas dire du mal du gouvernement et de propager une énergie positive »²⁴²... Exemple parmi d'autres, *Le Troisième Œil*, l'un des plus anciens magazines de magie fondé par le gouvernement yougoslave, indiquera dans sa rubrique « Horoscope » que le destin de Slobodan Milosevic était de diriger la Yougoslavie : « Les astres sont favorables à Slobodan-Milosevic. Il a beaucoup d'ennemis, mais il fallait s'y attendre. Il est le meilleur des hommes, il est donc normal que beaucoup de gens souhaitent le chasser du pouvoir. Il est né sous le signe du Lion et la Yougoslavie sous le signe du Taureau, ce qui prouve qu'ils ne peuvent être séparés »²⁴³. Mais c'est encore la RTS qui poussera à son comble l'instrumentalisation du parapsychologique à des fins de propagande, en faisant en sorte que les messages de haine qu'il véhicule soient diffusés aux heures de grande écoute. Début 1993, l'émission hebdomadaire « L'Horoscope de Milja » – c'est-à-dire de Milja Vujanovic, qui se

²⁴⁰ *Idem*.

²⁴¹ Cité par Jelena Grujic, in « Milosevic brandit l'arme parapsychologique », *The Institute for War & Peace Reporting*, 6 juin 2000.

²⁴² *Idem*.

²⁴³ *Ibidem*.

propagande officielle touchait ainsi, chaque soir, plus de 3,5 millions de personnes et constituait même la seule et unique source d'information pour les trente pour cent (30%) de la population qui n'avait jamais achevé l'école élémentaire²³²...Le réalisateur Lazar Lalic donne un exemple qui résume bien l'impact de la propagande de la RTS sur certains publics. Interrogée par la RTS sur les raisons l'ayant poussée à se porter volontaire pour combattre à Vukovar, une jeune femme serbe en uniforme, mère de deux enfants, expliquait : « *Well, when I watch Television, I see what's going on and I want to help, and it's worth sacrificing my life for this here Serbia of ours* »²³³.

Une alternance politique démocratique impossible

111. Le monopole de l'information dont jouissait la *Télévision d'Etat* et dans une moindre mesure la *Radio nationale* était gage pour Slobodan Milosevic de royalties politiques inestimables. La voix de l'opposition était contenue dans les centres urbains – c'est-à-dire auprès d'un public qui lui était déjà majoritairement acquis – et n'atteignait qu'exceptionnellement les campagnes serbes : cet avantage médiatique allaient bien sûr se révéler payant en de multiples circonstances électorales. Ce fut vrai pour les élections de décembre 1990²³⁴ et ce le sera également pour celles de décembre 1992²³⁵. A l'approche et pendant la campagne électorale, les médias officiels redoublèrent d'efforts pour que les sortants, Slobodan Milosevic et le Parti socialiste serbe, l'emportent – quitte pour cela à

million spectators on the territory of Serbia towards the end of 1991". Situation of the media in former Yugoslavia, Report to the Commission of the European Union, AIM, March 1995, pp.57-58.

²³² Reporters sans frontières, *La liberté de la presse dans le monde. Rapport 1993*, p.338.

²³³ *Op.cit.*, p.92.

²³⁴ Dusan Milevic, proche de Milosevic et directeur général de la RTS, déclarait ouvertement, dans la perspective de la tenue des premières élections multipartites de décembre 1990 : « *Nous devons tout faire pour que les socialistes l'emportent* ». Rapporté par Rade Veljanovski, *op.cit.*, p.309.

Peu après ces élections de décembre 1990, Predrag Vitas, le rédacteur-en-chef des Nouvelles à la RTS déclarait publiquement que la RTS avait aidé le parti de Milosevic à parvenir au pouvoir (Milica Pesic, *op.cit.* ; p.16.).

²³⁵ Autre exemple de partialité des médias : Milan Panic, candidat à la présidence et adversaire de Milosevic, sera ainsi présenté comme étant de mèche avec les ennemis de la Serbie et décrit comme « *un marin ivre courant les mers afin de convaincre les étrangers de soutenir sa politique* » dans le journal du premier programme de Radio Belgrade le 1^{er} décembre 1992, *Idem* p.318.

présente comme astrologue, historienne et reporter (par ailleurs ancienne actrice et « Miss Yougoslavie »), sera déplacée de son horaire de fin de soirée sur la troisième chaîne de la RTS (JK) pour être diffusée à l'heure de plus grande écoute : 20H15 les mardis. Les chercheurs Elena Popovic et Vladimir Badovinac, qui ont étudié ces émissions d'astrologie politique de mars à mai 1993, expliquent ainsi leur rôle : « *What Milja Vujanovic explains, regardless of the occasional invoking of astrology symbols (...), easily translates into everyday political language. What we have here is the glorification of the Serb nation, the total negation of everything that is different and the justification for spreading the policies of this state authority. And so, astrology is usually found in the role of an instrument of hate speech* »²⁴⁴. Celle qui présentait les Serbes comme « un peuple élu par le ciel » et qui parlait de « la nature satanique » des puissances occidentales au moment où l'Armée Fédérale bombardait Vukovar à l'automne 1991, officiera une décennie durant pour le régime de Belgrade ; celui-ci saura lui témoigner sa reconnaissance : après que son mari ait tiré sur elle et l'ait blessé au printemps 2000, *Vecernje Novosti*, l'un des deux principaux journaux du régime, publiera pendant plusieurs semaines un bulletin de santé journalier de l'ancienne « Miss Yougoslavie »...

Cette frontière floue entre information, astrologie et propagande ne saurait être mieux illustrée que par ce « message de vœux de Nouvel An » 1993 adressé aux téléspectateurs serbes par le journal télévisé de 19H30 de la RTS, à un moment où la guerre faisait rage en Croatie et en Bosnie : « *The <<Dnevnik >> magazin in its New Year issue reports on clairvoyant predictions for this year, Zorika Cvetkovic, astronomerologist from Belgrade, whose*

²⁴⁴ « *RTS Channel Three. Astrology in the Function of Hatred* », in *Hate Speech, An Analysis of the Content of Domestic Media in the First Part of 1993*, Center for Antiwar Action, Belgrade, 1994, p.62.

predictions about this war have come true, sees the boundaries of the third Yugoslavia expanding and the Serbs living in a confederate state »²⁴⁵.

Janvier 2003

²⁴⁵ « *Images and Words of Hate : TV News at 7 :30 P.M. », B 92, Foundation for Right to Pictures and Words, Lazar Lalic, ARHITEL, 1998.*

Yugoslavië

OVSE

Kosovo / Kosova

as seen / as told

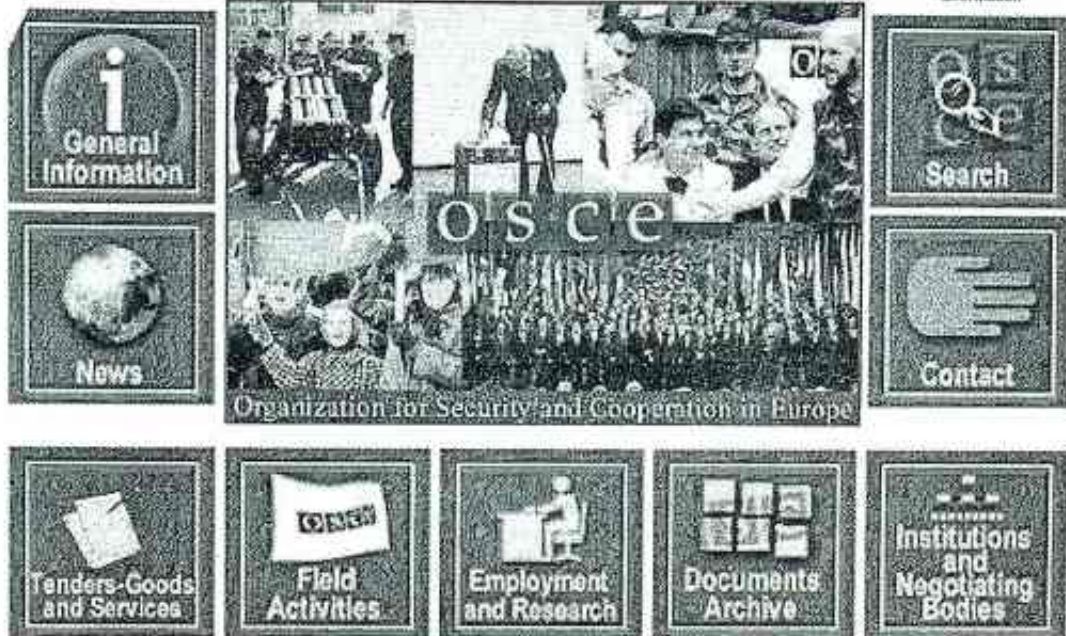
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covering the same period as is covered here, and beyond.

ion for Security and Co-operation in...

Page 1 of 1

Welcome to the Homepage of the OSCE



Hierbij stuur ik u het OVSE-rapport over Kosovo.
Het hoofdstuk 22. Deel II, hoofdstuk 23 e.v.
is een zeer gedetailleerd verslag per district en
een overzicht.

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de internet site v.d. OVSE kijken.



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Cover

KOSOVO / KOSOVA As Seen, As Told
The human rights findings of the OSCE Kosovo Verification Mission

Next

CONTENTS

Acknowledgements

Foreword : Justice Louise Arbour

Executive Summary

Glossary

Maps:

Kosovo administrative divisions

Kosovo main road communication routes

Introduction: Methodology, scope, timeframe, reporting style, terminology

PART I - The OSCE-KVM human rights operation

Chapter 1: Kosovo: The historical and political background

Chapter 2: The OSCE-KVM human rights operation

PART II - The military/security context

Chapter 3: Yugoslav forces in Kosovo, and the Kosovo Liberation Army

PART III - The violation of human rights in Kosovo

Chapter 4: Introduction: The violation of human rights in Kosovo

Chapter 5: Violation of the right to life

Chapter 6: Torture and ill-treatment

Chapter 7: Rape and other forms of sexual violence

Chapter 8: Missing persons

Chapter 9: Arbitrary arrest and detention

Chapter 10: Violation of the right to a fair trial

Chapter 11: Other forms of persecution:

Intimidation and harassment

Denial of access to health care

Chapter 12: Deliberate destruction of civilian property, looting and pillage

Chapter 13: Human shields and other endangerment of non-combatants during military operations

Chapter 14: Forced expulsion

Numbers of refugees displaced from Kosovo 23 March-9 June 1999

PART IV - The impact of the conflict on communities and groups in Kosovo society

Introductory notes

Chapter 15: Young men of fighting age

Chapter 16: Women

Chapter 17: Children

Chapter 18: Elderly, Disabled

Chapter 19: Kosovo Serbs

Chapter 20: Kosovo "Gypsies" (*Maxhupet*) - Roma

Chapter 21: Other national communities and minorities

Chapter 22: Groups in Kosovo Albanian society particularly targeted for human rights violations

PART V: The municipalities

Introduction: A human rights map of Kosovo, October 1998 to June 1999

Decani/Decane

Djakovica/Gjakova

Glogovac/Glllogoc

Gnjilane/Gjilan

Gora/Dragash

Istok/Istog

Kacanik/Kacanik

Klina/Kline

Kosovo Polje/Fushe Kosove

Kosovska Kamenica/Kamenice

Kosovska Mitrovica/Mitrovice

Leposavic/Leposaviq

Lipljan/Lipjan

Novo Brdo/Novoberde

Obilic/Obiliq

Orahovac/Rrahovec

Pec/Peja

Podujevo/Podujeve

Pristina/Prishtina city

Pristina/Prishtina, the municipality excluding Pristina/Prishtina city

Prizren/Prizren

Srbica/Skenderaj

Stimlje/Shtime

Strpce/Shterpce

Suva Reka/Suhareke

Urosevac/Ferizaj

Vitina/Viti

Vucitrn/Vushtrri

Zubin Potok/Zubin Potok

Zvecan/Zvecan

Appendix to Part V

Communities in Kosovo listed alphabetically

Annex:

Excerpts from applicable domestic and international standards

The Gallery

The gallery of pictures presented in this report

**OSCE****KOSOVO / KOSOVA As Seen, As Told****The human rights findings of the OSCE Kosovo Verification Mission**[Contents](#)[Previous](#)[Next](#)**ACKNOWLEDGEMENTS**

This report is the outcome of the tireless efforts of many people committed to the cause of human rights and justice. First, the women and men of the OSCE Kosovo Verification Mission (OSCE-KVM) Human Rights Division. With great dedication and professionalism, in often extraordinarily difficult circumstances, they documented the impact on the lives of people and communities of an unfolding crisis rooted in, and inextricably linked to, the denial and continuing violation of fundamental human rights and freedoms.

The data gathered by the OSCE-KVM was analysed and consolidated into this publication under the supervision of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) in Warsaw, Poland. The team of analysts working at Mokotow, Warsaw, from June to October 1999, included several former OSCE-KVM human rights officers, and independent human rights analysts.

During the development of this report, the team at Mokotow received ongoing advice and practical support from the Human Rights Division of the OSCE Mission in Kosovo (OSCE-MiK).

This publication was made possible by the generous material, technical and logistical support of the Government of Poland, and the generous financial support of the Governments of Austria, Denmark, Norway, Sweden, Switzerland and the United States of America. Additional logistical support was provided by the Government of Germany. These contributions are gratefully acknowledged.

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The information on which most of this report is based comes from the people of Kosovo themselves. The OSCE acknowledges the courage and determination of people who, living through trauma, grief and conditions of extreme stress, felt compelled to recount their experiences.

Ambassador Gérard Stoudmann
Director, OSCE/ODIHR

[Contents](#)
KOSOVO / KOSOVA As Seen, As Told

[Previous](#)

[Next](#)
OSCE ODIHR

**osce****KOSOVO / KOSOVA As Seen, As Told**

The human rights findings of the OSCE Kosovo Verification Mission

[Contents](#)[Previous](#)[Next](#)**FOREWORD***Justice Louise Arbour*

For some considerable time during the armed conflict in Bosnia and Herzegovina, analysts were aware of the danger of a similarly disastrous breakdown of international peace and security in Kosovo. Unlike the situation in Bosnia, however, there was a much greater fear that an explosion of ethnic violence in Kosovo could not be contained, and that it might rapidly spread to engulf the whole of the Balkan region.

When it did come, the violence in Kosovo was horrific, and again proved devastating for the many ordinary people who became its victims. Civilised people throughout the world were shocked by the media reports of criminal conduct that began to emerge. The International Criminal Tribunal for the former Yugoslavia made it clear that its jurisdiction extended to Kosovo, and that persons responsible would be brought to justice for their crimes.

Justice must be part of any lasting and meaningful peace, but criminal justice is not an abstract quantity. In order to be effective as enforcement mechanisms for the rule of law, criminal courts and criminal tribunals must be able to get at the truth of what happened. They depend upon reliable evidence, impartially collected by their own staff or by other persons of trust and experience, who do not adhere to one side of another in the ethnic conflict. Media reports and instant reaction may be given a high profile, and they may "tell the story" for a broad public, but in themselves they are no substitute for the careful assembly of data and its systematic analysis.

The result of the work of the OSCE set out in this report covering the first half of 1999, is therefore an important contribution to the documentation of human rights abuses in Kosovo. A reliable database of this kind goes a long way towards establishing a solid foundation for deciding upon appropriate measures to restore and maintain international peace and security in the region. Bringing to justice those responsible for the crimes uncovered is a necessary part of such measures, but it is only part of the process involved in re-building torn societies. This report will therefore be a useful tool for policy makers and for all those involved in that difficult task.

[Contents](#)
KOSOVO / KOSOVA As Seen, As Told[Previous](#)[Next](#)
OSCE ODIHR



KOSOVO / KOSOVA As Seen, As Told

The human rights findings of the OSCE Kosovo Verification Mission

[Contents](#)[Previous](#)[Next](#)**EXECUTIVE SUMMARY****About the OSCE-KVM Human Rights Division**

In 1998, after more than six months of escalating armed conflict between Yugoslav and Serbian forces and the Kosovo Liberation Army (UCK), the UN Security Council, in Resolution 1199, called for an immediate cease-fire in Kosovo, an international presence to monitor it, the withdrawal of "security units used for civilian repression", and dialogue on the future of the province. On 16 October 1998 the OSCE Kosovo Verification Mission (OSCE-KVM) was established to monitor compliance with Resolution 1199 and with the cease-fire. The Human Rights Division within the OSCE-KVM became operational in December 1998, and was deployed extensively across Kosovo by the end of January 1999. A core activity of the OSCE-KVM Human Rights Division was to monitor, investigate, document and report allegations of human rights abuses committed by all parties to the conflict in Kosovo.

With the collapse of the Rambouillet peace process, the OSCE-KVM was withdrawn from Kosovo on 20 March 1999, in the face of an untenable situation of deteriorating security, including additional large-scale deployments of Yugoslav and Serbian military and security forces, and armed irregulars, into Kosovo, as well as the imminent internationalization of the conflict. The Human Rights Division was redeployed in Albania and the former Yugoslav Republic of Macedonia, and continued its collection of victim and witness evidence of human rights abuses by conducting interviews among refugees from Kosovo over the next two-and-a-half months, until it was stood down by decision of the OSCE Permanent Council, on 9 June 1999.

A mass of data about the prevailing human rights situation in Kosovo was collected by the OSCE-KVM in the two phases of its deployment, including hundreds of individual case reports, daily and weekly reports compiled by human rights officers at its Regional Centres and field offices during the period to 20 March, and 2,764 interviews with refugees in Albania and the former Yugoslav Republic of Macedonia.

This report is the product of an analysis of that data carried out at the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) in Warsaw.

Analysing the OSCE-KVM's human rights findings: the OSCE/ODIHR's approach

The analytical methodology and reporting strategy applied by the OSCE/ODIHR, as described in more detail in the Introduction, is driven entirely by the data collection of the OSCE-KVM. Consistent with this methodology, the report does not therefore address itself to human rights violations that were beyond the reach of the OSCE-KVM's investigation and reporting efforts. Similarly, the report does not address itself to events that have occurred after the end of the mandate of the OSCE-KVM, except to the extent of incorporating specific information about investigative follow-up to the primary data of the OSCE-KVM.

There are clearly other human rights reports to be written on Kosovo, and on Yugoslavia,

covering the same period as is covered here, and beyond.

Violations, their impact on Kosovo society, and the human rights map of Kosovo

The OSCE-KVM's findings are presented by the OSCE/ODIHR from three perspectives. Approaching this data from any of these perspectives, the analysis reveals clear patterns and strategies of human rights violations.

The first perspective is an analysis of the nature of the human rights and humanitarian law violations that were committed in Kosovo. This reveals that:

- Summary and arbitrary killing of civilian non-combatants occurred at the hands of both parties to the conflict in the period up to 20 March. On the part of the Yugoslav and Serbian forces, their intent to apply mass killing as an instrument of terror, coercion or punishment against Kosovo Albanians was already in evidence in 1998, and was shockingly demonstrated by incidents in January 1999 (including the Racak mass killing) and beyond. Arbitrary killing of civilians was both a tactic in the campaign to expel Kosovo Albanians, and an objective in itself.
- Arbitrary arrest and detention, and the violation of the right to a fair trial, became increasingly the tools of the law enforcement agencies in the suppression of Kosovo Albanian civil and political rights, and - accompanied by torture and ill-treatment - were applied as a means to intimidate the entire Kosovo Albanian society.
- Rape and other forms of sexual violence were applied sometimes as a weapon of war.
- Forced expulsion carried out by Yugoslav and Serbian forces took place on a massive scale, with evident strategic planning and in clear violation of the laws and customs of war. It was often accompanied by deliberate destruction of property, and looting. Opportunities for extortion of money were a prime motivator for Yugoslav and Serbian perpetrators of human rights and humanitarian law violations.

The second perspective is to look at the specific and different ways in which communities and groups in Kosovo society experienced human rights violations during the conflict. Findings include:

- There was a specific focus - for killings, arbitrary detention and torture - on young Kosovo Albanian men of fighting age, every one of them apparently perceived as a potential "terrorist".
- Women were placed in positions of great vulnerability, and were specific objects of violence targeting their gender.
- There is chilling evidence of the murderous targeting of children, with the aim of terrorizing and punishing adults and communities.
- The Kosovo Serb community were victims of humanitarian law violations committed by the UCK, especially in the matter of the many Serbs missing following abduction. However, many Serb civilians were active participants in human rights violations, alongside the military and security forces, against the Kosovo Albanians. Other national communities and minorities also had specific experiences of the conflict.
- Prominent, educated, wealthy or politically or socially active Kosovo Albanians were a prime target to be killed. Local staff of the OSCE-KVM, and other people associated with the mission were harassed or forcibly expelled, and some were killed, after 20 March.

The third perspective is a geographical human rights "map" of Kosovo. Proceeding municipality by municipality, the report presents descriptions of events in hundreds of communities across Kosovo. In some cases the descriptions are of events on a single day or within a short time period, and reveal how the most characteristic human rights violations of the entire reporting period - forced expulsion, inevitably accompanied by deliberate property destruction, and often by killings or other violence, or extortion - could be visited on a community with little or no advance indication, with great speed, and with great thoroughness. Such experiences were replicated in rural areas all across Kosovo, and would be repeated if villagers attempted to return to their homes. In other locations, particularly the towns, communities of Kosovo Albanian civilians experienced an onslaught over many days or weeks combining arbitrary violence and abuse with an overall approach that appeared highly organized and systematic. Everywhere, the attacks on communities appear to have been dictated by strategy, not by breakdown in command and control.

Indicators of a strategy well rehearsed, and brutally implemented

Most tellingly, the analysis of some of the most prevalent human rights and humanitarian law violations, as well as the analysis of their geographical organization and their impact on communities, demonstrate how the violations inflicted on the Kosovo Albanian population after 20 March were a continuation of actions by Yugoslav and Serbian military and security forces that were well rehearsed, insofar as they were already taking place in many locations in Kosovo well before 20 March. The mass killing at Racak on 15 January 1999 most graphically illustrates the descent into violence amounting to war crimes and crimes against humanity, and was to become a precedent for numerous other atrocities recounted to the OSCE-KVM in the period after 20 March.

Other key events in this regard in the period before 20 March were the killings of Kosovo Albanians by police at Rogovo and Rakovina later in January, the launch of Yugoslav army "winter exercises" involving the shelling of villages and the forced expulsion of villagers in Vucitrn/Vushtri municipality in February and March, a military and police offensive in Kacanik in February, in which a tactic of burning and destroying civilian homes to clear the area of the UCK was employed, and a violent police crack-down in an Albanian quarter of Pristina/Prishtina in early March after the killing of two police officers. Alongside the killings in Racak, these events reveal patterns of grave abuses by Yugoslav and Serbian forces against the civilian population. Such patterns of abuse recur after 20 March in the descriptions given by refugees.

The scale on which human rights violations recur is staggering. It has been estimated that over 90 per cent of the Kosovo Albanian population - over 1.45 million people - were displaced by the conflict by 9 June 1999. The death toll as yet can only be guessed at, but the prevalence of confirmed reports and witness statements about individual and group killings in this report is indicative. The violence meted out to people, as recounted vividly, particularly in the statements of refugees, was extreme and appalling. The accounts of refugees also give compelling examples of the organized and systematic nature of what was being perpetrated by Yugoslav and Serbian forces, and their tolerance for and collusion in acts of extreme lawlessness by paramilitaries and armed civilians.

The commission of human rights and humanitarian law violations during the internal armed conflict in Kosovo during the time it was being monitored by the OSCE-KVM was not one-sided. All parts of this report look at violations committed by both parties to the internal conflict. It must be stressed, however, that an obvious conclusion of the analysis is that there was certainly nothing resembling balance or equivalence in the nature or the scale of the human rights violations committed by each side. Suffering in Kosovo in the period monitored by the OSCE-KVM was overwhelmingly Kosovo Albanian suffering, at the hands of the Yugoslav and Serbian state

military and security apparatus.

A catastrophe rooted in the long-term disregard for human rights and fundamental freedoms

A guiding principle of the OSCE is that respect for human rights and fundamental freedoms, democracy and the rule of law is an essential component of security. A consistent pattern of human rights violations in Kosovo led eventually to a breakdown in security. The deterioration into a security crisis, armed conflict and a human rights and humanitarian catastrophe in Kosovo might have been avoided if the Yugoslav and Serbian authorities, rather than engaging in the persistent violation of the human rights of the Kosovo Albanian population in the past decade, had sought to construct in Kosovo an open and inclusive society founded on the principles of respect for human rights and fundamental freedoms.

[Contents](#)
KOSOVO / KOSOVA As Seen, As Told

[Previous](#)

[Next](#)
OSCE ODIHR



KOSOVO / KOSOVA As Seen, As Told

The human rights findings of the OSCE Kosovo Verification Mission

[Contents](#)[Previous](#)[Next](#)

GLOSSARY

AK-47/Kalashnikov	Russian- or Chinese-made semi-automatic rifle
APC	armoured personnel carrier
Arkan	real name, Zeljko Raznjatovic, paramilitary leader during the wars in Croatia and Bosnia-Herzegovina. Indicted by the International Criminal Tribunal for the former Yugoslavia (on 30 September 1997 and publicly on 31 March 1999); wanted by Interpol
Arkan's Tigers	Serb paramilitary formation lead by "Arkan"
Black Hand	Serbian paramilitary group
BOV	armoured personnel carrier/Self-propelled anti-aircraft gun
BOV M-86	wheeled reconnaissance vehicle
CC	OSCE-KVM Co-ordination Centre co-ordinating two to four Field Offices
CDHRF	Council for the Defence of Human Rights and Freedoms in Kosovo
Chetnik	term with connotations to First World War combat forces under Kosta Pecenac, and to Second World War combat forces under Draza Mihailovic. The term is now derogatory, used to indicate a hard-line nationalistic Serb
Dervish	member of a Muslim Sufi order
DM	deutschmark/German mark, widely used as hard currency for transactions in Kosovo
ECMM	European Community Monitoring Mission
EU	European Union
FRY	Federal Republic of Yugoslavia
Hoja (<i>hodja</i> or <i>hoca</i>)	Muslim religious teacher
HQ	OSCE-KVM Headquarters in Pristina
ICRC	International Committee of the Red Cross
ICTY	(United Nations) International Criminal Tribunal for the former Yugoslavia
ID	identity documentation
IDP	internally displaced person
IOM	International Organization for Migration
KDOM	Kosovo Diplomatic Observer Mission
K-FOR	NATO-Kosovo Force

KLA	Kosovo Liberation Army - UCK (Ushtria Clirimtare e Kosoves)
KZRS	Criminal Code of the Republic of Serbia
KZSRJ	Criminal Code of the Federal Republic of Yugoslavia
KVM	OSCE Kosovo Verification Mission
LBD	United Democratic Movement (Levizja e Bashkuar Demokratike)
LDK	Democratic League of Kosovo (Lidhja Demokratike te Kosoves), leading Kosovo Albanian political party
M80	licence-built AK-74 semi automatic rifle
M-80	armoured fighting vehicle
Mahala	small settlement connected to a village or town
Mother Teresa Society	non-governmental aid organization
Mufti	Senior Muslim cleric and expert on the <i>Shariah</i> , Islamic religious teachings
MUP	Ministry of the Interior (<i>Ministarstvo Unutrasnjih Poslova</i>)
NATO	North Atlantic Treaty Organization
NGO	Non-governmental organization
ODIHR	OSCE Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-operation in Europe
OSCE-KVM	OSCE Kosovo Verification Mission (16 October 1998-9 June 1999)
OSCE-MiK	OSCE Mission in Kosovo (from 1 July 1999)
OSCE-TFK	OSCE Task Force for Kosovo (9-30 June 1999)
Paris talks	round of negotiations between FRY representatives and Kosovo Albanians held after the Rambouillet talks, and beginning on 15 March at the Kleber Centre
Pinzgauer	small, Austrian-made armoured personnel carrier
PJP	Special Police Unit (<i>Posebne Jedinice Policije</i>)
<i>plis</i>	traditional white hat worn by older Kosovo Albanian men
Praga	armoured truck with a twin mounted 30mm cannon
Rambouillet talks	round of negotiations between FRY representatives and Kosovo Albanians called for by the Contact Group of six countries opening in Chateau Rambouillet on 6 February 1999, and held until 23 February. Followed by Paris talks
RC	OSCE-KVM Regional Centre
RC1	OSCE-KVM Regional Centre 1, Prizren/Prizren
RC2	OSCE-KVM Regional Centre 2, Kosovska Mitrovica/Mitrovice
RC3	OSCE-KVM Regional Centre 3, Pec/Peje
RC4	OSCE-KVM Regional Centre 4, Gnjilane/Gjilan
RC5	OSCE-KVM Regional Centre 5, Pristina/Prishtina
RPG	rocket-propelled grenade
SAJ	Special Anti-terrorist Unit (<i>Specijalne Anti-teroristicke Jedinice</i>)
SDB	State Security Service (<i>Sluzba Drzavne Bezbednosti</i>)

Serbian cross	Serbian nationalist symbol, comprising a cross and four cyrillic "S"s derived from the slogan "Only Unity Saves the Serbs" (<i>Samo Sloga Srbina Spasava</i>)
Seselj	Vojislav Seselj, Serbian paramilitary leader who became a politician and leader of the SRS
SPS	Socialist Party of Serbia (<i>Socijalistička Partija Srbije</i>) led by Slobodan Milosevic
SRS	Serbian Radical Party (<i>Srpska Radikalna Stranka</i>) led by Vojoslav Seselj
T-55	Soviet tank, mostly build in Poland and Czechoslovakia
UCK	Kosovo Liberation Army (<i>Ushtria Clirimtare e Kosoves</i>)
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNMIK	United Nations Mission in Kosovo
USAID	United States Government aid organization
VJ	Yugoslav Army (<i>Vojska Jugoslavije</i>)
White Eagles	Serb paramilitary formation under Vojislav Seselj



KOSOVO / KOSOVA As Seen, As Told

[Maps](#)

[Contents](#)

[Communities](#)

[Previous](#)

[Next](#)

Kosovo

Administrative divisions

Note:

All municipalities have the same name as the main town or village, except the southernmost, centred on Dragas/Dragashvil which in Serbian is known as Gora.

Names of municipalities are links to corresponding chapters of Part V of the report. Note that Pristina/Prishtina area contain two links - the Pristina/Prishtina city only and the municipality excluding the city



[Contents](#) [Communities](#)
KOSOVO / KOSOVA As Seen, As Told

[Previous](#)

Next
OSCE ODIHR



OSCE

KOSOVO / KOSOVA As Seen, As Told

Maps

[Contents](#)

[Previous](#)

[Next](#)



Contents
KOSOVO / KOSOVA As Seen, As Told

Previous

Next
OSCE ODIHR

**OSCE****KOSOVO / KOSOVA As Seen, As Told**

The human rights findings of the OSCE Kosovo Verification Mission

[Contents](#)[Previous](#)[Next](#)**INTRODUCTION****Methodology, scope, timeframe, reporting style, terminology****Methodology**

In developing this report, the analytical methodology and reporting strategy applied by the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) was driven by the data collection of the OSCE Kosovo Verification Mission (OSCE-KVM).

The methodology of the OSCE-KVM Human Rights Division, and the framework of international human rights and humanitarian law standards that it followed, are explained in more detail in Chapter 2 (legal standards applicable to this report also appear in the Annex). The data collection by the OSCE-KVM Human Rights Division took place in two phases and in two quite different environments. From the time when it became operational during December 1998 and January 1999, to its evacuation from Kosovo on 20 March 1999, it was engaged in systematic reporting, in a variety of formats, about human rights and humanitarian law violations that it could verify directly in-country. After 20 March, the Human Rights Division was engaged in taking victim and witness statements from refugees. All of this data has been scrutinized by the OSCE/ODIHR.

Extensive references by citation are made throughout this report to OSCE-KVM documents and refugee interview forms. As the OSCE-KVM Human Rights Division operated with strict security and confidentiality safeguards (see Chapter 2, and also below), these materials are not available to the public, but have been made available to the International Criminal Tribunal for the former Yugoslavia (ICTY). Even without access to the source materials, the citations throughout this report should serve as evidence to the reader that the conclusions of this report are the result of extensive documentation; they may also be useful to the ICTY. OSCE-KVM documents from before 20 March are referred to by their type (incident report, trial monitoring report, etc) and reference number. Information derived from refugee interviews is indicated by the four-digit footnotes with alphabetical prefix, which is the file number of the refugee's confidential interview record, made in either Albania (prefix A/) or the former Yugoslav Republic of Macedonia (prefix M/).

The information here deriving from refugee statements is presented as it was recounted to the OSCE-KVM. Where information is acknowledged by the interviewee to be hearsay, rather than the statement of a direct victim or witness, this is noted, as are inconsistencies when interviewees differ in their accounts of the same incidents. Where priorities and conditions on the ground allowed, efforts have been made to verify as many of the reports as possible, mainly through the activities of the Human Rights Division of the OSCE Mission in Kosovo (OSCE-MiK), the OSCE-KVM's successor, which was deployed into Kosovo (initially as the Transitional Task Force) from 14 June 1999. OSCE-MiK human rights officers have visited locations previously identified in refugee statements, and have conducted further interviews. There has also been limited follow-up investigation in Kosovo by analysts working for the OSCE/ODIHR on this

report, with the support of the OSCE-MiK. The findings of these verification efforts are cited here wherever relevant. In an on-going process, victim and witness statements collected by the OSCE-KVM are being substantiated with forensic evidence found at the crime sites by investigators of the ICTY, and by continuing investigations by the OSCE.

Aspects of the methodology applied in this report, and its format, were greatly inspired by an analysis and report prepared by a commission of experts established in response to humanitarian law violations in Croatia and Bosnia-Herzegovina.¹

Scope of the report, and timeframe

Consistent with this report's approach of concentrating on information collected by the OSCE-KVM, other information is used only to provide verification (or refutation) or background and context for this primary data.

The report does not, therefore, address itself to human rights violations that were beyond the reach of the OSCE-KVM's investigation and reporting efforts. For the period when the OSCE-KVM was deployed inside Kosovo it had no mandate for the rest of Serbia, so did not collect data on the human rights situation there. When deployed in Albania and the former Yugoslav Republic of Macedonia, the OSCE-KVM Human Rights Division focused on collecting statements from refugees in these two countries. People who remained in Kosovo, or who were displaced into the rest of Serbia or into Montenegro, as well as the majority of the casualties in Yugoslavia resulting from the NATO aircampaign, were similarly beyond the reach of the OSCE-KVM. The framework of this report nevertheless incorporates an analysis of some incidents in Kosovo where casualties resulted from NATO bombing, as those incidents were witnessed or experienced and subsequently recounted to the OSCE-KVM by refugees. The report does not seek to assess the situation of the refugees in their host countries.

Similarly, the report does not address itself to events that have occurred beyond the end of the mandate of the OSCE-KVM on 9 June 1999, except to the extent of incorporating specific information about investigative follow-up to the primary data of the OSCE-KVM. The reporting period is the period in which the OSCE-KVM was in existence: 16 October 1998 to 9 June 1999. There are few references to OSCE-KVM human rights reporting prior to December 1998, when the Human Rights Division began to become operational on the ground.

Reporting style and terminology

Complainants and interviewees gave statements to the OSCE-KVM on the understanding that strict confidentiality was assured. In the period after 20 March, when taking statements from refugees, the only concession asked of such interviewees was that consent be given to share confidential data with the ICTY. Only where such consent was given will confidential data be shared with the ICTY. No confidential data will be shared with any private parties, governments or other organizations.²

In the development and writing of the report the decision was made not to disclose the names of witnesses or victims, either dead or alive. The aim of this is to ensure the safety of victims or witnesses and safeguard confidentiality, to prevent possible retaliatory attacks based on statements, or interference with persons who may be called upon to give evidence in legal proceedings. Even where the person referred to has died family members could still be alive and in need of such safeguards and protection. The only victims who are identified by name are persons who were already prominently in the public domain, and where to not name them could be ambiguous or confusing.

Alleged perpetrators have likewise not been named, with the exception of persons who are already

under indictment by the ICTY or persons about whom allegations are prominently in the public domain. Some alleged perpetrators have been identified by function or official position, however.

Utmost care has been taken in regard to specific locations where witnesses or victims lived in order to ensure confidentiality. Locations where rape and other forms of sexual violence occurred, where their disclosure might lead to identification of the victim (e.g. by the naming of a small community where a particular incident occurred) have been withheld. The exact locations of alleged grave sites have not been included in the report except when the site is known to the ICTY and the latter has completed exhumations and on-site investigations. This approach is intended to protect grave sites from any tampering or other consequences which could hinder the ICTY in its investigations.

Language issues

During the period covered by this report, the practice of the FRY authorities was to employ the Serbian language in official correspondence in Kosovo. Where known, the authors of this report have employed a convention used by many international organizations operating in Kosovo by citing both the Serbian and Albanian language place names in the first mention within chapters, and subsequently wherever helpful; Serbian place names are used thereafter in the text. The decision to employ the Serbian language as the primary reference was made partly due to the fact that during the time of the OSCE-KVM, the official Serbian names were widely available, whereas the spelling in Albanian of place names was not standardized. In this report, Albanian place names generally follow the spellings provided by the office of the United Nations High Commissioner for Refugees (UNHCR), which produced a survey of villages in Kosovo municipalities in March 1999, although other spellings appear for some locations not mentioned by the UNHCR as well as some commonly understood spellings for other locations.

The language references, names, maps and other conventions used in this document do not imply any political position on the status of Kosovo contrary to that of the OSCE.

Notes

¹ The Final Report of the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992), S/1994/674, 27 May 1994 and its Annexes (Commission of Experts Report).

² All persons involved in compiling this report at the OSCE/ODIHR signed confidentiality agreements at the start of their employment, which were binding for the duration and thereafter. To ensure strict confidentiality, data handling was kept to a minimum and on a "need to know" basis. Chain of custody of information was recorded and safeguarded at all times.



KOSOVO / KOSOVA As Seen, As Told

PART I : The OSCE-KVM human rights operation (Chapter 1)

[Contents](#)
[Previous](#)
[Next](#)

KOSOVO: THE HISTORICAL AND POLITICAL BACKGROUND

In the early 20th century Kosovo and western Macedonia, emerging from the dismantling of the Ottoman empire in south-eastern Europe, were the main areas of collision between Albanian and Serb nationalist aspirations. The Albanian national revival, under way since the foundation in 1878 of the League of Prizren, aimed at uniting the areas of mainly Muslim Albanian-speaking populations. The Serb focus was on history and symbolism rather than on contemporary demographics. Serbian historians held the Kosovo area to be the cradle of their civilization, where some of the defining events relating to their sense of nationhood had taken place, notably the final and unavailing stand made by Prince Lazar against Ottoman forces at the Battle of Kosovo Polje in June 1389. The Orthodox monasteries of Kosovo were of great significance in their religious and cultural identity; Pec/Peja in particular was the seat of the Serbian Patriarchate.

Serbia, itself an independent principality only since 1878, after centuries of almost uninterrupted Ottoman rule, gained control of Kosovo in 1912 as a result of the First Balkan War. The Albanian state which came into being at this time thus did not include territory where some 800,000 Albanians lived. Only briefly during the Second World War, when the area was conquered by Italian and then German forces, was an Albanian vassal state allowed to administer most of Kosovo (1941-44).

Movements of population during this period are a matter of much dispute. From 1912 onwards, Serb families were moved into Kosovo in considerable numbers, the wealthier Albanians living there were dispossessed by land reforms, and possibly as many as half a million Albanians were moved out. Conversely, it is frequently asserted by Serbs that hundreds of thousands of Albanians moved into Kosovo between 1941 and 1945.

Under communist rule in post-1945 Yugoslavia, Albanians were recognized as a minority nationality, with legal rights to education in their own language and protection for cultural institutions. Kosovo, as part of Serbia, had a degree of home rule, extended in 1968.

Autonomous province status

The 1974 Constitution - the third of the period of the rule of Marshal Tito - was a major step in the devolution of government and economic power to the republics - Bosnia-Herzegovina, Croatia, Macedonia, Montenegro, Serbia and Slovenia - which made up the Socialist Federal Republic of Yugoslavia (SFRY). However, Tito had long been occupied with the problem of Serbia's weight within the SFRY. It was by far the largest republic, with over nine million inhabitants - 40 per cent of the total population. The 1974 Constitution addressed this issue by giving nearly one-third of Serbia's inhabitants a large degree of autonomy, in the provinces of Kosovo (where the population was 90 per cent Albanian, totalling some 1.7 million and rising) and Vojvodina (the home of a 400,000-strong Hungarian minority).

While they were defined as autonomous provinces of Serbia rather than given full republican

status, Kosovo and Vojvodina were recognized by the 1974 Constitution as constituent members of the federation. Their leaders thus had separate membership of the rotating collective state presidency which took over after the death of Tito in 1981. The autonomous provinces each had their own central bank and separate police, educational systems and judiciary, a provincial assembly as well as representation in the Serbian parliament, and most importantly a provincial communist party, in Kosovo's case the League of Communists of Kosovo.

In 1981, demands by Kosovo Albanians for full republican status (notionally including the right to secede) gathered impetus in mass protests, but the demonstrations were countered by a hardline response. The federal army was deployed and a state of emergency was declared in the province. As unrest continued over the next seven years, according to official figures 7,000 Kosovo Albanians were sentenced to short prison terms, and over 1,750 more received longer sentences, of up to 15 years, in connection with nationalist activity.

The Serb nationalist backlash

Although it was mainly Albanian activists and protesters who were being subjected to human rights violations in Kosovo post-1981, including arrest and imprisonment - by law enforcement bodies still at this stage mainly staffed by Albanians - the Serbs of Kosovo saw themselves as the disadvantaged minority there. Complaining of discrimination, of violent attacks upon them going unpunished, and of the domination of political and economic life by the Kosovo Albanian community, Kosovo Serbs had already been migrating from the area in growing numbers since the 1960s. Petitions began to circulate, and Kosovo Serbs' resentment was galvanized into protest and resistance following the sensational publication in a mass circulation newspaper in September 1986 of the Memorandum of the Serbian Academy of Arts and Sciences. An unfinished draft of an academic paper, the Memorandum ranged over issues including an alleged conspiracy against Serbia by Slovenia and Croatia. Such divisive nationalism was heresy in the SFRY and was duly denounced across the country. Its effects were nevertheless explosive, and nowhere more so than in Kosovo, where the Memorandum warned Serbs that they faced total genocide unless they could reverse the "Albanianization" of the province.

24 April 1987 was a critical day for Serb nationalism and for the future of Kosovo. Slobodan Milosevic, a prominent figure in the republican communist party, the League of Communists of Serbia, had gone to Kosovo for a dialogue with the local Serbs about their grievances. While he was in Kosovo Polje/Fushe Kosove meeting their representatives, a large crowd demonstrating in their support was driven back by local police using batons. The crowd fought back, and then Milosevic came out to address them. He made himself the instant hero of the Kosovar Serbs, telling them in front of the television cameras that "no one should dare to beat you", and making their controversial nationalist agenda his own. By the end of 1987 Milosevic was in firm control of both the party and government in Serbia.

The loss of autonomy status

The following year, as both the Albanian nationalist agitation and Serb anti-discrimination rallies maintained their momentum, proposals were put forward to amend the Serbian constitution to give Belgrade more control over security in Kosovo and Vojvodina (as well as over financial and social policy), thereby reducing provincial autonomy. Leading members of the League of Communists in both provinces resigned before the constitutional amendments were approved in February-March 1989 by the Serbian parliament and the respective provincial assemblies.

Further stages in the removal of provincial autonomy followed. The main step, including dissolving the provincial assemblies, was taken in the form of amendments to the Serbian constitution proposed in May 1990, implemented in June and supported in a republic-wide

referendum that July. The last visible political institutions of provincial autonomy - representation on the collective SFRY presidency and in the Federal Assembly - remained nominally intact, but in practice the presidency itself was in chronic crisis as the federation approached the end of its existence. At one stage in March 1991 the Kosovo representative was recalled for "anti-Serbian activities" and the Serbian Assembly voted to abolish the post. Although this was soon rescinded, two months later the Kosovo delegation walked out of the Federal Assembly when it voted to confirm a candidate chosen by Serbia as the new Kosovo representative on the Presidency.

Of greater real significance than this political manoeuvring within the Presidency were the withdrawal or closure of publicly funded Albanian language media in 1989, the publication in 1990 of a new schools curriculum for Kosovo to bring Albanian-language teaching into line with that in the rest of Serbia, the ending of teaching in Albanian in most secondary schools in 1992, and the cutting of Albanian-language teaching at Pristina University at the same time. Kosovo Albanians responded with a schools boycott and attempts to maintain a "parallel" system of Albanian-language education, often provided by teachers who had lost their jobs.

Periods of particularly acute tension in the continuing unrest included violent rioting over the 1989 constitutional amendments and the arrest of popular local political leader Azem Vllasi; disturbances in Pristina in early 1990, quelled by the temporary imposition of a state of emergency, after Milosevic had issued a call for Serbs to begin a campaign of mass settlement to reverse the decline in their numbers in Kosovo; protests over the dissolution of the provincial assembly that July; and a general strike in September 1990 over mass dismissals of Kosovo Albanian officials. A state of emergency, backed by a strong Serbian police and security presence, was in force in Kosovo from late 1989 until the latter part of 1992.

Parallel Kosovo Albanian administration in Kosovo

After the Kosovo Assembly was dissolved in June 1990, an attempt was made by 114 of its 180 deputies on 2 July to declare Kosovo independent from Serbia and a full republic within the SFRY. This move was declared illegal by both Serbia and the SFRY, so on 7 September 111 of the deputies, meeting secretly in Kacanik/Kacanik, proclaimed an independent Republic of Kosovo. Criminal charges were subsequently brought against them. That December, Kosovo Albanians boycotted elections to the Serbian parliament.

In September 1991 the Kosovo Assembly deputies, still resisting Serbian efforts to declare their activities illegal, organized a referendum on sovereignty in which they reported an 87 per cent turnout and almost 100 per cent voting in favour. A provisional coalition government formed in October, and given diplomatic recognition on 22 October by Albania. It claimed to run its own police forces and to support its activities by collecting taxes from the Kosovo Albanian population, but had to act clandestinely to avoid the arrest of its members by Serbian police and security forces.

The first parallel elections organized in Kosovo did not take place until May 1992. By this time the wars of the Yugoslav succession had begun, the SFRY had ceased to exist, four of its constituent republics had declared their separate independence, and Serbia and Montenegro had joined in forming in April 1992 a new Federal Republic of Yugoslavia (FRY). Within the FRY structure, both Vojvodina and Kosovo and Metohija (as it was officially called by Serbia) were officially designated as autonomous provinces, but the confrontational situation in Kosovo meant that Kosovo Albanians continued to boycott Serbian and FRY federal assembly elections, while there was no official Kosovo assembly and Serbia condemned any parallel elections among the Kosovo Albanian community as illegal.

In the May 1992 parallel elections the Democratic League of Kosovo (LDK), founded in

September 1990 and led by Ibrahim Rugova, won most of the seats in a 130-member "constituent Republican Assembly", and Rugova was declared to be President of the Republic of Kosovo. The attempt to hold an inaugural assembly session was abandoned in June, however, in the face of action by the Serbian security forces to seal off the building.

Thereafter, international attention turned mainly to the war in Bosnia-Herzegovina. At the outset of that conflict, the role of Serbia was generally seen by the international community as that of a bellicose protagonist. By the time of the Dayton peace agreement for Bosnia-Herzegovina in November 1995, however, the Milosevic regime in Serbia was regarded as a factor in bringing about a negotiated solution, and UN sanctions imposed on the FRY were revoked once that solution had been put in place.

In Kosovo, Rugova's approach of seeking a peaceful settlement did record one apparent success, an agreement in 1996 that an Albanian educational curriculum should be restored. This had yet to be implemented, however, and student demonstrations had been met with violent suppression, by the time the second parallel elections were organized in March 1998. These elections once again produced an overwhelming majority vote in favour of Rugova as president, although this was partly because groups other than his LDK opposed the holding of the poll at a time of crisis and escalating Serbian military action (see below). As before, the Serbian authorities denounced the elections as illegal.

The intensification of armed conflict

By the beginning of 1998, the nature of the Kosovo situation had changed. A new element had entered the equation in the form of the Kosovo Liberation Army (UCK), and the Serbian authorities were responding with a huge increase in military force.

The declared purpose of the UCK, a Kosovo Albanian paramilitary group which claimed its first actions in 1996, was to offer resistance to Serbian police and security forces in Kosovo and to pursue separatism by armed struggle. The UCK intensified its activity in 1997 and early 1998, with attacks on police stations, police officers, Serb civilians and Kosovo Albanians working for or with the authorities, but in the two years up to mid-January 1998 it had only claimed the killing of a total of 10 Serbian police and other officials, and 11 Kosovo Albanians.

The Serbian authorities brought in special security forces in January 1998. They responded to clashes with the UCK by reprisal attacks on villages, using military helicopters and armoured personnel carriers, accompanied by brutal house-to-house raids and indiscriminate arrests. Two such attacks on villages in late February were followed by an assault on the village of Donji Prekaze/Prekazi i Poshtem (Srbica/Skenderaj municipality) in early March, where at least 54 people were killed including a local UCK leader, most of his family and other women, children and elderly men. Thereprisals continued with further attacks on villages in the central Drenica region, causing many villagers to flee their homes. In this downward spiral of violence, many Kosovo Albanians, including erstwhile supporters of the LDK's non-violent stance, became UCK members or active sympathizers.

Limited international sanctions against Serbia, as threatened on 9 March 1998, were intended to back up calls by the six-country "Contact Group" (France, Germany, Italy, Russia, the United Kingdom and the USA) for negotiations on autonomy in place of the use of force. The deadline for compliance was postponed, but to no effect, and the sanctions were eventually introduced in late April. The UN Security Council also imposed an arms embargo under Resolution 1160 of 30 March. In Serbia, however, in a referendum in April 1998 Milosevic gained overwhelming support for his stance of rejecting any international mediation in the Kosovo conflict. Substantial additional Serbian military reinforcements were sent in to Kosovo in May 1998. Ignoring a "strong final

warning" from European governments in June, Serb forces began concentrating their actions in the Drenica region and along the south-western border, using artillery to force villagers out of their homes and then going in to loot and burn them. Aid agencies estimated that some 200,000-300,000 Albanians were driven from their homes between April and September 1998.

Western countries intensified their demands for a halt to this campaign in response to the evidence of a major Serbian offensive against the UCK, and the discovery of further massacres. The US ambassador to the former Yugoslav Republic of Macedonia, Christopher Hill, announced on 2 September that his attempt to promote a negotiated settlement had achieved a procedural breakthrough, in that both Milosevic and Rugova had expressed a willingness to defer consideration of the long-term future of Kosovo. Kosovo Albanian leaders produced a draft proposal later in the month for an interim arrangement in which Kosovo would settle temporarily for republican status within the FRY, short of full independence.

UN Security Council Resolution 1199 and the Milosevic-Holbrooke agreement

On 23 September 1998 the UN Security Council adopted Resolution 1199, acting under Chapter VII of the UN Charter. The vote was 14 to 0, with China abstaining. Resolution 1199 called for an immediate cease-fire in Kosovo, an international presence to monitor it, the withdrawal of "security units used for civilian repression", and dialogue on the future of Kosovo. The Serbian Prime Minister Mirko Marjanovic claimed on 28 September that all "anti-terrorist activities" had ended and that "peace reigns in Kosovo", but his claim was undermined by the lack of evidence of any withdrawal of Serbian forces, and the simultaneous discovery of three particularly shocking massacres of civilians in and near the neighbouring villages of Gornje Obrinje/Obri e Eperme (Glogovac/Gillogoc) and Donje Obrinje/Obri e Ulet (Srbica/Skenderaj).

Although Russia explicitly declared its opposition to the use of force to back up UN Resolution 1199, the use of air bombardments against the FRY for this purpose was officially approved by NATO, and a deadline issued for Serbia to comply. The deadline was repeatedly postponed in the succeeding days. On 16 October, however, the so-called Milosevic-Holbrooke agreement was announced.

This agreement was the product of protracted discussions between Milosevic and US envoy Richard Holbrooke during a succession of visits by the latter to Belgrade. Its text was not published, but its key provisions, in addition to the ending of hostilities, were threefold. All those who had fled their homes in Kosovo and become refugees were to be allowed to return. Serbian forces in Kosovo, including both army units and special forces, were to be scaled back to their pre-1999 levels. Under the Milosevic-Holbrooke agreement, and an agreement between OSCE Chairman-in-Office Bronislaw Geremek (Minister of Foreign Affairs of Poland) and the Yugoslav Foreign Minister Zivadin Jovanovic on the same day, international observers, in the shape of a 2,000-member OSCE mission, were to be allowed into Kosovo to verify compliance. This mission, the OSCE Kosovo Verification Mission (OSCE-KVM), began to be deployed in the field from November.

The renewed escalation of human rights violations

For two months the Milosevic-Holbrooke agreement appeared to be making progress on all these provisions, despite a number of violations of the cease-fire. Meanwhile United States and European diplomats pursued their efforts to promote a Kosovo settlement, although still without including the UCK in the process.

In the last week in December and the first half of January 1999, however, three things became clear. One was that the reduction in fighting between Serb forces and the UCK had been no more than a temporary lull, which ended in December with a new Serbian offensive in the north-east.

The UCK had used the lull to rearm and retrain, while a large force of Yugoslav/Serbian troops was being assembled just outside the province in apparent preparation for a spring offensive. The second was that in these circumstances the OSCE Kosovo Verification Mission (OSCE-KVM) was neither equipped nor mandated to play a peacekeeping role, so a 2,300-strong NATO "extraction force" was put in place just across the border in the former Yugoslav Republic of Macedonia to evacuate the monitors if necessary. The third was that atrocities against unarmed civilians had not ceased. In mid-January, 45 people - some of them children - were found murdered in Racak/Recak (Stimlje/Shtime), mostly shot in the head at close range.

It was this last development, and its immediate repercussions, which precipitated the next initiative by the six-country Contact Group. Ambassador William Walker, the head of the OSCE-KVM, was ordered out of the country by the Serbian authorities when he publicly accused them of responsibility - rejecting their claim that UCK guerrillas had been killed in a battle at Racak and their bodies then rearranged by their comrades to look like civilian victims of a massacre. Ambassador Walker refused to leave, while NATO threatened military action against the FRY unless the cease-fire was restored. In a bid to break the impasse by diplomatic means, the Contact Group then announced a conference on the future of Kosovo, to be held in Rambouillet near Paris on 6 February.

The Rambouillet negotiations

At Rambouillet, the Serbian and Albanian leaders (the latter including both LDK and UCK) were presented with the latest version of the Western plan as a basis for a negotiated settlement.

The plan stipulated that the UCK must be disarmed within three months (the provision they most strongly opposed) and all Yugoslav/Serbian troops withdrawn from Kosovo apart from 1,400 border guards and 2,500 security forces. A 30,000-member NATO "enabling force" would be deployed in Kosovo (the provision most strongly opposed by the Serbian leadership) to ensure implementation of the agreement. For a three-year interim period, Kosovo would have autonomous institutions once again, as before 1989, including its own elected assembly, president and constitutional court. There would be greater devolution of power, however, to the province's municipalities, in areas such as policing. More contentiously, the different "national communities" of Kosovo would have powers to block legislation if it threatened their national interest, and official posts would be divided up amongst them on a quota basis. At the end of the three years, there would be a further international meeting "to determine a mechanism for a final settlement" - a formula which did not exclude independence, although the Contact Group was known to be against it.

The Kosovo Albanian delegation eventually agreed in principle at the end of February to sign the agreement, and returned to Paris for the signing ceremony on 18 March. The Serbian side, however, did not. As fighting continued in Kosovo, and reports indicated that 30,000 more Yugoslav/Serbian troops were being deployed along with tanks and irregular militia units, the OSCE-KVM was pulled out on 20 March. NATO issued another ultimatum demanding Serbia's signature, but the Serbian parliament confirmed the rejection of the Rambouillet proposals, and on 24 March 1999 the NATO forces began their campaign of aerial attacks on FRY targets.

The NATO air campaign and the June 1999 agreement

An analysis of the situation on the ground inside Kosovo in the period from 20 March to the end of the NATO air campaign is central to the rest of this report, and is not summarized here. NATO air strikes, which inflicted considerable damage and loss of life within Yugoslavia, continued until June. The NATO action was formally suspended on June 10, once it was confirmed that Serbian forces were beginning their withdrawal under a peace plan embodied that same day in UN

Security Council Resolution 1244 (on which China again abstained).

This peace plan, accepted by FRY President Milosevic and formally approved by the Serbian National Assembly on 3 June, had emerged from a series of efforts at mediation, starting with initiatives by Russian special envoy Viktor Chernomyrdin. General principles for a solution were agreed at the Bonn meeting of the Group of Eight (G-8, the seven major Western industrialized countries plus Russia) in early May, and eventually accepted by the FRY government in early June after further Russian and European Union mediation.

The basic elements of the June 1999 peace agreement began with the requirement that all Serbian forces should be withdrawn, and all refugees allowed to return. The UCK and any other armed Kosovo Albanian groups were to "end immediately all offensive actions" and comply with requirements for demilitarization. Implementation would be overseen by KFOR, an "effective international security presence with substantial NATO participation", meaning in practice a 50,000-strong joint NATO-Russian peacekeeping force, and by a 3,000-member UN civilian security force. Kosovo would have a civilian administrator, appointed by the UN Secretary-General, overseeing the establishment of "substantial autonomy" for Kosovo within the FRY and "provisional and democratic institutions" under an interim administration "pending a final settlement". No time limit was set on the life of the interim administration, nor was any specific mention made of a referendum on Kosovo's future status.

[Contents](#)
KOSOVO / KOSOVA As Seen, As Told

[Previous](#)

[Next](#)
OSCE ODIHR



KOSOVO / KOSOVA As Seen, As Told

PART I : The OSCE-KVM human rights operation (Chapter 2)

[Contents](#)
[Previous](#)
[Next](#)

THE OSCE-KVM HUMAN RIGHTS OPERATION

The OSCE-KVM mandate and human rights verification standards

The OSCE-KVM mandate was established in the "Agreement on the OSCE Kosovo Verification Mission" between the OSCE and the FRY on 16 October 1998. Under the terms of the Agreement the OSCE-KVM was responsible for verifying that all parties in Kosovo complied with UN Security Council Resolution 1199 and with the cease-fire. The Agreement also referred to respect for the UN Charter, the principles of the Helsinki Final Act¹ and the Paris Charter.² These references, together with a broad international recognition that the Kosovo crisis was in large part a human rights crisis, served to legitimize the OSCE-KVM's mandate to monitor, document, investigate and report allegations of human rights violations. The OSCE-KVM's focus on human rights was a logical consequence of the situation on the ground in Kosovo, and the OSCE's comprehensive concept of security. In addition, UN Security Council Resolution 1199 also required the OSCE-KVM to co-operate with other UN bodies, including the International Criminal Tribunal for the former Yugoslavia (ICTY).

The OSCE-KVM Human Rights Division utilized international human rights and humanitarian law standards when verifying allegation of violations. FRY is a party to the following international instruments:

- Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment
- Convention on the Elimination of All Forms of Discrimination against Women
- Convention on the Rights of the Child
- International Convention on the Elimination of All Forms of Racial Discrimination
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- Optional Protocol to the International Covenant on Civil and Political Rights
- Geneva Conventions and Additional Protocols (see further the Annex to this report)

In addition, the OSCE-KVM relied on the standards and obligations of the Helsinki Final Act and the Paris Charter. With regard to domestic standards, the 1992 FRY Constitution provides that the Federal Republic of Yugoslavia is a democratic state "founded on the rule of law"³ The Constitution includes 49 articles guaranteeing basic political, civil, economic, social and cultural rights and freedoms for all citizens without discrimination⁴

The combination of international and domestic human rights law applicable in Kosovo is meant to

provide the highest level of protection from abuse and violations. The OSCE-KVM verified allegations of human rights violations and abuses according to these internationally and domestically recognized standards. Although technically some of these standards may have been binding only on the FRY as a state which had ratified the international instruments, the OSCE-KVM held armed opposition groups to the same standards.

As a result of political developments in early June 1999, the OSCE anticipated the adoption of a Security Council resolution enabling the international community to re-commence work in Kosovo.⁵ By decision of the OSCE Permanent Council, the OSCE-KVM ceased to exist on 9 June, being replaced by a transitional OSCE Task Force for Kosovo (TFK). The main priorities of the OSCE-TFK were to plan and prepare for deployment into Kosovo (which commenced on 14 June) and to continue assessing the human rights situation there.⁶ The OSCE-TFK was in turn replaced by the OSCE Mission in Kosovo (OSCE-MiK) by decision of the OSCE Permanent Council on 1 July 1999.⁷

OSCE-KVM Human Rights Division field operation

Establishment of the operation

The OSCE/ODIHR and the OSCE Conflict Prevention Centre took the lead in human dimension planning for the OSCE-KVM. The OSCE/ODIHR temporarily posted an adviser to the OSCE-KVM Support Unit in Vienna with the task of planning and activating the OSCE-KVM's election, human rights and democratization units. The OSCE/ODIHR and UNHCHR conducted a joint technical mission to Pristina in early December to work with the OSCE-KVM to activate an operational framework for implementing the OSCE-KVM's human rights tasks.⁸ This team drafted an operational strategy for the Human Rights Division that focused on the following core human rights tasks: (i) monitoring and reporting; (ii) investigating specific violations of human rights; (iii) intervening with responsible authorities to address specific violations; (iv) training OSCE-KVM personnel for human rights tasks; and (v) adopting confidence-building measures (working with local authorities and civil society, and local human rights capacity building).⁹

By late December there were approximately 400 international personnel and 250 local staff at the OSCE-KVM.¹⁰ Because recruitment for the OSCE-KVM initially focused on those with military and police backgrounds there were only 11 members in the Human Rights Division at the end of December.¹¹ By the end of January 1999, however, human rights officers were present in all five regional centres and most field offices.¹² At the time OSCE-KVM evacuated there were approximately 75 staff members in the human rights division (10 in headquarters and the rest deployed in the regional and field offices).

In addition to staffing regional and field offices, human rights officers also manned Outreach Offices in several locations. The Outreach Offices were initially set up in response to the highly charged issue of missing persons, and provided a place outside the Mission for citizens to speak to human rights officers about the details of the disappearance of family members.¹³ The primary goal of the Outreach Offices quickly became documentation, in an effort to record all testimonies regarding human rights violations.¹⁴ The long-term plan was to expand the Outreach Office in both size and function in order to become the focal point for all contact with members of the public about OSCE-KVM activities.¹⁵

Methodology

Despite all the challenges of operating where there was a state of armed conflict, the OSCE-KVM Human Rights Division adopted a methodology consisting of full documentation, strict

confidentiality, security protocols, independence in investigations and centralized reporting procedures.

Documentation. The sheer number of allegations of human rights violations received by the OSCE-KVM rendered it impossible to investigate them all thoroughly. Thus, accurate documentation became an essential component of the division. Standardized forms were used for incident reports, victim/witness statements, missing person reports and a related database was developed to index the information collected. Direct complaints from direct witnesses or victims of alleged human rights or humanitarian law violations were given priority. In such cases the human rights officers sought supporting documentation from, for example, medical authorities, corroborating statements from other witnesses, etc. Videotapes and photographs of crime scenes and killing sites were made, as well as of the victims, to assist in identification. Human rights officers monitored official investigations and at times documented those investigations (e.g., post mortem examinations were documented by the OSCE-KVM when allegations of humanitarian law violations were made).

Independent and impartial investigation. The Human Rights Division conducted investigations and interventions with local authorities. While the Head of Mission was advised of the activities of the division and the status of investigations, there was never any pressure to curtail or pursue a matter for political use. Senior OSCE-KVM staff respected the independence of the Human Rights Division to access information and draw conclusions based on the information uncovered. The Human Rights Division always had direct access to the Head of Mission, who strongly supported the independent position of the Division. This direct access further facilitated the "need to know basis" which was the foundation for independent investigations. Investigative strategies were developed and issued directly from the Director of the Human Rights Division after consultation with the Head of Mission.

Impartiality is at the heart of human rights work, and it was imperative to the Human Rights Division that it was seen as impartial. Despite the fact that the OSCE-KVM was perceived by the Serb authorities to be pro-Kosovo Albanian, the Human Rights Division consciously and persistently investigated allegations of human rights abuses committed by the UCK, including against other national communities. While the vast majority of complaints came from Kosovo Albanians, a substantial effort was made to investigate UCK involvement into the issue of Serb abductions. The OSCE-KVM consistently put pressure on the UCK to allow human rights officers access to UCK "trials" and to persons abducted/detained by the UCK.

Reporting. Reports by the Human Rights Division served four basic functions: (i) to inform OSCE senior staff and others about the situation on the ground; (ii) to discourage authorities whose actions were being monitored and verified from committing violations; (iii) to inform governments, policy makers and OSCE participating states; and (iv) to provide a basis for interventions. The various types of reports utilized by the Human Rights Division were incident reports, initially daily reports, weekly reports, monthly reports, and special reports.

Incident reports were prepared: (i) when human rights complaints/abuses were brought to the attention of the Regional Centres; (ii) when verifiers were asked to investigate human rights complaints; (iii) when OSCE-KVM representatives intervened in a human rights matter; and (iv) on other matters which a human rights officer judged to be of sufficient importance to bring to the immediate attention of OSCE-KVM HQ. The senior human rights officers at the five Regional Centres were responsible for preparing weekly reports.¹⁶ Weekly reports from the Regional Centres were collated and summarized in a consolidated HQ weekly report to the Head of Mission and the OSCE Secretariat.

Monthly reports were envisaged in order to identify and analyse trends in human rights. For

example, attention would be given to identifying systematic patterns of discriminatory treatment of minority groups. Due to the late start-up of the Human Rights Division and the relatively early evacuation, the Human Rights Division completed only one monthly report, for February 1999.

The Human Rights Division produced a number of special reports. Among these were reports on alleged mass graves, particular violations of human rights and humanitarian law such as pillage and abductions, and a report on the killing of civilians in Racak/Racak (Stimlje/Shtime).¹⁷

The OSCE-KVM Human Rights Division also set up a comprehensive human rights database which, if fully implemented, would have had the capacity to record and track all reported violations in Kosovo.

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Confidentiality and security. The OSCE-KVM Human Rights Division operated with strict security and confidentiality safeguards. Incident reports, reports on missing persons, and so on, were safely stored, with access restricted to international staff on a "need to know basis". When reports were submitted from the field to headquarters, all names were eliminated and a reference numbering system was used. The security of photos, negatives, videotapes, and so on was ensured through log books, and all materials were kept in safes at headquarters. Human rights officers were instructed to attach their original notes to the files and they were not allowed to keep extra copies or to distribute them outside the OSCE-KVM. Information regarding ongoing human rights investigations was restricted, and relations with the media were centralized through the OSCE-KVM spokesperson.

In the days prior to the OSCE-KVM's withdrawal on 20 March, the Human Rights Division initiated strict procedures for the handling, evacuation and destruction of human rights information. All victim/witness statements, complaints, documents relating to investigations, computer disks, hard drives and physical evidence were collected by the five senior human rights officers for their areas of responsibility and were evacuated. Any related documentation that was not evacuated was either shredded or burned before the OSCE-KVM left Kosovo. All of the human rights data was then collected from the senior human rights officers and centralized by the director of human rights immediately after the evacuation. The OSCE-KVM Human Rights Division's files and archives were subsequently transported to the OSCE/ODIHR in Warsaw for safekeeping and analysis.

Tasking priorities

Although it was extremely difficult to plan a long-term human rights strategy in a state of armed conflict, the Human Rights Division identified core human rights tasks and priorities. The immediate core tasks included monitoring/documenting the conduct of armed forces, police, investigative judges, allegations of humanitarian law violations (this took on a higher priority after the ICTY was prevented from entering Kosovo) and intervening with the FRY and Serbian security forces and the UCK on individual cases. In terms of giving priority as to which allegations of human rights violations would be investigated, the human rights division focused on the right to life, right to liberty, rights related to detention and fair trials and issues relating to missing persons.

Throughout the OSCE-KVM's tenure in Kosovo, the general situation was volatile, and flexibility regarding priorities was necessary. An event such as the killing of civilians in Racak on 15 January 1999 resulted in a shift of resources and the creation of regional "rapid response teams". The latter teams were formed to deploy immediately to critical human rights incidents. These teams were equipped with video and other equipment and included members trained in interviewing and investigative techniques. The teams were later used to investigate the killings in Rogovo/Rogove and Rakovina/Rakovine (both in Djakovica/Gjakova).

Training

The OSCE-KVM induction centre in Brezovica was activated in November; it consisted of a four-day OSCE-KVM induction course that was mandatory for all mission members. The OSCE/ODIHR worked together with the OSCE-KVM, UNHCR, ICRC and UNHCHR to organize the four-hour briefing on human rights and humanitarian issues included in the induction course. The OSCE/ODIHR also prepared a field leaflet for OSCE-KVM members, "Guidelines for Human Dimension Tasks". The Guidelines provided a quick overview of how to spot and report alleged human rights violations in Kosovo. UNHCR, UNHCHR, ICRC, ICTY and IOM contributed information for preparation of the leaflet, which was distributed to all OSCE-KVM members at the induction centre.¹⁸



The OSCE-KVM Co-ordination Centre (Urosevac/Ferizaj), after it was mined and blown up [zoom]

A plan for continuation training for OSCE-KVM members in human dimension matters was proposed by the OSCE/ODIHR and accepted by the OSCE-KVM in late November. Implementation of the continuation training proposal began in early December when the OSCE/ODIHR and UNHCHR sent advisers to the OSCE-KVM to develop a series of training modules. UNHCHR's consultant expert in training and preparation for field operations, assisted in the preparation of an induction briefing module on human rights and left with the OSCE-KVM more than 20 human rights training modules, some of which he was able to adapt to the OSCE-KVM's specific needs before the Mission ended.¹⁹ Two international staff members (one seconded by the Council of Europe), experienced in human rights training, were responsible for conducting continuation training for OSCE-KVM members. The continuation training was conducted at the various Regional Centres as well as at Co-ordination Centres.²⁰ The substance of the training was specific and was geared to enhance the verifiers' ability to monitor, report and verify human rights violations (rights of the accused, standards of conduct for police, trial monitoring, rights of minorities, treatment of vulnerable groups, and so on).²¹

Conditions in which the OSCE-KVM Human Rights Division field operation functioned

A state of armed conflict - legal definition

During the period covered by this report, the conflict in Kosovo can be classified as an internal armed conflict.²² Thus, both provisions of international human rights law as well as provisions of international humanitarian law apply. The application of humanitarian law is triggered by Common Article 3 of the Geneva Conventions²³ and additional Protocol II to the Geneva Conventions which apply to internal conflicts. Under Article 1(1), the Protocol applies to armed conflicts that take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such

control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol. The provisions place obligations on both the UCK and the FRY and Serbian authorities.

The primary responsibility of the OSCE-KVM was to verify compliance by all parties in Kosovo with UN Security Council Resolution 1199²⁴. Although the Resolution imposed a cease-fire in Kosovo, the OSCE-KVM verified numerous breaches in the cease-fire. The fact that the cease-fire was kept for brief periods of time does not change the state of affairs of an armed conflict. In a judicial expression of what constitutes an armed conflict, and thus triggers the application of international humanitarian law, the Appeals Chamber of the ICTY maintains: "International humanitarian law applies from the initiation of... armed conflict and extends beyond the cessation of hostilities until... a peaceful settlement is achieved. Until that moment, international humanitarian law continues to apply... in the whole territory under the control of a party, whether or not actual combat takes place there".²⁵

The conflict in Kosovo meets the threshold of Additional Protocol II and the criteria of Common Article 3 for direct application of both Common Article 3 and Additional Protocol II. In the indictment of Milosevic, ICTY states that "[a]t all times relevant to this indictment, a state of armed conflict existed in Kosovo in the FRY".²⁶

Conditions on the ground in Kosovo

Conditions on the ground reflected the state of armed conflict. Kosovo during the tenure of the OSCE-KVM was a place of war, albeit restrained at times. Nevertheless, VJ forces deployed in the province with tanks and heavy war equipment. The FRY and Serbian security forces restricted the movement of civilians and at times fighting broke out with UCK forces. The majority of complaints received by the OSCE-KVM involved: extra-judicial killings, summary executions, arbitrary killings, persons going missing following abductions; incommunicado detention; abuse by the police and security forces; indiscriminate and disproportionate attacks against the civilian population, the destruction of civilian property, pillaging, illegal evictions; and restricted freedom of movement for Kosovo Albanians. Although the OSCE-KVM verified human rights violations, its ability to report and intervene was hampered first by personnel shortages and later by the escalation in military activity.²⁷

OSCE-KVM capacity to perform tasks. External factors affecting the capacity of the Human Rights Division to work included restricted access to official personnel, courts, hospitals and other public services, and restricted freedom of movement. Experiences with FRY and Serbian authorities varied and co-operation depended to some degree on personalities and sometimes the nationality of the OSCE-KVM staff. The same was true for the UCK, which restricted access to their controlled areas, denied OSCE-KVM access to monitor their "trials" and restricted access to detainees.²⁸

The OSCE-KVM did not have the full co-operation of the judiciary. For example, in Pristina District Court the Public Prosecutor and the President of the Court refused to meet human rights officers. Trial schedules were difficult to obtain and the OSCE-KVM was often misinformed about scheduled trials. In one instance, a human rights officer was only allowed in the courtroom after senior mission staff intervened.²⁹ Court officials displayed a high degree of distrust of the OSCE-KVM and alleged that the OSCE-KVM was likely to believe "Albanian propaganda".³⁰

The OSCE-KVM encountered frequent obstacles to its access to Pristina hospital. This was particularly acute when human rights officers attempted to verify the location and condition of those wounded who were suspected of terrorist acts. The OSCE-KVM was often refused access

to medical staff to discuss allegations of medical discrimination against Kosovo Albanians. Access to the morgue to verify the identification and condition of dead bodies was routinely denied. On several occasions, access was granted only after the Head of Mission intervened with officials in Belgrade.³¹

Freedom of movement was a problem throughout the time the OSCE-KVM was deployed in Kosovo. Both UCK and Serbian authorities set up checkpoints. The OSCE-KVM was at times refused access to areas beyond these checkpoints without any legitimate reason.³²

The impact of the work of the Human Rights Division

Despite the factors limiting the capacity of the Human Rights Division to perform its tasks optimally, the impact of the work done was significant. The OSCE-KVM contributed to a general reduction in the level of fear among the population in Kosovo. For example, the presence of human rights officers on inter-city buses resulted in fewer cases of abuse by the police, who often stopped buses at checkpoints and harassed the Kosovo Albanian passengers, beat them or arrested them. There was a noticeable change in the atmosphere on buses monitored by the Human Rights Division.³³

Human rights officers reported that judges, who would otherwise convict a suspected terrorist on very dubious legal grounds, would hesitate when OSCE-KVM and other organizations were present in the courtroom. Families of those detained said that after OSCE-KVM began monitoring trials detention beatings were reduced. The substantial number of OSCE-KVM human rights officers made it possible to have a wide presence at these trials.

The impact of daily interventions at police stations was also evident. People who were afraid to go as ordered for an "informative talk" (see also Chapter 10, Violation of the right to a fair trial), or were afraid to approach the police in general, often asked OSCE-KVM to assist them or accompany them to the police station. The mere presence of OSCE-KVM improved the human rights situation in Kosovo, albeit the improvement must be viewed in the light of the overall appalling conditions for human rights in any state of armed conflict. Some of the OSCE-KVM's impact could be measured in a tangible way. For example, when OSCE-KVM opened a field office in the small village of Slapuzane/Slapuzhan (Suva Reka/Suhareke), within days several hundred villagers returned to their homes. They had been too afraid to live in the village but the mere presence of OSCE-KVM gave them confidence.

The accumulation of time, presence and effort resulted in a high degree of trust by Kosovo Albanians towards OSCE-KVM. Serb civilians and some officials also developed an increased level of trust as a result of the Human Rights Division's commitment to impartiality and a genuine concern for the plight of many Serb civilians.³⁴

The effect of the absence of a national human rights protection mechanism

Although the Federal Republic of Yugoslavia is a party to major international human rights instruments,³⁵ there was no effective domestic human rights mechanism while OSCE-KVM was in Kosovo. The pervasive distrust of the Serbian police and judiciary limited the means of addressing effectively human rights violations.

When the OSCE-KVM Human Rights Division opened the first "outreach office" in Pristina on 27 December, the initial response from the Kosovo Albanian community and the Serb community was overwhelming. OSCE-KVM in effect functioned as a de facto human rights complaints mechanism. Between 27 December and the day of withdrawal, 20 March 1999, the Human Rights Division received more than 800 complaints and allegations of human rights and humanitarian law

violations.

OSCE-KVM Human Rights Division field operations in the former Yugoslav Republic of Macedonia and Albania

Monitoring events in Kosovo post-evacuation

The OSCE-KVM withdrew from Kosovo on 20 March 1999, by decision of the OSCE Chairman-in-Office, Norwegian Minister of Foreign Affairs Knut Vollebekk. Thereafter, the human rights division continued to operate and monitor the human rights situation in Kosovo. OSCE-KVM human rights activities were the only portion of the OSCE-KVM mandate that continued after the evacuation. Human rights officers collected first-hand information about the situation in Kosovo from refugees who were often victims of and direct witnesses to grave human rights and humanitarian law violations prior to and in the course of fleeing or being expelled to Albania or the former Yugoslav Republic of Macedonia.

In all, 1,111 refugee interviews were conducted in Albania and 1,653 in the former Yugoslav Republic of Macedonia.



The body of a Kosovo Albanian man previously reported missing and found by the police, who informed the OSCE-KVM [zoom]

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The former Yugoslav Republic of Macedonia - human rights field operation. OSCE-KVM was based in Lake Ohrid when the Human Rights Division began to interview refugees at the end of March. When the original operation was set up it was impossible to foresee the eventual number of refugees who would cross into the former Yugoslav Republic of Macedonia and Albania over the coming two-and-a-half months. The first human rights teams interviewed refugees in Tetovo, Gostivar and at the border crossing points near Blace (FRY: Djeneral Jankovic) and Jazinec (FRY: Globocica), often speaking to them only a few hours after their arrival.

In response to the massive inflow of refugees, camps were set up near the border at Blace, on the way to Skopje (Stenkovac, Brazda) and near the FRY border (Radusa), and between Skopje and Tetovo (Bojane). At the end of April, with thousands of the refugees pouring into the country, pressure mounted to set up additional camps in the mainly Albanian-speaking areas of Gostivar and Tetovo. Between Tetovo and the Jazinec border, the Nprosteno camp was erected, and the largest camp, with a capacity of up to 50,000, was built in early May near Gostivar, Cegrane. The majority of refugees in the former Yugoslav Republic of Macedonia, however, found shelter with Albanian-speaking host families, in areas of Skopje, Tetovo, Gostivar and Struga.

The OSCE Human Rights Division established an office in Skopje, from where the refugees in Skopje area camps were contacted and interviewed. Another field office covering the Tetovo and Gostivar areas was established to cover the thousands of refugees who were accommodated by host families in those areas. OSCE human rights officers co-ordinated their interviewing with local NGOs such as El Hilal and the Mother Teresa Society, which were assisting the host families. By mid-April, OSCE human rights teams operated from three bases in Macedonia: Ohrid, Skopje and Gostivar, and thereby covered all the municipalities where refugees were located.

Albania. Shortly after events escalated in Kosovo at the end of March 1999, vast numbers of refugees started pouring across the border into Albania. The government of Albania estimated that

as many as 135,000 refugees crossed the border at the beginning of April³⁶ As a response, the OSCE Permanent Council on 1 April 1999 authorized the use of OSCE-KVM resources to "help alleviate the humanitarian catastrophe in Albania". From this decision a task force of 75 persons was generated. The OSCE-KVM Refugee Task Force (Albania) or RTF, deployed on 2 April 1999 to Tirana and worked closely with the OSCE presence in Albania to assist in the humanitarian crisis. Three days later the RTF had deployed teams to all 12 prefectures in Albania. The RTF operated as an action-oriented grouping aimed at achieving quick results in a situation of crisis. The RTF continued the human rights mandate of the OSCE-KVM by gathering information and monitoring the human rights situation in Kosovo through refugee interviews³⁷

The fact that the RTF was an operation geared towards a more comprehensive humanitarian response than the operation in the former Yugoslav Republic of Macedonia meant that the staff was not exclusively assigned to human rights tasks. The general situation in Albania was much more complex and desperate than in the former Yugoslav Republic of Macedonia and the collection of information about human rights and humanitarian law violations presented a particular challenge there. Nevertheless, the human rights activities in Albania and the former Yugoslav Republic of Macedonia were fully co-ordinated and directed according to the same operational protocols and methodology.

Collection of information

Information about the human rights situation in Kosovo was collected in two ways. One method was the establishment of OSCE tents in the camps in the former Yugoslav Republic of Macedonia to provide privacy for the interviewing process. In Albania, however, it was not possible to establish tents, given the number of camps established throughout the country. OSCE-KVM vehicles were therefore used as mobile offices.



An OSCE-KVM human rights officer, assisted by an interpreter, takes a statement in a refugee camp zoom

The other way in which interviews were collected was more proactive. Some human rights teams established networks through local NGOs, interpreters, former OSCE-KVM staff, teachers, imams and others in a position to direct the teams to refugees who had settled in host families outside the camps. In the course of the refugee crisis in the former Yugoslav Republic of Macedonia, approximately 170,000 refugees were accommodated with host families. The OSCE-KVM teams were actively involved in interviewing privately accommodated refugees³⁸

In the former Yugoslav Republic of Macedonia local "emergency councils" registered the arriving Kosovo Albanian families, and organized the local distribution of humanitarian aid. OSCE-KVM human rights officers spoke to refugees through various means: personal visits to local offices of emergency councils (run by local Albanian-speaking Macedonian citizens, but often assisted by Kosovo refugees), personal contact with local authorities (in particular the mayor's offices and humanitarian aid co-ordinators), announcements in the local press and radio, contact with local journalists, local clinics and hospitals, and so on.

In the course of more than two months of interviewing, almost every village hosting refugees was visited in both Albania and the former Yugoslav Republic of Macedonia. The OSCE-KVM developed a reputation among refugees and local authorities for conducting professional interviews in a confidential setting. International partners often approached OSCE-KVM human

rights teams whenever they had identified a potential eye-witness. When the OSCE re-entered Kosovo in June, there were still many pending requests from refugees to give statements of their experiences.

It was a general policy not to interview small children and refugees who appeared traumatized. The Human Rights Division was aware of the limitations and varied expertise of its human rights officers. On the subject of sexual violence there were some human rights officers with extensive experience in interviewing rape victims from Bosnia and Rwanda. Whenever possible, only these staff members spoke to victims of rape and sexual assault³⁹

The OSCE-KVM had enjoyed the trust of Kosovo Albanians before its evacuation from Kosovo, and this trust continued in the camps. Refugees often commented to human rights officers that the widespread presence of the distinctive orange OSCE-KVM vehicles reassured them that their plight was not forgotten and that assistance would be given to them. In collecting information in Albania and the former Yugoslav Republic of Macedonia about human rights and humanitarian law violations in Kosovo this rapport was unique.

As it had done when deployed inside Kosovo (see above), when collecting data in Albania and the former Yugoslav Republic of Macedonia following its evacuation, the OSCE-KVM Human Rights Division implemented strict security and confidentiality safeguards. At the end of every interview with a refugee, the interviewee was asked if he/she would allow the information to be passed on to the ICTY. In all cases the interviewee consented and often insisted that the information provided be passed to the appropriate judicial body. Standardized interview forms were used in both the former Yugoslav Republic of Macedonia and Albania. Completed forms were collected daily by team leaders. No copies were retained in the field or kept by the interviewer. All completed forms were stored at the field operation headquarters in Tirana and Skopje. The completed forms were numbered, stored in binders and kept in locked facilities with restricted access. At no time did the Human Rights Division produce reports with names of victims or witnesses. The Human Rights Division shared general information from the interviews with UNHCHR officers working in Skopje, who agreed to treat the data in a confidential way. The Human Rights Division had strict press guidelines and restricted access to the information collected to those with a "need to know" only. These guidelines remain in effect.

All interview forms were then centralized, indexed, and catalogued in Skopje. A database was designed and used to index and catalogue the enormous volume of information collected.

Safeguarding and analysing the OSCE-KVM human rights files

Ensuring confidentiality and the integrity of the information gathered by the OSCE-KVM Human Rights Division continues to be of the utmost importance to the OSCE.

As the NATO air campaign progressed, the need to find a permanent repository for safeguarding the information became a pressing priority. The OSCE-KVM Human Rights Division consulted the Director of the OSCE/ODIHR and requested assistance in securing the material and in the preparation of an analytical report of the Division's findings⁴⁰. The OSCE/ODIHR agreed, and the OSCE-KVM human rights files that had been removed from Kosovo were transferred to the offices of the OSCE/ODIHR in Warsaw, Poland. The information collected from refugees in Albania and the former Yugoslav Republic of Macedonia was subsequently also transported to Warsaw at the end of the air campaign⁴¹.

The Kosovo Data Analysis Team was formed at the OSCE/ODIHR in early June 1999 with two full-time analysts and the Deputy Director of the OSCE-KVM Human Rights Division. During the following two months the team expanded to 12 members, consisting of former OSCE-KVM

human rights officers and independent human rights experts. The Senior Human Rights Adviser at the OSCE/ODIHR headed the team and the Director of the OSCE-KVM Human Rights Division, now with the OSCE-MiK served as a consultant. This report, prepared at Mokotow in Warsaw in the period from June to October 1999, is an analysis of the enormous amount of information gathered by the OSCE-KVM Human Rights Division.

Notes

¹ Final Act of the Conference on Security and Co-operation in Europe (Helsinki Final Act), 1 August 1975.

² Charter of Paris for a New Europe - CSCE Summit, 21 November 1990.

³ See also Chapter 10, Violation of the right to a fair trial.

⁴ The Yugoslav Constitution also guarantees that the government will respect international law. Article 10 states: "The Federal Republic of Yugoslavia shall recognize and guarantee the rights and freedoms of man and the citizen recognized under international law." Article 16 adds: "The Federal Republic of Yugoslavia shall fulfil in good faith the obligations contained in international treaties to which it is a contracting party. International treaties which have been ratified and promulgated in conformity with the present Constitution and generally accepted rules of international law shall be a constituent part of the internal legal order."

⁵ OSCE, The Secretariat, Press Release, "Permanent Council Establishes OSCE Transitional Task Force for Kosovo, Replacing Kosovo Verification Mission", No. 40/99, Vienna, 9 June 1999.

⁶ OSCE, Permanent Council, 233rd Plenary Meeting, PC Journal No. 223, Agenda Item 1, Decision No.296/Corrected Version, PC.DEC/296/Corr., 8 June 1999.

⁷ PC/DEC 305/99, 1 July 1999.

⁸ OSCE/ODIHR, "Report on the Human Rights Tasks of the OSCE-KVM - The First 60 Days of the Mission (16 October-15 December 1998)", Warsaw, 7 January 1999 (internal document).

⁹ OSCE/ODIHR, "Report on the Human Rights Tasks of the OSCE-KVM - The First 60 Days of the Mission (16 October-15 December 1998)", Warsaw, 7 January 1999 (internal document).

¹⁰ OSCE-KVM, Human Rights Division (HQ), "Daily Report 29 Dec. 1998" (internal document).

¹¹ OSCE-KVM, Human Rights Division (HQ), "Weekly Report 11-18 Dec. 1998" and "Weekly Report 19-27 Dec 1998" (internal document).

¹² OSCE-KVM, Human Rights Division (HQ), "Weekly Report 24-29 Jan. 1999" (internal document).

¹³ In Prizren the contact office was located within the RC building.

¹⁴ OSCE-KVM, Human Rights Division (HQ), "Weekly Report 19-27 Dec. 1998" (internal document). Later, the office transferred to the area of responsibility of first RC5 and subsequently CC Pristina.

¹⁵ OSCE-KVM, Human Rights Division (RC5), "Weekly Report 27 Feb.-6 Mar. 1999" (internal document).

¹⁶ In the case in Prizren the weekly report had to be cleared by the Head of RC before being submitted to the Human Rights Division.

¹⁷ OSCE-KVM, Human Rights Division (HQ), Special Report, "Massacre of Civilians in Racak", 17 January 1999 (internal document). See also this report, entry for Stimlje municipality.

¹⁸ OSCE/ODIHR, "Report on the Human Rights Tasks of the OSCE-KVM - The First 60 Days of the Mission (16 Oct.-15 Dec. 1998)", Warsaw, 7 January 1999 (internal document).

¹⁹ OSCE/ODIHR, "Report on the Human Rights Tasks of the OSCE-KVM - The First 60 Days of the Mission (16 Oct.-15 Dec. 1998)", Warsaw, 7 January 1999 (internal document).

- ²⁰ OSCE-KVM, Human Rights Division (HQ), "Weekly Report 18-23 Jan. 1999" (internal document).
- ²¹ OSCE-KVM, Human Rights Division (HQ), "Weekly Report 24-30 Jan. 1999" (internal document).
- ²² With the NATO intervention, there was simultaneously an international armed conflict.
- ²³ ICRC Commentaries to Common Article 3 of the 1949 Geneva Conventions evoke certain criteria for application of Common Article 3 in conflicts of a non-international character, including: "That the Party in revolt against the ~~djare~~ Government possesses an organized military force, an authority responsible for its acts, acting within ~~determinate~~ territory and having the means of respecting and ensuring respect for the Convention".
- ²⁴ OSCE, "Agreement on the OSCE Kosovo Verification Mission", Belgrade, 16 October 1998.
- ²⁵ Tadic case, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, 2 October 1995, IT-94-1-AR72.
- ²⁶ International Criminal Tribunal for the former Yugoslavia, "Indictment of Milosevic & Others ('Kosovo')", IT-99-37, 24 May 1999, para. 8.1. For a more thorough analysis of the existence of an armed conflict in Kosovo, see *No Peace Without Justice*, "Report on Serious Violations of International Humanitarian Law in Kosovo in 1998" February 1999.
- ²⁷ OSCE/ODIHR, "Report on the Human Rights Tasks of the OSCE-KVM - The First 60 Days of the Mission (16 Oct.-15 Dec. 1998)", Warsaw, 7 January 1999.
- ²⁸ OSCE-KVM, Human Rights Division (HQ), Meeting Report, "Record of Meeting on 18 Feb. 1999 with the Zone Commander and the Military Police Chief of the UCK in Llapashtica (Podujevo) Regarding Detention Visits" (internal document). Meeting report Podujevo - no date. For further detail see section Chapter 9, Arbitrary arrest and detention. OSCE-KVM did gain access to a group of alleged detainees in Gornja/Lapastica Llapashtica.
- ²⁹ OSCE-KVM, Human Rights Division (RC5), "Daily Sitrep 5/3/99" (internal document).
- ³⁰ OSCE-KVM, Human Rights Division (RC5), Meeting Report, "Meeting at the District Court of Pristina on 3/3/99 9-11 hrs". (internal document).
- ³¹ OSCE-KVM, Human Rights Division (RC5), "Daily Sitrep 7/3/99" (internal document).
- ³² OSCE-KVM, Human Rights Division (RC5), "Weekly Report 6-12 Mar. 1999" (internal document).
- ³³ OSCE-KVM, Human Rights Division, Human Rights Officer.
- ³⁴ See also Chapter 9, Missing persons.
- ³⁵ See Annex to this report.
- ³⁶ OSCE-KVM, RTF Albania, "Progress Report - OSCE-KVM Refugee Task Force (Albania)", 10 May 1999 (internal document).
- ³⁷ OSCE-KVM, RTF Albania, "Progress Report - OSCE-KVM Refugee Task Force (Albania)", 10 May 1999 (internal document).
- ³⁸ Because of the absence of camps in the area, the Ohrid team limited itself to interviews with refugees in host families.
- ³⁹ See also Chapter 7, Rape and other forms of sexual violence.
- ⁴⁰ OSCE-KVM/TFK, Human Rights Division (HQ), Memorandum from Director Sandra Mitchell to Ambassador Gérard Stoudmann, Director of the OSCE/ODIHR, 18 June 1999.
- ⁴¹ The OSCE-KVM Human Rights Division and the OSCE/ODIHR are grateful to the Office of the Foreign Minister of Poland for its assistance in transporting the human rights files and refugee statements and for its additional assistance in securing the material in Warsaw.



KOSOVO / KOSOVA As Seen, As Told

PART II : The military/security context (Chapter 3)

[Contents](#)
[Previous](#)
[Next](#)

THE MILITARY/SECURITY CONTEXT

Yugoslav forces in Kosovo, and the Kosovo Liberation Army

This section of the report is intended to give an overview of the armed forces in Kosovo, both Yugoslav/Serbian and the Kosovo Liberation Army (Ushtria Clirimtare e Kosoves - UCK).

This chapter does not seek to give a detailed and extensive analysis of the politico-military aspects of the internal conflict in Kosovo during the period when the OSCE-KVM was in existence. The intention is rather to put the human rights analysis of this report into context by presenting an understanding of the military/security units involved, the observation of their activities as reported by the OSCE-KVM when deployed inside Kosovo until 20 March 1999, and what can be discerned of their activities and objectives after 20 March. The section will therefore seek to explain the observations made by the refugees interviewed by the OSCE-KVM in Albania and in the former Yugoslav Republic of Macedonia.

The Armed Forces of Yugoslavia (Vojska Jugoslavije-VJ) in Kosovo

The Serbian and Montenegrin ground forces are split into three armies. The 52nd Corps, based in Pristina/Prishtina, was subordinate to the Third Army, centred in the southern Serb town of Nis under Lt.-Gen. Nebojsa Pavkovic. The VJ in total had approximately 85,000-114,000 personnel with a reserve force of possibly 200,000. In Kosovo, there were approximately 15,000-16,000 VJ troops in early 1999 and up to 20,000 by the end of April. There were in addition nearly 30,000 police and irregulars (volunteers and paramilitaries).

The VJ is divided into "regulars" and "reservists". While the VJ has a mobile capability and is designed for the overall defence of Yugoslavia, reserve units are responsible only for their area. In respect of Kosovo, reserve units were sent from towns near to the border to supplement those already in Kosovo. Regular units could be "topped up" with reservists, including in particular specialists (e.g. air defence trained forces, combat engineers, technical experts employed in civilian work with transferable skills such as in radar and communications), although the proportion of regular to reservist was not to fall below approximately 60 per cent.

The extent of the mobilization in Kosovo from March 1999 depleted the civilian sector. For example, where there had formerly been 148 employees in the local government administration in Gnjilane/Gjilan, after March only 52 remained out of uniform and working as normal. Thus, although widespread mobilization took place, the VJ in Kosovo was still supplemented by "volunteers" and "armed civilians".

The role of the 52nd Corps (Pristina/Prishtina) was to protect the territorial integrity of the FRY (particularly Kosovo), protect key installations and keep the internal lines of communication open.

According to the Clark-Naumann Agreement of 25 October 1998,² the strength of the 52nd Corps (including the 52nd Military Police unit) was given as 9,068, although as already stated, the figure

was far higher in reality. Yugoslav authorities declared a VJ equipment list during the establishment of the OSCE-KVM. According to this declaration, the VJ had 197 tanks, 178 ACV/APC/AIFV³ and 358 artillery pieces. The Yugoslavs also announced that 37 MiG-21 jets were deployed at Pristina Airfield. Although the numbers were uncertain, additional equipment was present in Kosovo, such as anti-tank and surface to air weapons (AT-3 and SA-9 respectively), and this was monitored under a separate agreement by embassy defence attachés.

The FRY Baseline of the 52nd Corps consisted of the following units:

- 15th Armoured Brigade, Pristina
- 243rd Armoured Brigade, Urosevac
- 125th Motorized Brigade, Kosovska Mitrovica
- Tank Battalion, subordinated to the 125th Motorised Brigade, Pec
- 549th Motorized Brigade, Prizren
- 52nd Artillery Brigade, Gnjilane
- 52nd Military Police Battalion, Pristina

The FRY Baseline also included the 83rd Aviation Regiment, located at Pristina Airfield. In addition, the 354th Infantry Brigade was located in Kursumlija, close to the Kosovo border in Serbia proper.

VJ reserves needed to be drawn in from Serbia proper, although this was contrary to normal reserve practice, because of the limited number of male Serbs available in the province. Further, the addition of paramilitaries and volunteers from outside the province would have been a welcome addition to Serbian military planners.

*The Border*⁴ The 261 km of border with the former Yugoslav Republic of Macedonia and Albania was bounded by a 5 km wide security zone into which access was strictly controlled. The villagers who lived in the zone were free to move and graze their cattle, within limits defined by the security forces owing to the danger from minefields and set ambushes. The villagers had special permits.

The border, running through mountainous terrain up to a height of 2,600 m, was marked with concrete and stone posts, many of which were missing. There was no fence or other physical boundary. There were 32 border posts and observation towers. The towers were not usually manned as people on the Albanian side of the border used them for target practice. FRY patrols rarely patrolled along the actual border, as they were likely to be shot at. There were no known electronic surveillance or intruder devices securing the border.

Within the border area, the VJ manned the 32 platoon-sized border posts and six company positions. The minimum strength of a patrol was 10 men. In addition, there were three "Quick Reaction" battalions, held in barrack locations, which were ready to reinforce or deal with large-scale border incidents/incursions. The minimum manning for the border, as seen from the FRY perspective, was 10 men per km of border. Therefore for the whole border, including the boundary with Montenegro, there was a requirement for 3,000 personnel at any one time.

In addition to patrolling, the VJ mounted ambushes. The border area contained marked antipersonnel minefields that were intended to channel intruders into prepared ambush sites.

There was no administrative infrastructure within the border area. This meant that all permanent accommodation and support had to be provided by the barracks in Djakovica/Gjakova, Gnjilane/Gjilan, Orahovac/Rrahovec, Pec/Peja, Prizren/Prizren and Urosevac/Ferizaj.

On 4 March 1999, the extent of the VJ control of the border was increased by law to a width of 10 km. The reason given by the Yugoslav authorities was that it was intended to prevent the infiltration of terrorist groups into the province. The Reuters news agency quoted one government official as saying that the move might involve putting more troops into Kosovo. At this stage, the OSCE-KVM estimated that there were already at least 15 combat teams out of barracks - five times as many as had been agreed under the Clark-Naumann Agreement of 25 October.⁵

Volunteers/Mercenaries. Volunteer units included not only men from Serbia and Montenegro, but from a number of other countries. Refugees tell of Russian-speakers, as well as hearing other languages spoken. The UCK claimed other nationalities including Romanians and Bulgarians, Germans, Greeks and French were in the ranks of the Yugoslav/Serbian forces.⁶ The volunteers were formed into units (for example, the "Wasps"), and were not only involved in fighting but were given tasks such as the movement of ammunition, laying of mines, building dummy armoured vehicles as well as fighting where necessary. A volunteer would have been paid in the region of DM 300-DM 400 per month and worked within the VJ chain of command.

Although volunteer units were within the VJ chain of command, on occasion they nevertheless stepped outside it. A volunteer unit of approximately 100 men is understood to have broken from military discipline and removed itself to the village of Zegra/Zheger (Gnjilane/Gjilan) in late March 1999, where they abused the local population. Two high ranking military commanders were removed from their posts as this unit managed to worry even the local Serb population. In the attempt to control the volunteers, the unit was broken up, which only led to smaller "gangs" who went their various ways - causing problems in a number of other villages in the region. While the authorities managed to punish some members, others went unpunished. VJ and police units began to wear coloured cords on their arms in order to distinguish themselves from this renegade unit (as also appears in descriptions given by refugees).

Equipment. The main VJ equipment in Kosovo comprised:

T-55, M-84 tanks (The T-55 was by far the most common, the M-84 only deployed latterly)

M-80 (armoured fighting vehicle), M-60 (armoured personnel carrier), BRDM-2 (wheeled reconnaissance vehicle) and BOV M-86 (wheeled reconnaissance vehicle)

2S1 (122mm) self propelled gun, D-30 (122mm), M-1 (155mm) and M-84 (152mm) towed howitzers

M-63 (128 mm) and M-77 (128mm) multiple-rocket launchers, M-69 (82mm), M-74/75 (120mm) mortars.

M-53/59 Praga (armoured truck with a twin mounted 30mm cannon)

VJ activities. Prior to spring 1998, the VJ was not used in actions against the UCK. The situation changed when the VJ became actively involved in supporting the Ministry of the Interior (MUP) forces. Following the arrival of the OSCE-KVM in October 1998, the VJ initially restricted their involvement in operations against the UCK, although VJ forces were present during some MUP operations. With the exception of the border region, the MUP retained primacy for the security of Kosovo.⁷

VJ exercises were not restricted to any particular area within Kosovo. As described to the OSCE-KVM, "The training areas we use vary throughout the area and are subject to constant change. Warning signs or sentries are posted where live firing takes place."⁸ This led to the VJ establishing positions outside their barracks - notably west of Vucitrin/Vushtrri - on "winter

exercises" which in turn led to clashes with the UCK.

Paramilitaries⁹

Armed men who appeared to have been neither VJ nor police were described to the OSCE-KVM Human Rights Division by Kosovo Albanian refugees as "paramilitaries". Among those paramilitaries in Kosovo, the structure and task of the various groups are likely to have differed. However, the difference between a "paramilitary" and a volunteer was simply the chain of command - the latter often operated under political patronage or in conjunction with intelligence services under Franko "Frenki" Simatovic (see Ministry of the Interior, state security, below). Lt.-Gen. Pavkovic, the VJ commander in Kosovo, denied that there were "paramilitary or special volunteer units (operating independently)"¹⁰

Paramilitary units are hard to define and recognize. On a number of occasions, it is likely that there was confusion in distinguishing between armed local civilians and the organized paramilitaries who originated from outside Kosovo. The value of creating the rumour that "Arkan's Tigers" were about to enter a village was often sufficient to encourage the inhabitants to leave. Local or volunteer units may well have played on this myth on a number of occasions - creating a possibly misleading impression from the statements taken from the refugees. However, descriptions given by many refugees are consistent with known dress codes and other identifiers of certain paramilitary formations.

Moreover, some Serb individuals, as reported in the international media, do claim to have been recruited into paramilitary units through a close friend or relative at the behest of Zeljko Raznjatovic ("Arkan")¹¹ Some have claimed that they were released from jail with their sentence period quashed on the condition they join a paramilitary unit. It is believed that some units were given a list of houses to loot, prepared prior to the launch of the NATO airstrikes and from information collected at the local level in Kosovo. It has been claimed that elements of one unit arrived in Kosovo in the middle of February in order to prepare the logistics for transporting the goods back to Serbia proper.

It is believed that Arkan's units worked alongside "Frenki" Simatovic in dividing up areas to operate. Arkan's units were believed to have avoided operations until after the air war started. He is believed to have had a training camp between Leposavic/Leposaviq and Kosovska Mitrovica/Mitrovice, and his forces are believed to have operated mainly around Kosovska Mitrovica, Pec, Djakovica and Prizren.

Some refugee statements refer to "Frenki's",¹² as do a number of comments from media interviews given by Serb paramilitaries. These paramilitary units recruited by "Frenki" Simatovic were observed in "cream" coloured jeeps which could be augmented by a 20mm machine gun to the rear. They were known to operate in both green uniforms and in what has been described as a lighter cream uniform. They are also said to have favoured wearing cowboy hats.

Often described with some clarity was the existence of the "Republic Srpska Delta Force"¹³ originating from the Ministry of Internal Affairs of the Republic Srpska. Refugees describe the unit



Sketch of a paramilitary given as part of an interview statement by a Kosovo Albanian refugee [zoom]

as operating to the south of Gnjilane in early April and being involved in the forced expulsion of Kosovo Albanians from the hill villages north-east of Pristina by the middle of the same month.

The Ministry of the Interior (Ministarstvo Unutrasnjih Poslova-MUP)

Police

The police received a greater priority in resource allocation from the government of Slobodan Milosevic than had the VJ. It was indicative of the importance Milosevic placed on the functions of internal security to support his political survival, that he strengthened the police to the detriment of the VJ.

Within the Ministry of Interior (MUP) the most common group cited by Kosovo Albanian refugees were the militia (*milicija*). The "People's Militia" were equipped with light machine guns and armoured personnel carriers and were identifiable by their dark blue disruptive pattern (camouflage) clothing. Throughout the period of the KVM the militia were observed manning checkpoints in both the towns and in the rural areas as well as operating against the UCK. In addition to the regular militia, there was support from their reserve. Until March 1999, there were believed to be in the region of 5,000 militia in Kosovo.

Recognizing and differentiating among perpetrators: uniforms

Refugee statements often included a description of the uniforms worn by the perpetrators of human rights violations which they experienced or witnessed. Regular VJ could be recognized by the contrast of their uniform to that of the reservists, who were described as wearing the old Yugoslav People's Army (JNA, predecessor of the VJ) style uniform and in some cases included the comment that the uniform smelt of mothballs. The blue uniformed militia was also evident, badges were sometimes clearly seen identifying PJP.

However SAJ also wore green at times, as did a number of volunteer and paramilitary units, leading potentially to a false claim that it was a regular VJ unit carrying out an act. The white uniforms of the White Eagles may have been the cream of an SAJ unit, local armed civilians could be mixed up with the ad hoc mixed dress of a paramilitary unit (Arkan's paramilitaries favoured black uniforms or civilian clothes). In short, a fixed rule for identifying perpetrators by uniform would be misleading; a description is only a valuable additional piece of information to a bigger picture.

Within the MUP there are also specialized groups, namely the Special Police Unit (Posebne Jedinice Policije - PJP) and the Special Anti-terrorist Unit (Specijalne Anti-teroristicke Jedinice - SAJ). The PJP were more numerous, maintaining the blue camouflage uniforms with body armour and "police" written on it. They were more mobile than the militia and were there to maintain order. The SAJ was approximately 400-500 strong. Operating in Kosovo were believed to be two companies from the republican brigade, totaling approximately 200 policemen. Armoured with not only Praga, Pinzgauer¹⁴ and armoured vans, it is believed that they also had a number of T-55 tanks. They dressed in green camouflage uniforms. Within the towns, the SAJ were believed to operate in white Audis and black BMW cars.

Finally, refugees describe on a number of occasions the regular traffic police, who wore the more formal blue uniforms, peaked caps and white armbands.

SDB (Sluzba Drzavne Bezbednosti) - state security

The State Security Service (SDB) has not effectively existed on the federal level since the breakup of the Socialist Federal Republic of Yugoslavia in 1991¹⁵. While the SDB remained in name, files

and databases were moved across to the Republic of Serbia State Security Service, a branch of the Ministry of Interior. It is believed that just prior to the start of the NATO air campaign on 24 March 1999, up to 3,000 members of the SDB moved into Kosovo with a view to collecting information on UCK structures and support. This would account for the numerous statements by refugees claiming to have been questioned by the security apparatus often referring to one or more interrogators as having been "DB".

The link between the SDB and the paramilitaries is understood to have been through "Frenki" Simatovic, Chief of Special Forces of State Security. Formerly of the SAJ, during the war in Kosovo, Simatovic was responsible for recruiting and organizing paramilitaries.

The Kosovo Liberation Army (Ushtria Clirimtare e Kosoves - UCK)

Background. The early formation of the UCK¹⁶ was based on the small, village units often formed around a family and concerned with the defence of the village. Kosovo Albanian rural social structure has managed to remain relatively horizontal, with loyalty to the family and village and less than to a central authority. The UCK therefore developed with a localized structure with central command being imposed thereafter.

Structure. Some regional structures of the UCK were developed from a political movement, others were harnessed from the village "gang". The flow of weapons from Albania (already occurring prior to, but considerably facilitated by the collapse of Albania into anarchy in 1997) provided impetus for the growth of the UCK. The General Staff was in existence by the end of 1998.

Placing the UCK's organization into a standard military format can be misleading. "Companies" in some cases were larger in number than a "brigade". UCK sub-units tended to be organized around a collection of villages of varying size and disposition. The size and shape of a unit was not fixed and boundaries between such units were often fluid.

The UCK could also boast a full administrative structure (education, culture, health, economic affairs) including a "policing" element. For purposes of organization, the UCK was divided into Zones (Drenica, Pashtrik, Dukagjin, Shale, Llap and Nerodime, and a relatively inactive seventh in the Gnjilane region known as the Karadak) with a central General Staff commanding. The influence of the General Staff varied with the political climate and zone in question.¹⁷

Tactics. The early method of the UCK was to ambush rural police patrols using small arms. Only during 1998 did the UCK attempt a wide-scale offensive that eventually proved no match for Yugoslav/Serbian forces; the inability to hold Oraovac/Rrahovec town in July 1998 clearly demonstrated the failure of the UCK to operate in an urban environment.

A mixture of their cultural heritage and Yugoslav military doctrine influenced the UCK. They appear to have attempted to combine guerrilla war with Yugoslav-inspired trench warfare. The UCK attempted physically to hold villages by means of trenches, which proved futile under a VJ bombardment. The concept of the hit and run guerrilla tactic was only partially applied, although the professional ability and application of one zone varied greatly from that of another. Carefully planned ambushes, even employing the use of a remote-controlled detonation of a mine, were seen in some places; other areas witnessed ad hoc ambushes with a poorly conceived extraction and loss of UCK lives.

In general, until the arrival of Agim Ceku as commander in April 1999, with his vast experience from the war in Croatia, there was only a small core of well-trained UCK personnel with the knowledge to provide leadership and backbone. The vast majority of the rank and file remained villagers with a weapon and with, in the main, only a very rudimentary idea of infantry tactics.

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! Armitia

Weaponry. The UCK used a variety of light arms, but the most common was the AK-47. Most of these came from Albania after that country fell into economic and political chaos in 1997 and army/police warehouses were looted. On the Albanian side of the border in early 1998, an AK-47 could be bought for approximately US\$60. Most were the Chinese variant, although European models were sought after. There was also heavier weaponry, including surface to air missiles, light anti-tank weapons, rocket-propelled grenades and heavy machine guns. The armoury also included sniper rifles, various handguns, anti-tank mines, explosives and detonation cord.

The UCK were always short of weapons and ammunition. Numbers of men were dependent on the quantity of arms available. During the war, it became increasingly difficult to obtain the supplies from Albania. A second route had been tried through Bosnia and although a number of lorries arrived, the Serbian authorities managed to close it down. Weapons could even be acquired through Serbia via Serbs - although the success and quantities are not confirmed.

Communications. The UCK was relatively sophisticated in the area of communications. Most of its communications equipment comprised commercially produced models (as opposed to military models) and included cellular phones, satellite radios and phones and handheld Motorola radios. Some zones were well equipped with computers in order to establish databases and maintain efficient administration.

Security situation December 1998 to mid-March 1999

The fighting in Kosovo in 1998 set a precedent for what was to happen in 1999:

Many villages have been destroyed by shelling and burning following operations conducted by federal and Serbian government forces. There are concerns that the disproportionate use of force and actions of the security forces are designed to terrorise and subjugate the population, a collective punishment to teach them that the price of supporting the Kosovo Albanian paramilitary units is too high and will be even higher in future. The Serbian security forces have demanded the surrender of weapons and have been reported to use terror and violence against civilians to force people to flee their homes or the places where they had sought refuge, under the guise of separating them from fighters of the Kosovo Albanian paramilitary units. The tactics include shelling, detentions and threats to life and finally short-notice demands to leave or face the consequences.¹⁸

Under the cease-fire agreement called for in UN resolution 1199 of 23 September 1998, as subsequently accepted (see Chapter 1), no ground advances or confrontations between the UCK and the Yugoslav/Serbian forces were permitted. This did not prevent a number of reactive operations by the Yugoslav/Serbian forces against UCK infiltration along the Albanian border in December 1998.¹⁹

Further, in December 1998, the UCK occupied and reinforced former VJ trenches overlooking the main supply route in Kosovo from Serbia proper by Podujevo/Podujeve. The Yugoslav/Serbian forces were unsurprisingly not willing to overlook this action, and immediately announced VJ "exercises" starting on 19 December 1998 in the vicinity. By 24 December, the VJ were once again in control of the ground following three days of fighting. The importance of the main supply routes to the Serbs was reiterated by the strengthening of positions straddling the Dulje/Duhel Pass (Suva Reka/Suhareke) on 30 December 1998.

There were frequent small-scale ambushes against MUP forces by the UCK during the first two-and-a-half months of 1999, clearly breaching any conceptions of a cease-fire. Tensions were raised further when eight VJ were held captive by the UCK in the north of Kosovo;

Yugoslav/Serbian troops and equipment were moved into the vicinity. Further reinforced patrolling took place along the strategic Stimlje/Shtime Pass area following the death of three police near Dulje/Duhel (Suva Reka/Suhareke) on 8 January 1999. Fighting subsequently took place in the middle of January around Petrovo/Petrove and Racak/Recak (Stimlje/Shtime).

Tensions in the province were raised from the end of January through to the OSCE-KVM evacuation on 20 March 1999, as a result of a series of bomb and grenade attacks on cafés (both Kosovo Albanian- and Kosovo Serb-owned/frequented) and on streets and markets (see Part V, various municipality entries).

Open hostilities

Following the talks in Rambouillet, France (6-23 February 1999), there was a significant build up of VJ forces throughout Kosovo, leading to the arming of civilians²⁰ and the training of reservists,²¹ the arrival of anti-aircraft weapons, the digging of tank pits²² and the preparation of demolition explosives along key routes in from the south and an increase in military air activity²³. Sightings of "paramilitary" units (with long beards, or hats with a Serbian badge on front, or using civilian vehicles, or other irregularities) were also reported²⁴.

Of consequence were the numbers of VJ "exercises". Priority appears initially to have been given to the strategically important route to the west of Vucitrn that links Kosovska Mitrovica to Pristina by both rail and road and runs parallel to the eastern edge of the UCK-dominated Drenica region. The exercises started south of Kosovska Mitrovica and continued into the Bukos/Bukosh area, starting on 25 February.²⁵

Part of Kacanik/Kacanik municipality suffered the violent attentions of the security forces following what was an alleged kidnapping by the UCK of a Kosovo Albanian local politician at the end of February. Tensions rose until full-scale clashes took place resulting in the burning of villages and the displacement of villagers. The operation was completed by 10 March when verifiers were able to visit Kotlina/Kotline where they found the residents still there (too frightened to move elsewhere) as well as a number of IDPs from nearby hamlets. While Kotlina was largely unaffected by the fighting, the nearby hamlet of Drosec had 10 or 12 houses burned and the hamlet of Ivaja/Ivaje had 28 out of 40 houses burned. Three male bodies identified as those of UCK members were also found.²⁶ Problems arose during the incident when the UCK refused the UNHCR access to IDPs in Kotlina. Although the situation was resolved and an apology issued, there were indications that the UCK was also responsible for creating a number of IDPs and using the villages as front line defences.²⁷

The UCK was also clearly responsible for unco-operative behaviour and escalating tensions in other areas. OSCE-KVM verifiers from the Rastane/Rashtan field office (west of Suva Reka/Suhareke town) reported that the UCK commander refused to meet the OSCE-KVM unless they had "authorization papers". The verifiers informed the UCK that digging defensive positions overlooking the police checkpoint at Rastane was considered by the police as provocative and would result in police taking action unless the UCK desisted.²⁸ The UCK also dug positions west of Suva Reka near Mamusa/Mamushe (Prizren). The commander of the UCK element told the OSCE-KVM that he had been instructed by higher UCK command to build defensive positions.²⁹

On 11 March, the security forces conducted a joint operation against the UCK in Jeskovo/Jeshkove (south-west of Prizren). The VJ deployed in Hoca Zgradska/Hoce e Qytetit, Bilusa/Billushe and Bijac/Bilaq. Approximately eight tanks with armoured personnel carriers, artillery and mortars were used by the VJ. The OSCE-KVM verifiers observed a heavy bombardment of Jeskovo and reported buildings burning. The UCK was reported to have

responded by mounting an attack in the area of Zociste/Zocishte (Orahovac) using mortars and heavy machine guns. The OSCE-KVM Prizren Regional Centre commented that the UCK had infiltrated into Jeskovo, a previously deserted village, approximately one week before. Residents in Hoca Zgradska had informed the OSCE-KVM of their concern at this UCK move. The UCK was made aware by the OSCE-KVM that locals and the security forces both saw their presence in the area as a provocation.³⁰

On 12 March, OSCE-KVM verifiers were invited by the police to visit Jeskovo. The verifiers saw the bodies of seven armed men in black UCK uniforms. All had been killed by small arms fire, according to the police, during the security force operation. The teams were not able to conclude that the UCK members had been killed where they were lying. During the investigation OSCE-KVM verifiers reported seeing approximately 20 to 25 members of the PJP³¹. In such a security force operation, when overrunning an enemy position it is likely that weapons would have been removed out of the victim's arm's reach regardless of whether the victim appeared to be dead or not, and the bodies given initial searches. It is therefore not surprising that bodies appear to have not been found exactly where they were killed and moreover, weapons may well have been placed back close to the bodies in an attempt to project the impression the Yugoslav/Serbian forces felt was needed to be seen by the verifiers.

Verifiers from Pec and Prizren OSCE-KVM Regional Centres reported a large security force operation centred on Svrhe/Sverke and Dus/Dush (Klina/Kline municipality) on 14 March. The operation included the use of tanks, mortars and a special combat police unit. The OSCE-KVM teams reported a heavy exchange of fire during the morning. Verifiers gained access to the villages in the afternoon and described heavy damage in Svrhe. Four bodies were observed in Dus that appeared to be those of UCK members.³²

Again south of Kosovska Mitrovica, approximately 50 VJ soldiers supported by four tanks and two anti-aircraft artillery vehicles attacked Vrbnica/Vernice on or around 15 March. Artillery impacts were observed near Balince/Balince (Vuçitrm/Vushtrri municipality) and four houses were seen burning. Approximately 30 rounds of artillery hit the area of Glavotina/Gllavotin and Bivoljak/Bivolak. Bradas/Bradash (Podujevo) was seen to be shelled on three separate occasions on this date and local sources stated that one person was killed and two wounded.³³

In the south of Kosovo, Korbulic/Korbuliq (Kacanik) was found by OSCE-KVM verifiers to be nearly deserted, the four remaining residents who were about to depart claimed that the VJ had told them to leave on 15 March. Although this could not be confirmed, observers noted that the school had been vandalized, houses looted and some set on fire.³⁴

The official Yugoslav news agency Tanjug reported that the Yugoslav Army had extended by 30 days the military service of soldiers currently due to be demobilized. The soldiers were to form part of the Army reserve forces. The measure was said to be a result of "threats of military intervention".³⁵

On 17 March 1999 the OSCE-KVM Prizren Regional Centre reported a rise in tension with the start of a combined VJ and police operation against Korisa/Korishe and Kabas/Kabash (north-east of Prizren). The operation appeared directed at a unit of perhaps 20 UCK troops who were reported to have moved into Kabas a month earlier. Verifiers observed VJ and special combat police supported by tanks and anti-aircraft artillery.

The VJ became more obstructive towards the OSCE-KVM, denying it access to the VJ position at Dulje, one of the three authorized Combat Team locations as agreed in the 25 October Agreement. It was the second time access had been denied, when in the past they had been co-operative.

In effect, Yugoslav preparations for a confrontation with NATO and operations with the aim of defeating the UCK through piecemeal operations were well underway³⁶

Military operations 20 March - 10 June 1999

As noted in Chapter 1, the OSCE-KVM withdrew from Kosovo on 20 March 1999 when it became apparent that the security environment was no longer conducive to fulfilling the mission mandate. From 24 March through to 10 June, NATO launched an air and missile campaign against Yugoslavia, including the targeting of the Yugoslav/Serbian military and security apparatus in Kosovo.

By March 1999, the Yugoslav military/security forces were coping with two tasks: defeating the UCK and preparing for an attack by NATO. The effect was to require the border areas to be secured, as seen with the VJ building up positions south of Gnjilane/Gjilan and entering villages in what otherwise had been described as a "quiet district"³⁷ However, more resources and attention went to the west of Kosovo and the border with Albania. Here existed not only a possible route for NATO to enter, but an area where the UCK was particularly active, with "safe havens" and supplies in Albania. Further, these supplies would be in a position to reach other UCK zones further into Kosovo if the military/security forces were not able to dominate the ground in the area.

The Yugoslav/Serbian forces initially concentrated on securing the lines of communication - a task that had always been a priority and, as described, had already been started. Those villages lying along strategic routes (for example the road north from Pristina to Podujevo) were immediately shelled and cleared. The villages lying at important crossroads were also targeted, notably Studencane/Studencan (Suva Reka/Suhareke) (prior to the OSCE-KVM withdrawal) and Komorane/Komaran (Glogovac/Glllogoc).

The security forces also extended their push on Drenica and the areas in the west of Kosovo, particularly around Orahovac and Djakovica. While combating the UCK in the hills and villages, the security forces later attempted to deny the UCK their base of support including non-military supplies. In effect, this meant the forced displacement of Kosovo Albanians from villages in known UCK areas and the pursuit of IDPs in the hills, particularly the targeting of men of fighting age. Operations in the east consisted of establishing and building up VJ defences, starting from the border and moving further into Kosovo.

By late April, it was believed that the Yugoslav military and police in Kosovo numbered at least 40,000, with assistance from elements of the Yugoslav Second Army based in Montenegro.

In attacks on rural communities, VJ forces were accused of firing shells, usually early in the morning, while what were often been described in refugee statements as a mixture of "police, paramilitaries, VJ and armed civilians" surrounded the village. Following a brief shelling, the surrounding units entered. This was evidence of the Yugoslav/Serbian forces carrying out a classic "horse shoe" move by surrounding the village on three sides. The artillery fire provided by the VJ initially shocked a village, possibly flushing out UCK members into the waiting forces outside. Militia, special police units and/or paramilitaries would then move into the village, assisted by armed civilians who often acted as local guides. A checkpoint was often established on the only open side of the village. Those IDPs who left in the direction of the checkpoint (away from the advancing forces) were subsequently robbed of any money and gold they were able to take with them. These checkpoints were also used to verify identification papers and again search for UCK members or active supporters.

On occasion, the statements given by the refugees refer to the sudden shelling of a village where

STUDENCANE
was in the
the village
Suva
April 16!

the UCK was not present. In a number of cases, it appears that reprisals were carried out in retaliation for a UCK success or a NATO air strike.

In most cases, inhabitants were given a short period (five minutes, 30 minutes or by a specified hour) to be out of their homes. This would have limited the possibility that those departing would have had time to take valuables with them or bury them. Paramilitaries were therefore able to move into relatively untouched homes. Inhabitants were questioned for weapons or about particular persons or were simply ordered to hand over valuables. In many cases, it was reported that the homes of rich people were targeted. At the end of February and beginning of March, lists are believed to have been drawn up in Belgrade with the assistance of Kosovo town halls. The lists gave details of rich Kosovar Albanians and were given to certain paramilitary groups responsible for transporting the goods back to Serbia. Some units had lists of people to be "arrested"³⁸

As noted above, rumours were often spread concerning the impending arrival of a unit to a location.³⁹ It would have been from these rumours that many refugees claim that "Arkan's Tigers" were coming to a village.

Men were routinely separated from women and children. This was done in order to identify possible members of the UCK. In some cases, it appears that orders were given simply to shoot the men.⁴⁰ (See other chapters in this report for common patterns of events in such situations, for example Chapter 5, Violation of the right to life; Chapter 9, Arbitrary Arrest and detention; Chapter 14, Forced displacement; Chapter 15, Young men of military age.)

Weapons caches. A number of reports relate to the caching of weapons in mosques, hospitals and basements. Yugoslav/Serbian military equipment and ammunition was distributed from military compounds to locations less likely to be targeted by NATO. Armoured vehicles were placed amongst houses (in some cases they were driven right inside houses) and security forces were billeted in Kosovo Albanian homes. One interviewee describes seeing how on 21 April the VJ had hidden APCs and tanks in the yards of Kosovo Albanian houses in the village of Dragacina/Dragaqine (Suva Reka) and covered them with the corn harvest. Tanks and weapons were also hidden behind houses in a nearby village.⁴¹ In Pristina city, VJ and MUP moved around in civilian vehicles, while the hospital was described as being used as a store for ammunition.

Notes

¹ OSCE-MiK interview with Serb authorities in Gajilane, August 1999.

² An agreement concluded by Gen. Wesley Clark, NATO Supreme Allied Commander in Europe, and Gen. Klaus Naumann, Chairman of the NATO Military Committee, with FRY President Slobodan Milosevic to restrict FRY military deployments.

³ ACV - Armoured Combat Vehicle; APC - Armoured Personnel Carrier; AIFV - Armoured Infantry Fighting Vehicle.

⁴ OSCE-KVM internal memo, "Kosovo Border issues", 13 February 1999.

⁵ OSCE-KVM Daily Report 4 March 1999.

⁶ Interview with former UCK Commander, 11 October 1999. Also M/0922; M/1722; M/1777.

⁷ For example OSCE-KVM, RC3, "Internal Spot Report", 8 January 1999.

⁸ OSCE-KVM RC 4, "Minutes on Meeting with VJ", 5 February 1999.

⁹ Information in this section derives from research under the auspices of the OSCE/ODIHR, and international media sources, notably *NRC Handelsblad* (Petra de Koning).

- ¹⁰ Anthony H. Cordesman, *Air and Missile Campaign in Kosovo*, 3 August 1999.
- ¹¹ Zeljko Raznjatovic has been indicted by the International Criminal Tribunal for the former Yugoslavia in connection with the 1992-95 conflict in Bosnia-Herzegovina. He is also wanted by Interpol.
- ¹² A/0806; M/0884; M/1267.
- ¹³ M/0962; M/1163; M/1164; M/1174; M/1214; M/1215; M/1373; M1447; M/1528; M/1641; M/1771; M/1815.
- ¹⁴ A Pinzgauer is a small, Austrian-made armoured personnel carrier.
- ¹⁵ According to FAS Intelligence Resource Program, see www.fas.org/irp/world/serbia/sdb.htm as accessed on 23 October 1999.
- ¹⁶ There is lack of clarity over the precise date of the emergence of the UCK. The UCK itself claims that it came into being in 1996, but it did not make an appearance publicly until early 1998.
- ¹⁷ For example, OSCE-KVM, "Spot Assessment", 9 March 99, "Internal Memo", 9 March 1999.
- ¹⁸ United Nations, *Report to the Secretary-General prepared pursuant to resolutions 1160 (1998) and 1199 (1998) of the Security Council*, 3 October 1998, para 7.
- ¹⁹ OSCE-KVM, "Daily Reports", 14 December 1998, 11 and 27 January 1999.
- ²⁰ OSCE-KVM, "Daily Reports", 15 and 16 March 1999.
- ²¹ OSCE-KVM, "Daily Report", 17 March 1999.
- ²² OSCE-KVM, "Report [Blue Book]", 16 March 1999.
- ²³ OSCE-KVM, "Daily Report", 4 March 1999.
- ²⁴ OSCE-KVM, "Report [Blue Book]", 8 March - 18 March 1999.
- ²⁵ OSCE-KVM, "Daily Report", 2 March 1999.
- ²⁶ OSCE-KVM, "Daily Report 10 March 1999.
- ²⁷ OSCE-KVM Human Rights Urosevac, "Chronological events concerning Kacanik situation", 11 March 1999.
- ²⁸ OSCE-KVM, "Daily Report", 8 March 1999.
- ²⁹ OSCE-KVM, "Daily Report", 12 March 1999.
- ³⁰ OSCE-KVM, "Daily Report", 11 March 1999.
- ³¹ OSCE-KVM, "Daily Report", 12 March 1999.
- ³² OSCE-KVM, "Daily Report", 14 March 1999.
- ³³ OSCE-KVM, "Report [Blue Book]", 15 March 1999.
- ³⁴ OSCE-KVM, "Daily Report", 17 March 1999.
- ³⁵ OSCE-KVM, "Report [Blue Book]", 15 March 1999.
- ³⁶ OSCE-KVM, "Report [Blue Book]", 17 March 1999.
- ³⁷ OSCE-KVM, RC 4, "Liaison office report" (MUP, 19 January 1999 / 22 January 1999) (VI, 5 February 1999).
- ³⁸ James Dorsey, *Wall Street Journal Europe*; Petra de Koning, *NRC Handelsblad*, Rotterdam; Bernhard Odehnal, *Format*, Vienna.

39 Ibid.

40 Ibid.

41 A/1124.

[Contents](#)
KOSOVO / KOSOVA As Seen, As Told

[Previous](#)

[Next](#)
OSCE ODIHR



KOSOVO / KOSOVA As Seen, As Told

PART III : The violation of human rights in Kosovo (Chapter 4)

[Contents](#)
[Previous](#)
[Next](#)

INTRODUCTION: THE VIOLATION OF HUMAN RIGHTS IN KOSOVO

The violation of human rights was both cause and consequence of the conflict in Kosovo.

Respect for human rights and fundamental freedoms, democracy and the rule of law as an essential component of security is a guiding principle of the OSCE. It was a principle flouted by the Yugoslav authorities. A consistent pattern of human rights violations in Kosovo led eventually to a breakdown in security. This in turn produced a human rights and humanitarian catastrophe, with violations on a massive scale.

The chapters in this part of the report do not reach back across the past decade of human rights violations that produced the 1998-99 crisis, but are organized to present a thematic analysis of the human rights and humanitarian law violations in Kosovo as they were monitored and recorded by the OSCE-KVM. The range of themes covered is indicative of how extensive was Kosovo's human rights crisis within the time period of October 1998 to 9 June 1999, albeit many of the issues covered had been of growing concern for years.

The treatment of each theme here gives an indication of its relative prevalence in the two phases of the OSCE-KVM reporting period. There were clear indications of both continuity and change in patterns of violations.

In the standardized approach adopted by the OSCE-KVM human rights department to documenting and investigating human rights violations, some 30 categories of possible human rights violations had been identified. These included both civil and political rights as well as economic, social and cultural rights. Priority was given to complaints received from direct witnesses reporting human rights and humanitarian law violations; likewise, the assessment of information from refugees interviewed in Albania and the former Yugoslav Republic of Macedonia gave priority to first-hand accounts.



Burial ground, Likosane/Likoshan, for the bodies of 83 people found nearby [\[zoom\]](#)

From within the data gathered by the OSCE-KVM, the themes to be presented for analysis here were in essence self-selecting, as the sheer volume of information collected by the Human Rights Division regarding certain human rights and humanitarian law violations significantly exceeded others. The gravity of certain violations, and their discernible impact on Kosovo communities and society, were also taken into account.

Although the range of themes covered is indicative of the extent of Kosovo's human rights crisis, it is by no means an exhaustive list of the types of human rights and humanitarian law violations which took place in the period covered by this report.

Contents
KOSOVO / KOSOVA As Seen, As Told

Previous

Next
OSCE ODIHR



OSCE

KOSOVO / KOSOVA As Seen, As Told

PART III : The violation of human rights in Kosovo (Chapter 5)

[Contents](#)[Previous](#)[Next](#)

VIOLATION OF THE RIGHT TO LIFE

During the deployment of the OSCE-KVM the internal conflict in Kosovo between the Serbian security forces and the UCK was ongoing and thus both parties to the conflict were under obligations of applicable international humanitarian law. Article 3 common to the four Geneva Conventions prohibits "violence to life and person" carried out against civilians and others "taking no active part in hostilities". Protocol II additional to the four Geneva Conventions provides further protection to civilians in certain situations of internal armed conflict, prohibiting direct attacks on civilians and acts or threats of violence aimed at terrorizing the civilian population. The provisions of Common Article 3 and Additional Protocol II are binding on all parties to an internal armed conflict. The FRY authorities have additional obligations under international human rights law to prevent and punish extrajudicial killings by state forces or agents acting with their consent or acquiescence. These killings violate the right to life enshrined in Article 6 of the International Covenant on Civil and Political Rights (ICCPR).

There are also relevant prohibitions in the criminal law of the FRY.

Violations of the right to life feature extensively in this report, from numerous single arbitrary killings to mass killings involving scores of victims. Particularly in the period after 24 March 1999, communities in Kosovo were subjected to a state of lawlessness precisely at the hands of those authorities charged with the maintenance of security and law and order, and those authorities demonstrated a sweeping disregard for human life and dignity. The loss of life of large numbers of Kosovo Albanian civilians was one of the most characteristic features of the conflict after 24 March and accounts for a very high number of reports and witness statements received by the OSCE-KVM.

This chapter is intended to give an overview of the phenomenon of summary and arbitrary killing in both phases of the OSCE-KVM's deployment, illustrative examples, and a description of common patterns.¹

The situation during the OSCE-KVM deployment in Kosovo

The summary or arbitrary killing of unarmed civilians was a much reported occurrence when the OSCE-KVM was deployed in Kosovo. There were killings by the Serbian security forces of Kosovo Albanians, and killings by the UCK of Serbs as well as of Kosovo Albanians who were believed to be "collaborators" or sympathizers with the Serbian authorities.

The mass killing at Racak/Recak (Stimlje/Shtime municipality) on 15 January 1999 was an event both definitive in terms of establishing international recognition that human rights violations were at the core of the Kosovo conflict, and (together with two other incidents later that month in Djakovica/Gjakova municipality, at Rogovo/Rogove and Rakovina/Rakovine) indicative of what was to follow in the period from late March. The more frequent occurrence in the period of the OSCE-KVM's presence in Kosovo was, however, killings on an individual basis.

The phenomenon of unattributed killings

The OSCE-KVM dealt with many cases which appeared linked to the security crisis, which appeared to follow a given pattern, but which could not be attributed firmly to one party or the other. The effect of these very frequent incidents was to heighten fears and tensions in both the Kosovo Albanian and Serb communities². Regularly in such cases a victim would be abducted then killed usually within a very short period of time.

The situation in the town of Pec/Peja is illustrative. Eleven suspicious [and unresolved] deaths of local Kosovo Albanian men occurred between 1 and 31 January 1999, all within a short distance from Pec and all shot in the head at close range. The police were quick to conclude that they were "loyal Albanians" and therefore the likely suspects were the UCK. The term "loyal Albanian" was a common term often used by the police for many of the killings they investigated where the victim was a Kosovo Albanian. The term was used to indicate that the UCK had killed the person because of the victim's real or supposed loyalty to Serbia. Local Kosovo Albanians, however, feared that there were extreme Serbian nationalist group(s) at work. These killings quickly led to fear in both the Kosovo Albanian and Serb communities of Pec, who were afraid to go out at night. Some of the dead were professional people and there was an increasing fear amongst the professional and educated Kosovo Albanians that they would be targeted.

Killings of Kosovo Albanians by Serbian forces

At Racak on 15 January, 45 Kosovo Albanians were killed. Events at Racak and facts as verified by the OSCE-KVM indicated evidence of arbitrary detentions, extra-judicial killings and the mutilation of unarmed civilians by the security forces of the FRY. The OSCE-KVM team, upon investigation on 16 January, found 40 bodies in different locations (five others had already been removed for burial by relatives). All had been shot. Some of the dead showed signs of having been killed arbitrarily at close range, including 20 men who were reportedly arrested the day before; others appeared to have been shot whilst running away. Some of the bodies had been decapitated. Among the dead were a woman and a 12-year-old child. Accounts of surviving residents said they recognized some of the policemen who took part in the actions as being from Stimlje/Shtime town. They also claimed that they recognized some of the assailants as being Serb civilians from Stimlje dressed in police uniforms. At a meeting in February the OSCE-KVM noted that a police commander in Urosevac/Ferizaj attributed the Racak killings on 15 January 1999 to the abduction of a Serb police man from Stimlje in early December 1998. He maintained that the tension in Racak had built up and that the colleagues of this policeman had reacted in such a furious way because of the abduction. (The mass killing at Racak, and the chain of events leading up to it, are described in more detail in Part V, under Stimlje municipality.)

On 14 March five Kosovo Albanian males from the village Hoca Zagradaska/Hoca e Qytetit in Prizren municipality were cutting wood when they encountered five Serbian policemen. One man who was able to escape but was too frightened and in fear for his life to take the OSCE-KVM to the scene of the incident gave details as follows. The five men left the village of Grejkovce/Grejkoc (Suva Reka/Suhareke) at 07:00 hours on 14 March to cut wood. At approximately 14:30 hours on their way home five policemen shot at them. One man was shot in the face and as the group took cover the injured man was arrested. The policemen ran after the others and killed two of them; another man pretended to be dead and later escaped. He did not know the fate of the fourth man or of the man who was arrested. When an older man from the village took the OSCE-KVM team to the scene of the incident they found the bodies of the four victims and shell casings from an automatic rifle lying near the bodies. A small back-pack containing bread and meat and two axes for cutting wood were also found nearby.

Suspicious deaths in custody. Suspicious deaths of persons in police custody, as a result of torture

and ill-treatment, were an established phenomenon before the time of the OSCE-KVM deployment (see the references to this in Chapter 6, Torture and ill-treatment and Chapter 10, Violation of the right to a fair trial), but the OSCE-KVM during its deployment inside Kosovo dealt with fewer cases where suspicious deaths appeared to have occurred in police custody, than with killings that could not be attributed.

One particular case where a detainee died while presumably in police custody occurred on 8 March 1999 when a 20-year-old Kosovo Albanian man was driving to the Suncani Breg/Bregu i Diellit district of Pristina/Prishtina. At a traffic light police stopped the car, dragged the man out and drove him to Police Station No. 92 (for which see also Part V, entry for Pristina/Prishtina city). The police informed the relatives that their son would be released within the next few hours. The father of the detainee reportedly spent the whole night in front of the police station and waited the next day until 15:00 hours. He was later informed that the dead body of his son had been found with 33 bullet wounds near the bridge in Donje Dobrevu/Miradi e Ulet (Kosovo Polje/Fushe Kosove). Another man saw the victim's car on 9 March around 15:00 hours full of bullet holes near the Police Station No. 92. The OSCE-KVM examined the dead body on 10 March, but the circumstances of the death remained unclear. The information available, however, suggests that the police executed him extra-judicially.

UCK killings of Serb civilians or of suspected Albanian "collaborators"

The examples given below are illustrative of the general patterns in evidence in killings perpetrated by the UCK, and are not exhaustive.

In Bukos/Bukosh (a mixed village 4 km west of Vucitrn/Vushtrri town) in February 1999 two Kosovo Serb residents were abducted by the UCK, as notified to the OSCE-KVM by police. After the abduction the hostages were allegedly taken back to their homes by eight members of the UCK. One of the hostages was made to call for his father, who went to meet with the UCK and took his oldest son with him. During the meeting the two detainees made an attempt to escape. The two hostages were wounded and the oldest brother was killed. In a meeting with the UCK zone commander, OSCE-KVM verifiers were told that the abductions were carried out by "uncontrolled elements" in the Vucitrn area. (See Part V, entry for Vucitrn/Vushtrri municipality, for further details and citations)

11.02.99
Stalage
700.0
on
Vucitrn
No. 92
"They
claim"

In another incident in February the UCK admitted to the abduction of two Serb civilians and the killing of one of them. The two men were abducted while cutting wood in the village of Velika Hoca/Hoce e Madhe (Orahovac/Rahovec). When the men were finally handed over by the UCK one of the men was dead and the other was wounded after having been severely beaten.

The UCK were also the suspected perpetrators in the death of two Kosovo Albanians in February. The wife of one of the victims claimed that her husband was abducted by two gunmen at 01:00 on 3 February 1999. They came to the house, put a bag over his head and took him away. She saw their vehicle leaving the street. She reported that several weeks previously her family gave refuge to a friend. He had told her family that he had been arrested previously by the UCK for "collaboration" with the police but was later released. In a follow up investigation by the OSCE-KVM team, neighbours confirmed that this man had had serious troubles with the UCK. On 18 February the bodies of both men were found together in the vicinity of Troje (Orahovac). The two men had apparently been beaten to death and their bodies showed traces of severe torture. It was believed that they were killed by the UCK for "collaborating" with the police.

After 20 March 1999 - Killings of Kosovo Albanians by Yugoslav/Serbian forces

All of the data available to the OSCE-KVM for this part of the reporting period concerns the killing of Kosovo Albanians by Yugoslav and Serbian forces and those acting in concert with them

(with the exception of the issue of civilians killed during the NATO bombing, which is addressed at the end of this chapter). **There is no information about whether the UCK was targeting civilian non-combatants at this time.**

How was the info? Not reliable!

The level of incidents of summary and arbitrary killing escalated dramatically immediately after the OSCE-KVM withdrew on 20 March. For example, on 20 March VJ and police went to the village of Tmava/Ternave (Podujevo/Podujeve) and started shelling and shooting in the village. While people were fleeing a tractor was hit with grenades thrown by VJ troops. As a result two boys aged seven and eight were killed and four others were wounded. Another hand grenade killed two others and wounded seven people. In a separate account from Podujevo municipality on the same day, a Kosovo Albanian man recounted: "On the Saturday before the start of NATO bombing [20 March] at 15:30-16:00 hours I was at my uncle's house in Podujevo [town]. I saw four people - three men and one woman - lined up and killed. They were shot in the forehead. Fifteen to twenty policemen were present at the time."

Kotlina/Kotline, an area 6 km south-west of Kacanik/Kacanik town, was attacked on the morning of 24 March. Many statements gathered from villagers from this area attest to the mass killing of 22 men that occurred during this attack. Statements vary somewhat as to the chain of events that led to the death of these men. Follow-up investigation has been undertaken by the OSCE-KVM, the findings of which mostly corroborate the killing.

The village was first shelled by artillery, then VJ infantry dressed in various uniforms came to the village with tanks and Pragas. Approximately 500 women and children were sent away by truck to Kacanik. Twenty-two men were captured. The group of men was led up the side of the mountain into a wooded area. The men were heavily beaten, after which shots were heard, followed some time later by the sound of explosions. Six of the men were found in a well approximately five metres deep, and 16 bodies were found in a larger well approximately seven metres deep. The International Criminal Tribunal for the former Yugoslavia confirmed evidence of the 22 bodies found in the two wells. In the follow up investigation by the OSCE/ODIHR (in connection with the writing of this report) it was disclosed by a villager that, of the group of 22 men who were killed arbitrarily, **11 were apparently unarmed UCK soldiers in civilian clothes.** The ages of the 22 men ranged from 17 to 47 years. Three other bodies were also found in the village. Two of the men had gunshot wounds in the neck. A third man had been shot in the right arm and his right leg was severed. Two of these men were 55 years old and one was 70 years old. (For more details and citations see Part V, entry for Kacanik municipality.)

Further escalation after 24 March 1999. Summary and arbitrary killing became a generalized phenomenon throughout Kosovo with the beginning of the NATO air campaign against the FR Yugoslavia on the night of 24-25 March.

Up to that point, the attentions of the Yugoslav and Serbian military and security forces had been generally directed towards communities in Kosovo in areas that were on UCK transit routes or where there were UCK bases. In some of these areas the conflict was ongoing through 1998 and 1999. After 24 March however the general pattern changed and included areas that had previously been relatively quiet. Although the UCK may have been present in or around many areas where large numbers of killings occurred, the background security situation is frequently not clear from the statements of refugees. Moreover, the killings as recounted by refugees appear overwhelmingly to have occurred in circumstances which clearly violated international humanitarian law. Large numbers of civilian non-combatants were deliberately targeted and killed solely because of their ethnicity.

The areas that were under the influence of the UCK or of strategic importance were among the first to be targeted simultaneously on 24 March, and continued to be targeted for some time

thereafter. Many of these areas witnessed a high level of mass killing of men with utmost brutality, in comparison to the towns where individual as opposed to mass killings were more prevalent. In the village areas one of the most common patterns was that, as groups of people were fleeing, men were rounded up, separated from women and children (who were sent away), and then were killed arbitrarily.

In the many accounts gathered the majority of killings as described were carried out by a mixture of VJ forces, police and paramilitaries, sometimes with the co-operation of armed Serbian civilians. It is difficult to determine, however, how co-ordinated these groups were. Many interviewees also mentioned "Arkan's" groups and "White Eagles" as well as other named paramilitary groups as being present (see Chapter 3, The military/security context, for further details). The individual names and/or official functions of perpetrators were also mentioned in many statements.

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Examples given here are but a few and only give a general outline of the pattern of events in which many people lost their lives. No-one, it seems, was immune, as people of all ages, including women and children, were killed in large numbers. Many people witnessed the killing of family members or neighbours.

Witnessing a killing or even seeing dead bodies is traumatic. Instilling fear and terror in people appears to have been the intended effect of at least some of the many killings carried out in public places, with bodies left in the open for all to see. One result was that many people, upon seeing such killings or their aftermath, left out of fear before they were forcibly expelled.

In Podujevo on 24 March one interviewee's brother and cousin were stopped on the street and shot by police reservists. On 25 March in the same area masked VJ and police officers entered the town in tanks, Pragas and other vehicles. They expelled Kosovo Albanians, while firing their weapons at the same time and killing many people. One man said he saw 36 bodies afterwards. On 28 March in the same area a 15-year-old boy had a heart attack after watching the killing of a man in what was described by an interviewee as a "drive-by killing". At the time the town was surrounded by VJ, police, paramilitaries and local Serbs, and the perpetrators of the killing were described as being four people in a black four-wheel drive vehicle.

On 3 April one interviewee witnessed the killing of seven people near the cemetery in the Dragodan/Dragodan area of Pristina. The perpetrators were five masked men in green camouflage uniforms. They first robbed a group of IDPs and then opened fire on the crowd. On 30 April VJ forces and paramilitaries shot at a crowd of people and killed a small boy.

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In numerous cases in the process of forced expulsion, large numbers of Kosovo Albanian men were gathered together in one area and killed arbitrarily. Although they were certainly a particular target of the Yugoslav and Serbian forces (see Chapter 15, Young men of fighting age), it was not exclusively young "fighting age" men who were singled out and killed. In one particular mass summary and arbitrary killing of 55 unarmed men in the village of Bela Crkva/Bellacerke (Orahovac/Rahovec) at least eight of the victims were over 60 years old and two were 70 or over, while a young boy of 13 was also in the list of the dead. In that particular incident, which occurred on 25 March, Serbian forces had surrounded the village and began shelling the 850 homes and burning the houses. A group of people including women and children fled towards the Beli Drim/Drini i Bardh river. The UCK were in the area and advised the group to move on as paramilitaries were advancing. The group of people fled in different directions and in the process a number of men who were running along the railway line were shot and killed, according to a 65-year-old man who was hiding nearby. As groups of fleeing people were caught and brought together the men were separated from the women and children, who were then ordered to leave. Numerous accounts were given, one man who survived describing the following: The men were

ordered to give up their weapons but they had no weapons. Twenty men were stripped and searched by the Serbian forces who it was stated were looking for evidence of the UCK but there was none. The 55 men who had been collected together were again forced to strip to the waist and stand with their hands behind their heads while they were searched. In the course of the search a bullet was found in the pocket of a 13-year-old boy who was amongst the group of men. It was explained that the boy had picked up the bullet on the road. The police asked who supported the boy's statement and his uncle stepped forward. The uncle was then taken to one side by one of the policemen and shot. The men were then told to dress and face the water and ordered to walk into the river with their backs to the police. They were shoulder to shoulder. One of the men in the group heard an order given in Serbian to shoot. He was one of the first into the water, which was up to his neck. As the police opened fire, men fell all around him. One man was injured and crying for help. Police came over and fired again and killed him. The man who survived the massacre remained in the water for one more hour and became so cold that he had to leave the water. Another man who hid in the river for seven hours with 15 others, said that "the river ran red with blood".

In the process of rounding up and expelling Kosovo Albanian residents, Suva Reka/Suhareke town experienced many large-scale killings. The most compelling statement from one of these events was given by the wife of the owner of the OSCE-KVM building, the only survivor of the killing by Serbian forces and civilians of her extended family, including many young children - one only two years old.

On 25 March, police questioned her husband regarding the OSCE-KVM and why OSCE-KVM personnel had been allowed to live in his house, and then proceeded to beat him unconscious. Around midday on 26 March the police again called at the house where the witness was staying. A policeman whom she knew called her brother-in-law's son outside and shot him dead. The police "screamed" at them and when the families ran outside they found their house "under siege" from police, and Serb and "Gypsy" (*Maxhupit*) civilians. She witnessed as some of her family were shot dead immediately. She and others were chased to another location, apprehended and pushed into a café. The police shot every person in the room of the café with machine guns and rifles. The witness had her four children, two girls aged 16 and 14 and two sons aged 10 and 2 years old, gathered around her. They were all killed. She was trying to protect her two-year-old son with her legs. She was also hit in the abdomen with a bullet that passed through her elder son. She urged him to pretend he was dead. As they took the bodies outside they saw that her eldest son was still breathing and shot him again. She heard him cry out. At least 12 children under 17 were killed and 10 adults including a pregnant woman. The witness pretended to be dead as the police removed all valuables from their bodies. She saw them cutting off fingers from dead bodies to remove rings. She was placed in a truck on top of other bodies including the children. During the journey towards Prizren she jumped from the truck and was found by people who took her to UCK-held territory where her wounds were treated (this incident is also covered, including with citations, in Part V, entry for Suva Reka/Suhareke municipality).

In the Kacanik area a number of people died in a spate of separate killings that occurred on 28 March. A pharmacist, aged 30-35, was shot in his yard when he attempted to escape. Seven police and one Serbian civilian were described as being involved in this incident. Four policemen shot another man in front of a grocery store. Two police wearing regular blue uniforms shot a 70-year-old man. They first took his ID card from him, threw it into a river, ordered him to retrieve it and then shot him.

On 1 April a man from Jablanicka in Pristina stated that a neighbour was killed instantly by a burst of gunfire while trying to escape approaching masked paramilitaries and police officers. The same man subsequently witnessed a friend of his being shot dead when a single shot was fired by a

masked paramilitary, while the man was trying to assist a religious leader who was wounded in the street.

Sometime between late March and mid-April a group of people was surrounded in the forest between Ljubizda Has/Hasi i Lubizhde (Orahovac) and Djonaj/Gjonaj (Prizren). The group, who stated that they were all civilians, was then questioned about the UCK. Men between the ages of 15 and 60 were separated from the main group and between 10 and 16 of them were placed in a line. One of the VJ soldiers placed his weapon on a tripod and positioned himself in front of the men. Another soldier pleaded with him not to shoot and sat down and started to cry, but the first soldier proceeded to open fire and shot at the men while their families were forced to look on. At least eight of the men died while others escaped with injuries. Police then forced villagers to hide the bodies in various places.

A number of killings occurred on 17 or 18 April in the village of Ade/Hade (Obilic/Obiliq municipality) when approximately 14 police, VJ soldiers and paramilitaries arrived. They shelled the village, burned houses and carried out a series of killings of members of the same extended family in which five men died. All five victims are widely named in statements. One man was shot as he came out of the house with a white cloth to "surrender". He died some hours later of his wounds from lack of medical assistance. One police officer and one VJ soldier, both armed with AK-47s, then went to the house of that man's brother and separated women and children (whom they sent away) from four men aged approximately 27 and 78 years old, some of whom they burned alive in the stable. When members of the family and other villagers returned a few days later they found two bodies (variously described as tied with cables and without legs) under the carcass of a cow. Another body was found shot in the yard; the fourth was not found.

One man recounted that in Grastica/Grashtice (Pristina) on 18 April: "There were four paramilitaries, three of them were wearing black nylon [mask]s over their heads. They separated five young males who were all under 30 years old. Two of the paramilitaries wearing masks executed them by the side of the road. I was three metres from the scene and could hear the man who gave orders say: 'Shoot them, kill them, do not let them go alive'."

Reports also attest to attacks on civilians travelling in convoys. In one particular incident a convoy of Kosovo Albanian IDPs was caught between the villages of Gornja Sudimlja/Studime e Eperme and Donja Sudimlja/Studime e Poshtem, respectively 5 and 2 km east of Vucitrn town. One man who was near the front described it as being led by Kosovo Albanian political leaders from the area who were carrying a white flag. According to the interviewee, they stopped to rest at approximately 20:00 hours. News arrived from the back of the convoy that villages behind were being burnt and people killed, and that the convoy should move on. As the convoy moved on Serbian forces arrived at the front of the column and told them to keep moving to the asphalt road further along. When they reached VJ positions further down the road they were initially met with anger, as it was late at night and movement was restricted during this time. The VJ troops were also surprised to hear that it was Serbian forces that had ordered the convoy to keep moving. The troops then indicated that the convoy should move on and threatened to kill the passengers of any tractor that veered out of line. The convoy moved on and finally stopped in a field at 01:00 hours. The head of the convoy was already in Donje Sudimlje while the rear was still in Gornje Sudimlje (i.e. approximately 3km away). Serbian forces started shelling and shooting in Gornje Sudimlje, and the IDPs in the convoy lay down on the road in order not to be hit. As the convoy moved on again at about 22:00 hours VJ forces, police and paramilitaries surrounded it on both sides. Men were pulled off their tractors, shot and killed. Some reported that between 90 and 160 people were killed this way on the night of 2 May. One woman recounted that as she walked past abandoned tractors she passed approximately 40 bodies. (For full description of events and citations see Part V, entry for Vucitrn/Vushtri municipality. See also below for reference to

investigative follow-up to the killings.)

Indiscriminate attacks on Kosovo Albanian civilians

Indiscriminate attacks on populated areas, sporadic prior to 24 March 1999, became a widespread occurrence after that date. For many civilians there was no chance to escape and many were killed due to indiscriminate shelling or grenade attacks by Serbian forces.

Shelling and grenade attacks. In Gornja Dubnica/Dumnica e Eperme (Podujevo/Podujeve municipality) between 29 March and 11 April one woman recounted: "Serbian forces were continuously shelling toward the village, but there was no way out. Six people were killed by grenades, among them were three children."

One man recounted an incident in the Vucitrn area on 28 March:

After the NATO bombing [started] VJ, police and paramilitaries wearing different uniforms, [their] faces coloured in red, blue, black, green, and wearing bullet-proof vests started the action in my village. Fifty people including myself heard an explosion in my house. My father went home to check what happened, and he found my brother's dead body. We discovered that the cause of the explosion was a grenade or mortar. Armed Serbs had been firing mortars and grenades into the town from the Lllamarina area 7km from our home.

Indiscriminate arms fire. A man recounted an incident that occurred in the second half of April in Kolic/Koliq (Pristina) that led to many deaths of civilians:

On 22 April a UCK soldier, at 08:20 hours, told us to leave immediately because Serbs were about to enter the area. We immediately left for Kolic and came under grenade attack. We had not realized we were surrounded by Serb forces. We tried to find a way to escape from a cordon but were unable [to] because they had set a circle of fire enclosing us. We continued to walk and arrived at a field in Kolic and stopped. As soon as we did the Serbs opened fire with automatic weapons killing 20 or 21 people. It was about 16:30 hours. I witnessed 20 or 21 of these deaths, [of] women, children and old people as well as men. We had to flee. We went towards UCK positions near Kolic. Later UCK members recovered the bodies. We were in the mountains. After the UCK returned I was informed that 56 people had been killed in that field. This, however, was a mistake as there had been two fields in which people were killed. Twenty-one in one field and 56 in the second field: 77 in total. The Serb offensive stopped at this stage.

Aerial bombardment. Nogavac/Nagafo village (Orahovac municipality) came under heavy attack by Yugoslav and Serbian forces at the end of March. One grenade hit an area where a group of people was hiding. Seven people were killed in that attack. On or around 1 or 2 April Nogavac was bombed by Yugoslav aeroplanes. Over 100 civilians were reportedly killed when houses they were sheltering in were hit in this attack. Villages in the Popovo and Majaca valley in Podujevo municipality were also bombed in late March/early April, although it is not clear if one or more bombing raids took place. Either one or two aeroplanes, recognized as Serbian MiGs, are described as dropping bombs on the villages. The number of people given as killed ranges from 11 to 18. There is also a refugee report from Djakovica/Gjakova municipality of Yugoslav planes bombing a building in Bardonic/Bardhaniquised as a UCK hospital on 28 March when a mother and child were killed in the bombing, and two children injured. Another interviewee reported that five days later Yugoslav planes also bombed the nearby village of Jablanica/Jabllanice, causing more people to leave the village. (For casualties caused by NATO bombing, see below.)

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Killing by Serbian forces of civilians with UCK connections

There was a pattern of targeting people who had or were perceived to have UCK connections. Whereas prior to 20 March this might have led to arrest (see Chapter 9, Arbitrary arrest and detention), after that date the intentions of the Yugoslav and Serbian forces were more likely to be murderous.

On 27 March at about 08:00 hours a tank was seen shelling the house of one family (named in reports) in Obilic/Obiliq town. Around 14:30 there were four Pinzgauers and a heavy machine gun sited on top of a Russian-made vehicle in the area, while 30 to 40 mostly masked men were seen approaching the house. They were variously described as men in green camouflage with police insignia, as paramilitaries and local Serbs in black uniforms, some of whom were masked. Members of the family who were unable to flee were told to go back to the house, where shooting suddenly began. Ten members of the family, including three women, were later found dead. The family reportedly had a son who was in the UCK and who had been visiting at the time.

Another incident where family members had connections with the UCK and were targeted by Serbian forces happened in Veliki Kicic/Kiqiqi i Madh (Kosovska Mitrovica/Mitrovica) on approximately 28 March. Heavily armed, masked police forces shot dead a man whose brother was a UCK commander in Veliki Kicic. Police officers, whom a witness describes as speaking Albanian with Serbian accents, took the man into the garden and shot him in the head numerous times with a machine gun. A witness stated that the police said their action was in retaliation for an attack on their police station.

Killings by NATO

As noted in the introduction to this report, the methodological framework of this report does not include addressing events that were beyond the reach of the OSCE-KVM's investigation and reporting efforts. For the period from 20 March, when it was deployed in Albania and the former Yugoslav Republic of Macedonia, the majority of the casualties in Yugoslavia of the NATO air campaign were beyond the reach of the OSCE-KVM. The framework of this report nevertheless incorporates an analysis of incidents where casualties were inflicted by NATO bombing in Kosovo and where those incidents were subsequently recounted to the OSCE-KVM by refugees. Two incidents on the same day in April where NATO bombed IDP convoys at Meja/Meje and Bistrazin/Bistrazhin are covered in Part V, entry for Djakovica/Gjakova municipality, and in Chapter 13, Human shields and other endangerment of non-combatants during military operations.

Grave sites and treatment of mortal remains

Although a fundamental concern regarding the burial of bodies in armed conflict is honour and respect, principles in humanitarian law on the treatment of the dead are prompted mainly by the right of families to know the fate of their relatives.³ Responsibilities include searching for and recovering the dead, burying them honourably in individual graves, as well as marking, respecting and maintaining gravesites.⁴ The FRY authorities did not always fulfil their responsibilities towards the dead even before the OSCE-KVM evacuated, but after the escalation in summary and arbitrary killings after 20 March their practices became particularly dilatory. The full extent of violations regarding treatment of those killed during the armed conflict in Kosovo will only be made clear in the long term, when graves are exhumed and forensic analysis is completed. However, the procedures observed by the OSCE-KVM and as recounted by refugees who fled to Albania and the former Yugoslav Republic of Macedonia already indicates that the FRY authorities did not comply with their responsibilities.

The majority of Kosovo Albanians are Muslims whose religious practices require that the burial of

the deceased be carried out within a day of death. In the FRY, flexibility in observing this custom was always necessary when a violent death was suspected. According to FRY law, examination of a corpse and autopsy is mandatory when there is suspicion or it is obvious that death was caused by or related to the commission of a crime, and it was not always reasonable to expect this to occur within 24 hours of a death.⁵

However, on some occasions, the Serbian authorities' negligence toward the dead adversely affected any later investigation into the killings. Following the killings of 45 people in Racak described above, bodies were left in the open, leaving them vulnerable to interference by animals. Bodies were moved to several locations before forensic analysis⁶

Serbian authorities also failed to undertake appropriate procedures following other killings. In Donje Korotica/Koretice e Poshteme (Glogovac/Glogoc), the relatives of a Kosovo Albanian man shot dead by police on 12 February in disputed circumstances were immediately allowed to bring the body back to their house, where OSCE-KVM viewed it (see Part V, entry for Glogovac municipality). Although an autopsy was later conducted, the authorities had to be encouraged to take action to investigate the shooting.

After the KVM evacuated, morgues appear to have been operational in some cities until at least the end of March. Several interviewees were able to identify relatives who had been killed and then taken to the relevant morgue; however it is not known whether autopsies had been performed or investigations into the killings initiated.⁷ For example, the bodies of at least seven men who were killed in Srbica/Skenderaj on 20 March 1999 were later photographed and taken to the Kosovska Mitrovica/Mitrovice morgue by men wearing white police uniforms (see Part V, entry for Srbica municipality). Relatives later retrieved the bodies there and buried them in Supkovac/Shupkoc, a suburb of Kosovska Mitrovica.⁸ None of the many interviewees who reported that people were killed after 1 April 1999 reported that autopsies were performed or that the bodies had been taken to the relevant morgue. Instead, bodies were left in the open or buried by relatives or, in other unofficial initiatives, collected and taken to an undisclosed location, or the remains were destroyed or concealed. State of war legislation passed by the Yugoslav authorities which broadened the circumstances under which law enforcement officers could employ firearms cannot excuse law enforcement agencies from undertaking appropriate investigations when lethal force was employed.

Disregard for the dead

An overwhelming number of interviewees who reported killings after the OSCE-KVM evacuated described bodies lying in the open for days. Many Kosovo Albanians returning to Kosovo, as well as international organizations, found decomposing human remains lying where the victims had been killed, not only in remote villages but also in cities and towns; some of the victims had been dead for several months.

However, where possible, many Kosovo Albanian villagers or the UCK recovered bodies and buried them themselves in local cemeteries or in other impromptu locations. Assisted by the fact that their location was known, some of these gravesites or makeshift cemeteries were among those which were exhumed by international investigators after international organizations returned to Kosovo in June 1999. For example by 1 October ICTY investigators exhumed gravesites in Gornja and Donja Sudimlja, where a total of 110 bodies of people from the IDP convoy described above had been buried by local villagers (See Part V, entry for Vucitrn municipality). Others buried their relatives in their gardens or other locations in the vicinity. In some cases they did so clandestinely, afraid either of ongoing military operations in the area or of being deliberately prevented from doing so by the perpetrators or police. For example, after heavily armed police forces shot dead the husband of one woman in Veliki Kicic/Kqiq i Madh (Kosovska Mitrovica) on

approximately 28 March 1999, they did not allow her to bury the body for three days; on the fourth day, after dark, she buried her husband in a shallow grave in the garden²

Failure to identify or mark gravesites. When Yugoslav authorities did recover and bury bodies themselves (frequently near or at the edge of the town cemeteries), the graves were not always marked. In some places, including Vucitn, Pristina, Kosovo Polje and Suva Reka, interviewees reported that workers from the local sanitation department collected and buried bodies¹⁰ Often, these graves were marked with simple wooden markers, sometimes containing only a date and the initials "NN" (indicating the victim was unidentified). In many cases these markers were vandalized or became dislodged, thus rendering more difficult any future identification. In some cases, bodies were disposed of in mass graves, ignoring the responsibility to bury victims individually. In Nakarada/Nakarada (Kosovo Polje/Fushe Kosove), residents observed employees of the local sanitation department bring bodies wrapped in plastic and bury them, typically four or five to a grave. At other times in Nakarada 20 to 40 bodies were thrown into one hole at the same time. Bulldozers flattened the ground afterwards (see Part V, entry for Kosovo Polje municipality).

Even when relatives had not fled or been expelled from Kosovo, the authorities made little if any attempt to notify relatives about the dead or where they had been interred. In some cases, this appears to have been deliberate: one grave site in Vidomiric/Vidomiriq (Kosovska Mitrovica), where 28 bodies had been exhumed by 1 October 1999, was located on a slope covered with vegetation, impossible to be seen from any path running through the hills¹¹

Deliberate attempts to conceal or destroy evidence about the dead

Rather than identify and bury the dead, perpetrators of killings often attempted to destroy or conceal evidence of killings. Such practices lend credibility to interviewee's claims that the victims were civilians or other people protected under international humanitarian law who were unlawfully killed. It is difficult to comprehend why such violations of international standards would be so deliberately committed were the victims of the killings legitimate targets who had died lawfully in armed conflict.

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Although house destruction was a widespread and deliberate phenomenon in itself, in some cases circumstances suggest that houses were set on fire deliberately to disguise or destroy the bodies of people who had been killed inside. For example, when the OSCE returned to Barane/Baran (Pec/Peja municipality) at the end of June, the killing site of three residents was documented. The position and condition of the remains suggested that the elderly victims had been surprised in their bedroom by the offenders, and shot in their beds. They were then covered with doors and set on fire, obviously using a highly flammable agent since all items in the room were entirely burnt and only metal parts and small pieces of human bones were visible¹² In Poklek/Poklek i Vjeter village (Glogovac/Glogoc municipality), a house containing the bodies of some 46 people was also set on fire by the perpetrators.

Bodies of those killed were also disposed of in wells (one example being the case of Kotlina, cited above)¹³ Although this may have been an attempt to conceal the evidence of the killings, it also contaminates wells for residents who rely on them for their water supply.

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On other occasions, the corpses themselves were tampered with. Many interviewees report that bodies of had been mutilated, for example by cutting off extremities¹⁴ In other cases, victims of killings were put in different clothing (identifiable, for example, by discrepancies between holes in clothing and bullet wounds.) Regardless of motivation, they make posthumous identification difficult.

Gravesites themselves were also tampered with. In one well-documented case, Serbian forces removed bodies from a make-shift cemetery in Izbica/Izbice (Srbica) where local villagers had buried approximately 150 victims, after the existence of the gravesite had been confirmed by NATO and by a videotape of the burial process made public to international news sources. The Serbian forces took the bodies to an unknown location. Villagers, desperate for a place to mourn the dead, replaced the grave markers over the now-empty graves (see Part V, entry for Srbica municipality). In Staro Cikatovo/Cikatove e Vjeter (Glogovac), Serbian forces returned three days after 24 men had been killed and removed the bodies from the gardens where relatives had buried the bodies themselves. They used excavators to break down the walls of the family compounds in order for the machinery to be able to access the graves.

As is the case for relatives of missing persons, the anguish of those whose loved ones were killed is exacerbated when they do not have a place to mourn the dead.

Notes

¹ Cases mentioned here are also featured, with citations, in the relevant entries in Part V of this report.

² There were also a large number of inexplicable killings not consistent with a general pattern, of both Serbs and Kosovo Albanians, which may have been common criminal acts rather than connected to the security crisis. These also contributed to the general climate of fear, and were often still attributed to one or other side to the conflict. It should also be noted that vendetta type killings and family blood feuds have been prevalent in Kosovo for hundreds of years. Although blood feuds have declined over the years they do still play a part in Kosovo society.

³ See 1977 Protocol I to the 1949 Geneva Conventions, Article 32.

⁴ "Whenever circumstances permit, and particularly after an engagement, all possible measures shall be taken without delay, to search for the dead, prevent their being despoiled, and decently dispose of them." (1977 Geneva Protocol II, Article 8). The responsibilities for treatment of the dead are also articulated in international humanitarian law applicable in situations of international armed conflict. See in particular 1949 Geneva Convention IV, Article 130, and 1977 Protocol I to the Geneva Conventions, Articles 33 and 34.

⁵ FRY Code of Criminal Procedure, Article 252. See also Articles 253-256, which regulate autopsies.

⁶ See the report of the EU Forensic Team on the Racak incident, 17 March 1999.

⁷ For example, A/0494; A/0810 (Kosovska Mitrovica); A/0651 (Djakovica); M/0153; M/0241; M/0368; M/1098; (all Pristina).

⁸ A/0810.

⁹ A/0443.

¹⁰ Many interviewees report seeing "Gypsies" (*Maxhupet*) removing, transporting, or burying corpses (see Chapter 20, Kosovo "Gypsies" (*Maxhupet*) - Roma).

¹¹ OSCE-MIK "Report on Vidrimic [sic] site", 2 October 1999.

¹² PE/0007/99.

¹³ Other examples are in A/0599; A/1093; A/1124; M/0422; M/0757.

¹⁴ In some cases, what appeared to be mutilation may have in fact been caused by the impact of projectiles or by subsequent animal interference.



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KOSOVO / KOSOVA As Seen, As Told

PART III : The violation of human rights in Kosovo (Chapter 6)

[Contents](#)
[Previous](#)
[Next](#)

TORTURE AND ILL - TREATMENT

Freedom from torture as an inalienable and non-derogable right

The right to freedom from torture and ill-treatment is safeguarded by numerous international human rights treaties based on a well-established international consensus that such violations of human dignity shall not be permitted under any circumstances¹ According to the Yugoslav Federal Constitution (and in line with international standards) this right cannot be derogated even during the state of war (although in the Constitution of Serbia, the effect of the absence of a list of non-derogable rights is that every right can be derogated during times of war)² The prohibition on physical abuse is also laid out in the Yugoslav legislation on the use of force by law enforcement officers³ as well as by criminal law and criminal procedure law. Yugoslav federal criminal law explicitly prohibits the inflicting of physical injuries and harm by officials⁴ and the extraction of statements or confessions by force.⁵ The decree on changes to criminal procedure during the state of war⁶ contains a wide range of extensive powers for the executive organs, which are hardly in compliance with international human rights standards, yet even they do not alter the strict prohibition of torture and ill-treatment.⁷

In an internal armed conflict, certain provisions of international humanitarian law also apply which place binding obligations on all parties to the conflict to prevent and prohibit torture and ill-treatment. Article 3 common to the four Geneva Conventions specifically prohibits torture, cruel, humiliating and degrading treatment and the taking of hostages. Protocol II additional to the four Geneva Conventions, applicable in particular kinds of internal armed conflict⁸ reiterates these prohibitions and adds rape and indecent assault to the list of prohibited "outrages upon personal dignity", as well as providing additional protection for civilians against the dangers arising from military operations.

Nevertheless, the OSCE-KVM has received a disturbingly high number of reports from victims of Serbian police abuse, which have been sufficiently documented by medical reports and first hand eye-witness statements. At times the use of torture has even been admitted by the officers themselves, who considered their actions justified by a kind of supra-constitutional necessity, particularly following the start of the NATO air campaign.

Use of torture and ill-treatment by officials

In interviews victims of ill-treatment and torture related a wide variety of methods used by Serbian police officers and others under their control. These included being beaten with batons, iron rods, iron poles, axe handles, table legs, baseball bats, rifle butts, shovels, chains, and so on. Preferred body areas for beatings seem to have been the kidneys, legs and soles of the feet, the head, hands and palms of the victims. Many times it has been reported to the OSCE-KVM that people were tied to radiators in police stations when they were beaten up. Many victims were kicked, their heads banged against the floor and walls, and knives used to cut their skin and even mutilate them by cutting off their ears and noses. On many occasions the ill-treatment had specific sexual

→ see Annex to report

elements: people had to undress and were beaten on their genitals. Rape and other forms of sexual violence were frequently used as a form of torture against women (see Chapter 7, Rape and other forms of sexual violence).

Article 1 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment defines torture as any act which:

- Causes severe physical or mental suffering
- Is intentionally inflicted for a particular purpose
- Is inflicted by or with the acquiescence of an official, and is therefore attributable to the state.²

"Cruel, inhuman and degrading treatment" is less clearly defined in international standards.³⁰ It can be said to comprise comparable acts or omissions by state officials which also cause pain or suffering but which differ from torture in their severity, intent or purpose. If there is a progression of seriousness, with torture at the top and degrading treatment at the lower end of the scale, all points on the scale are illegitimate and violate international law. It is often difficult, especially in field conditions, clearly to qualify acts of state organs as torture or ill-treatment. By the same token, it is hard to make this distinction if the reports are based on eye-witness statements alone. In this section, therefore, examples are given which doubtless amount to ill-treatment, whereas their qualification as torture remains a question of degree.

Ill-treatment was one of the most characteristic features of the conflict in Kosovo, and accounts for the highest number of reports and witness statements received by the OSCE-KVM. The majority of reports refer to acts of violence in the context of the forced expulsion of hundreds of thousands of Kosovo Albanians during the months of March to June 1999. Examples of torture and ill-treatment can be found in every part of the section of recorded events in Kosovo's municipalities, as well as in most other sections on specific patterns of human rights violations (Freedom from Arbitrary Arrest, Right to Fair Trial, Sexual Violence, etc).

The cases selected for this section, should, therefore, be read as typical examples of circumstances under which people in Kosovo were deliberately and individually targeted for violence amounting to torture or cruel, inhuman and degrading treatment. It is most probably not possible with this form of representation to reflect the amount of suffering individuals have experienced, when they helplessly had to witness the cold-blooded killing or mutilation of their loved ones, the group-rape of their children, the deliberate destruction of their family homes and their personal belongings, and whenever they were confronted with the arrogant display of impunity of the offenders. The amount of hatred and mistrust still so characteristic of Kosovo is doubtless a legacy of the violence suffered, and a reaction to the experience of defencelessness against the brutal methods commonly and systematically used by forces of the state.

Contexts in which torture and ill-treatment were inflicted

Torture and ill-treatment in police stations and detention facilities

Citizens in Kosovo, but in particular Kosovo Albanians, came to expect to be subjected to violence and ill-treatment in one form or another whenever they were under immediate police authority, whether during "informative talks", during or before interrogation or in detention. The OSCE-KVM received many complaints concerning torture and ill-treatment from the very beginning of its deployment in the field. Many of these allegations were confirmed by medical reports or first-hand evidence. Extensive photographic material exists on wounds and bruises inflicted while in police custody.

Violence, it appears, was an essential element of the treatment of persons under arrest or in detention and was applied as a general means of emphasising the authority of the police over the detained individuals. It was also used to extort certain actions, such as the "confession" of criminal activities, the signing of certain self-incriminatory documents, the naming of other suspects, or a promise to co-operate in the future. Systematic ill-treatment and torture was, it seems, especially applied during interrogations of the state security and special anti-terrorist units.¹¹ Systematic beatings could last up to several hours and be repeated on a daily basis.

The OSCE-KVM took a statement in Albania from two Kosovo Albanian refugees, the mother and wife of a man arrested in Suva Reka/Suhareke in July 1998 (i.e. before the OSCE-KVM's establishment and deployment into Kosovo), concerning his treatment while held by police in Prizren/Prizren and then at Lipjan/Lipjan prison. His mother recounted:

The first time I went to see him he lied to me He said that he was OK and his friends (Serbian police) were treating him very well. [However, I] could see through the bars [that] my son's face was very dark and swollen and both his hands had scars on them. Furthermore, all he was wearing was his underwear. Three weeks later I returned to visit my son at the jail in Prizren. This time his scars appeared much worse. He had dry blood on his body and he was throwing up blood during the visit. I looked at his hands and feet. I noticed that all of his finger and toe nails were missing. A few weeks later he was transferred to Lipjan Prison. When I went to see him at Lipjan the police there let me talk to him alone. He told me that he had suffered a lot during his imprisonment.

*"crying
talking"*

This detainee was released in March 1999. His wife recounted:

He was very weak and had a great deal of difficulty walking. I noticed that one of his fingers had a piece missing and he was having other problems, such as pain in his stomach and feet. My husband told me what happen to him while he was in jail. He said that the first few days after his arrest they would beat him all over his body two to three times a day. Most of the beatings were on his head, back and legs. They believed that he was a [UCK] member, or at least a sympathizer. ... One day they took him from his cell and to [another] room where they laid him on the floor and attached cables to his feet and hands. They applied electricity to the cables and administered electrical shock to him. He said that he screamed so loud that people could hear him next door. Also, there were times when the police would remove him from his cell for a short period and upon his return there would be other police officers waiting for him with clubs. They would beat him about his body. Another time, he was taken from his cell to a different room and the Serbian police stuck long needles under his fingers and toenails. After he was removed to Lipjan prison they tried to get him to confess that he had knowledge of [UCK] positions. They tortured him by puncturing the surface of his skin with a knife. He has scars on his chest and shoulders.¹²

*"crying
talking"*

Systematic and repeated ill-treatment became even more prevalent after the OSCE-KVM's withdrawal and the start of the NATO air campaign, with the police's powers having been extended significantly by to state of war legislation, and the OSCE-KVM no longer present to monitor close at hand and attempt to intervene; prior to the evacuation on 20 March, it was a common occurrence for a victim of alleged torture or ill-treatment to complain at the nearest OSCE-KVM office.

[The interviewee] was brought to the Police Station No. 92 [in Pristina], to an

isolation cell filled with water. Then he was sent to the Pristina District Court, where he was threatened with a knife, and beaten by police officers, as he was supposed to give a confession in front of four judges. In the courtroom, police officers in civilian clothes placed electrical wires on his body. When the electricity was added, he jumped high up from his chair. The torture lasted for five hours, during which he lost consciousness six times. [Every time he fainted] police officers threw water on him [to wake him up]. Then he was again sent to an isolation cell filled with water for one night. He was again taken to the District Court and beaten with a baseball bat, after which they sent him to Lipljan prison.¹³

[Another interviewee] told of constant beatings and torture in the Lipljan Prison. The guards and interrogators used all kinds of material to beat up the prisoners. The Serb prisoners and personnel in the prison were also forced to beat up the Kosovo Albanian inmates. [The interviewee's] brother's arm was broken and still he was continuously beaten until he lost his memory. [The interviewee] himself lost consciousness and was full of bruises all over his body.¹⁴

On 3 May [1999] they sent us to the [interrogation] officers [in Pristina] for questioning about UCK activities. They made us take off our clothes and lie down. They beat us with wooden clubs, on every part of the body, back and head. They also put our penises on the table and beat them ... They beat us until they were tired (about two hours). Again they placed us together in a corridor. We had to carry some people who could not move. For 17 days I had blood in my urine and also [spat blood]. Then we were put on to buses. We were beaten when we got on the bus and were sent to Lipljan.¹⁵

In June 1999, after international agencies again had access to Kosovo, rumours spread about alleged torture chambers used by the Serbian police. In particular, a room in the basement of the Pristina main police station was believed to be a torture chamber, since several torture instruments, including an electric chair, had been found there. Also, in Pec/Peja police station, a rotating chair was found which some observers considered to have been used as a torture instrument. These allegations, although prima facie plausible, have so far not been corroborated with consistent witness statements or with forensic evidence. The data of the OSCE-KVM points to the torture that occurred in police custody generally having involved extended beatings and other physiological ordeals, and not accompanied by the use of sophisticated torture instruments. Reports of such instruments remain isolated and need further substantiation.

During the Yugoslav/Serbian offensive in Kosovo, and while hundreds of thousands of Kosovo Albanians were on the run from their homes, various buildings were used as improvised detention facilities, as is also documented in Chapter 9 Arbitrary arrest and detention. Torture and ill-treatment seem to have been very common under such circumstances:

At the end of April, [an interviewee] went from Lukare (Pristina) to Pristina. On the way, [the interviewee] was stopped by police. Seventy-five young Kosovo Albanian men were separated from the convoy and forced to get into a private house next to the main road. Out of the 75, [the interviewee] was the only one who was kept in the basement, all the other men were sent somewhere else. [He] was beaten up in the basement by two police officers. They beat him with an iron pole, and their fists. He was beaten on his genitals several times and broke some of his ribs [X-ray available].¹⁶

[Another interviewee] stated that he and his brother were arrested and taken to the Park Hotel in Orahovac by Police and Arkan's paramilitaries. [The interviewee] was

well known!

held there with his brother and three other men. The witness saw his brother being tortured to death by these Serbs over a period of a couple of hours. They cut designs into the skin of his brother before killing him. Then the Serbs beat the witness [to extort money].¹⁷

yes
villagers

Torture and ill-treatment in private homes during police searches

Police stations and detention facilities were known to be locations of frequent violence against individuals. But many Kosovo Albanians, especially those residing in areas close to UCK-controlled territory or which were known to be sympathetic to the UCK, also came to expect violence when they were visited in their homes by Serbian police. House searches were frequently carried out in violation of the right to privacy and all procedural safeguards. Beatings, threats and insults were common during Serbian operations such as the search for individuals based on a court summons (as witnesses in a trial, for instance), weapons searches or searches for wanted members of criminalgangs alleged to be hiding in certain locations.

NOTA
BENE!

The following case was reported in detail by the OSCE-KVM Co-ordination Centre in Decani, under the Pec Regional Centre.

On 30 January, about 30 police officers armed with machine-guns came to a house in Slup (Decani) in two Lada Niva jeeps and one armoured truck.¹⁸ Their commander was wearing a black uniform and had a mask over his face. He stayed in his jeep while his men conducted the house search. They stated that they were looking for a specific Albanian villager and weapons. The wanted man and several other men were placed in one room, the women and the children in another. The men had to let their trousers down. ¼ Different policemen came into the room and the men were kicked and beaten all over their bodies with a belt. They were also threatened with weapons and told that they should be killed or sent in uniform to the front. The men were terrified. The abuse continued for about one hour. At the same time, three women and five children were being held in another room. After a while, the policemen arranged it so that two policemen were alone with one woman. They then threatened her with a knife and with a long metal stick. They told her that she was going to be killed if she did not answer their questions. One of the policemen approached her and put his hands on her breasts. He asked her if she was a woman or a girl. She was too terrified to answer. Then the policemen suddenly left, but on their way out, one of them took a portable radio from the house.

In this case the OSCE-KVM discussed with the victims about what they themselves could do and what the OSCE-KVM could do and considered the risks involved. They came to the conclusion that they should go to the local police in Decani and make a complaint. The OSCE-KVM arranged the meeting and the group met with the police commander, who was the Deputy Chief of Police, on 2 February. The complainants were very nervous but the Deputy Chief of Police calmed them and acted in a very friendly fashion. He took all necessary notes, he looked at the injuries and at the belt that had been used. He became very upset when he was told about the radio that had been stolen and said that that was the worst of it all. He apologized to the complainants and assured them that something like this would not happen again and that he would find and punish the policemen who behaved incorrectly. On 3 February, OSCE-KVM met again with the police commander, who assured them that the policeman who had taken the radio had been identified and punished with a reduced salary. The policeman also had to get a new radio, give it to the family and apologise, which happened on 3 February. However, the second visit also had the effect that the family once more had to have about 15 policemen on their premises,

which they again felt to be very threatening.¹⁹

The following two incidents are from the period after the OSCE-KVM's evacuation.

On 21 May, a Special Police unit surrounded [the interviewee's] neighbourhood in Bandulic (Lipljan). They went from house to house. At [the interviewee's] house they ordered out the entire family [and lined them up outside]. The women were forced to face the men. [The interviewee] and his father were taken a bit further and were beaten until they lost consciousness. [Later] they were sent to their house, where [the interviewee] was threatened to be killed. The person who gave those orders was [a local police commander]. The police told them that if they do not leave by the next morning they would be killed. [The interviewee] and his family took the train to Blace.²⁰

On 23 May [an interviewee] was in his house in Pristina with his family when five or six [armed men] arrived. They were dressed in green camouflage, flak jackets, no head gear, neat short hair, automatic weapons and knives on belts. The witness identified Special Anti-Terrorist Unit insignia. These men started to smash up the house, doors, windows etc. They took [the interviewee] to another house [he owns] in Pristina. When he got there they placed a bucket on his head and then proceeded to kick him in the stomach and the ribs. After this they demanded money and weapons while threatening to kill him if he did not [hand them over], but he did not give any money as he had none. After this they took him outside and searched him. When this was finished they held alighter to his face and burnt his moustache and mouth area. After this they proceeded to beat him with butts of rifles [witness showed cut over his eye]. Then they said if they found him there again they would kill him, and left. On the next day, [the interviewee] left by train to Blace.²¹

Torture and ill-treatment in hospitals

In terms of violation of human rights standards and medical ethics, hospitals were not the zones of protection which they should have represented during the conflict, but in some instances were used as theatres of torture. Serbian police in particular appear to have considered hospitals a convenient place for ill-treatment and harassment of individuals, especially if they had been wounded in armed confrontations with the Serbian forces.²² Wounded UCK members hardly ever chose to surrender themselves into the care of Serbian state hospitals and often preferred the uncertainties of makeshift UCK field clinics, rather than being subjected to brutal investigation methods in Serbian state hospitals. Hospitals were guarded by Serbian security forces, regularly police, around the clock. On several occasions, access by OSCE-KVM members to patients in hospitals was bluntly denied, whenever the patients were under investigation and a criminal proceeding had been instituted against them. It happened that the competent Investigating Judge would either falsely assert that the Criminal Procedure Code prevented him from giving his permission to either lawyers or OSCE-KVM members to visit patients under investigation, or would refer back to the local police command, who would regularly refer back to the competent Investigating Judge. Nevertheless, ill-treatment of patients was a relatively isolated occurrence, since it attracted considerable attention from the OSCE-KVM, and could therefore be curbed, although never eradicated.²³

Torture and ill-treatment during forced expulsions

The experience of being forced out of one's home at gunpoint is itself traumatic. Serbian forces, including notoriously brutal paramilitary units, tended to use violence as part of the coercive efforts to make individuals, families and communities leave their homes. In many cases, the victim

of ill-treatment and torture died from their injuries, or were summarily and arbitrarily killed after having first been made to suffer.

The forced expulsion of people from the village of Lesane/Leshane (Suva Reka), is illustrative of the way in which violence was employed. One interviewee described to the OSCE-KVM how, on 28 March 1999, at around 13:00, Serb forces arrived in the village, after burning the nearby village of Trnje. They began shooting into the air, shouting: "You wanted NATO to attack us! Do you know what NATO did in Serbia? Now we are going to kill all of you!" The interviewee was with other villagers at the school building, where people had gathered because Serbs were burning houses and shooting into homes. Then Serbs entered the school area and ordered men to one side, women and children to other. Those who did not comply or walk fast enough were beaten with gun butts. The men were ordered to make the three-finger Serb salute and shout "Serbia! Serbia!" Then the men were lined up against a wall and the Serbs began taking aim at them, in a mock execution. The women began crying and shouting out for their husbands and sons. Then a Serb who appeared to be a policeman ordered the women and children to leave immediately for Prizren. The men were then ordered to sit down. A large police vehicle approached with a machine-gun mounted on top. The mounted gun was rotated towards the sitting men. Then one man (named in the interview) was picked out and assaulted (kicked, punched, hit with a gun butt). The interviewee says they were taking this man to be killed when another police officer said that it was not necessary, he had been beaten enough ²⁴

Groups of IDPs were an easy target for members of Serbian forces, whether they were travelling on Kosovo's roads towards a presumably safer place or towards the border with the former Yugoslav Republic of Macedonia or Albania, or sheltering on remote hillsides or in forest areas in central Kosovo. Police officers, reservists and members of paramilitary units would detain and ill-treat Kosovo Albanian IDPs, often with the aim of extorting money from them. The OSCE-KVM has received numerous reports where some of the groups were singled out (most often young men or children) and threatened with death if a certain sum of money and amount of jewellery were not handed over. Sometimes the "hostages" were beaten and threatened at gunpoint, often enough they were actually killed, which made such threats credible.

Access to medical assistance

Access to medical care is an important element of redress for victims of torture and ill-treatment. In addition to prolonging the victim's suffering, the denial of such assistance reinforces impunity as it almost guarantees that no criminal investigations or other judicial proceedings with view to compensation will ever go ahead. The responsibility of medical personnel in this respect cannot be underestimated. Under international human rights standards, it is a contravention of medical ethics for health personnel to engage in acts which constitute participation in or complicity in torture or ill-treatment or to participate in the certification of the fitness of detainees for any treatment or punishment that may contravene international standards ²⁵

Some of us were then brought to Lipjan prison, where we were registered. At the entrance 20 guards were lined up. Everybody had to pass them and was beaten up. Some Kosovo Albanian men fainted because they had been so badly injured in the police station. Over the next three days everybody was beaten up. After three weeks the guards invited the Serb prisoners and the cooks to beat them up. The request for a doctor was refused, with the retort, "Terrorists don't need doctors". [Some days later] only one doctor eventually appeared but he didn't want to know about the injuries of the detainees. He only measured blood pressure ²⁶

Accountability, redress and compensation vs. impunity

Under international law victims of torture and ill-treatment have an enforceable right to reparation, including compensation. Redress for victims should also include measures to bring the perpetrator to justice, as well as the enforcement of safeguards to prevent the recurrence of torture or ill-treatment. These safeguards include maintaining stricter judicial controls over detention procedures and ensuring lawyers and doctors have prompt access to detainees.

During the OSCE-KVM's presence in Kosovo, reports of ill-treatment and torture were frequently the subject of consultations with Serbian authorities, regular local police commanders, and members of the judiciary, such as presidents of district courts and public prosecutors. Generally, the OSCE-KVM was given assurances that all cases of torture and ill-treatment would be followed up and have the legally prescribed disciplinary and judicial consequences for the individual officer responsible. Such action on behalf of the competent state organs would, however, only be possible if concrete allegations were made including the name of the officer and the time and location of the alleged offence. When the OSCE-KVM confronted the Chief Prosecutor of Pec and the President of the District Court of Pec with the question as to whether allegations of torture and ill-treatment by police would be actively investigated and prosecuted, the Prosecutor affirmed this, but said that he had never heard of such a case.²⁷ Concrete action was rendered difficult for several reasons: first, Kosovo Albanians, or other citizens for that matter, who had become victims of torture or ill-treatment by the police, did not trust the state institutions to protect their rights and interests in pursuing legal redress and eventually receiving compensation. Second, in most cases, the identity of the offenders was unknown to the victims, and the co-operation of regular police officers in an attempt to identify potential offenders was practically non-existent. And thirdly, even if the individual most often with the active support of the local OSCE-KVM office, reacted swiftly and courageously and filed a complaint with the local police commander, the consequences for the officer who had abused the complainant were insufficient to dissuade him from repeating the crime. (In Part V several such cases are reported.)

The near-total absence of a response by the judicial authorities to these allegations only served to foster a sense of impunity within the police system, encouraging the continuation and escalation of such human rights violations.²⁸

Notes

¹ For a more detailed analysis see: OSCE/ODIHR, "Preventing Torture, A Handbook for OSCE Field Staff", Warsaw 1999.

² Human Rights in Yugoslavia, Belgrade Centre for Human Rights, 1999.

³ In the Kosovo context, the relevant texts are the Internal Affairs Act of Serbia, the Act on Execution of Penalties, the Act on Sanctions of Serbia, and the Rules on the Conditions for and the Manner of the Use of Force. International human rights standards, including the UN Basic Principles on the Use of Force and Firearms for Law Enforcement Officials, also place clear restrictions on the use of force against detainees. Force may be used only when strictly necessary, and to the minimum extent required in the circumstances.

⁴ Article 191 of the KZSRJ reads: "An official who in the exercise of official duties abuses another person, inflicting serious physical or mental suffering, harasses, insults or generally treats that person in a manner which adversely affects that person's human dignity, shall be punished by imprisonment."

⁵ Article 190 KZ SRJ on the use of forcibly extracted confessions and statements.

⁶ Yugoslav Federal Government's Decree on the Application of the Criminal Procedure during the state of war, SI List 21/99.

⁷ This is in line with the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Torture Convention), adopted by the UN General Assembly in 1984. Article 2 of the Torture Convention

states that "No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture".

⁸ Protocol II is applicable to conflicts between a state's armed forces and "other organized armed groups which under responsible command, exercise such control over part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol" (Article 1(1)).

⁹ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 1: "1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from inherent in or incidental to lawful actions."

¹⁰ However, several international instruments set detailed standards for the treatment of detainees. See, e.g., the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Body of Principles), adopted by the UN General Assembly in 1988, and the Standard Minimum Rules for the Treatment of Prisoners, adopted in 1955 by the UN Congress on the Prevention of Crime and Treatment of Offenders.

¹¹ On 8 March, the Chief of police of Suva Reka explained that the local police were not involved in alleged beatings and torture by striking legs and soles of the feet of detainees with rubber batons to extort statements. He added that a Special Security Force investigates people in such a manner whenever it suspects terrorist activity. These units, he further explained, were out of his command and were placed higher up in the chain of command. RC1 CC3 Meeting report.

¹² A/0929 includes the statements by both the mother and wife. At the time when this interview was given the man was believed to be still in Kosovo. No corroborating medical evidence was available.

¹³ M/1413, a similar statement is contained in M/0670, but there the torture was described as having taken place in a school in Pristina.

¹⁴ M/1389.

¹⁵ M/1777.

¹⁶ M/1617.

¹⁷ A/0764.

¹⁸ PE/03/014/99.

¹⁹ Following another incident involving this policeman, OSCE was informed that he would be transferred, and, after the conclusion of the investigation, he would be fired. PE/03/036/99.

²⁰ M/1318.

²¹ M/1257.

²² Most of these allegations were received by human rights lawyers, whose defendants in terrorism trials were ill-treated while in hospital. The OSCE-KVM was regularly prevented from independently verifying such allegations, which was generally read as an indication that the accusations were well-founded.

²³ In this context, OSCE-KVM hosted a seminar on 11 March organized by Physicians for Human Rights for local Albanian medical staff in Pec, where issues like these were addressed. Serb medical personnel were contacted as well and co-operation agreed, but the realization of a joint seminar of the medical community in Pec was rendered impossible by the events following OSCE withdrawal.

²⁴ A/0673. Events at Lesane are corroborated by a number of interviewees, and are covered further in the entry for Suva Reka municipality.

²⁵ Principle 1 of the Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

(Principles of Medical Ethics).

²⁶ M/1391.

²⁷ Meeting on 17 March between OSCE-KVM and Pec Chief Prosecutor and District Court President.

²⁸ This practice was in clear violation of the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, which in its Article 12 states that "Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction." This obligation is defined in Article 13: "Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given."

[Contents](#)
KOSOVO / KOSOVA As Seen, As Told

[Previous](#)

[Next](#)
OSCE ODIHR



KOSOVO / KOSOVA As Seen, As Told

PART III : The violation of human rights in Kosovo (Chapter 7)

[Contents](#)
[Previous](#)
[Next](#)

RAPE AND OTHER FORMS OF SEXUAL VIOLENCE

very well 10% of the population

HERE we have the public opinion
but given the war

Incidents of rape and sexual violence occurring in the period before the OSCE-KVM's departure from Kosovo

Rapes by officers of state authorities and paramilitaries were occurring even before the dramatic escalation of the conflict in March 1999. Very little has been documented on this subject, however. When the OSCE-KVM human rights officers in the former Yugoslav Republic of Macedonia took statements about violations that had occurred after the evacuation of the OSCE-KVM from Kosovo, they would also come across acts of sexual violence that had been committed earlier. It is difficult to judge how widespread rape was in the earlier period, but the examples given below may give some indication of how it was used. (This chapter should be read in conjunction with Chapter 6, Torture and ill-treatment.)

Rape following abduction from public places. Young women were vulnerable to attack in any setting in their everyday lives. One 21-year-old Kosovo Albanian woman described how she and a female relative were subjected to a six-hour ordeal of abduction and rape by Serbian police in mid-February 1999, after being arbitrarily detained as they were on their way to attend a wedding:

At 18:00, as we were having some food in the bus station while waiting for the bus ..., five [police officers] arrived. They were around 25-30 [years old], except one who was 50, was bald and had some insignia of rank on his arm. They asked what we had in our suitcase. "You have bombs," they said. They searched the suitcase, [and said] "You have to come with us to the police station." ... I showed them my ID. "Your family name is [name omitted], you're certainly in the UCK". They took my suitcase and asked us to enter the car. We said we wanted to go on foot to the police station. They caught us by the arm and we were pushed into the police car ... The old [police officer asked whether] we wanted to follow them to a hotel. I said it was not our tradition, I pretended to be married. I knew something dangerous was going to happen to us. He said, "Just be good girls. Even if you do not want to do it, you will." The [police] driver, who was the youngest of the group, said to the other to let us go. The old [police officer] said they would not because "our people were killed by the UCK today". We drove for three hours outside Prizren.

We arrived in an open field near an Orthodox church and a lake. It was still snowy and cold. We had to empty our pockets and my ID was torn. They took our clothes off and each of them raped us. We were raped more than once by each of them. After we were raped we had to enter the lake. The water went up to our chests. It was freezing. They also put our heads under the water for a while. They raped us again. They took my head and [forced me to perform] oral sex, while I was threatened with a stick. They made jokes on us. Then they played with the barrel of their rifle on our breasts. I told them that I would inform the police and they answered that if I did they would kill all the members of my family and burn our house. Some of them understood Albanian, because they could understand when we insulted them. I spat

on them and they beat me. They left at midnight?

Collecting information on sexual violence: the approach taken by the OSCE-KVM¹

While victims of other kinds of human rights violations may be eager to tell the world what they have suffered, this is often not the case with victims of sexual violence. It is important to bear in mind that if, for instance, a woman is a survivor of sexual violence, she could face negative social responses. She should not be victimized a second time by being made an outcast in her own society. The OSCE-KVM was concerned to avoiding re-traumatizing survivors of sexual violence, and also to avoid, having taking statements from them, leaving them alone with their traumas afterwards. Although recounting the experience to another person can sometimes help a survivor of sexual violence, the traumas can often return more strongly after a time. The OSCE-KVM therefore strove to take a more holistic approach. By working in close collaboration with local women's NGOs from Kosovo and the former Yugoslav Republic of Macedonia, it was able to find support for the women identified by the OSCE-KVM, and also to see that those who wanted to share their experience knew where to turn. This work was developed particularly in Cegran Camp, where two "women's tents" had been installed by the Swedish NGO, KtK (see also the text box in Chapter 16, Women).

Breaking the silence

Traditionally in Kosovo Albanian society sexual violence is a topic that is met with a compact of silence. The stigma of rape is so deep that it is often stated that a "good" woman would rather kill herself than continue to live after having been raped. A woman who admits having been raped can be rejected or expelled by her husband, her family or her husband's family. A survey undertaken in April 1999 by the OSCE-KVM among the local NGOs showed that these also experienced extreme difficulties when trying to collect information on such crimes; some stated that they had given up even trying to gather information. It was also suggested that it might be easier for representatives of an international organization, as "outsiders", to gain the confidence of victims of sexual violence, since they would give them a greater sense of confidentiality.

The OSCE-KVM was able to collect information on crimes of sexual violence from witnesses and from victims themselves. However, experience of other similar situations shows that it takes time before women are prepared to talk about their experiences. This was also the experience of the OSCE-KVM; while taking statements from the refugees, the officers would come across those who had been the victims of sexual violence that had occurred several months previously. It is therefore important not to see the information below as in any way exhaustive; there is still much work on documenting sexual violence which remains to be done.

Having developed the approach mentioned above the OSCE-KVM was able to collect more information than had been expected. In none of the statements that were taken concerning sexual violence was any kind of condemnation articulated, and when family members were reporting the crime against relatives they stood fully behind them. The OSCE-KVM officers thus received several signals that the attitude towards these kinds of crimes is in fact changing. Generally, the OSCE-KVM officers received the support of the men in trying to make the women feel secure enough to talk. They would leave the room or the tent and let the OSCE-KVM officers talk to the women in private, and often they would encourage the women to tell the whole story with all details.

Rape in women's own homes. Women were not safe in their own homes, as shown by the following example, also from mid-February 1999, of a woman who was raped by one police officer and three civilians in her home while her husband was at work. The woman was

four-and-a-half months pregnant at the time.

About 21:30 I heard a knock at the door and I asked who it was. There was no answer but there was a knock at the window. I opened. There were three men in civilian clothes and one armed [police officer]. I screamed. They said they were looking for someone. I told them that I would call my husband to ask about who they were looking for. The policeman grabbed my hand and said in the Serbian language "We don't need your husband." Immediately the three civilians pushed me by force back into the apartment. Two civilians pushed me inside a room, one went into my children's room and the policeman stayed outside guarding the house. The two civilians ripped off my clothes. I begged them not to rape me, all four of them. They forced me to have oral sex. When I tried to refuse they beat me. They raped me in different ways. When they had finished they invited the other two in. Before the two others entered I took a wooden stick and tried to defend myself, but I was too weak. I tried to break the windows to get outside. But they stopped me and tied my hands on the back and put something in my mouth to stop me from shouting... They pushed me down, one sat on my legs and the other on my chest. I tried to refuse, but they gave me something to drink [and] I don't know any more what happened to me. I know only at one moment I had a terrible pain in my stomach and felt something metal inside my stomach. I don't know what exactly.

... I don't know what time they left, I only know that at some point my children were crying on my body but I couldn't move. When my husband came home [the next morning, at 08:30] I told him what had happened... The same day he fetched my mother... We went to the doctor [because] I was bleeding. After the examination he proposed an abortion because the baby was completely destroyed. After two days I had an abortion.³

Gang rape by paramilitaries. The following case of gang rape that took place in November 1998 follows the same pattern as was frequent during the period March-June 1999. A mother described how her 13-year-old daughter was raped by five paramilitaries.

On 16 November police and VJ surrounded us in the village and immediately divided men from women. The women were sent to the village school. The VJ and police were kissing and hugging us and they would abuse us verbally saying things like "Now you will see how Serbs fuck", and "From now on you will have Serb babies in your stomachs". At 18:00 paramilitaries, I think they were White Eagles, arrived. They chose the 20 most beautiful young women [including the interviewee's 13-year-old daughter; the others were aged from 17 to 38] and took them to a location about 20 metres away from us. From 18:00 to 23:00 they were kept. We heard how the girls screamed and shouted.

*1 getting very
2 is very
she next
from 20*

The [women] were left in the mountains and we went to pick up our [women]. At 23:00 hours the paramilitaries left and we went over to pick up the women [they had been scattered in different directions]. I found my daughter bleeding and traumatized, she could not speak until the day after. I found a needle sticking in her arm, which was bruised. All 20 women were in the same state.

This interviewee recounted that one of the women who had been raped had told her afterwards what the paramilitaries had done to them, as follows: "When we were sent to the mountains they first kissed and hugged us, then took off our clothes by force. Four or five men raped every [woman]. They did not give drugs first, but after the second person that raped us. After they drugged us, we weren't aware of anything any more."⁴

Incidents after 20 March

In the statements that the OSCE-KVM human rights officers collected in the former Yugoslav Republic of Macedonia and Albania there are many reports by eyewitnesses to, and also by a number of victims of, rape and other forms of sexual violence. It is, however, still too early to draw any firm conclusions as to how widespread this was, and how many women were victims of rape and other kind of sexual violence. Further investigations will be needed as the time passes and women become prepared to talk about what happened to them.

Situations where women were raped

It is fair to say that Kosovo Albanian women were at risk of being raped in almost all situations ^{now, now!} and locations in Kosovo during the conflict. It did not matter whether they were by themselves or if they still had their men with them. Many women described how they would try to make themselves as unattractive as possible. Sometimes their own family would not recognize them as they arrived in the refugee camps because they were so dirty and untidy. One 15-year-old girl ^{1 year ago} described how she and two friends dressed up as old women as they were going to a nearby village to get some food. They put on old women's dresses and scarves on their heads. In this case, however, the ruse failed. The interviewee reported: "As we were heading home, a jeep stopped us with paramilitaries. They tried to take me but I gave them some gold and they let me go. One of my friends did not have any gold or money to give them so they took her with them into a nearby house. We could hear her scream and cry but then the paramilitaries told us to leave or they would kill us. After some time my friend came to my house and she told me she had been raped by two men. Her body was full of bruises, also on her neck and she was bleeding from the groin. She told us that they had done what they wanted to her and then they had released her. We wanted to take her to a doctor but there was no doctor around. We couldn't help her."⁵

The following statement from a Kosovo Albanian woman illustrates how ever-present the threat ^{now, now!} of being raped was: "On 24 March four policemen entered our house in Pristina. They shot around them, killing one person, and then they set the house on fire. They forced us to enter another house and there they took a group of women and girls to the second floor, among them were my two daughters and three daughters-in-law. Upstairs the women were then raped by the police and I could hear them scream. Afterwards we were ordered outside and a lot of shooting began. In the confusion I lost my daughter but I still had her two children. I hid in a house for two days, but then the owner got scared and told me I had to leave. So I went to the railway station." This interviewee also reported that there had been many rapes at Pristina station, and that as the train she was on neared the border at Djeneral Jankovic/Hani i Elezit, young women were separated and taken away.⁶ Another 28-year-old woman told how she and her friends were stopped by five police officers on a street in Pristina. The women were made to enter a house by the police and there the 28-year-old woman was forced to perform oral sex.⁷

Rape during attacks on villages. One of the situations where women would be at great risk of ^{now, now!} being raped was when Serb forces attacked the villages. A common scenario was as follows: the village would be surrounded by Serb forces, who would gather the villagers together. Men would be separated from women and the women would be gathered in a house. From the house "young and beautiful" women would be taken and returned after some time. A typical case is described ^{now, now!} below. From the statements of refugees this pattern was repeated in villages all over Kosovo.

As the inhabitants of a village outside Gnjilane/Gjilan were hiding in the mountains nearby in ^{with regret?} mid-April, they were surrounded by a group of paramilitaries. The inhabitants were forced back to the village and women were separated from men. One pregnant woman was immediately singled out by the commander who started to molest her publicly. The women were all put into a big

house and from the house the paramilitaries would single out women they found most attractive. Some of the women were taken to a nearby house and others were driven away. When the women returned to the house, some of them showed signs of ill-treatment such as bite marks or bruises. Some also behaved as if they had been drugged, acting erratically and walking unsteadily. This continued for a day; the following day the villagers were forced to leave for the border.⁸

A 32-year-old man described how in another village the inhabitants were forced to gather around an empty house by some paramilitaries. The paramilitaries picked out the women from the crowd and pushed them into a house nearby and screams were heard from the inside. They stayed there for an hour.⁹

In the convoys. While travelling in convoys between villages or to the border, young women would often be targeted by surrounding Serbian forces. Women would be taken out from the convoy; sometimes they would be returned but in other cases they were never heard of again. One man described how 10-15 police took his niece away from a convoy in Pristina in April. As the family tried to get her back, the paramilitaries fired their weapons into the air and sent the family away as the young woman was taken into a nearby building. Half an hour later, she was released and she told her family she had been raped. She had been injured in the groin and later it was discovered she had become pregnant because of the rape.¹⁰ A 28-year-old woman tells how she herself was raped together with her cousin as they were going in a convoy from Glogovica/Glllogovc to Pristina. She added that there were many rapes on this route.¹¹ Thirty young women were seen being taken off tractors in another convoy in Pristina. There is no further information on their fate, but the women had been threatened with rape as they were being taken away.¹² A 36-year-old man described how the convoy he was in was stopped on the way to Pristina by paramilitaries. Young men, and women who were found attractive, were separated from the group; the fate of the women is unknown.¹³ As a group of 2,000-3,000 people walked towards Albania, in the area west of Djakovica/Gjakova, Serbian police took "several hundred" women to the woods for a period of about one hour. As recounted by the interviewee: "This went on the whole night."¹⁴ While walking to Albania, one interviewee described how the Serbian police stabbed young girls in their legs. Girls and young women who were found attractive were taken away and were still missing at the time when the statement was taken.¹⁵

In the home. Rapes occurring in women's homes were not as frequently reported as those in the circumstances described in the examples above. Sometimes the paramilitaries would apparently quite randomly enter houses and take away and rape the young girls who were there. It is mentioned in several statements that the Serbian forces would ask for young women while entering houses to evict and rob people. A 28-year-old woman described how four paramilitaries entered her apartment and pointed their weapons at her. They raped her and beat her severely all over the body, while her mother was held in the next room.¹⁶ A 20-year-old man saw how four paramilitaries went into his neighbour's house and took three of the neighbour's daughters and his daughter-in-law. The women were blindfolded and put into a car. While one paramilitary stayed with the women, the other three demanded money of the neighbour and then beat him, his wife and son for not having any. The four women (still blindfolded) were taken to another village from where they returned the next morning at 07:00.¹⁷

Patterns

Young women as targets. From statements cited above and below, it is clear that the Serbian forces targeted young women in their operations against the civilian population. One man from Pristina described how the police and paramilitaries, as they looted the area, threatened that women would be sent to special camps. He further stated that the police separated the beautiful

young girls and drove them away in the police cars¹⁸

The following is an extract from a statement by a 15-year-old girl, which illustrates the way in which the Serbian forces would look for young women:

At the beginning of May police came to our house. Two police officers entered the house while one was staying in a car outside. Inside the car I also saw a woman about 18 years old, her mouth was covered and she had a gun held to her head. Her clothing was ripped and she was bruised and bleeding. The police inside asked for our papers and seemed mostly interested in young women. They asked how old I am, and my father answered 14. The police did not believe him and took me outside. He told me that since he had not his wife with him there I would become his wife. He started to kiss me and fired his weapon through the windows when my family tried to look out to see what was happening. He tried to rip off my clothes and when I tried to resist he slapped me. At that time the policeman inside the car stepped out and said that he wanted me for himself. The first policeman took me back into the house. He continued to kiss and grope me in front of my family and said that he would return later that evening. After that the police proceeded to our neighbours' house where they tried to force a young woman with a baby in her arms into their car. As she resisted they took her baby and threw it on the ground where it lay crying. These police went from house to house and afterwards the villagers discussed that it seemed as they had only been interested in taking young girls.¹⁹

Detention of women for sexual slavery. Although not a widely reported phenomenon, there were cases in which groups of women were held as hostages and violated in different ways. In the example below all the women of a village were gathered together and held as prisoners for four days after the village was attacked by a mixed force apparently comprising Serbian police and "soldiers" (it is unclear whether they were VJ or "paramilitaries"). They were forced to work for the Serbian forces and were raped and otherwise sexually humiliated and ill-treated. They were also told they were being used as human shields.

On 6 April the Serbian forces arrived in the village. They divided the men from the women and children. The women were taken to an open place in the village and there they were divided into three groups. Their assailants said, "We can use [you] so that NATO can't strike against this village and the UCK can't shoot at us."²⁰ The women were put into three different houses. There were between 30 and 50 women in each house.

Before the women entered the houses they were forced to leave all jewellery and other valuable things, documents and money. One woman described how she was unable to get her ring off her finger, and one of the police officers cut into her finger with a knife so that the ring slid off by means of the blood.²¹ In the house the women were forced to undress down to their underwear. The police searched the bodies of the women for more money. One of the police officers took a child and put a knife to its throat. He threatened to kill the child in front of the mother if he was not given more money.²²

During the day the women were forced to work for the Serbian forces, cleaning and cooking. At night the "soldiers" would come with flashlights looking for which women they wanted to take away. The women who would be selected were the educated, beautiful and young ones. The women who were selected would be taken to another house where the "soldiers" were based. There they would be interrogated and raped and forced to do different domestic chores. The women would be taken away one by one; as they returned some would tell the others that they had been raped while others would claim only that they had been forced to work. However, one of

the woman who was taken away was reported as having told the others that they need not lie that they were taken away just to prepare coffee or to clean and wash, because "they are doing the worst to us".²³

One woman gave a statement about what happened to her when she was taken away one night.

The third night they came looking for me. They said they wanted information. I was taken into a room with a white blanket on the floor. They closed the door and the commander told me that I would not leave that room alive if I didn't allow them to do what they wanted to me. After that I was left alone with one man. When we were alone the man took his knife and held it against my throat. He told me what he wanted to do with me and he used dirty words. He forced me down on the blanket, I was lying with my face down. The man took my trousers and underwear off and made me stand on my knees and hands. He raped me from behind, also in the anus. It hurt and I wanted to scream but he put his hand over my mouth. When he was finished he took his trousers up again and left the room. I put my clothes back on. After a while two other men came in. They tried to take off my jumper but I started to cry and I told them that one of them had already done this thing to me and I begged them to let me go. They let me leave and I went back to the other house.²⁴

After three days the women were ordered to go to a school in a neighbouring village (near a pass on a strategically important highway). They were forced to stay two days in the school. One paramilitary among the group detaining them told them they were being used as human shields against NATO air strikes.²⁵

In another case similar to that described above, about 500 "young and beautiful" women were selected by the paramilitaries and sent to Staro Cikatova where they were required to clean village houses for use as lodging. The women were kept in two houses and fed once a day. Each woman would be taken to a separate room where she was told to take their clothes off. When they refused they were beaten, harassed and raped. The women were released the next day.²⁶ One 16-year-old woman was reported to have committed suicide by throwing herself into a well after having been raped.²⁷

Killing preceded by rape. There are some reports of women having been raped before being killed. The actual number of women who were raped before they were killed can be expected to be significantly higher than is indicated by the reports. Experience suggests that in conflict situations women are at great risk of being raped before they are killed, and that those killed frequently outnumber those who survive. Since the subject of rape is extremely sensitive in the Kosovo Albanian society, it may therefore be suspected that in many cases an interviewee would choose not to give this kind of detail out of respect for the person who had been killed.

That having been said, there are eyewitnesses who have described how they witnessed women being raped and then killed. In Pristina an old woman recounts having seen a 17-year-old girl raped and killed. In another statement a young man described how he saw a woman who had been shot in the leg and the body of another woman who had been shot in the chest. The wounded woman told him that they had both been raped by paramilitaries before they were shot.²⁸

Rape before killing can be inferred from descriptions of the state of the woman's body when it was found. One old man, for example, described how he went inside a house and saw the body of a woman lying on a sofa. She was partly undressed, her jacket was open so that her breast was exposed, and the lower part of the body was naked. She had been repeatedly stabbed in her back and shot in the head and abdomen.²⁹

Rape accompanied by other forms of torture and ill-treatment. Rape is itself a crime of torture.³⁰ Additionally, rape was reported as having been committed in connection with other kinds of physical violence. For example, one 75-year-old man described how in late April 1999 he met three women who told him that 12 masked men had raped them together with 20-30 other women. Their bodies had been cut on their breasts, in the genital area, and on their faces.³¹

Rape following abduction. There are many accounts of young women being abducted either individually or in groups. In most cases they would be returned after some hours, but in other cases the interviewee would not have any further information concerning the fate of these women. Given the pattern of deliberate selection of young women for rape, as noted above, it is reasonable to fear that rape is what befell women who were abducted and subsequently were unaccounted for. In instances when abducted women were returned they were very often in such a state that it would be quite clear to others what had happened to them.

One interviewee who had left Staro Selo to go to Urosevac was told by fellow villagers arriving later in Urosevac that six young girls had been taken away by paramilitaries, and no one knew what had happened to them.³² In Velika Krusa (Urahovac) VJ had gathered 1,000 people (women and children) in the mosque. Every hour VJ came and demanded money and also took two or three girls away with them and returned them later.³³

A 30-year-old man from Pristina described how he heard a woman scream that police had taken her 17-year-old daughter. An hour later, he saw the girl in the street crying with her clothes torn. She said, she did not want to go on living any more and that "they have done things to me".³⁴ A 29-year-old man saw five policemen in Urahovac taking three girls aged between 15 and 20 by force. They took them into the stadium. One hour later, the same girls came back crying from the stadium. The policemen were seen rearranging their own clothing (doing up their shirts and belts). Two of the girls had scratches on their faces and the other one had blood on her head.³⁵

In a village in Vitina/Viti municipality, eight paramilitaries were seen taking two young women, aged 19 and 21 years old, into a house for an hour. When the women came out their skirts had been removed, around their genitals they were covered with blood and they looked to be in shock.³⁶ Elsewhere, a 17-year-old girl described how her friend was taken away from the house where they had been put by paramilitaries. Afterwards the friend had told the girl: "If they take you, they can do anything they want."³⁷ A woman in Pristina was told by two 13-year-old girls that they had been raped by police.³⁸ A 39-year-old woman who was in a convoy from Mitrovica to Albania in March, saw young women join the group after they had been "somewhere". The women were covered in blood and some of them had torn clothing.³⁹

Rape and sexual violence connected with extortion. There are many accounts of sexual violence in connection with extortion. In some occasions the perpetrators would rape women if they did not get money, in other cases relatives would hand money over in order to get women back. One man described how two paramilitaries took his neighbour's wife because the neighbour had been unable to give them any money; he was tied up and his wife was taken away in a car. He continues: "I saw how her three children ran screaming after the car. She returned home four hours later crying and visibly shaken."⁴⁰ A 32-year-old woman saw how VJ in Makovac/Makofc (Pristina) pulled her sister-in-law from her tractor as they were in a long convoy heading for Pristina. The VJ threatened to rape her but released her after the interviewee gave them some money. The interviewee further saw about 30 young women standing on the side of the column as the paramilitaries continued to select from the crowd. When they wanted to put her sister in that group the interviewee handed over some more money and they let her go.⁴¹ A 17-year-old girl saw a group of police abduct two young women. The father of one of them offered DM 8000 in

order to get his daughter back. The police took the money but did not release his daughter⁴²

Rape in public, or in front of others. A way to increase the humiliation of a woman was to rape her in front of others. There are several statements recounting how women were raped in public, or in front of their families. One interviewee recounted how a 17-year-old girl was raped in front of her parents in Pristina⁴³ A 28-year-old man described how at the end of March, on the Pristina-Urosevac road, he and two young women were stopped by a military convoy with many tanks and trucks. A VJ soldier and an armed civilian took one of the women 50 metres away from the road and raped her in front of numerous laughing VJs. She was taken back unconscious and naked to the young man's car⁴⁴

An 18-year-old tells how in mid-May three paramilitaries entered a house occupied by IDPs in Pristina. After beating some of the men present, they turned their attention to a young woman, who was 19 years old. They took her clothes off and two of them raped her in front of her family and the interviewee. When they started to touch her the girl fainted, so that they waited until she regained consciousness. Her mother tried to protect her, but one of the paramilitaries put a knife to her chest and made her watch the scene. When they left they took another young woman with them.⁴⁵

Drugs. There are accounts of women being drugged while they were raped. This is in contrast to patterns that have been reported in connection with sexual violence in Bosnia-Herzegovina. In some cases where this was reported in Kosovo, the women were drugged in the course of gang rape after having been already been raped by two or three men. In other cases the woman was drugged straight away and did not know what had happened to her afterwards: also an extremely traumatic circumstance.

Two of the cases mentioned above include mention of drugs having been administered to the women in the course of the rape. In another example, at the end of March 1999 police came to a house in Pristina. They threw everybody out except one young woman, whom they tied to a bed; she was held for some 15 minutes. When she came out of the house she was normally dressed, but there was froth around her mouth. Afterwards she appeared depressed and spoke irrationally. According to the interviewee who recounted this, the woman was unable to tell anyone what had happened in the room.⁴⁶

A 28-year-old woman described how Serb paramilitaries went to the villages around Glogovac and took women away. When they were brought back, they were naked and covered in bruises, and froth was coming from their mouths. After three to four hours they died.⁴⁷ In another incident, a 22-year-old man described how police and paramilitaries entered his house in Pristina and told him and his sister to leave, but then kept his sister back. He stated: "I was soon called back by a paramilitary and he told me to take my sister who had fainted. When I came inside I saw my sister lying on the ground with water in her face and foam in her mouth. My sister told me that they had tried to rape her but that they had not succeeded as she had fainted, and the paramilitaries had let her go."⁴⁸

Rape and sexual violence as a weapon of war

From refugee statements it appears that those who raped and committed other acts of sexual violence in the course of the conflict in Kosovo were from the same groups as had perpetrated other human rights violations. The VJ, police, paramilitaries and Serb civilians are all mentioned as perpetrators of rape against Kosovo Albanians women.

That rape and other forms of sexual violence were used as a mean of humiliating Kosovo Albanian women and the whole of Kosovo Albanian society stands out quite clearly from the refugee

statements. There are several descriptions of Serb perpetrators gloating over raping Kosovo Albanian women. One woman described how the police, after having been in a house where they had put the young women from the village, laughed and said that they could do what they wanted with Kosovo Albanian women⁴⁹ Another young woman who had been assaulted by a police commander described how the commander boasted the morning after the assault: "In the morning the police forced our family onto a bus. When the police commander saw me he stated that he 'had been with me during the night' and he bragged how bad he had made my brothers look."⁵⁰

Rapes and other sexual assaults were sometimes committed in a very public way so that as many people as possible would come to know about them. By this means the Serb forces made sure that the word was quickly spread among the Kosovo Albanian population, and this became yet another weapon of intimidation during the most violent period of the internal conflict, from late March 1999. When rape is committed in an armed conflict it is directed towards the whole society rather than the individual victim. X

Another dimension to the use of rape as an instrument in the conflict is that many women who are raped violently, and sometimes mutilated, are afterwards physically unable to bear children. Or the victim may suffer psychological effects from the rape such that it is impossible for her thereafter to have a normal heterosexual relationship. Again, society may reject the victim and see her as "debased" and not worthy of marriage. *no, no.*

Furthermore, it is clear that sexual violence was used as an instrument of "ethnic cleansing" following patterns similar to those seen in Bosnia-Herzegovina. Comments by Serb rapists as reported from Kosovo, such as "you are no longer Albanians because you will carry Serb children", are very similar to those reported as having been made by similar perpetrators in Bosnia-Herzegovina, in a way that indicates that rape was being used as a weapon to nullify the ethnicity of the women.⁵¹ *Take note!*

Sexual assault on men

The cases of sexual assault on men, reported below, are further indications that sexual violence was used as a deliberate tactic to undermine Kosovo Albanian identity by breaking down the physical, psychological and sexual identity of the victims.

Where it is mentioned in the statements collected by the OSCE-KVM, sexual violence against men appears to have taken place most commonly in detention. Outside these situations, it appears that forcing men to strip naked was the most common way of sexually humiliating men. The statements below should not be seen as in any more exhaustive than those concerning women, as men have just as much difficulty as women in talking about being victims of sexual violence. It is therefore quite possible that incidents took place that were not reported to the OSCE-KVM.

Sexual assaults in detention centres. Much violence took place in the detention centres, some of which can be classified as sexual violence (see also Chapter 6: Torture and ill-treatment). One 55-year-old man described the violence that took place in a police station in Pristina as follows: "On 3 May, they sent us to the officers for questioning about UCK activities. They made us take off our clothes and lie down. They beat us with wooden clubs, on every part of the body, back and head. They also put our penises (mine too) on a table and beat them. Different kinds of screams were heard. But you scream as you want. There is no way to escape. They beat us until they were tired (about two hours). Afterwards they placed us again together in a corridor. We had to carry some people who could not move. Then we were put onto buses. We were beaten when we got on the bus and were sent to Lipjan [Serbian: Lipjan]. I had blood in my urine for 17 days."⁵²

One interviewee, describing his detention in Lipjan prison, stated that he saw two male detainees

being raped by two policemen who declared that they had AIDS⁵³ Another man recounted how "all the men were taken to Novi Dom near Kosovo Polje the next day, in an armoured vehicle. They entered the shopping centre where the police had set up an office one by one, and were interrogated. We were beaten with batons, kicked in the groin, [had our] heads banged against walls, some to unconsciousness. One man who had refused to talk after repeated beating, was told to take all his clothes off. A policeman opened a desk and told him to put his penis between the lid of the desk and the base. [The man] gave a (fake) name of a UCK suspect and was released⁵⁴

Sexually humiliating and degrading treatment. Many men were humiliated by being forced to undress in public. An 18-year-old man described how he and some other men were hiding in a forest in Prizren municipality when they were surrounded by police. They were ordered back to their village and there they were beaten, forced to lie on the ground, eat grass and sing Serbian songs. The younger men (including the interviewee) were taken to the forest, stripped and made to stand naked in the rain for two hours, while their clothing was searched.⁵⁵

In another case, from Decani municipality, a 33-year-old man refused when police tried to make him undress in front of a group of women. For this he was beaten so badly that three bones were broken.⁵⁶ In Kraljane/Kralan (Djakovica) about 400 men were stopped at a checkpoint as they tried to flee. They were forced to undress completely, body-searched and made to remain on their knees with hands behind the head.⁵⁷

A 36-year-old man was stopped on the road by police in Kosovska Kamenica/Kamenice. After showing his ID, police ordered him to walk to the nearby forest. There seven police officers began to beat him. They ordered him to take off his clothes and then to put them on again, several times over.⁵⁸ In Varos Selo/Varosh (Urosevac) a group of men were ordered by a dozen paramilitaries take off their clothes. One of the men refused, and for this he was stabbed in the side. The paramilitaries then opened the gate of the courtyard where the men were being held and told the naked men that they could "go now to Macedonia" ⁵⁹

Notes

¹ Rape falls within the broader category of "sexual violence", which is defined as any violence, physical or psychological, carried out through sexual means or by targeting sexuality. Sexual violence covers both physical and psychological attacks directed at a person's sexual characteristics, such as forcing a person to strip naked in public, mutilating a person's genitals, or slicing off a woman's breasts. "Contemporary Forms of Slavery: Systematic rape, sexual slavery and slavery-like practices during armed conflict. Final report submitted by Gay J. McDougall Special Rapporteur of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities E/CN.4/Sub.2/1998/13.

² M/1736.

³ M/1017.

⁴ M/1173.

⁵ M/1023.

⁶ A/0534.

⁷ M/1782.

⁸ M/0312; M/0315; M/0343; M/0750; M/0962; M/1053; M/1158; M/1266; M/1333; M/1447.

⁹ M/1701.

¹⁰ M/0745.

¹¹ M/1411.

¹² M/1190.

¹³ M/1378.

¹⁴ A/1099.

¹⁵ A/0928.

¹⁶ M/1411.

¹⁷ M/1806.

¹⁸ M/0573.

¹⁹ M/1278.

²⁰ A/0225.

²¹ A/0225.

²² A/0225.

²³ A/1124.

²⁴ A/0230.

²⁵ A/0230, A/0228, A/0225, A/1124, A/0229.

²⁶ M/0830.

²⁷ M/1292.

²⁸ M/1416.

²⁹ M/0813.

³⁰ Report of the UN Special Rapporteur on torture, Mr Nigel S. Rodley, submitted pursuant to Commission on Human Rights resolution 1992/32, E/CN.4/1995/34, Paragraph 19, 12 January 1995.

³¹ M/0875.

³² M/1168.

³³ M/0457.

³⁴ M/1260.

³⁵ M/0547.

³⁶ M/1498.

³⁷ M/1214.

³⁸ M/1760.

³⁹ M/1339.

⁴⁰ M/1806.

⁴¹ M/1458.

⁴² M/1278.

43 M/0101.

44 M/0454.

45 M/1759.

46 M/0912.

47 M/0717.

48 M/0816.

49 M/0312.

50 A/0922.

51 M/1173.

52 M/1777.

53 M/1617.

54 M/1418.

55 A/0909.

56 A/0538.

57 A/0065; A/0066; A/0068; A/0167; A/0168.

58 M/0423.

59 M/0459.

[Contents](#)
KOSOVO / KOSOVA As Seen, As Told

[Previous](#)

[Next](#)
OSCE ODIHR



KOSOVO / KOSOVA As Seen, As Told

PART III : The violation of human rights in Kosovo (Chapter 8)

[Contents](#)
[Previous](#)
[Next](#)

MISSING PERSONS¹

The many cases dealt with by the OSCE-KVM in which the UCK was confirmed or alleged to have abducted Kosovo Serbs are dealt with in Chapter 19, Kosovo Serbs. When the OSCE-KVM was deployed inside Kosovo, most of the civilians who were reported to it as "missing persons" as a result of the conflict had in fact gone missing between June and September 1998, i.e. before the signing of the agreement between the FRY and the OSCE on 26 October 1998. The OSCE-KVM Human Rights Division worked with the Serb community in an attempt to locate those people and addressed itself to the UCK on this issue. Priority was given, however, to the cases of those who were reportedly abducted during the time of the OSCE-KVM deployment in Kosovo, and extensive resources were employed, often successfully, in securing a release from the UCK.

Judging by statements taken by the OSCE-KVM from refugees which relate to the period 20 March-9 June 1999, there are a large number of Kosovo Albanians whose fate is reported as unknown after they had last been seen in the custody of FRY or Serbian forces. It has been beyond the scope of this report's analysis and follow-up of the OSCE-KVM's data to determine specifically whether any of those people have "disappeared" according to the definition as set out in the UN Declaration on the Protection of all Persons from Enforced Disappearance,² i.e. that a person has been "arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government, or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, which places such persons outside the protection of the law"³.

Notes

¹ To read further on issues relating to missing persons in Kosovo, see Chapter 9, Arbitrary arrest and detention and Chapter 19, Kosovo Serbs.

² Declaration on the Protection of all Persons from Enforced Disappearance, General Assembly Resolution 47/133 of 18 December 1992.

³ Allegations of such enforced disappearance are being followed up by the OSCE-MiK, which has been deployed in Kosovo since July 1999.



KOSOVO / KOSOVA As Seen, As Told

PART III : The violation of human rights in Kosovo (Chapter 9)

[Contents](#)[Previous](#)[Next](#)

ARBITRARY ARREST AND DETENTION

The right to personal liberty and to freedom from arbitrary arrest or detention have been violated on a massive scale during the conflict in Kosovo in the time frame covered by this report. Hundreds of people were arrested or otherwise deprived of their liberty by both the Serbian and Yugoslav authorities, with a complete disregard for the guarantees contained in domestic law and international standards. This was particularly the case following the Yugoslav and Serbian military operations after 20 March 1999. Individuals were also held by armed civilians, paramilitaries and criminal gangs operating outside any legal framework, as well as by the UCK. This section focuses on arbitrary arrest and detention by the Yugoslav and Serbian authorities, but also looks at human rights abuses in the context of detentions by the UCK.

Arbitrary detention in Kosovo: law and practice

It is important to note that Yugoslav and Serbian laws in force in Kosovo throughout this period incorporate many of the safeguards against arbitrary detention which are provided for in international standards such as the International Covenant on Civil and Political Rights (ICCPR). These safeguards include strict limits on the duration of detention, limitations on the police's powers of arrest and detention and guarantees for the respect for the physical integrity and dignity of the detainee.¹

A person reasonably suspected of having committed a criminal offence may only be detained and held in confinement on the basis of a decision of a competent court of law. Custody shall be ordered by the investigating judge of the competent court, but only when this is indispensable for the conduct of criminal proceedings or for reasons of public safety²

However, certain provisions of the Criminal Procedure Code (ZKP) appear to conflict with Yugoslav constitutional guarantees and international human rights standards, in that they are interpreted by Serbian police as far-reaching carte blanche to detain individuals for as long as three days (72 hours).³ Although widely criticized from a human rights perspective by Yugoslav jurists in the past,⁴ these provisions, which predate the FRY Constitution, continue to apply and give the Serbian police a welcome loophole for justifying many of its activities.

After the declaration of the state of war the Yugoslav government decreed a far-reaching modification of the rules governing arrest which gave broad powers to the police, including the right to conduct house searches without a court warrant and detain persons for up to 30 days.⁵

Arbitrary arrest procedures

The OSCE-KVM reported numerous cases where persons were detained in contravention of established procedures, rendering such arrests unlawful under national law as well as international standards. For example, in many instances arrests were made without the detainee being promptly informed of the reasons for the arrest. When challenged by the OSCE-KVM in the period January-March 1999, the Serbian police acknowledged that it had carried out widespread arrests

and detentions, but denied that these were arbitrary in nature. The authorities argued, for instance, that there was no legal requirement to inform the detained person of the reasons for the arrest.⁶ This position was affirmed by interpretations of Serbian laws which allowed the police the largest possible operational options, and the lack of judicial control of libertarian constitutional guarantees provided the Serbian police with a general privilege of impunity.

Particularly during the period of the NATO air offensive, individuals were randomly taken into custody, to be given only later a "legal document" (i.e. an arrest warrant). This indicated the reasons for their detention but failed to provide any particulars of the infractions they were accused of having committed, except for the accusation itself. This procedure was often explicitly based on the new Yugoslav state of war legislation. The random factor of many arrests and the merely formalistic issuing of an arrest warrant are highlighted by a number of cases reported to the OSCE-KVM.

An [identified and named] inspector asked [an interviewee] to co-operate and become a spy for the police. [The interviewee] refused. [The officer] threatened that if [he] did not comply [his] family would not be safe and said: "Today, the price of a man's head is cheaper than a kilo of flour. We killed Fehmi Agani, so it will be easy to kill you, too!" [The officer] knew that [the interviewee] was an activist and that [he] had spent time in prison. He gave [him] a paper saying [he] was detained on the basis of "Hostile Activity against the State" [Article 136(1) KZSRJ]. The document also mentioned that the pre-charged period was prolonged to 30 days, following a change in the law.⁷

Arrests for arbitrary reasons

There was, furthermore, a general pattern by which Kosovo Albanians were taken into custody for completely arbitrary reasons. In such cases, the only basis for the detention was that it was often linked to situations such as individuals being from a particular village believed to be sympathetic to the UCK, or because the person happened to be a "man of fighting age", which cannot be considered an objective reason for arrest. The most common pretext for arrest was, however, the lack of any proper identification documents and the purported necessity for the police to establish someone's identity. Given that a very large number of Kosovo Albanians did not have any proper ID cards - passport, *licna karta* (personal identity card), and so on, - they ran the permanent risk of being arrested by random patrols on roads, or in buses or market areas.

In turn, motives for the Serbian police to take persons into custody could be far more banal. In a large number of cases reported the police simply extorted money or other valuables from citizens.

On 3 February at 15:40 hours, the police went to the market behind the prison and began to threaten the people who were [buying and selling goods in the market]. Two [Kosovo Albanian] men did not know Serbian and they did not know what the police were saying. The police arrested them and took them to the police station. The police did not [harass] or torture them, they just took money [reportedly DM 310] and [valuables] from them and released them with the threat that, next time, they would arrest them and take them to jail.⁸

Denial of basic rights of detainees

The constitutionally guaranteed rights of a detainee to appear in front of a judge and to challenge the legality of his/her detention were regularly violated. Any person detained must also immediately be informed about his/her right to remain silent.⁹ The investigating judge must also immediately inform a person who has been arrested and brought before him that he may engage a

jud. int. f.
went off
detainee
He is
Serbian
in custody
in hospital

defence lawyer who may attend his examination¹⁰ However, according to Yugoslav law, the defence lawyer cannot correspond and talk with his client in private prior to the examination by the Investigating Judge¹¹

Any person taken into custody is entitled to demand that the authorities inform his next of kin of his detention.¹² The court or police must notify the family of an arrested person within 24 hours, unless he objects to that notification. However, the OSCE-KVM received many complaints from family members of arrested persons (most often young men) who reported them as missing persons. In February and early March in some regions, the OSCE-KVM was inundated with telephone calls from citizens requesting to follow up and verify with the police arrests of family members who were temporarily unaccounted for. It is difficult to establish whether family members were in fact informed by police or the detainee, as the authorities tended to claim, or whether the allegations of family members were well-founded.

The denial of basic detainees' rights in the crucial phase of the first hours and days after arrest often triggered a chain of further human rights violations. It left detainees particularly vulnerable to torture and ill-treatment, used systematically to extract self-incriminatory statements subsequently used as evidence in proceedings against the detainee. Arbitrary arrests could also lead to even more serious consequences, culminating in instances of death, either through summary killing or torture (see Chapters 5, Violation of the right to life, and 6, Torture and ill-treatment).

The use of force against a person who has been detained or whose freedom has been restricted, as well as any forcible extraction of confessions or statements, is prohibited and punishable in Yugoslav law.¹³ As has already been stated, in practice torture and ill-treatment of detainees was widespread and an apparently integral element of police conduct towards detainees.

On 6 March, [the victim, a high ranking member of the LDK in Djakovica,] and two other men were approached by plain clothes State Security police. They asked to see their IDs and then drove them in [a civilian car] to the police station in Djakovica. They were initially interviewed in separate rooms on the second floor. They were asked what kind of jobs they had and how they knew each other. After that interrogation, they were taken to the fourth floor. They could hear the screams of other people that were already there. [The victim] was placed in a room and three men in civilian clothes entered. They hit him on the palms with a rubber baton and asked him about [people named in his phone book]. They wanted to know how he knew the people and what their functions were. They found the names and numbers of [two OSCE-KVM members]. He told them we were OSCE. They asked him [what kind of information he would give] to these OSCE people. One of the questions was also: Are the Albanians using women to get to OSCE members? During the questioning, he was slapped on the face about 12 times. They wanted more information about the LDK and told him that they saw no difference between the UCK and the LDK. They told him that they were going to get the other two leaders and do the same to them. If they did not quit [the LDK], they would use the Chetnik-knife and cut their throats¹⁴

Bypassing detention procedures by means of "informative talks"

In order to control the maximum number of individuals without having to follow the formal requirements for lawful arrest, "informative talks" (Serbian: *Informativni Razgovor*) were a common feature in Kosovo, and indeed throughout Serbia, since long before 1998. Individuals, particularly influential persons, knew that at any moment they could be "invited for talks" by the

police or, worse, by members of the State Security Police (SDB). This practice was evidently favoured by the Serbian police because it allowed them to control citizens' movements (often amounting to an infringement of personal liberty for periods of less than 24 hours), without formally arresting the individual. For the individual concerned, such an invitation was more often than not an ultimatum, not infrequently accompanied with the threat that if the invitation were ignored, the individual would have to face "serious consequences" and would regret the lack of co-operation shown. Experience taught most Kosovo Albanians to consider the invitation an obligatory summons. "Informative talks" were therefore a means of depriving persons of their liberty while disregarding the safeguards set down in domestic law and international standards. Ill-treatment during such talks has been amply documented¹⁵

Rather than passively waiting for the person to be interviewed, the "invitation" could also consist of taking a person to a police station whereupon, for the next few hours, security officials would question the person, trying to elicit - through various forms of coercion - information on matters of interest to them. Additionally, threats were often made against the interviewed individual or members of his or her family, so as to force the individual to act as an informant for the security forces. The talks usually ended with the interviewed person being released on having promised further co-operation with police and having agreed to report to the police at a later date.

During the time the OSCE-KVM was deployed in Kosovo, the practice of "informative talks" continued to be reported regularly, and even increased, apparently for two reasons. First, as OSCE-KVM scrutiny increased so did the attempts by the Serbian authorities to evade that scrutiny while still satisfying their own requirements for information. Second, while in 1998 security officials could disregard legal requirements more easily, particularly in relation to the duration of detention, OSCE-KVM monitors now requested that officials account for the whereabouts of individuals, particularly if the detention became prolonged. In this context, the use of more informal "informative talks" proved useful, since the victim's family and others might only learn of the arrest after or at about the time of the victim's release.

In the period after the OSCE-KVM's withdrawal, many people who had been employed by the OSCE-KVM and others who had had a closer relationship with the organization, such as lawyers, intellectuals and political activists, were systematically summoned for "informative talks" and questioned about the OSCE-KVM's activities, which were often considered spying by the Yugoslav authorities. Later, after the passing of the state of war legislation, refugees interviewed by the OSCE-KVM did not report "informative talks" as being a common occurrence. The reason for this appears simple: in contrast to the pre-evacuation period, the Serbian authorities did not need to disguise their actions to the same extent, as the state of emergency gave them even wider powers to infringe personal liberty. They could arrest, interrogate and detain persons for as long as they pleased and, as indicated further, did so en masse. The need to adhere to the legal standard of criminal procedure, already watered down by state of war legislation, was practically eclipsed.

Mass arrest in the context of forced displacement

When the Serbian police began a new series of arrests, in early 1998, it usually meant that individuals, or small groups of persons with particular links, would be sought and taken into custody. By midsummer of that year, with military operations taking place in many parts of Kosovo, large groups of villagers were being chased out of their homes and forced to move to other locations. The Serbian forces then used these movements of people as an opportunity to round up people and detain them. A pattern emerged in these incidents: IDPs would be assembled in a particular village or area, whereupon men would often be separated from women and detained in particular enclosed buildings, often school compounds. A first "screening" would be conducted in situ, and some of the detainees would be released while others would be taken to the local police station for further questioning or the "paraffin glove test" to establish whether they

had residues of explosives on their hands. This pattern was found repeatedly throughout the whole period:

On 19 May 1999 [the victim], his fiancée and cousin were together in the apartment of the fiancée [in Pristina]. Four police officers [forced the door, entered the apartment] and asked for documents. [The victim] gave his passport, the cousin did not have any documents, because they had been taken by paramilitaries in Kacanik one week before. The two men had to go out in the street, where already approximately 30 other men were gathered holding their hands behind their heads. They had to walk in a queue to the police station, where they were led to the basement. [The victim] was hit in the nose and neck with fists and kicked in the back. Had to wait for two hours. One by one they were taken to a separate room and beaten up; while lying down [the victims] were beaten with a club. At one point a police officer came and told them to stop, but that lasted only a short time.

The victim's fiancée went to the police station to ask about his whereabouts, where she saw a lot of other [detainees] arriving (approx. 200). Afterwards they took them five by five to the first floor for the paraffin test. Afterwards everybody had to wait in the basement for two inspectors [to hold] "informative talks" one by one. [The victim] was asked about his exams, his professors, etc. He had to stay until 20:00 hours and was released together with a few other people. ¹⁶

[Another interviewee] said that on 30 April he was stopped in Prugovec for two hours by police with a convoy from Majance. Police separated 300 men between 15 and 65 and sent them into the yard of a house. Police applied the paraffin test. The interviewee was sent back to the convoy, but although their test were negative as well his son and two brothers were sent with the rest of the group to the prison in Lipljan. ¹⁷

While several individuals were released, others would be charged and sent to pre-trial detention. It was a common feature that during all of this time in detention there would be reports of ill-treatment, and sometimes torture. These mass arrests led to a dramatic increase in the number of persons charged and later tried on accusations of "terrorism" ¹⁸

During the period of the OSCE-KVM's deployment, up to the point of its evacuation, occurrences of mass arrests were almost non-existent, the only exception being the round-up of people that followed the Serbian forces' offensive in villages south of Kacanik/Kacanik in March 1999. This constituted a significant change of pattern from 1998, even though incidents of significant displacements of population still took place as of December 1998 and thereafter. In this respect, it is most probably because of the OSCE-KVM's monitoring of IDP movements that such mass arrests did not take place. The incident in Kacanik was indicative of the deteriorating situation by March 1999, and of events to follow.

On 9 March all during the day groups of IDPs were coming out of the woods from the hills to be taken to shelter facilities in Kacanik. The OSCE-KVM observed that the men were being separated from the group and taken to the Kacanik police station for "informative talks", or eventual arrest. The OSCE-KVM counted some 125 men taken in this way. The Police Commander said that they were looking only for higher-ranking UCK members and that the others would be released within hours. ¹⁹ On 10 March the OSCE-KVM inquired of the police about the 125 men; they were told that all but 23 were released the previous night. The acting Police Commander in Kacanik promised to provide a list of the 23 men who had been brought to Urosevac for further interrogation. ²⁰ After their release, one of the those detained gave the

following statement to the OSCE-KVM:

My family and I were remaining in our village of Laj (210 inhabitants) even if we were aware of the police offensive. We did not want to escape. We have been living in a camp for 12 days. On 8 March, the police came to the village at around 13:00 hours and separated the men from the women. They told the women that their brothers, fathers and husbands would be brought to the police station for informative talks and that they would be brought back home soon. Twenty-two men from 15 to 58 years were put in a truck and sent to the Kacanik police Station. We stayed approximately half an hour in front of the police station and then we were brought to the Urosevac police station. We were beaten in the hall of the police station, punched, kicked by both police officers with uniforms and civilians clothes. Then, we were brought to a sports centre near the police station on the road to Stimlje where we stayed all night long. We had to put our elbows on the wall while they were beating us on our back. I was three or four times unconscious. I was there with my two brothers and my father. They told us we were UCK members. I denied and swore I was only a simple civilian taking care of his family. They asked us questions such as: 'who told you to get out of the village, who gave you weapons?'²¹

After the OSCE-KVM's evacuation, and with the large displacement of population, the pattern of rounding up people and mass arrests intensified to dramatic levels. The OSCE-KVM interviewed dozens of individuals who were subjected to such practices, taking place more or less all over Kosovo and even in southern Serbia proper.²² By late April and early May, dozens of men were being taken on a daily basis and sent to various prisons, notably Pristina/Prishtina, Smrekovnica/Smrekonice (Vucitrn) and Lipjan/Ljipjan. The OSCE-KVM interviewed a large number of men who indicated how they were rounded up as the IDP column they were in was stopped. A large number of men was also arrested when the Yugoslav and Serbian forces conducted arrest operations in particular areas of some of the main towns in Kosovo, particularly Pristina, Kosovska Mitrovica/Mitrovice, Glogovac/Glogovc, Djakovica/Gjakova, and Pec/Peja. All of these men ended up spending weeks in harsh detention conditions (see Chapter 6, Torture and ill-treatment, and the entries in Part V for Vucitrn and Lipjan municipalities) during which time they were regularly ill-treated or even tortured, before being released, only to be driven to the border with Albania and the former Yugoslav Republic of Macedonia effectively in order to be deported.

On 30 March an interviewee and 13 other men were arrested in Decani/Decane. They and 60 other Kosovo Albanians were first held in a storehouse for several hours and then placed on a truck and brought to Pec police station where they had to stand up in a packed narrow room all night. On 31 March they were beaten by police and prison guards wearing black uniforms, and were interrogated about the UCK by five police officers. In the evening they were taken out of the building and ordered to remove their shoes, and had their hands and feet hit with batons while being questioned about the UCK. police officers said: "Tell us what you know about the UCK or we will kill you!" They were held in the narrow room for eight days. On 9 April they were trucked by the police and VJ to Zur near the Albanian border²³

In mid-April, after a mass killing in Vrbovac (Glogovac), 175 men were taken from there to the mosque in Cirez (Srbica) and from there to the police station in Glogovac, where they were severely beaten for six hours. Afterwards they were sent to Pristina. In Pristina they were again beaten for several hours with police batons, iron poles and rifle butts. The day after, all 175 men were transferred to Lipjan.²⁴

One of the most detailed descriptions of an example of mass arrest and ensuing systematic forced

self-incrimination is found in a statement made by a boy who had just turned 15, when he was detained in Kosovska Mitrovica on 16 May:

Police wearing military uniforms surrounded my quarter at 05:00 hours. People in the quarter were gathered together in a convoy to leave. As they were departing from the town, police stopped the convoy and separated men from women and children, telling them that this was being done to issue (humanitarian aid) cards. Women were taken to the bus station and (about 500) men were put in trucks. The men were taken to Smrekovnica prison [near] Vucitrn. Upon arrival, the men were forced to run into the prison. [The interviewee] was beaten with a club by a Serb while running.

The following day the police came with a "confession document" for everyone. The document stated that the [undersigned] person was a terrorist since 1 May until his capture by police, they were in possession of arms at the time of capture. [The interviewee] signed the document. The group was taken in two queues to another building being beaten for the entire walk. The documents were done by one person on a computer and handed to the detained men to sign. Everybody signed it because of fear.

Every day 80-100 men were taken to the Medical and Technical Schools for questioning about UCK involvement. We were beaten while questioned.

On 25 May [the interviewee] was taken to the Medical School [and] was asked where [they] lived, [whether they] were UCK, [whether they] knew certain UCK members, etc. The police put [the interviewee] up facing the wall and told [him] to think about it. After a few minutes they put [him] back in the chair and asked if [he] knew [interviewee's neighbour]. [He] answered "yes, but I don't know where he is". The questioning lasted about 30 minutes. During that time [he] was beaten on [his] back seven times. Afterwards, [he] was returned to the prison.

On 26 May [the detainees] were given back the ["confession documents"] which now [included their] statements from the questioning and [they] were told to sign again. ²⁵

Many of those arrested and detained during the conflict, as well as detainees who had been in pre-trial detention in Kosovo prisons or serving prison sentences after convictions, were not released, but were transferred to prisons in Serbia proper accompanied by Serbian and Yugoslav forces when they withdrew from Kosovo in early June. Whereas many of them are accounted for, there are many unconfirmed reports of hundreds of men (but also some women) who were arrested and detained by the Serbian authorities and whose fate and whereabouts remain unknown. These allegations of enforced disappearances are currently being followed up by the OSCE with the Yugoslav authorities.

Arbitrary arrests as a method of restricting freedom of movement

Checkpoints and other forms of police control, particularly on public transport, increased the possibility of Kosovo Albanians' being victims of arbitrary arrest. This, in turn, played a significant part in generating fear of movement among the population.

Prior to the OSCE-KVM's deployment, arrests during police controls were common occurrences and, as a result, movements in and out of certain areas were almost non-existent. Even travels in or out of Kosovo could expose individuals to such arrests, as highlighted by the case of the arrests of several Kosovo Albanian men returning from working abroad.

[The informant] stated that after working in [the former Yugoslav Republic of]

Macedonia for two months ... he became concerned about the safety of his family in Suva Reka [and returned to Kosovo]. On 3 July 1998 ... the bus he was travelling on was stopped by the police in Prizren. [The] police gathered 61 men including the complainant and transferred them to the police station in Prizren, [where] they [took] his personal property and [detained] him. During this time he was beaten severely by several police [officers], and tormented when they placed electrical devices on his hands and ears. While they were doing this they kept asking questions about the UCK. When he told them that he didn't even know what the UCK was they kept up this type of treatment for hours. [The complainant] stated that they released him at about 03:00 hours. All they gave him at this time was a document release form and his ID card. They kept three boxes of cigarettes and his passport.²⁶

The OSCE-KVM's verification activities assisted in many ways in restoring freedom of movement as, in the beginning at least, checkpoints were taken down. As the situation deteriorated, police controls reappeared on a larger scale although in more deceptive ways, and numerous cases of arbitrary arrests again started to be reported. In turn, fear of travelling increased.

It can be argued that the Serbian authorities had some legitimate purposes in conducting police controls, since they were conducting a widespread anti-terrorist operation. However, the arbitrary nature of the actions taken by the police in exercising these controls, particularly through arrests, had a significant impact on restricting the otherwise legitimate movement of persons.

Treatment during pre-trial detention

Yugoslav laws and international standards require that persons in detention be treated humanely and with respect for their dignity. Also, persons in pre-trial detention accused of having committed a crime and those already convicted of criminal offences should be segregated, not least to uphold the principle of the presumption of innocence unless proved guilty in a fair trial. The OSCE-KVM received a large number of complaints that principles governing correct detention were blatantly violated in Kosovo by Yugoslav and Serbian authorities.²⁷ The following prisons and other established places of detention are dealt with in Part V of this report, in the relevant municipality entries: Dubrava Prison (Istok), Lipjan Prison (Lipljan), Smrekovnica Prison (Vucitrn), Pristina police station (Pristina), Pec police station (Pec), Djakovica police station (Djakovica).

The general policy of the OSCE-KVM was that, in order not to undermine the role of the ICRC, visits to detention facilities were the prerogative of the ICRC and that no prison should be visited unless in co-ordination with them. In practice, no such OSCE-KVM visits to detention facilities were conducted. All information on those facilities therefore originates from former detainees themselves, their family members and human rights lawyers. The conditions for detainees at the various detention facilities in Kosovo were altogether bleak (see also Chapter 6, Torture and ill-treatment).

As the detainees arrived at Lipjan prison they were beaten by the guards from the gate until they reached the building.²⁸ Some 40-50 guards were lined up in two columns and while the detainees passed through them, they were beaten with rubber batons and kicked by the guards.²⁹ One interviewee could see the path going to the gate from his cell and described how he saw the guards washing off the blood on the ground after the beating.³⁰

A former detainee who was in the group of approximately 120 Kosovo Albanian men arrested in Vrani Do/Vranidoll (Pristina) describes his arrival at Lipjan prison sometime in May 1999:

When we were out of the bus [we were] beaten again. In the prison we were [registered], taken to the cells and beaten again. We were 38 people in one room,

where we stayed for two weeks (there were some mattresses). I heard that 1,000 ... deserters arrived, and we were taken [out] of the room and sent to an empty room. During one week we were beaten every day and [verbally harassed]. Then we were sent to a sports hall. We were 400 to 500 people there. Every day when the guard came we had to say: "I am here according to Articles 125 and 136 of the Yugoslav anti-terrorist law!"³²

... The Serbian prisoners were allowed to receive visits from their families. We did not have this chance.

During [the time in prison] they [would] bring one quarter of [a loaf of] bread with water around 10:00 hours and the same again at 16:00 hours. ... [When going to the toilet] we were just washing our face quickly with cold water. The schedule was three times a day. But any time we had to go to the bathroom, we were sure in advance to be beaten. So it was better not to go. ... When the cook [came] to distribute the bread, he [would make us say]: "Long live Serbia!" Otherwise [there was] no bread. Also the Serbian prisoners were free to come and beat us. ... We were often beaten on our hands. ... At any moment, we had to [hold] our ears, [in order] not to hear the screams."³³

As this example showed, the treatment of detainees, especially according to reports referring to the period after the OSCE-KVM's withdrawal, was often anything but humane and respectful of human dignity. During the Serbian offensive, garages, empty private buildings, factories, schools, barns and other buildings were used as improvised detention facilities, which had even lower standards than ordinary prisons. This type of detention was most often accompanied by ill-treatment or torture.

When detainees arrived at Smrekovnica prison they had to run the gauntlet of lines of guards, and were all beaten severely at this time. Conditions of detention at the prison were humiliating: cells were overcrowded, detainees were deprived of food and water, and toilet facilities were lacking. In all cases, when the victims described their detention in Smrekovnica prison, they mention the fact that before, during and after the continuous process of interrogations they were severely beaten. At the interrogations they were asked questions about their connections with the UCK and forced to sign statements admitting their membership of the UCK³⁴

One statement described the document the detainees were forced to sign:

On the second day in prison we were given a document with the statement on the back dealing with Yugoslavian law on terrorism. The front page was empty. Stated on this document was "you are accused of taking part with the UCK against the Serbian armed forces from March to 16 May". The prisoners believe this document was written [in such a way that the] one whose name is on the document could never return to Kosovo.³⁵

According to Article 24 of the Constitution of FRY (and the almost identical Article 16 of the Constitution of Serbia) "... The length of detention [before trial] must be of the shortest possible duration." The Criminal Procedure Code institutes a maximum of six months. In practice, this maximum rule tended to be taken as stipulating the time expected to be spent in detention before trial. There were frequent cases of this time limit expiring without a formal bill of charges being presented. The reason for this was often the complete lack of evidence for any criminal offence. Often, persons were found guilty, convicted for time served and released. Hence, the state would not have to compensate for any damages incurred for being wrongfully detained, as guaranteed by the Constitution.

Impunity and lack of redress

According to Yugoslav criminal law, an official who takes advantage of his official authority with the intention of causing damage to a third person commits a criminal offence³⁶. This is particularly true so if it leads to substantial damage to or a serious breach of another person's rights, such as the right to personal liberty. Since violations of this law were largely made with impunity, for many Kosovo Albanians the sight of Serbian security officials carried the fear that, for arbitrary reasons, they could face the prospect of restriction of liberty, theft, abuse of physical integrity, or even the loss of life.

The OSCE-KVM was not aware of any case where a Kosovo Albanian who had been arbitrarily arrested, and whose right to liberty was therefore restricted, actually exercised their right to ask for compensation.

Arbitrary detention by the UCK

In an effort to assert its legitimacy, the UCK early on decided to create its own military police and judicial system. Through this exercise the UCK tried to justify what amounted to abductions of civilians who had contravened UCK dictates or its conduct of operations. Individuals and small groups of people, often accused of being "traitors or collaborators", were forcibly taken and sometimes subjected to summary trial procedures for infractions that were defined to embrace conduct deemed inappropriate by the UCK³⁷. There appeared to be no legal basis for these proceedings under international or domestic law³⁸.

Even if a legal basis had existed to enable the UCK to organize such a judicial system, the absence of predictability as to what constituted punishable conduct under this system would have rendered all detentions effected under it arbitrary. Moreover, these detentions were generally the result of on-the-spot decisions made by UCK members in the field, which the UCK command then tried to justify as amounting to some kind of lawful detention under a so-called "Criminal Code of War" (see below). This again underscored the arbitrary nature of such detentions.

The OSCE-KVM made several attempts at gaining access to UCK detention facilities which were denied "for security reasons". It was explained that those in the custody of the UCK were kept in houses and had to be moved around depending on the level of fighting. However, the OSCE-KVM was on one occasion granted access to eight alleged detainees, Kosovo Albanians charged with "looting, stealing, or collaboration with the enemy", and was able to interview the detainees in private³⁹. The OSCE-KVM was also informed by UCK commanders that several people were also kept under some form of house arrest.

The general detention procedures of the UCK were described as follows: after information was received by the UCK police that a "crime" (i.e. infraction of UCK codes) had been committed or collaboration was alleged, an "invitation" was issued to the person concerned. If that person did not respond to the summons, he was taken into custody by the UCK police. These were reported to have acquired a degree of sophistication, with files, fingerprints, witness statements, UCK intelligence and so on, which corresponded to the claim of legitimacy and procedural correctness. With respect to procedure, the UCK asserted that each brigade in the UCK had a military police chief who had the authority to indict according to UCK military rules. UCK officials claimed that when people were indicted they were held in detention for up to two to three months before being brought before a military court, which was said to be composed of a board of judges, an investigative judge, and a jury, all of whose members were lawyers or officers; the OSCE-KVM was not permitted to observe these trials. The OSCE-KVM was assured that the ill-treatment of detainees/prisoners was forbidden according to the Geneva Conventions and the UCK "Criminal

Code of War" and that should it nevertheless occur, disciplinary action would be taken. According to the UCK military police, conditions for the detainees were the same as for UCK fighters themselves, that is, they received food three times a day, were able to work and walk outside, and had access to toilets and showers. Even family visits and medical assistance were possible whenever the circumstances allowed.⁴⁰ However, there were a number of reports of ill-treatment and killings of people abducted by the UCK.

An illustrative example of detention by the UCK occurred on 11 February 1999 in Racak/Racak and Stimlje/Shtime. The UCK abducted nine Kosovo Albanians in Racak, either during the funeral of the victims of the mass killing of 15 January 1999 or on their way back to Stimlje after the funeral. They were detained by armed young men dressed in black civilian clothes and were driven in private cars to Petrovo. All of them stayed in a stable for the following night. Two later said that they had been ill-treated. Most of them were interviewed by the UCK Commander of Petrovo and informed of the reasons for their detention: "having a brother working with the police and being suspected of having weapons; drinking with Serbs and having Serb friends; having a police officer as a friend." They were all released in the evening of 12 February but most of them stayed the night in Petrovo because they were afraid to go back home that late.⁴¹

In a meeting on 22 February, the UCK confirmed that nine people had been detained on 12 December 1998 in Dramnjak/Dramnjake (Stimlje) and gave assurances that they were alive and well treated. The reasons for holding them were given as: "prostitution, relations with Serbs, suspected espionage activity". They were awaiting further proceedings against them. The UCK said that their families could send them letters and clothes through the UCK command in Petrovo.⁴² However, the UCK admitted that Serb policemen who had been detained had not been treated in the same way as other prisoners.⁴³

The OSCE-KVM was denied a copy of the UCK's "Criminal Code of War", so had no information about any punishments laid down by the UCK for people convicted under this code. *016 05399 - 005 201*

Notes

¹ Articles 23 and 24, Constitution of the FRY; Articles 1(2) and 190(2) ZKP.

² Article 16, Constitution of the FRY.

³ Article 196 ZKP; Article 9 (1) of the ICCPR states that "Everyone has the right to liberty and security of the person. No one shall be subjected to arbitrary arrest and detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law".

⁴ Human Rights in Yugoslavia 1998, Belgrade Centre for Human rights, pp. 75-88.

⁵ Decree on Application of the Law of Criminal Procedure during the State of War. Official Gazette of the Federal Republic of Yugoslavia, vol. VIII, no. 21, 4 April 1999.

⁶ Although international human rights standards and the Yugoslav Constitution (Article 24) demand that the person arrested be informed immediately about the reasons for his or her arrest, the Constitution of Serbia does not give such guarantees to the arrested person.

⁷ M/1786. The interviewee, a political activist (LDK) from Gnjilane, was arrested on 10 May 1999.

⁸ PR/00/063/99.

⁹ Article 23, Constitution of the FRY.

¹⁰ Article 193(1), ZKP.

¹¹ Article 74, ZKP.

¹² Article 23, Constitution of the FRY

¹³ Article 24, Constitution of the FRY. This constitutional rule is defined in Article 190, KZSRJ.

¹⁴ PE/03/58/99. Pec, 6 March

¹⁵ See, for instance, reports on events at the Djakovica Police station.

¹⁶ M/1801.

¹⁷ M/1510.

¹⁸ As documented in Chapter 10, Violation of the right to a fair trial, the fact that a number of men were randomly arrested at the same day in the same area would follow them through an entire trial and was supposed to indicate the "association for terrorist motives" as described in Article 136, ZKP.

¹⁹ OSCE-KVM/RC5/CC Urosevac, Special Report, 11 March 1999.

²⁰ Ibid.

²¹ PR/03/081/99, PR/03/082/99.

²² M/0273 and M/1489.

²³ A/0976.

²⁴ M/1390, M/1389.

²⁵ A/1069.

²⁶ PZ-003-061-99.

²⁷ Some notable examples are given in Chapter 6, Torture and ill-treatment.

²⁸ M/1606; M/1390.

²⁹ M/1734.

³⁰ M/1734.

³¹ See also M/1739.

³² For the text of these legal provisions see Chapter 10, Violation of the right to a fair trial.

³³ M/1777.

³⁴ For more examples and references see Part IV, the material relating to Smrekovnica prison in the entry for Vucitrn municipality.

³⁵ A/0807.

³⁶ Article 174, KZSRJ. According to Article 189, KZSRJ, "an official who, in the course of his duty, unlawfully deprives another person of his freedom of movement, shall be punished with three months' to five years imprisonment. If the unlawful deprivation of liberty lasted for more than 30 days, or was carried out in a brutal way or if such treatment of the person who was illegally deprived of his liberty caused a severe impairment of his health or if other serious consequences occurred, the offender shall be punished by between one and eight years of imprisonment."

³⁷ For example PZ/00/60/99; PR/01/0027/99; PR/01/0071/99 (UCK abducted a Kosovo Albanian who allegedly served in the Serbian paramilitary forces in Bosnia and committed war crimes); PR/01/0072/99; PR/02/0017/99; PR/02/0041/99; PR/02/0049/99; PR/02/0062/99; PR/02/0077/99.

³⁸ Article 6 (2) of Protocol II additional to the four Geneva Conventions states that "no sentence shall be passed and no

penalty executed on a person found guilty of an offence except pursuant to a conviction pronounced by a court offering the essential guarantees of independence and impartiality". Few if any of the guarantees listed in the Article were provided in UCK proceedings.

³⁹ OSCE-KVM, Human Rights Division (HQ), Record of a meeting on 18 February with the UCK Zone Commander and the UCK Military Police Chief in Lapastica (Podujevo) regarding detention visits, 26 February 1999.

⁴⁰ OSCE-KVM, Human Rights Division (HQ), Record of a meeting on 18 February with the UCK Zone Commander and the UCK Military Police Chief in Lapastica (Podujevo) regarding detention visits, 26 February 1999/PZ/00/60/99.

⁴¹ PR/U/047-PR/U/052/99.

⁴² OSCR-KVM, CC Urosevac Weekly Report, 25 February 1999.

⁴³ OSCE-KVM, Human Rights Division (HQ), Record of a meeting with the UCK Zone Commander in Petrova on 23 February 1999 regarding detention visits.

[Contents](#)
KOSOVO / KOSOVA As Seen, As Told

[Previous](#)

[Next](#)
OSCE ODIHR



KOSOVO / KOSOVA As Seen, As Told

PART III : The violation of human rights in Kosovo (Chapter 10)

[Contents](#)[Previous](#)[Next](#)

VIOLATION OF THE RIGHT TO A FAIR TRIAL

Background: trials in Kosovo

Introduction

A major human rights task of the OSCE-KVM while deployed in Kosovo was the monitoring of trials. At the time of its initial deployment, in late 1998, the trials of people facing charges relating to "terrorism" or "subversive activity" were far from being a new phenomenon in Kosovo. In previous years, groups of Kosovo Albanians were tried and convicted of such offences in a few instances per year (for example, three such trials were held in 1997), usually following waves of arrests carried out by the Serbian police. Two trials took place in the early months of 1998, albeit it was not until August 1998 that another similar case would be heard.¹

However, by May 1998 growing numbers of people were arrested, up to the point that, on the conclusion of the Milosevic-Holbrooke and Geremek-Jovanovic accord (see Chapter 1, Kosovo: the historic and political background), hundreds were awaiting trial, while others had been convicted and were serving prison sentences.

The October 1998 accords contained provisions that could have been interpreted, at least in the view of the international community, as providing amnesty to the individuals awaiting trial, and a review of sentence for those convicted prior to the accords.² Overall, this resulted in a confused period when court proceedings scheduled to take place in late October and November 1998 were generally postponed while Presidents of Courts awaited instructions from Belgrade on the interpretation to be given to the accords. The Serbian Government reportedly decided that pending cases should be re-examined, which resulted in the release of a few individuals, but that the prosecution of the vast majority of the accused should proceed. As a result, by the time of the OSCE-KVM's deployment, Belgrade's instructions had apparently been received and trials resumed in earnest in all of the district courts.³

Within the next few months, hundreds of individuals would stand trial - and mostly be convicted - for having participated in terrorist activities. The OSCE-KVM monitored a significant number of those trials, which most probably had a positive impact on some individual cases and on the overall conduct of the trials. However, a large number of accused persons were convicted in circumstances where the proceedings cannot be considered to have been fair according to international standards.

The material contained in this section focuses on the period prior to 20 March, the date of the OSCE-KVM's withdrawal from Kosovo, when the OSCE-KVM was able to gather first-hand information by its monitoring of trials. The material here also refers to incidents that had taken place before the deployment of the OSCE-KVM but that were revealed during the trials, as defendants endeavoured to tell of their treatment during arrest and in pre-trial detention. After the evacuation of the OSCE-KVM, information about the conditions of detainees, as received from refugees interviewed by the OSCE-KVM in the former Yugoslav Republic of Macedonia and

Albania, indicates that standards of fair trial were even less respected under the legal provisions of the state of war declared by the FRY government on 24 March 1999 (see Chapter 9, Arbitrary arrest and detention).⁴

Throughout this section, examples are provided mainly from two trials, as they are indicative of the various violations covered under the right to fair trial, as laid down in international and Yugoslav national instruments. One of the trials took place in Pristina/Prishtina in January-February 1999,⁵ and concerned 26 men, nine of them arrested near Urosevac/Ferizaj in late June 1998, the rest being tried in absentia (the "Urosevac group" trial). The second trial took place in Pec/Peja in February 1999⁶ and involved 14 men arrested in a forest near Ponorac/Panorac (Orahovac) on 3 September 1998 (hereafter referred to as the "Pec group" trial). Excerpts from reports of other cases monitored by the OSCE-KVM are used to highlight particular points.

Trials monitored by the OSCE-KVM

The judiciary in Kosovo comprised the Municipal Courts at municipality (*opština*) level and five District (*okrug*) Courts in Pristina/Prishtina, Pec/Peja, Prizren/Prizren, Kosovska Mitrovica/Mitrovice and Gnjilane/Gjilan. Outside Kosovo, the Republican and Federal Supreme Courts in Belgrade served as courts of appeal. Furthermore, Municipal Courts for Misdemeanours (Sud Za Prekršaje Opštinski Organ) dealt with special cases foreseen as proscribed in law.

During the period when the OSCE-KVM was deployed in Kosovo, trials were held at all levels of the Serbian and Yugoslav judiciary in Kosovo and Serbia. Limited resources, however, constrained OSCE-KVM monitors to focus on trials where charges were based on accusations of crimes related to the conflict, in particular those based on terrorism and subversive and conspiratorial activity which were held at District Court level. On several occasions, however, trials were also monitored at Municipal Court level.⁷

Generally, access for OSCE-KVM monitors to trials at District Courts was granted without difficulty. Often, judges were courteous and jovial, stressing that "of course" they would accept international monitors to endorse the high standards of the Yugoslav judiciary. The reaction was less enthusiastic when OSCE-KVM endeavoured to monitor trials at the Municipal Courts and Courts for Misdemeanours.⁸ Although no trials involving terrorism charges would be heard at those courts, many charges relating to the conflict, as well as cases with a human rights dimension such as those concerning property and housing, and minor criminal offences which could lead to punishment involving imprisonment, would be dealt with at these levels.

The OSCE-KVM encountered serious problems obtaining information on trial schedules, and was sometimes probably even deliberately misinformed on when or where a trial would take place.⁹ Many trials were postponed, often for no obvious reason (and although no new evidentiary material was to be expected), while the detention of the accused was regularly prolonged by court decision.

In Pristina only three large cases were monitored, each stretching over several weeks as sessions were often postponed ("Urosevac group" - 26 accused, four weeks in session in January and February; "Pristina group" - eight accused, seven days in session in February and March; another case with one defendant, two sessions on 19 February 1999). In Pec, 35 trials involving terrorist charges were monitored at the District Court, the highest number of defendants in a single case being 14, with most cases involving only one or on average two or three defendants. In Djakovica/Gjakova, one trial was monitored at the Municipal Court. In Gnjilane, one trial with 16 defendants was monitored.

In Prizren, the OSCE-KVM first started to monitor terrorism trials in December 1998. At a trial on 28 December at least 30 people were accused in the same case, although only 26 defendants were present during the court proceedings. The OSCE-KVM monitored two further trials in February (seven defendants) and March (24 defendants, all of whom were found guilty of terrorism). In that region the OSCE-KVM established a good working relationship with the local judges and even achieved a visible improvement in the conditions in the courtroom, as court guards carried only small arms after the OSCE-KVM had complained about the presence of machine-guns during the trials. In Kosovska Mitrovica, several trials were monitored relating to terrorism charges, which resulted in prison sentences of three to four years.¹⁰

Sentences handed down for terrorist activities could be well over 10 years' imprisonment.

The OSCE-KVM being only mandated for Kosovo, it was not in a position to cover the few trials of Kosovo Albanians arrested in Kosovo but tried in Serbia proper. At least two types of such cases were tried. Largest in number were the cases of Kosovo Albanians arrested by VJ forces in the border area, particularly the FRY/Albania border. In these cases, since the VJ forces deployed in Kosovo were part of the Third Army Corps, individuals arrested in such circumstances were detained and eventually tried in the Military Court in Nis (Serbia), the town where that particular VJ corps was headquartered. In a separate instance, a group of Kosovo Albanian men, originally over 50 persons, was arrested on a bus in Podujevo/Podujeve (Podujevo) and tried in Prokuplje (Serbia) in February 1999.¹¹

Criminal law applied

The criminal legislation in force in Kosovo was based on two penal codes, the Criminal Code of the Republic of Serbia (KZRS) (republican law), and the Criminal Code of the Federal Republic of Yugoslavia (KZSRJ).¹² A special section of the KZSRJ deals with "Criminal acts against the bases of the socialist self-managing social system and the security of SFRJ" (Chapter XV). This section, and mainly Articles 125 and 136, contains the provisions that formed the basis for most of the "terrorist" cases tried in Kosovo during the period covered by this report.

Terrorism

Article 125 KZSRJ

Whoever causes an explosion, fire or takes some other generally dangerous action out of hostile motives against the [FRY], or commits an act of violence which may create a feeling of personal insecurity in citizens or in a group of citizens, shall be punished by imprisonment for not less than five years.

Associating for the purpose of hostile activities (against the people and the state)

Article 136 KZSRJ

(1) Whoever sets up a cabal, band, group or any other association of persons for the purpose of committing criminal acts under [Article] 125., or whoever forms a group for the purpose of transferring or dispatching citizens of the [FRY] abroad for the sake of carrying out hostile activities against the [FRY], shall be punished by imprisonment for not less than five years.

(2) Whoever becomes a member of an association referred to in paragraph 1 of this article, shall be punished by imprisonment for not less than one year.

(3) The member of an association referred to in paragraph 1 of this article who exposes the association before he has committed a criminal act defined in the provisions of this chapter in the association's ranks or on its account, shall be

punished by imprisonment for a term not exceeding three years, but the court may also refrain from imposing a punishment on him.

Being an accessory to criminal acts

Article 137 (1) Whoever conceals, shelters or gives food, material, money and other means to the perpetrator of a criminal act referred to in [article] 136 ... of this law, whoever serves him in maintaining liaison, undertakes actions aimed at obstructing the discovery or apprehension of the offender, or renders him assistance in any other way, shall be punished by imprisonment for not less than one year.

(2) The sentence for the acts referred to in paragraph 1 of this article may not be more severe by neither its type nor its gravity [sic] than the sentence prescribed for the criminal act which was the subject of the assistance.

These provisions were used to penalise a wide range of activities. The following examples provide a general overview of the type of accusations laid against groups of individuals in relation to the type of conduct which supported these accusations.

Assistance to the UCK: On 12 July 1998, Fatima Boshnjaku, an activist of the Mother Teresa Society was arrested as she was attempting to deliver a shipment of humanitarian aid, mostly blankets, soap and food, to Seremet/Sheremet (Djakovica). The prosecution argued that this village was under UCK control, thus the supplies delivered by the defendant were intended to assist the "terrorists". The actual charge levied against the accused, under Article 137 KZSRJ, was that "she has assisted in committing the criminal acts of organizing hostile activities mentioned in Articles 136 and 125 KZSRJ, by abusing her function as secretary of the Djakovica branch of the humanitarian organization Mother Teresa Society and providing food, blankets and sanitary material to the so-called 'UCK', a terrorist organization active in Dobros and Seremet" ¹³

Organization or participation in UCK units: In the "Pec group" trial, all 14 defendants were among a group of IDPs intercepted by the Serbian police on 3 September 1998 in a forest near Ponorac (Orahovac). After being surrounded by helicopters, and asked by megaphone to surrender, the men were separated from women and children. During the ensuing search, lists were allegedly found containing the names of presumed UCK members, and some weapons were found. All of the defendants were charged under KZSRJ Articles 125 and 136 (qualified by Article 139), ¹⁴ and the whole case revolved around establishing the presence of some UCK elements in the region from where the defendants originated, and the idea that those named on the list were actual UCK members. Six of the men were eventually acquitted when the evidence presented failed to establish any links between them and the list or the weapons but, by that time, they had already spent over five months in detention. The other defendants were convicted and sentenced to lengthy prison terms.

Ultimately, the bringing of charges under Article 136, particularly part 2 with its punishment for "association", usually without any other companion criminal charges, meant that membership of or even sympathy with the UCK became the determining, often the sole factor, in deciding a defendant's guilt. Article 136 made it extremely easy to interpret a large variety of circumstances as association with the UCK.

Impartiality and independence of the judiciary

As the autonomy of Kosovo was revoked in 1990, several hundred Kosovo Albanian state-employed legal professionals, including judges, were dismissed and eventually replaced by Serbs, albeit a minority of Kosovo Albanian judges, as well as judges from other national communities, remained in office, mainly in lower courts. As a result, Kosovo Albanians were very

sceptical about the impartiality of a judiciary system wherein one ethnic group would basically be judging the other. This scepticism was also strengthened by the fact that lay judges sitting on benches hearing such cases as "terrorism" were often retired Serbian state employees, including former policemen. Furthermore, the independence of the judiciary presupposes that it is protected from undue influence by the executive branch. In this respect, Kosovo Albanian legal professionals viewed the judicial system as no more than an arm of the Serbian executive's repressive effort. These professionals were often able to recount examples whereby organs of the executive, particularly Serbian State Security officials, had manipulated the judiciary or had disregarded judicial decisions. Such examples included consultations between the public prosecutor and judges before and during trials - a common occurrence.¹⁵

Members of the OSCE-KVM who monitored the trial of the "Urosevac group" recorded that they had the impression that the presiding judge was biased against the accused. He ignored and rejected without any comment the majority of the defence lawyers' requests and evidence that could exonerate the indicted. The court did not summon any witnesses, including expert witnesses, although the defence counsels requested this.¹⁶

The general trust in the fairness and impartiality of the Serbian judges was not enhanced by the temporary deployment of judges from Belgrade to Kosovo courts in order to tackle the rising case load. These judges - whose technical qualifications could not be doubted - were nevertheless considered to be hard-liners with a political task, and of questionable independence from the police and the prosecution.

Pre-trial procedure

Investigations

Under Yugoslav law, Investigating Judges conduct investigations into criminal acts. As such, they are given the responsibility of documenting the crime, through material or testimonial evidence, including interviews of suspects. They supervise police examinations of crime scenes and therefore determine the extent and diligence of police investigations. Investigating Judges are also responsible for deciding on the appropriateness of pre-trial detention for accused individuals, as well as on possible restrictions of pre-trial detainees' contacts with lawyers and others. Ultimately, they report to the prosecutor and advise on whether charges should be laid.

The OSCE-KVM monitored several examinations of crime scenes conducted by the police, under the supervision of Investigating Judges, and concluded that there was generally a lack of diligence in such examinations, which often amounted to no more than a rapid survey of the crime scenes. OSCE-KVM teams monitored crime scene investigations whenever bodies were found in Kosovo, up until 19 March 1999. In many cases, especially when it was an established fact that the police had killed the victims, no investigations were made which might have challenged the purported police version that the victims were shot in combat or police had acted in self-defence, although summary or arbitrary executions could not be excluded from the circumstances. The lack of proper investigations following the mass killings in Racak (Stimlje), Rogovo and Rakovina (Djakovica) are amply documented (see also the relevant municipality entries in this report).¹⁷ Also, Investigating Judges regularly made a snap judgement, based on the presence of a dead Kosovo Albanian beside a road, that "another loyal Albanian citizen has been murdered by terrorists"¹⁸

As highlighted by examples in this section (as well as in Chapter 9, Arbitrary arrest and detention), the OSCE-KVM found that physical evidence was generally very scarce in "terrorism" cases and, even when it was present, it rarely amounted to more than circumstantial evidence.

Extraction of confessions under torture, and the right to silence

The main type of evidence upon which the prosecution's case relied in most "terrorism"-related cases was a statement made by defendants during the course of police investigations, prior to any consultation with a defence lawyer. Although the Code of Criminal Procedure (ZKP) requires that the findings of these initial police investigations do not enter the file of the judicial proceedings proper, the initial statements were sometimes entered into the file, or the statements were repeated to the Investigating Judge himself at a later stage by the defendant, apparently under police coercion. However, many of these statements would subsequently be retracted in court, in full or in part, often after the defendant had received the advice of his or her lawyer, on the grounds that these statements had been extracted under torture or duress. Material collected by the OSCE-KVM indicates that the extent of the violations differed according to the profile of the various cases. While allegations of torture or duress were made in most cases, the extent to which they were used appeared to depend on the importance that was attached to particular cases by the Serbian authorities, more specifically by the State Security Police (SDB). Torture became used to such an extent as to result in deaths in detention (See Chapter 6, Torture and ill-treatment).

This is illustrated by the case of the "Urosevac group". Those indicted complained about confessions extracted under duress during questioning and also about torture and ill-treatment both during the questioning and the pre-trial detention. The defence lawyers declared that two of the accused had died from being tortured during this period. The detainees claimed that they had been beaten, burned with cigarettes and given electric shocks. In support of those claims, the family members of the accused, the defence lawyers and the local human rights associations handed over photographs and medical certificates to the OSCE-KVM. These photographs and documents appeared to corroborate the allegations of torture and ill-treatment. It was also reported that the accused were hung upside down and plunged into water (a method of torture called the "submarine"). The OSCE-KVM observed during the trials that two of the indicted had difficulties walking, and one had a sticking plaster on top of his head. Another of the defendants had a lump at the back of his head. Reportedly ill-treatment continued while people were detained during the hearings¹⁹

In cases where individuals are tortured or otherwise coerced into making self-incriminatory statements it is clear that the right to remain silent is being violated²⁰. Suffice to say that, if the defendants had been offered their right to silence, and had chosen to exercise it, most of the cases would not have had sufficient evidence on which to proceed.

Adequate preparation of defence and communication of evidence

In conversations with lawyers, members of the OSCE-KVM were told how the right to a fair trial and to prepare one's defence adequately was compromised by difficulties experienced by defence lawyers in having confidential lawyer-client discussions in order to prepare the defence²¹. Generally, the lawyers reported on matters such as lawyer-client conversations having to take place in Serbian, and being systematically monitored, and that facts related to the case could not be discussed during these conversations. This situation often prompted requests for postponements of trials.

The attorneys declared during the hearing that some of the accused had not had the assistance of a lawyer, others had a lawyer but could not contact him/her. The defence lawyers had insufficient time and facilities to communicate with their clients and to prepare a defence. The attorneys also complained that they had had no confidential communication with the accused²².

The defence lawyers stated that on several occasions the guards had interrupted them when they met with their clients. When they were asking questions on ill-treatment or

whether the accused had been re-interrogated by the police, the guards had intervened and said that, if they asked such questions, the meeting would end immediately²³

An important element in ensuring a proper defence to an accused person rests in the right of the defendant, or his or her counsel, to be shown the evidence assembled against him or her²⁴ In Kosovo, several limits had been imposed on that right and, as the conflict intensified, it became increasingly difficult for lawyers to obtain information related to their client's file. The restrictions on this right were not only those based in law but also on the interpretations that particular Investigating Judges would place on the law. As a result, lawyers requesting the communication of evidence to which they believed they were entitled would be denied those requests by certain Investigative Judges, while others would allow it. Furthermore, if the lawyer insisted, he himself could be subjected to threats, or worse. In a notable example, in late July 1998 one of the lawyers in the "Urosevac group" trial requested information to which he believed himself entitled on behalf of his client. Upon being refused, he had a verbal confrontation with the Investigating Judge, in which he told her that she "should be wearing a police uniform". Shortly afterwards the lawyer was charged and convicted of having "disturbed the peace" and sentenced to 60 days' imprisonment. The lawyer suffered severe torture during his detention²⁵

Conduct of proceedings

Language interpretation

Procedural violations were common during the trials in Kosovo²⁶ Generally, and although this varied according to particular courts, language interpretation for the accused would only be provided when the defendants were directly asked specific questions from the judge. In the case of the "Urosevac group", the OSCE-KVM noted that in the pre-trial period the accused did not receive the translation of any police record, and no continuous interpretation was provided during the trial. In another example, from Gnjilane, the OSCE-KVM reported:

Another problem is that the interpretation mainly went one way, from Albanian to Serbian. The presiding judge very often read long parts from the statements that the accused were supposed to have given and this was not translated from Serbian to Albanian²⁷

In general, when a defendant was asked before the conclusion of the procedure whether he/she had understood everything that was said, the affirmative answer given hardly ever reflected the truth.²⁸

Procedural breaches also occurred in relation to the legal obligation of the judges to confront the accused with the testimonies of others. Since the accused persons had not heard the testimonies of others when they were questioned, the judges should have provided them with a summary of the other testimonies and allowed them the opportunity to give answers as to possible inconsistencies.

Presence of armed police in the courtroom

Throughout the trials monitored by OSCE-KVM, the presence of armed police in the court and in the court building was extensive and their demeanour normally intimidating, particularly for the accused persons and witnesses. The following example, taken from the trial of the "Pec group", describes a typical situation.

During the entire trial, the presence of some 15 heavily armed policemen (machine-guns, hand guns, bulletproof vests) gave the trial not only the air of a "high

security - serious crime - dangerous terrorists" atmosphere, it also intimidated defendants, those family members present and international monitors alike. During the final pleadings, a guard was playing with his automatic gun which fell with a crack to the floor, sending a frightening chill through the room. The policemen giggled for some minutes, the judge did not react at all²⁹

Evidence presented

Article 347(1) ZKP states: "The court shall base its verdict solely on the facts and evidence presented in the trial." As noted above, in most trials for offences of a political character monitored in Kosovo the accused persons, and sometimes the witnesses, would claim in court that they had been tortured and threatened in order to compel them to tell the Investigating Judge whatever the police wanted. In contravention to Yugoslav laws, neither the presiding judge nor the prosecutor made any further inquiries into these allegations, and routinely admitted the statements into evidence.³⁰ Ultimately, a large number of the accused persons were convicted mainly on such tainted evidence.

In the "Urosevac group" trial, the OSCE-KVM reported that the indictment was exclusively based on three statements given under torture by the accused during questioning by police. During the hearing these three indictees changed their statement and pleaded not guilty. They declared that after the torture they were in such a bad condition that they had signed everything the SDB wanted. The Presiding Judge ignored the new statements and did not exclude the confessions that were allegedly elicited under torture. Consequently, all the indicted were convicted and sentenced only on the basis of the first statements. In another case tried in Pristina, the OSCE-KVM reported that throughout the trial the lawyers tried to prove the allegations of torture, including by asking for an independent medical investigation. These demands were turned down, and the judges relied on the report of the prison doctor that gave no indication of any ill-treatment³¹

Allegations of mishandling or fabrication of evidence were also made against the Serbian authorities in cases where material evidence had been collected. These allegations included the improper conduct of "scientific tests", such as the "paraffin glove test"³²

- The single statement which comprises the entirety of the prosecution's charges is a statement by a police captain about tests conducted on the total of 42 defendants from Orahovac, some of them before the court. Even without the close scrutiny born of knowledge of the Serbian legal system this document is, to say the least, defective and probative of nothing. Problems include but are not limited to:
- The forensic test, the so-called "paraffin glove" test, has been discredited for many years as an inappropriate means of determining culpability.
- One short statement covers all the accused.
- There is no adequate breakdown of how the test was conducted, either in the generality or with respect to individual cases.
- The statement is not made by a forensic scientist but by a police captain. If he is qualified in forensic science there is no indication of it in the statement.
- There is no indication as to the precise conditions under which the test was conducted, or whether there is any other potential cause for the results given than that surmised.
- The document states that "the majority of cases showed markings on various parts of the hand and fingers". Who precisely did and who did not display these features? Why might

there be these exceptions? To what degree were the exceptions present?³³

There were allegations of possible falsification or fabrication of incriminating documents, the "Pec group" trial again being illustrative:

In prison, the accused was forced to sign a document, which identified him as member of the UCK in the "operational zone no.76". When he signed the document, he was only shown its lower margin as the text was covered. OSCE-KVM is in possession of a copy of the "certificate". The document is signed by a "commander" with a scribble, and names the accused as member of the UCK since 20 January 1998 (when he was working for the tobacco company and the UCK [was] a little known fringe group in Kosovo). This document was found to be a falsification by the defence attorney, as the Albanian text contained syntax and spelling mistakes, which only a non-native speaker would make.³⁴

Ultimately, the OSCE-KVM found that the material evidence and even some of the witness testimonies presented during the trials were, per se, of little probative value, to the point where they were sometimes ignored by the prosecution when it summed up its case.

In general, the contribution of witnesses in the trials tended to be inconclusive, to the point of being - in the words of one OSCE-KVM trial monitor - "farcical". Witnesses who attended at a trial were either too intimidated to make substantial contributions, or gave testimony entirely irrelevant to the question of whether the accused was guilty with regard to a specific accusation³⁵ Moreover, the Serbian police abused the obligatory court orders for criminal trial witnesses as a pretext to engage in random village searches, often accompanied by harassment, beatings and intimidation.³⁶

Trials in absentia

According to international standards, trials of persons in absentia are only to take place as a matter of exception, as they inherently undermine the defendant's right to the fullest guarantees of due process. In Kosovo, most trials included individuals tried in absentia, to the point that, in some cases, they outnumbered the accused who were present. In such trials, the evidence presented against the absent accused was often even less substantial than that presented against the detained individuals, yet most of the former were convicted and sentenced regularly to longer terms of imprisonment. In the "Urosevac group" trial, for example, the majority of the accused (17 out of 26) were not present during the trial. The assigned (Serb) attorneys claimed that the accused had not been duly summoned to court. They stressed that the court had not mentioned anything about the 17 indicted persons who were tried in their absence and that consequently no proof of their guilt was given. In the "Pristina group" trial, out of eight defendants, four were absent and given longer sentences than those present during the trial.

Judgements and sentences

Presumption of innocence

The presumption of innocence places the burden of proof on the prosecution. It is enshrined in human rights standards which state that anyone charged with a criminal offence has "the right to be presumed innocent until proven guilty according to law", as stated in Article 14 of the International Covenant on Civil and Political Rights. In Kosovo, all of the violations highlighted in the previous sections on pre-trial procedure and conduct of the trial culminate in negating the defendant's right to be presumed innocent. The practical effect is to shift the burden of proof to the defendant.³⁷

Not all defendants were convicted. Some individuals had charges against them dropped while others were acquitted (not because they were given the benefit of the doubt, but mainly because evidence against them was totally absent).

During the trials, the judicial organs were supposed to safeguard the presumption of innocence. This would have meant standing up to the executive power by questioning the validity, reliability and admissibility of the evidence presented before the court by the executive. Instead, as has been noted above, the OSCE-KVM observed that the judiciary did not question the circumstances surrounding the origins of self-incriminatory statements obtained under torture. Defence lawyers' objections to presentation of evidence were noted, but the judiciary failed to inquire any further and admitted the contested evidence. Finally, the judges considered evidence presented in cases against absent defendants as if they had had the opportunity to challenge this evidence.³⁹ All of these actions effectively shifted the burden on to the defendants to prove their innocence.

The soundness of judgements and interpretations of the law

Fair criminal laws should be laws that contain clear indications as to what conduct (*actus reus*) and what criminal intent (*mens rea*) are prohibited and categorized as crimes. During the trials, defence lawyers regularly presented arguments to the effect that the acts allegedly committed by the accused did not constitute a criminal offence under national law.³⁹ These arguments would highlight the situation whereby the Serbian authorities would seem to be able to interpret almost any factual settings as constituting "terrorist acts" or "hostile activities". Trials such as those the OSCE-KVM monitored were based on unclear interpretations of the constituent elements of serious criminal offences resulting, upon conviction, in long periods of imprisonment. The OSCE-KVM found that Articles 125 and 136 of the KZSRJ were so vaguely worded and were interpreted in such ways that, as a result, any type of factual circumstances could result in convictions. In the end, defendants were bound to deny any involvement with the UCK. This situation clearly affected the fairness of the proceedings.

In the "Pec group" trial the defendants were mostly elderly men, and most were farmers, one being a doctor and one a schoolteacher. All defendants pleaded not guilty. The OSCE-KVM noted that there was no evident proof of any criminal activity or membership of the UCK, except a list of alleged UCK members found by the police which included some of the defendants' names. Some defendants complained that they were mistakenly arrested due to this list, as they had common names which were the same as those of several other people in the same village.⁴⁰

The following factual situation illustrates how a lawful activity could be interpreted as to constitute the crime of "conducting hostile activities" under these particular dispositions of the Yugoslav law.

Son of a Serbian mother, the accused is a medical doctor currently finishing his degree at a Pristina State University. As a general practitioner he had worked in an ambulance in Klina from 1988. He had been asked by the UCK to work for them, which he had refused. He had left his village due to the general feeling of insecurity ... He never treated any persons who he could identify as wounded UCK soldiers, although once he examined a civilian who had been wounded lightly by a grenade and had been brought by a known person in UCK uniform. His medical supplies were entirely of civilian use. According to a witness in the trial, the doctor served only civilian people ... during summer 1998. The accused denied he ever treated seriously wounded persons. An employment certificate issued by the ambulance [station] in Klina shows that the accused was still employed there and never quitted to join the UCK.

It was never proven that the accused had joined the UCK and that he had become a "terrorist doctor". As his defence lawyer pointed out, according to Yugoslav law, it is a criminal offence for a doctor to refuse medical aid to anyone.

He was found guilty of charges under Article 136 KZSRJ as the court believes that he did give medical aid to wounded UCK soldiers, yet due to his humanitarian motivation, the sentence was mitigated to seven months of imprisonment. As he had already spent more than five months in prison, he was released⁴¹

Differences in sentences

It is often difficult to compare sentences given in criminal cases, as factual settings vary. In Kosovo, however, a certain pattern emerged whereby individuals accused in "higher profile" cases, such as the trial of the "Urosevac group", the majority of them influential in their community as political and humanrights activists, would generally incur longer prison sentences than convicted individuals who were lesswell known.

In other cases, as international attention intensified, comparable "unlawful" conduct could result in noticeably lesser sentences than in cases that had not attracted such attention. For example, in the "Pec group" trial, as noted above, the doctor was sentenced to seven months' imprisonment while, in a trial held in Prizren in August 1998, three young women student activists were sentenced to two years' imprisonment for having put together and conducted a first aid course.

It is likely also that the international attention given to the Municipal Court trial in Pec of Fatima Boshnjaku (see above and the entry for Djakovica municipality), combined with the particular political and diplomatic climate in mid-February 1999, contributed to the unexpected passing of a sentence equivalent to time served, whereby she was released.

Judicial review and obstacles to appeal

The possibility of obtaining judicial review is an important factor in the overall fairness of the judicial process. In Kosovo, during the period covered by the report, that possibility was almost non-existent, as written verdicts, the starting point in the appeal process⁴² were not handed down. After discussing the situation with judges in the District Courts, the OSCE-KVM summarized the situation in thismanner:

Alarmingly, most judges have not issued official verdicts since October 1998. Thus, a formally correct appeal to the Supreme Court in Belgrade has not been possible... Judges admit that delays occur, but deny responsibility as they blame it on "the situation", the extraordinary workload, and the slow translation, as all documents have to be translated into the native language of the defendant. Insiders suspect that a certain reluctance to deal with the case might be connected with the lack of evidence, as judges are to give detailed and comprehensive reasons for the court's decision⁴³

Notes

¹ UNHCHR trial monitoring report, Amnesty International "Human Rights Crisis in Kosovo Province", June 1998.

² A general amnesty for political crimes was also contained in the draft text of the "Interim Agreement for Peace and Self Government in Kosovo" (the Rambouillet Agreement), which however, was never agreed by the government of Serbia: "Each Party (a) shall not prosecute anyone for crimes related to the conflict in Kosovo except for persons accused of

having committed serious violations of international humanitarian law. (b) shall grant a general amnesty for all persons already convicted of committing politically motivated crimes related to the conflict in Kosovo. This amnesty shall not apply to those properly convicted of committing serious violations of international humanitarian law at a fair and open trial conducted pursuant to international standards." Article IX (Confidence-building measures), al. 12 (Detention of Combatants and Justice Issues).

³ Information from UNHCHR.

⁴ Information given to the OSCE since its re-entry into Kosovo in June 1999 indicates that courts in Kosovo continued to hear cases during the period after 24 March.

⁵ District Court Pristina, K 138/98; between 11 January and 5 February, 28 persons charged, nine defendants present, 17 tried in absentia, two more defendants died in custody ("Urosevac group" trial).

⁶ District Court Pec, K 144/98; 15, 16 and 17 February, 14 defendants (Pec Trials Case 19).

⁷ Most prominently the case against Fatima Boshnjaku at the Djakovica Municipal Court. This was an exception, however, since the competent judge at Pec District Court had refused to take the case. A Supreme Court decision then referred the case one level down, to the Municipal Court.

⁸ OSCE-KVM monitors had difficulties in monitoring trials in the Municipal Courts in Pristina, Urosevac/Ferizaj and Klina/Klina. In Klina, for example, the local Municipal Court President furiously refused any contact with the OSCE-KVM, and even consistent friendly approaches and interventions from the level of the higher courts in the course of two months could not resolve this.

⁹ As recounted by OSCE-KVM trial monitors.

¹⁰ Podujevo municipality was put under the jurisdiction of the District Court of Kursumlije, in Serbia proper. Trials falling under the jurisdiction of this municipality would thus be held in Kursumlije and consequently could not be monitored by the OSCE-KVM.

¹¹ For an explanation of the competence of the Prokuplje court over Podujevo municipality see n. 6.

¹² This is simply the retitled criminal code of the Socialist Federal Republic of Yugoslavia (SFRY), the pre-1992 Yugoslav state.

¹³ Djakovica Municipal Court, trial of Fatima Boshnjaku on 17 February 1999, bill of charges.

¹⁴ Article 139, (1) The offender shall be punished by imprisonment for not less than 10 years or by the death penalty for a criminal act referred to in ... article 136, paragraph 1 of this law, which brought about the death of a person or caused danger to human lives, or was coupled by heavy violence or a large-scale destruction, or which led to the endangerment of the security, economic or military power of the country, or in other particularly heinous cases. (2) The sentence defined in paragraph 1 of this article shall be imposed also on those who commit a criminal act referred to in ... article 136, paragraphs 1 and 2 of this law in a state of war or in the case of an imminent war danger.

¹⁵ As recounted by OSCE-KVM trial monitors.

¹⁶ Summarized from the OSCE-KVM reporting of the "Urosevac group" trial.

¹⁷ Also, the so-called "Panda Bar" incident in Pec (see Pec municipality entry) was never properly investigated, according to suspects' defence lawyers.

¹⁸ As noted by OSCE-KVM members, this standard phrase was uttered by Investigating Judges especially during the series of murders near Pec in January and February 1999.

¹⁹ Summarized from the OSCE-KVM reporting of the Urosevac group trial.

²⁰ Article 23(4) of the Constitution of the FRY states that "... The detained person must be promptly informed of his right to remain silent." Furthermore, according to Article 218 (2) ZKP, "after the accused has been informed of the charges against him and the grounds on which he is suspected, he shall be asked what he has to say in his defence, and he shall be told that he need not present his defence nor answer the questions put to him." See also Article 14(3)(g) of the International Covenant on Civil and Political Rights (ICCPR).

²¹ Article 14(3)(b) ICCPR, Article 74 ZKP: "(1) If the accused is in custody and has been examined, defence counsel may correspond and talk to him. (2) The investigative judge may order that ... the accused may converse with defence counsel only in his presence or in the presence of some particular official. (3) When the examination is completed ... the accused may not be prohibited from freely corresponding and conversing with his defence counsel without surveillance. *

²² From OSCE-KVM reporting of the "Urosevac group" trial.

²³ Final report from the Terrorist Trial in the District Court of Gnjilane on 16 and 17 February.

²⁴ Article 4(2) ZKP, Article 73 ZKP "(1) After the decision is rendered to conduct the examination or after the bill of indictment has been brought without an examination ..., or even before that if the individual has been examined after charges have been brought, defence counsel has the right to examine the record and the physical evidence that has been assembled. (2) As an exception, during preliminary proceedings, before the indictment has been brought, examination of certain documents or certain items of physical evidence by the defence counsel may be temporarily restricted if particular reasons of national defence or national security so require."

²⁵ The client died on 17 August 1998 as a result of torture allegedly inflicted by members of the SDB.

²⁶ Article 7(2) ZKP: "4 If a judicial proceeding or the trial is not conducted in the language of that person provision shall be made for oral translation of the testimony."

²⁷ OSCE-KVM, Final report from the Terrorist Trial in the District Court of Gnjilane.

²⁸ As recounted by OSCE-KVM trial monitors.

²⁹ From OSCE-KVM reporting of the "Pec group" trial. When the OSCE-KVM requested court authorities to reconsider the presence of heavily armed police in the courtroom, the president of the court referred to an incident in 1998 when two prison guards were shot in a courtroom during a hearing. What he omitted to mention, however, was that they had been shot by another policeman who was obviously mentally disturbed.

³⁰ Article 10 ZKP addresses the basic rule further specified in the Yugoslav Criminal Code: "It is forbidden and punishable to extort a confession or any other statement from an accused or other person participating in proceedings." Article 218 (8) ZKP states that "The statement or confession may not be extorted from the accused by the use of force, threat or similar means. (10) If action is taken contrary to the provisions of para. (8) ..., a court decision may not be based on the testimony of the accused." Also stated in Article 25(3) FRY Constitution, and Article 15, UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

³¹ OSCE-KVM, Report on the Trial of the "Pristina Group".

³² A test whereby a coat of paraffin is applied to the hands of suspects and later analysed in order to determine whether explosive residues were present.

³³ OSCE-KVM, Trial Report on Proceedings in Prizren District Court 22 December 1998.

³⁴ OSCE-KVM reporting of the "Pec group" trial. Later, the document in question was shown to a local UCK commander, who confirmed that the person accused had never been a member of the UCK and that the document was a forgery.

³⁵ For example, the "Pristina group" trial.

³⁶ It should be noted, in this context, that it was a witness court order which served as a basis for an police operation on 25 and 26 November 1997 in Vojnik (Srbica), during which the police came under fire by the UCK. In retaliation, the police returned and started shooting indiscriminately, killing a Kosovo Albanian teacher. This incident was a trigger for the escalation of tensions between the police and the UCK in late 1997.

³⁷ Article 27(3) FRY Constitution; Article 3, ZKP.

³⁸ For example, the "Pristina group" trial.

³⁹ Article 347 ZKP: "(1) The court shall base its verdict solely on the facts and evidence presented in the trial. (2) The court has to conscientiously evaluate each piece of evidence individually and to frame a conclusion as to whether the fact has been proved in connection with the other evidence and on the basis of that assessment." Article 375(7): "The court shall specifically and completely state which facts and on what grounds it finds to be proven or unproven, furnishing

specifically an assessment of the credibility of contradictory evidence, the reasons why it did not sustain the various motions of the principals, the reasons why it decided not to hear a witness or expert in person whose testimony or written finding and opinion were read without the consent of the principals ..., the reasons guiding it in ruling on points of law, and especially in ascertaining whether a crime was committed and whether the accused was criminally responsible and in applying specific provisions of the criminal code to the accused and to his acts."

⁴⁰ OSCE-KVM reporting of the "Pec group" trial. Reports note that the OSCE-KVM was in possession of a copy of the list mentioned.

⁴¹ From the "Pec group" trial.

⁴² Article 356 (1) ZKP: "A verdict which has been announced must be prepared in writing within 8 days from its announcement, or, in complicated cases and as an exception, within 15 days." This is relevant for the exercise of the right to appeal, as according to Article 359(1) the accused "may file an appeal against the verdict rendered in the first instance within 15 days from the date when the copy of the verdict was delivered". Article 14(5) ICCPR states the right to appeal.

⁴³ Manual for OSCE-KVM Trial Monitoring, February 1999.

[Contents](#)
KOSOVO / KOSOVA As Seen, As Told

[Previous](#)

[Next](#)
OSCE ODIHR



KOSOVO / KOSOVA As Seen, As Told

PART III : The violation of human rights in Kosovo (Chapter 11)

[Contents](#)[Previous](#)[Next](#)

OTHER FORMS OF PERSECUTION

Intimidation and Harassment

When the OSCE-KVM deployed into Kosovo, there was a general restriction of freedom of movement within the province. Over and above the physical restrictions implemented by the Serbian police (checkpoints, random ID checks), this was the product of a prevailing climate of fear.

Freedom of movement restrictions were applied in Kosovo out of public emergency considerations, but the severity and excessiveness of the measures taken, and their disproportionate nature relative to the situation suggest that harassment of and the spreading of fear among the population constituted a purpose in itself. Among Kosovo Albanians, a considerable proportion of all complaints made to the OSCE-KVM Human Rights Division featured accounts of harassment, the confiscation of IDs and arrests at checkpoints. Because of repeated incidents where Kosovo Albanians were harassed, ill-treated, or arbitrarily arrested when stopped at checkpoints, particularly when travelling by bus, the OSCE-KVM began to deploy personnel to monitor bus routes, with a discernible positive impact. For example, on 19 February 1999 the OSCE-KVM monitored two bus routes in the Kosovska Mitrovica area in response to earlier incidents of harassment. That day no passengers were detained or ill-treated.¹

For its part the UCK was also culpable of spreading fear with the consequence of restricting movement. Among Kosovo Serbs, as well as elements of the Kosovo Albanian population, there was a fear of abduction by the UCK (see also Chapter 8, Missing persons, and Chapter 19, Kosovo Serbs).

While the OSCE-KVM was deployed inside Kosovo, other issues of intimidation and harassment to which it was alerted by Kosovo Albanians included cases of house searches (usually for weapons), ID checks and police presence and harassment at schools. Furthermore, there were quite a few cases of extortion by either the security forces or the UCK. Examples of all of these violations appear in this report in Part V, The municipalities.

Denial of access to health care

The FRY is a party to the entire range of relevant international human rights instruments prohibiting discrimination on ethnic and other grounds.

In the period of the OSCE-KVM deployment in Kosovo the Human Rights Division received complaints of violations of certain economic and social rights as a result of discrimination based on ethnicity. Kosovo Albanians complained about discrimination in work (access to work and at work), and in property title rights. However, the need to respond to daily events relating to the conflict had the consequence that such cases received a low priority. There was no possibility for extensive follow-up before the mission evacuated on 20 March 1999.

Another issue provoking complaints of discrimination was access to healthcare and quality of

healthcare. This was followed up by the OSCE-KVM while in Kosovo. The issue of deprivation of access to health care became an acute concern in the period after 20 March, as reported to the OSCE-KVM by refugees.

The situation before 20 March 1999

The problems of restriction of access to healthcare and medical assistance in Kosovo were manifold. The first problem a Kosovo Albanian would encounter was travelling the physical distance to a medical facility. The Serbian drivers of the ambulances and the international medical non-governmental organizations often were too afraid of going outside the major cities due to the uncertain security situation. As alluded to above, the lengthy ID checks, risk of arrest, detention and other harassment at checkpoints, and the general level of fear resulted in very little movement especially after dark. Another aspect of the problem was evident when Kosovo Albanians reached the hospital. They had to get past heavily armed police officers who patrolled both outside and inside hospital premises. If the patient succeeded in getting into the hospital, some medical staff discriminated against Kosovo Albanians either by refusing medical assistance or by giving Kosovo Serbs preferential treatment. The result was increased fear and intimidation in an already stressful situation.

OSCE-KVM human rights officers visited many patients at hospital in Pristina/Prishtina. Apart from the poor conditions in this hospital, the OSCE-KVM had reason to believe that Kosovo Albanians were systematically discriminated against in the exercise of their right to access to health care. Kosovo Albanians were arbitrarily charged for their treatment, while Serbs did not have to pay.² Furthermore, the conditions in the wards used for Kosovo Albanians were significantly worse than in the wards where Serb soldiers stayed for treatment. In early January 1999, after protracted consultations, the OSCE-KVM was allowed general access, but not to those patients who were under police investigation.³ However, this limitation was waived when the OSCE-KVM interviewed the survivors of the Racak mass killing who were being treated in Pristina hospital (for details on the Racak mass killing in January see Part V, under the entry for Stimlje municipality). Generally, OSCE-KVM human rights officers were given access to the intensive care unit but only after the staff had time to "clean up patients" before they entered. The OSCE-KVM suspected that ill-treatment occurred but never found evidence. The intensive care unit had armed police officers outside at all times. They restricted entry into the unit.⁴

The OSCE-KVM was denied access to the hospital on 7 March after the Emshirova incident in Pristina (an extensive and violent search operation in which 37 Kosovo Albanians were injured by police, following the killing of two police and the wounding of a third) and after a bomb attack in Podujevo on 3 March, as is described in Part V under Pristina city and Podujevo respectively.⁵

(For account of similar problems in gaining access to patients under police investigation at Djakovica/Gjakova hospital see Part V, under the entry for Gjakovica municipality.)

The situation after 20 March 1999

After the withdrawal of the OSCE-KVM and start of the NATO bombing of the FRY, refugee statements reveal how the situation in Pristina hospital deteriorated. Snipers positioned themselves on top of the hospital buildings, terrorizing the patients and killing several people outside.⁶ Judging by accounts given by refugees, the response to Kosovo Albanians seeking medical assistance became even more arbitrary. One interviewee said that his wife and daughter were only accepted in the hospital on 27 March because he was a medical employee. Otherwise, he said, the only Kosovo Albanians to be treated were those who brought their own medicines. He observed that over the following weeks more and more VJ and police arrived and used the hospital to store ammunition.⁷

On 25 March a Kosovo Albanian interviewee who was stabbed by paramilitaries or armed civilians was successfully operated on in Pristina hospital, but the following day a Kosovo Albanian girl was refused treatment. A sniper had shot her in a village outside Pristina. The father took her - with the permission of the police - to Pristina hospital, but a doctor (named in report) refused to operate on the girl. She died two days later at home. At the end of March and beginning of April, the VJ told the remaining Kosovo Albanian employees that they should leave and not come back. Kosovo Albanian patients were also sent out of the hospital and sometimes beaten outside. The free space was used to accommodate Serb families seeking protection from the NATO bombings. Wounded VJ and police were also given priority.⁸

Several interviews indicate that staff at the hospital in Gnjilane were rejecting seriously wounded people. Wounded Kosovo Albanians were either rejected with no explanation or told they should seek medical assistance from NATO or that there was "no space available for terrorists".⁹ There is a similar account concerning Prizren. An interviewee recounted how his daughter was shot in the hip by police when they attacked the house where she was staying in the village of Sopina/Sopine (Suva Reka/Suhareke) on 26 March. A local man took her to hospital in Prizren, as she was bleeding badly from the wound, but they were turned away by unidentified people at the hospital who told them "go to NATO". The family set off for Albania, but the injured woman died on the way, on a tractor trailer, from her wound.¹⁰

Notes

¹ However, the driver on one bus route was arrested and fined after completing his route. He was questioned about the UCK, and was given no explanation for the fine, MI/00/0062/99.

² The OSCE-KVM noted how arbitrary the charging of some persons was when the mission members accompanied a Kosovo Albanian family which was asked to pay for complicated surgery. As soon as the OSCE-KVM questioned this policy, the man was let go without paying. OSCE-KVM, RC 5, "Human Rights Office", February 1999.

³ OSCE-KVM HQ, "Weekly Report 4-10 January 1999".

⁴ OSCE-KVM, human rights officer.

⁵ PE/04/0024/99; OSCE-KVM, RC 5, "Daily Sitreps", 7 and 17 March 1999.

⁶ M/0499; M1204; M/1208; M/1312; M/1747 (March and April).

⁷ Many civilian houses and almost all public buildings, including medical facilities, were used to store or hide military hardware or as locations for snipers. In Urosevac/Ferizaj, for example, the VJ moved their command centre, weapons and ammunition to a local ambulance and health centre: M/0417; M/0855; M/0931; M/1048; M/1127; M/1202; M/1496.

⁸ A/0902; M/0006; M/0009; M/0320; M/0450; M/0499; M/1202; M/1307; M/1483 (gave the name of the Serb doctor who did not help); M/1529. One interviewee who worked in the morgue said that after the OSCE-KVM left dead bodies were only returned upon payment of DM 500. According to M/0321 two doctors allegedly falsified documents and handed out false identities of victims.

⁹ M/0244; M/0439; M/0579; M/1055

¹⁰ A/0874. He recounted also that the woman's husband, mother-in-law, a cousin and three neighbours were also killed in the attack on Sopina on 26 March.

**OSCE****KOSOVO / KOSOVA As Seen, As Told****PART III : The violation of human rights in Kosovo (Chapter 12)**[Contents](#)[Previous](#)[Next](#)

DELIBERATE DESTRUCTION OF CIVILIAN PROPERTY, LOOTING AND PILLAGE

In the period of OSCE-KVM monitoring, and especially in the period of the escalation of the armed conflict from 20 March, deliberate destruction of civilian property, looting and pillage were defining characteristics of the actions of the Yugoslav and Serbian forces. These attacks on property appear to have had a threefold purpose: they were meant to weaken and undermine the Kosovo Albanian population, to serve as an additional profit incentive for the military and security forces and their collaborators, and to destroy houses to ensure that the population did not return after expulsion.

Pillage and destruction of property are prohibited under Articles 4 (2) (g), 14 and 16 of the 1977 Protocol II Additional to the Geneva Conventions of 12 August 1949. These prohibitions are general in scope, and concern not only organized pillage but also pillage through individual acts without the consent of the military authorities. The Federal Republic of Yugoslavia, as a High Contracting Party to Additional Protocol II, is not only obliged to stop individual pillage, but also to prevent those acts.¹ Criminal offences such as theft, robbery and blackmail are also forbidden under the Criminal Code of Serbia.

The findings during the time when the OSCE-KVM was deployed in Kosovo, and to a greater extent the analysis of the refugee statements taken by the OSCE-KVM in Albania and the former Yugoslav Republic of Macedonia, lead to the conclusion that in Kosovo civilian property was systematically damaged or destroyed and looting and pillage was a common occurrence.

This chapter gives an overview of the phenomena of destruction of civilian property, looting and pillage in Kosovo. Examples given are indicative. For more detailed examples and an indication of the scale based on the frequency with which incidents were reported to the OSCE-KVM, this chapter should be read in conjunction with the entries in Part V, The municipalities.

Violations during the OSCE-KVM deployment inside Kosovo

The pattern of looting that was reported and observed from January 1999 appears to have precedents during and after security operations that took place in 1998, as a result of which whole villages had been left deserted. Throughout the OSCE-KVM presence it was difficult to corroborate the allegations of villagers that their possessions were being looted, as the Serbian forces regularly denied the OSCE-KVM patrols access to the



A destroyed house, Gladno Selo/Gllanaselle [\[zoom\]](#)

areas of concern.² In a number of incidents throughout Kosovo, however, the damage and destruction could be documented after the military/security operation had ended. Throughout the reporting period Serbian forces also extorted, blackmailed and robbed Kosovo Albanians of their private property.

Wanton destruction, looting and pillage in the course of Serbian military/security operations

In this period the most common and severe cases including looting, pillage and the wanton destruction of property occurred during and after cordon and search operations. In January and February 1999 it seemed that in most cases the perpetrators were VJ forces. The patterns of those offensives were similar: the VJ shelled the area with heavy military materiel and the villagers fled either in advance or after the shelling started. As soon as the villages were empty, the perpetrators entered and looted the houses, some of which they ransacked. They loaded their booty onto trucks and occasionally set fire to houses.

It appears that the VJ at first tried to conceal their actions from the OSCE-KVM, scaling off the area of operation and not allowing OSCE-KVM patrols in "for OSCE's own security". For example, this was the case in Tenes Do/Tenezhdoll (Pristina/Prishtina) in January 1999. It was reported that VJ forces entered the village on 17 January and all the inhabitants fled to the hills. From there the villagers could observe the VJ looting the houses and loading trucks.³ On 31 January an OSCE-KVM patrol escorted several civilians on their way back to Tenes Do where they found their houses ransacked and looted.⁴ Around the same time police looted villages in Kosovska Mitrovica/Mitrovica municipality and around 5,000 people fled their homes. When they returned, accompanied by the OSCE-KVM, they found their houses had been ransacked and some objects destroyed. In two houses objects had been thrown into the wells and 15 litres of cooking oil had been apparently poured into one family's water source.⁵

By early March the VJ and police were carrying out acts of deliberate destruction and looting sometimes in plain sight of the OSCE-KVM, and the mission was recording such destruction, looting and pillage in many locations in Kosovo. On 16 March, during VJ "winter exercises" in Vucitrn/Vushtrri municipality, an OSCE-KVM patrol saw a T-55 tank drive into the Vucitrn town barracks with looted household items loaded on the rear deck, including a refrigerator and chairs.⁶ In villages in Kosovska Mitrovica municipality OSCE-KVM verifiers witnessed VJ soldiers carrying out household items, including television sets and furniture. In Podujevo municipality villagers reported similar activities.⁷ In Kacanik/Kacanik municipality, villagers were displaced, their houses plundered and vandalized and sometimes burned in early March.⁸



Cirez/Qirez mosque [zoom]

Other forms of pillage and destruction of property

Another form of pillage, widely reported to the OSCE-KVM while deployed in Kosovo and foreshadowing the most common experience of Kosovo Albanians fleeing or forcibly expelled in the period after 20 March, was the extortion of money at police checkpoints. There were also incidents of theft or extortion from shops or restaurants. Another common occurrence was that IDPs found their houses or apartments occupied by police or VJ officers when they attempted to return. The IDPs often tried in vain to regain their property through court procedures.⁹

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Deliberate destruction of property, looting and pillage during the State of War

As was the case for all other violations of human rights and humanitarian law, the prevalence and the severity of destruction of civilian property, looting and pillage increased significantly after the OSCE-KVM withdrawal and even more after the NATO air campaign started. Out of the nearly 2,800 refugee statements taken by the OSCE-KVM in this period, very few were without mention of such experiences.

The above-described patterns of VJ and police offensives against communities continued simultaneously across the entire province, and with destruction on a much larger scale. It appears that in most cases the shelling of villages was without legitimate military objective. If one were to view the denial of provisions and support to the UCK as an "imperative military objective", it still would have been necessary for the armed forces to distinguish between military objectives and civilian objects. International humanitarian law prohibits the wanton destruction of property, excessive in comparison to the direct and concrete military advantage gained.¹⁰ The burning of homes and property of Kosovo Albanians as they were being expelled was widespread. The arrival of VJ, police and paramilitaries in a village or a town neighbourhood would usually be followed by theft or destruction of property (including livestock in the villages) and extortion of money. One refugee related:

Police entered the village [of Celina/Celine (Orahovac)] and went into the houses to take money and jewellery. They separated the men and a VJ commander said for DM 10,000 he would spare the young men from killing. Then the villagers... gathered the money and gave it to him. Then the VJ released the men... After police escorted the villagers to the main road, there was no police presence for three days. Then police returned and set the [Kosovo] Albanian houses on fire after stealing all that they could load on trucks (military and civilian trucks taken from the [Kosovo] Albanians earlier). They also stole animals, including cows...¹¹

Of course, as is graphically described elsewhere in this report, numerous other human rights violations were perpetrated against Kosovo Albanian civilians in the context of their forced expulsion.

Specific targets for deliberate destruction

The Yugoslav and Serbian forces made a point of destroying buildings of communal value to the Kosovo Albanian population, such as the *Koha Ditore* newspaper printing house in Pristina, a private clinic in Pristina, and Mother Teresa Society premises in Pristina, Kacanik, and Stimlje/Shtime.¹² Kosovo Albanian-owned shops were also a specific target of looting throughout Kosovo. Although the destruction of homes was very generalized across Kosovo, refugee statements also indicated that property of local OSCE-KVM staff and others associated with the OSCE-KVM were particularly targeted (see Chapter 22: Groups in Kosovo Albanian society particularly targeted for human rights violations).

Furthermore certain religious or cultural objects were damaged or destroyed. This, despite the fact that conflicting parties are according to Article 16 Additional Protocol II committed not to direct any acts of hostility against such objects. In March and April the League of Prizren building, which is listed by UNESCO in the "Register of Cultural Property under Special Protection" was damaged by tank fire. In Djakovica/Gjakova town police and paramilitaries set the old market quarter, with traditional Kosovo Albanian architecture, on fire.¹³ The destruction of mosques was also widespread. The mosques were destroyed during shelling campaigns¹⁴ when military equipment was put in the building¹⁵ or there was a deliberate attack on a mosque.¹⁶ Some 200

mosques were allegedly damaged or destroyed.¹⁷ In early June, just before the Yugoslav/Serbian forces left Kosovo after the withdrawal agreement, they inflicted major destruction on the historic centre and the market area as well as to the traditionally Kosovo Albanian residential areas in Pec.¹⁸

Specific objects of looting and pillage

Another systematic feature was the killing of cattle and livestock in the rural areas, which is prohibited under Article 14 of Additional Protocol II. There are numerous references to this in statements from Kosovo Albanians expelled from villages. For example, over 2,000 cows were allegedly stolen from villagers and taken to a cattle farm in Reka/Reke (Kacanik).¹⁹ In some places cattle and other livestock were simply shot dead or burned alive by the attacking Yugoslav and Serbian forces. The objective of this practice was clearly to wreck rural Kosovo Albanians' means of economic survival. Moreover, dead animals were sometimes thrown into wells in order to contaminate the drinking water,²⁰ while convoys of IDPs were often robbed of the scarce supplies of food they carried with them. One interviewee describes how in late April he saw looted cattle being transported from the hills down to Luzane and thence by lorry to Serbia.²¹

Serbian forces, especially police, also confiscated many vehicles. Cars were taken either when police raided homes and villages, or they simply took them on the streets, particularly from people who were fleeing, whom they told instead to go to the train station.²² Especially in the towns the authorities sought to maintain an air of legitimacy by sometimes issuing documents of confiscation. Even if Kosovo Albanians managed to reach the border by car or tractor, it often happened that they had to leave the vehicle behind before crossing the border.²³

Extortion of money

One of the most evident conclusions of the analysis of the refugee statements is that almost all the perpetrators, but especially the paramilitaries, had financial benefit as a motive for the human rights violations they perpetrated on Kosovo Albanians.

Extortions were carried out at virtually every stage of the expulsion of Kosovo Albanians: in the villages, on the road in IDP columns, on trains and buses, at the border. An interviewee expelled from Letance/Letance (Podujevo) said:

When we arrived in Podujeve we were immediately surrounded by VJ, police, paramilitaries and local Serbs from the town. They opened a list with the names of [Kosovo] Albanians. When they came to our surname they immediately said they knew that my 75-year-old uncle had money and they gave him 20 minutes to find DM 30,000. They ordered one member of my family to collect the gold from the women. My uncle told them he did not have it, he only had DM 12,000. They took this money and proceeded to beat him severely with rifle butts. They brought two trucks, looted the home, and took one Mercedes truck and three cars. The process was repeated in other houses, more than DM 500,000 and [a large quantity of] gold were extorted.²⁴

Often Kosovo Albanians were forced to surrender money, gold and other valuables, cars or tractors in return for someone's life. For example, one man said that paramilitaries took him out of a bus and told that if he did not pay DM 1,000 they would kill everybody on the bus. It was even more common for them to take away a close family member and threaten the hostage with death, beating or rape if they did not get the money they demanded.²⁵

It has been reported in the international media that paramilitary units such as "Arkan's Tigers" and

the "White Eagles" included men recruited from prisons in Serbia. The incentive to participate in the forced expulsion of the Kosovo Albanian population was not only that those prisoners were promised early release, but also that they were told that they could make as much as DM 10,000 or DM 20,000 a month. Extra money was paid for special tasks such as destroying an entire village.²⁶ The fact that financial gain was such a predominant motive for perpetrators, explains why paramilitaries were reported by refugees to have asked local Serbs to provide them with lists of wealthy Kosovo Albanians.²⁷ More common in refugee statements, however, are descriptions of paramilitaries carrying out indiscriminate searches for goods, valuables and money.

A brutal group of paramilitaries apparently acted in the north-east of Pristina, near the village of Grastica/Grashtice (Pristina) through which many IDPs from Podujevo municipality passed. The patterns of extortion in this area were threefold: either the paramilitaries took children and threatened their parents or other relatives that the hostage would be killed unless a requested amount of money was paid. Those families that had enough money on them, had their hostages released.²⁸ If the blackmailed Kosovo Albanians were not able to pay the high sums from DM 500 up to several thousand deutschmarks, the hostages were sometimes beaten up or abducted, but most likely immediately killed.²⁹ The most unfortunate families gave money, but still their relatives were killed without any further explanation why.³⁰ A more detailed description of these events is given in Paart V, Pristina, the municipality excluding Pristina city.

The widely reported phenomenon of the confiscation of identity documentation from Kosovo Albanians as they were being forcibly expelled is covered in Chapter 14, Forced Expulsion.

Notes

¹ Commentary Article 4 Protocol Additional to the Geneva Conventions of 12 August, <http://www.icrc.org/ihl.nsf/b466ed68>

² OSCE-KVM, HQ, "Fusion Blue Book", 26 January 1999.

³ PR/00/0052/99 and PR/00/0053/99; OSCE-KVM, HQ, "Fusion Blue Book", 26 January 1999.

⁴ OSCE-KVM, HQ, "Fusion, Blue Book", 1 February 1999.

⁵ MI/00/0028/00; MI/00/0030/99 to MI/00/34; MI/00/0038/99. The poisoning of the well is a violation of Article 14 Additional Protocol II. A post-evacuation example for the contamination of wells with dead bodies is M/0507.

⁶ All as per OSCE-KVM, RC2 Human Rights Office, "Weekly Report No. 13", 12-18 March 1999.

⁷ OSCE-KVM, HQ, "Special Report on Pillage"; OSCE-KVM, HQ, "Fusion Blue Book", 3 and 18 March 1999.

⁸ OSCE-KVM, RC 5, CC Urosevac, "Special Report", 11 March 1999 (for example in Kotlina/Kotline, Rezance/Rashanice, Straza/Strazhe and Ivaja/Ivaje).

⁹ PZ/003/051/99; PE/02/0007/99/99; PE/02/0046/99.

¹⁰ These norms are articulated in humanitarian law applicable in international armed conflicts and arguably customary international law for internal conflicts; see the 1977 Protocol I to the 1949 Geneva Conventions, in particular Article 52 which prohibits civilian objects from being the object of attack or of reprisals. Article 51 prohibits indiscriminate attacks ("to strike military objectives and civilians or civilian objects without distinction." Article 52 further states: "In case of doubt whether an object which is normally dedicated to civilian purposes such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used." Generally, in refugee interviewees where the UCK is described as having been present in a village when it came under attack, thereby rendering it a legitimate target for actions by the military/security forces, too little information is provided by the interviewee to draw the firm conclusion that the actions of the military and security forces were indiscriminate or disproportionate.

¹¹ A/0691.

¹² M/0163; M/0167; M/0349; M/0432; M/0525; M/0653.

¹³ UNHCR, "Kosovo Emergency Update", 30 March 1999 and A/0033 (Prizren); A/0198, A/0383, A/0693, A/0762, A/0845, A/0884, A/1059, A/1109, M/0334, M/0495, M/0565, M/1253, M/1514, M/1518; M/1523 (Pec).

¹⁴ A/0742; M/0296; M/0591; M/0947; M/1016; M/1215.

¹⁵ M/0212; M/0289.

¹⁶ A/0103; M/0201; M/0404; M/0457; M/0565; M/1460; M1540.

¹⁷ Statement of the Presidency of the Islamic Community of Kosovo on 25 August 1999.

¹⁸ Witnessed by the remaining residents of Pec, OSCE Assessment Team to Kosovo, 22 June 1999.

¹⁹ M/1272.

²⁰ A/0691; M/0519; M/1281; M/1496; M/1619. See also Part III, Chapter 14, Forced Expulsion.

²¹ M/1528.

²² For example M/0063, M/0158, M/0354, M/0856, M/1433.

²³ M/0149; M/0162; M/0271; M/0622; M/0858; M/1522.

²⁴ M/0864. Among many other reports see also A/0998; A/1119; M/0301; M/0567; M/0755; M/0938; M/1741; M/1776.

²⁵ For example A/0087; A/0691; A/0764; A/0907; M/0529; M/1228; M/1311; M/1351; M/1710; M/1732;

²⁶ Petra de Koning in NRC-Handelsblad, Podgorica 17 July 1999; Bernhard Odehnal "Hier kannst du ein Vermögen machen: Serbische Paramilitärs schildern die ethnischen Säuberungen im Kosovo als großes Wirtschaftsunternehmen", Podgorica, (für *Format*, 4 July 1999); Bob Graham, *Sunday Times*, 4 July 1999.

²⁷ M/0864, M/0873, plus sources as cited in previous footnote.

²⁸ M/0314, M/1256, M/1404, M/1471, M/1480, M/1730, M/1737.

²⁹ M/1238; M/1260; M/1320; M/1359; M/1440; M/1757.

³⁰ A/0636; M/1351; M/1365.



KOSOVO / KOSOVA As Seen, As Told

PART III : The violation of human rights in Kosovo (Chapter 13)

[Contents](#)
[Previous](#)
[Next](#)

HUMAN SHIELDS

and other endangerment of non-combatants during military operations

Protection of civilians and non-combatants in armed conflict extends to prohibiting their use to influence military operations. The principle is set out specifically in international humanitarian law regulating international armed conflict, where prohibitions include using the civilian population or individual civilians to "shield, favour or impede" points or areas from military operations. Parties to a conflict are also prohibited from moving individuals or groups of civilians to shield military objectives from attack.¹ This prohibition on the use of "human shields" is closely linked to two other principles, common to both international and internal armed conflict. One prohibits the taking of hostages.² The other prohibits harming those "not actively taking part in hostilities"³ (For further details on the applicable law see Chapter 2, The OSCE-KVM human rights operation, subheading "A state of armed conflict - legal definition".)

Civilians or detainees used to protect armed forces from NATO attacks

NATO's stated objective, when it launched air operations against the Federal Republic of Yugoslavia on 24 March 1999, was "to attack Yugoslav military and security forces and associated facilities with sufficient effect to degrade its capacity to continue repression of the civilian population and to deter its further military actions against his own people"⁴ NATO forces were known to be using satellite imagery, and were also probably provided with information from the ground about possible targets. Many reports emerged of Yugoslav forces stashing ammunition in civilian locations, moving police/administrative structures to civilian buildings, and conducting other activities in order to make targeting more difficult. Accusations quickly emerged from Kosovo Albanians and journalists that Yugoslav authorities were deliberately concealing their equipment in locations which jeopardized Kosovo Albanian civilians or detainees. Furthermore, movements, or restriction of movement, of the civilian population itself at times had at least the appearance of protecting military objects, sites or personnel. At a minimum, it was clear that armed forces were prepared to endanger civilians for their own objectives of military deterrence.

Most interviewees who said they were used as human shields based their claims on the proximity of their location or movements to military equipment or personnel.⁵ Two interviewees who were forced to remain in their vehicles at military barracks in Djeneral Jankovic/Hani i Elezit (Kacanik) on approximately 29 March suspected that they were prevented from moving on towards the former Yugoslav Republic of Macedonia border because the place where they were stopped, which was also reputed to be an ammunition store, would not be targeted if it was surrounded by Kosovo Albanians.⁶ However, their movement may also have been restricted for other reasons, for example if there was a large backup of traffic at the border. Regardless of the armed forces' intentions, by restricting the movement of detainees so close to a potential military target, their security was endangered.

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S. Lillo

Serbian forces used civilians in order to protect or give them advantage while conducting operations. There are also reports of the UCK having on occasion endangered Kosovo Albanian civilians in this way. *hole 25 Gope*

One commonly reported and widespread phenomenon was for Yugoslav and Serbian armed forces which were expelling residents from villages and neighbourhoods to take with them one or more local Kosovo Albanians as protection as they went house to house. For example, mixed VJ and police forces used one Kosovo Albanian as a human shield when they went from house to house expelling inhabitants of Mucibaba/Mucibabe village (Gnjilane/Gjilan) on 27 March 1999¹⁵. Other similar acts were perpetrated by VJ and police in Prugovac/Prugofc (Pristina) on 20 March 1999, ¹⁶ by armed Serb civilians in Vranjevac/Kodra e Trimave district of Pristina city on 23 April¹⁷ by VJ and "paramilitaries" on 16 May in the Tavnik quarter of Kosovska Mitrovica/Mitrovicel¹⁸ and in many other locations across Kosovo.

Less common were incidents where civilians or detainees were put between fighting forces. However, in one incident on approximately 2 May 1999, a group of men who were detainees at the Srbica secondary school were taken by the VJ to Trnavce/Tmnc (Srbica), where fighting was ongoing between the UCK and Serbian armed forces. One interviewee said he was put between the positions of the belligerent sides, and it was announced that "if one Serb soldier is killed we will kill all the men". They were also made to walk across a field to see if it was mined¹⁹. Another interviewee reports that after being used as human shields they were forced to set fire to Trnavce village²⁰. They were returned the same day to the secondary school. *1 get uge*

In late March, VJ forces came into Belanica/Bellanice (Suva Reka/Suhareke), which was partially held by the UCK. After expelling most of the villagers, a group was kept behind; they were told that they would be held as hostages because the UCK still held one end of the village. A Serb with a megaphone called to the UCK-held end and said "you have to leave or we will kill the hostages". The hostages themselves also made an appeal to the UCK forces which apparently left. But the Serbs did not believe that they had done so, and started to grenade the tractors with women and children on them.²¹ *all women
village
not
1 get uge*

Also common were reports that civilians were prevented from leaving villages where VJ or other forces temporarily installed themselves. While the motivations for troops to keep local inhabitants in villages could be numerous (for example, often villagers were forced to cook, clean or perform menial tasks for the forces), the presence of local civilians might be expected to shield them from ambushes or attacks from the opposing forces. For example, when VJ troops were in Smira/Smire village (Vitina/Viti) on several occasions during April they ordered villagers who had fled to the mountains either to return to the village or to go to Albania. The villagers were forced to provide the troops with food, and men were sometimes asked to engage in other menial tasks for the soldiers, such as pushing cars which had broken down.²² They were confined to the village, at times ordered to stay inside. Similar accounts of forced confinement to a village were given by interviewees from Globare/Globare village (Glogovac), Veliki Kicic/Kqiq i Vogel (Kosovska Mitrovica municipality, but described in this report in the Vucitrn municipality entry), Staro Selo (Urosevac/Ferizaj) and many others. *to 5 war!
Kosovska*

Many Kosovo Albanians fled actions during fighting in the first 10 days of March in villages in the east of Kacanik municipality (see the relevant municipality entry). On 5 March, the UCK held displaced Kosovo Albanians in the village of Kotlina/Kotline against their will. They were not allowed to evacuate, although UNHCR and the OSCE-KVM had made all the arrangements for a safe transport out of the conflict area.²³

Civilians were also frequently present in villages in territory controlled by the UCK, even close to

front lines, for example, in the Bajgora region (see Kosovska Mitrovica and Podujevo municipality entries) and in the Drenica region (see Srbica and Glogovac municipality entries). Virtually all Kosovo Albanians said that the choice to go to or remain in these locations had been voluntary, as they felt protected with the UCK nearby. At times, however, the UCK may have abused the voluntary presence of civilians to endanger them unnecessarily when under attack by Yugoslav forces.

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One interviewee recounted how in mid-April a UCK patrol of eight soldiers escorted a convoy of more than a thousand Kosovo Albanians fleeing from Potok/Potok (Podujevo), and the following day, a large offensive began. As the internally displaced people fled towards Kolic/Koliq (Pristina), the UCK received orders to bury their weapons, get out of their uniforms and blend in with the crowd.²⁴ By the time fighting broke out at the beginning of April between the UCK and Serbian forces in Kraljane/Kralan (Djakovica) thousands of internally displaced people had gathered because they considered it a safe place, although in some cases their presence there may not have been voluntary. However, according to one interviewee the UCK did not fight back but withdrew into the forest because of the large number of civilians in the village²⁵ (See Part V, entry for Djakovica municipality.)

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Use of detainees to do dangerous, involuntary work

Men detained by Serbian armed forces were on occasion required to undertake dangerous and involuntary work or activities for the armed forces. As noted above, Kosovo Albanian detainees taken from the Srbica secondary school to Trnavce village were forced to walk across a field by their captors to see if it was mined. A similar incident was reported by a man who said that four men captured by the VJ in Miroslavlje/Mirosale (Urosevac) were injured after being forced to walk across a mine field.²⁶ One interviewee from Prizren town fled after hearing that young men rounded up were forced to give blood and then taken to the border to lay mines. However, there were no first-hand accounts of these practices.²⁷

Notes

¹ "The presence or movements of the civilian population or individual civilians shall not be used to render certain points or areas immune from military operations, in particular in attempts to shield military objectives from attack or to shield, favour or impede military operations. The Parties to the conflict shall not direct the movement of the civilian population or individual civilians in order to attempt to shield military objectives from attacks or to shield military operations." Article 51(7) of the 1977 Additional Protocol I to the 1949 Geneva Conventions.

² 1949 Geneva Conventions, Common Article 3, I(b)

³ "Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, any other similar criteria." Common Article 3(I). As an additional point, humanitarian law specifies that the physical and mental health and integrity (of persons interned or detained) shall not be endangered by any unjustified act or omission." Article 5(2)(e), 2nd 1977 Geneva Protocol.

⁴ Transcript of Press Conference, NATO HQ Brussels, 25 March 1999. Available at <http://www.nato.int/kosovo/press/p990325a.htm>

⁵ See for example, M/0394, who heard that on 26 April 1999 villagers in Stimlje/Shtime town were gathered into a house and yard where two tanks were located. A relative recounted to M/0591 that she had been sent to the school in Cernica/Cernice (Gnjilane) where weapons were stored in early April 1999. M/0933 was held with 65 other internally displaced Kosovo Albanians for three hours at a checkpoint outside Lipjan/Lipjan town on 26 April and since NATO overflew the area, they believed the reason for their detention there was to be used as human shields. M/1185 believed that the train he and others were on was used as a human shield when it was stopped overnight near a reputed

ammunition depot in Lipljan on 30 March 1999. Other similar examples are numerous.

⁶ M/0073; M/0074.

⁷ A/0465.

⁸ Transcript of Press Conference, NATO HQ Brussels, 19 April 1999.

⁹ A/0465. He said the aircraft was low-flying. NATO said the attack was made by an F-16 flying at 15,000 feet. NATO accepted responsibility for both attacks, it said the first had been made on the lead vehicle in a convoy of three, and then the second on similar vehicles in the courtyard of the nearby building. It admitted that while the first assessment had been that the vehicles were military, later it was established that at least one was civilian. Transcript of Press Conference, NATO HQ Brussels, 15, 16 and 19 April 1999.

¹⁰ A/0253.

¹¹ A/1071.

¹² For example, according to A/0225 women from a village in Suva Reka were ordered to go to a school in a nearby village, which soldiers who accompanied them said was going to be a target for NATO, and the women were told they would be used as human shields.

¹³ M/0937; M/0940 (also interviewed as M/1380); M/1033; M/1193; M/1294; M/1460; M/1619.

¹⁴ M/1342.

¹⁵ M/1212.

¹⁶ M/0849.

¹⁷ M/1190.

¹⁸ A/0700; A/0752.

¹⁹ A/0766. A/1058 was also among those taken. A/0681; A/0786; A/0852 were told about what happened from other prisoners.

²⁰ A/1058.

²¹ A/0278.

²² M/1126.

²³ OSCE/KVM/RCS/CC Urosevac, HR Special Report "Chronology of events in Kacanik", 11 March 1999.

²⁴ M/1528.

²⁵ A/0111; A/0200 out of many accounts of this incident.

²⁶ M/1195.

²⁷ A/0943. Although some interviewees had heard rumours that detained Kosovo Albanians were forced to lay mines for the VJ, none provided first hand accounts. The forced taking of blood also appears elsewhere in interviewees' statements, albeit these reports are rare and speculative, none being from persons claiming to have undergone this procedure: A/0713 (Prizren, hearsay); A/1102 (Prizren); M/0314 (Lukare/Lukare, Pristina); M/1449 (Gnjilane); M/1737 (Makovac/Makofc, Pristina). International humanitarian law prohibits applying medical procedures which are not indicated by the state of health of an individual.



OSCE

KOSOVO / KOSOVA As Seen, As Told

PART III : The violation of human rights in Kosovo (Chapter 14)

[Contents](#)[Previous](#)[Next](#)**FORCED EXPULSION**

Between March and June 1999 forces of the FRY and Serbia forcibly expelled some 863,000 Kosovo Albanians from Kosovo.¹ Of these, 783,000 - the vast majority - stayed in the region - in Albania, the former Yugoslav Republic of Macedonia, Montenegro (FRY) or Bosnia-Herzegovina. More detailed figures are given in the table. As of 9 June 80,000 refugees were evacuated to 40 other countries participating in a Humanitarian Evacuation Programme (HEP), organized by the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM).²

In addition, several hundred thousand other Kosovo Albanians were displaced within Kosovo and remained in the province throughout the conflict. Their story is inevitably not included in this report, since statements were taken by the OSCE-KVM in the refugee camps. However, the statements of refugees who succeeded in reaching Albania and the former Yugoslav Republic of Macedonia on which this report draws give a clear indication of the patterns of treatment and displacement to which Kosovo Albanians in Kosovo were subjected as internally displaced persons (IDPs), before becoming refugees. Figures for the numbers of internally displaced are less reliable than those for refugees, but it is clear from refugee accounts that many convoys and groups of IDPs, often numbering several tens of thousands, were on the move throughout the conflict. The UCK gave a figure of 650,000 internally displaced hiding in the hills and 100,000 missing, but it now appears that these figures may have been exaggerated.³ The UNHCR estimated that as of 13 May 1999 there were 590,000 IDPs in Kosovo, although the lack of international personnel on the ground makes these figures difficult to verify.⁴

Taking the latter figure for the number of IDPs and including refugees who were able to flee Kosovo, this suggests that over 90 per cent of the Kosovo Albanian population was displaced in 1999. It is clear that only a small fraction of the Kosovo Albanian population was not displaced by the conflict in some way, and indeed some of those who remained will also have moved from place to place within one town. (The fighting between Serbian forces and the UCK in 1998 had resulted in the (largely internal) displacement of some 350,000 people in Kosovo by the end of that year.⁵)

As is described in greater detail below and in Part IV, which surveys Kosovo's 29 municipalities, the outflow of Kosovo Albanians as refugees resulted from systematic and widespread expulsions carried out throughout Kosovo by the Serbian forces. Once the OSCE-KVM left on 20 March 1999 and in particular after the start of the NATO bombing of the FRY on 24 March, Serbian police and/or VJ, often accompanied by paramilitaries, went from village to village and, in the towns, from area to area threatening and expelling the Kosovo Albanian population. Those who had avoided this first expulsion or had managed to return were then expelled in repeat operations some days or weeks later. Others who were not directly forcibly expelled fled as a result of the climate of terror created by the systematic beatings, harassment, arrests, killings, shelling and looting carried out across the province. Refugees arrived at the borders of Kosovo in convoys several thousand strong on foot or carried by tractors, and on trains and buses, these last two

provided and organized by the police or other Serbian authorities.

As is shown in the table, in the space of little more than a week - from 24 March to the morning of 2 April - a total of 177,500 Kosovo Albanians arrived in Albania, the former Yugoslav Republic of Macedonia and nearby countries, with a further 130,000 arriving in Albania and the former Yugoslav Republic of Macedonia the following day alone. The arrival of such large numbers so soon after the departure of the OSCE-KVM would appear to indicate pre-planning of the operations. After this first influx, the routes which internally displaced persons (IDPs) took within Kosovo were regulated by Serbian forces. The flow of refugees was also regulated, with the result that many thousands would arrive at border crossing points with Albania, the former Yugoslav Republic of Macedonia and Montenegro (FRY) on some days, but then only a handful of refugees would arrive at particular crossing points on succeeding days. Such patterns provide a further indication that the operation was clearly planned and executed, not least with a view to keeping key communication routes within Kosovo open.

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	65,500	27,400	116,500	314,300	9,351	533,051
14 April	67,200	27,700	116,000	314,300	10,780	535,980
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

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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.

Kosovo Albanians were clearly targeted for expulsion because of their ethnicity. Other ethnic and religious groups, such as Turks, Gorani and Muslim Slavs, were excluded from the expulsions. Serb houses were marked with the Serbian cross so that they would not be targeted.¹ Those expelled by the Serbian forces included not only able-bodied Kosovo Albanian men and women, but also children and those elderly people who were too infirm to be mobile.

Expulsions took place in practically every municipality according to the data gathered by the OSCE-KVM. In the four municipalities where there was a Serb majority (Leposavic, Novo Brdo, Zubin Potok and Zvecan) there is only one refugee report of Kosovo Albanians being expelled, from a village in Zubin Potok. In Kosovska Kamenica (which had a 22 per cent Serb population) there is also only one report of Kosovo Albanians being expelled from a village. It is possible that expulsions were nevertheless carried out in these municipalities, since OSCE-KVM's refugee interviewing was carried out only in Albania and the former Yugoslav Republic of Macedonia, and it may be that the more obvious and accessible routes for anyone fleeing from Serb majority municipalities, which are on the northern and eastern edges of the province, would lead them to Montenegro or Bosnia-Herzegovina, or to Serbia proper. In the other municipalities, however, numerous villages were emptied of their Kosovo Albanian populations.

It is not clear whether the intention of these expulsions was to expel all Kosovo Albanians from Kosovo, or whether it was to reduce the numbers of Kosovo Albanians to a "manageable" number, or to clear out all areas of known or perceived UCK presence and support. Those who were seen as UCK fighters or supporters, particularly in rural areas, were clearly targeted for particularly harsh treatment in both 1998 and 1999. However, expulsions in 1999 were carried out in large towns across the province from Kosovska Mitrovica/Mitrovica to Pec/Peja to Pristina/Prishtina. It is possible that further expulsions were planned but that the NATO bombing campaign forced plans to be revised or put on hold.

It might be possible to argue that the Serbian forces were essentially looking for UCK arms or supporters, a legitimate aim for a government seeking to bring a rebel movement under control. However, the way in which these operations were carried out indicates that the intention was clearly expulsion. Villagers were given minutes to leave and told that they should go and never come back and that Kosovo was Serbian land.² Acts of brutality and violence were used to heighten the climate of fear, create chaos and a pervading fear for life. They formed part of a policy of terror designed to trigger "spontaneous" departure.

It might also be possible to maintain that the forced movement of Kosovo Albanians by Serbian forces was to prevent civilians from becoming caught in crossfire and fighting. Serbian forces which accompanied convoys or buses to the border could arguably be seen as providing protection (for instance, from paramilitaries or air attack) for those leaving.²

Indeed, this does appear on occasion to have been the case. However, the brutality and violence with which the IDPs were generally treated - with killings and beatings - and the failure to provide food or water - indeed, the systematic destruction of food supplies - suggest that the opposite of protection was intended.

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.

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The sections below outline the course of events and the different aspects of the forced expulsions that took place. They should be read in the light of Article 17 of Additional Protocol II to the 1949 Fourth Geneva Convention. This states:

1. The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition.
2. Civilians shall not be compelled to leave their own territory for reasons connected with the conflict.

Typical patterns of forced expulsion

The patterns of displacement described below were in evidence across Kosovo and were repeated many times, as recounted in Part V of this report, giving events in each of the municipalities in Kosovo.

ALL THE PEOPLE OF UCK - 1998?

Typically, Serbian forces would shell a village for some hours, with the result that Kosovo Albanians hid in basements or fled to the hills. Then, when the shelling stopped, Serb forces including police, VJ and/or paramilitaries would enter the village, shooting into the air. They would break down doors to enter Kosovo Albanian houses, threaten everyone who had not already fled and order them to leave, either instantly, within a few minutes, or sometimes within some hours. Sometimes village elders or religious leaders are described as negotiating the implementation of the Serb demands; sometimes certain local Serbs were selected to spread the word that the Kosovo Albanians had to leave; sometimes the first house to which the forces came simply served as an example to other villagers.



A child's depiction of expulsion from a village [zoom]

A 39-year-old man describes the situation in Djinovce/Gjinofc (Suha Reka), which was shelled briefly before a large number of VJ, police and paramilitaries entered and cleared people from their homes, threatening and assaulting them as they fled:

The morning after NATO bombing, Serb forces (VJ, police, paramilitaries), heavily armed and with tanks and armoured vehicles, completely surrounded the city. They started shooting into the houses at 07:00 hours. We had to wake up our children and flee but we did not know where to go. All went very fast. We did not dare to go to the main street, we just had to climb from house to house. We could not take anything but the clothes we wore. The children had only pyjamas. We could hear shots in other houses and the crying of women and children and the shouting of paramilitaries. On the way out of the city we got to the cemetery via some side lanes and we could hear shooting, so we went down in a ditch and bullets were going over our heads. One 18-year-old girl was killed. One man was hit on the shoulder by a paramilitary with the back of a rifle and we heard that he was later executed. On that day they also started to burn the houses. We could see our own house on fire as we were leaving. The whole neighbourhood was on fire.¹⁰

Frequently a Kosovo Albanian would be intimidated, injured or killed in full public view to enforce the departure of the other villagers. Houses were also looted and set alight. Those who refused to leave were often killed. The combination of shelling, shooting, burning, intimidation and killing created chaos and panic, with villagers running in fear of their lives. As one refugee expelled from Vranic/Vraniq (Suva Reka) in early April explained, the "police threatened the population and killed some to encourage others to leave".¹¹

In a particularly brutal example, one 49-year-old man, who fled Velika Krusa/Krushe e Madhe (Orahovac) after seeing 10 men killed, reported:

On the fifth day of my stay in Rogove I saw paramilitary forces coming down from Rogove-Has village. They started to select some men, took more than 15 and later they started to behead them. They took the heads and dropped them in the "Drini i Bardhe" [river] from the bridge. After a while they left and we were able to go to the site of the bodies and bury some of them, about 10, but then the paramilitary forces came back and started to shoot at us. An officer with four stars shouted, "Go to Clinton". At this time we decided there was no way we could live in Kosovo any more, so we decided to go to Albania.¹²

Houses were also looted and then burned. Cattle and other animals were often killed, and stables, haystacks¹³ and grain stores destroyed, in a move calculated to deny Kosovo Albanians access to food, weaken them and oblige them to flee. In the south of Kosovo one 38-year-old man describes how shops were looted and stores, including those of the Mother Teresa Society, were destroyed, and how police herded together cattle from the surrounding villages in Kosare/Koshare (Stimlje), with the result that "people were starving".¹⁴ Another man describes how in late April he saw looted cattle being transported from the hills down to Luzane/Lluzhane (Podujevo) and thence by lorry to Serbia proper.¹⁵

Two accounts

A 27-year-old woman from Gladno Selo/Gllanaselle (Glogovac), who kept a detailed diary, tells her story as follows:

"On 20 March at around 08:00 hours Serb forces started shelling Gllanaselle. At that time, many IDPs from Vushtri [Serbian: Vucitrn] were staying in our house. When the shelling began, the family prepared to leave. At the same time, IDPs from Cikatove e Vjeter [Stara Cikatova (Glogovac)] were arriving on tractors. We joined the IDPs and went to Qirez [Cirez (Srbica)]. On the way, the convoy of 2,000-3,000 people stopped at a field called Postodjic, because we heard shelling from all directions. After two hours we continued to Qirez.

In Qirez, more than 20,000 IDPs from all directions had gathered. We spent three days near the mosque and the school in Qirez. On 23 March, Serb troops arrived from Skenderaj [Srbica] and entered Qirez with tanks. They were shooting in the air and broke the windows of the school, where many IDPs had gathered. Mixed VJ and paramilitaries together entered the school and separated men of all ages from the others. They insulted and beat the old men and threw their white caps on the ground, trampling on them. The men were taken into the yard.

Then the Serbs entered the school again and began to rob the women of their valuables. One soldier spoke Albanian. They threatened the women with hand grenades. I saw from inside the school how 70 or more men outside were ill-treated in several ways. They were beaten, insulted, threatened and so on for approximately two hours. All but five of the men were

released after two hours. The five ... were ordered to take off their trousers, to lie face down in the snow, and were beaten. They fired on the ground close to their heads. After an hour, they were released as well.

The beatings and torture were carried out by regular VJ in green camouflage uniform with red armbands. They were aged 40-45 and there were no younger men around. The paramilitaries [also described in detail] did not participate in the actions at the school, but went to private houses instead. The IDPs were not allowed to leave the school, which was packed with maybe 12,000 IDPs, until 24 March at 11:00 hours. Serb forces started burning the houses, and took tractors and cars. At this time people from Skenderaj municipality were ordered back to their villages. All the others had to stay.

On 25 March, at around 13:00 hours, new Serb forces arrived from the direction of Glllogoc [Glogovac], and began shelling the area near the school for more than two hours. Two women were wounded ... The VJ "cleaned" the village with two tanks and ordered all villagers of Qirez to get out of their houses and go to the school and the mosque. The soldiers approached the school shooting in the air and shooting the animals the IDPs had brought with them. They entered the school and ordered all the IDPs to get out in five minutes. All males over the age of 10 were separated. Everyone was forced to salute "Serbia!" and show the Serbian three-fingered victory sign. The Serbs immediately started to burn houses, food, tractors, cars and all the bags of clothes the IDPs had brought with them. There were more than 100 men in green and blue camouflage uniforms.

Then the IDPs were forced to walk to Likoshan [Likosane (Glogovac)] to the graves of the 24 victims killed in March 1998. In Likoshan, the men were robbed and beaten. Then, new Serb forces arrived and surrounded all the IDPs, who were forced to walk to Shtutice [Stutica (Glogovac)] from 13:00 to 18:00 hours. On the way to Shtutice, a 63-year-old cousin tried to escape from the convoy but was caught and I heard that he was killed by the Serbs.

Before we arrived in Shtutice, NATO had bombed Terstenik [Trstenik (Glogovac)]. This made the Serb forces leave the main road and go into the hills. They always kept the IDP convoy with them and mixed with the IDPs closely.

We arrived in Shtutice at 18:00 hours, where we were insulted by the Serb forces based there. We were robbed of our remaining belongings and denied water and bread until 13:00 hours the next day. The men (100 or more of them) were beaten all night outside and were later released on 27 March. The women left Shtutice and arrived in Kozhice [Kozica (Srbica)] on 27 March but we were ordered to leave and told to go to Qirez, where we arrived on 28 March and stayed for two weeks. All the houses and food had been destroyed. Everybody stayed in different burnt houses. From time to time, I returned to Gllanaselle to prepare food and get other things. On 6 April, I and my family returned to Gllanaselle.

On 14 April, Serb forces arrived at Gllanaselle and surrounded the 1,000 or so people in the village in a field. Immediately, the Serbs started shelling. Thirty men were separated from the group, and the entire group was ordered to walk to Glllogoc, with the men in the front part of the convoy. We were warned by one of the Serbs to go and get all the old, paralysed people and stay together, as some of his "colleagues" could not be controlled.

After five days, all the villagers came back to Gllanaselle because there was not enough food in Glllogoc. After three days [on 23 April] Serb forces entered the village again and ordered us to go back to Glllogoc. On the way 11 men were taken from the convoy and shot straight away a few metres in front of me. They were ordered to stand in a line. First they shot at their knees and legs, and then all the men fell. Then the women and all other witnesses were sent away. (A

week later my cousins found the bodies still lying there with bullet wound all over their bodies. The UCK buried the bodies in the place where they were killed.) The victims were all old men aged from 59 to 80 and all but two were my relatives. Altogether there were around 50 men in black uniforms with brown parts, black bandoleers. Some had masks, some painted faces, bullet-proof vests, long knives below the knee, *raketes* [hand grenades]. They were aged 40-45 years. Only one man did the shooting; he did not speak. I heard later that altogether 38 Albanians were killed in Gllanaselle that day, including many women, children and elderly persons.

I and my family stayed in Glllogoc until 4 May. The day before, paramilitaries in green camouflage uniforms came to the apartment and told all IDPs to leave on buses. On 4 May at 10:00 hours more than 30 buses left Glllogoc for Fushekosove [Kosovo Polje] train station. We took the train to Blace [Blace (Kacanik)].¹

A 56-year-old man in Drenovac/Drenoc (Orahovac) describes a three-day journey during which he fled into the hills, where the villagers were surrounded by VJ and ordered to go from one village to another in Orahovac, were then beaten, harassed and eventually taken by bus to Albania. His story shows clearly how the Serbian/Yugoslav forces (in this case the VJ) shelled and killed civilians, harassed and beat them, discriminated against the elderly and against Albanian customs, targeted young men, extorted money and planned forced displacement.

"On 30 March I was feeding my animals near my house, when I heard shelling. My family and I immediately fled with the rest of the village to the mountains near the village of Turjake [Serbian: Turjak (Orahovac)]. There were people from other villages with us. We stayed in a valley overnight with about 5,000 villagers. This valley was 500 metres from Turjake. Towards the evening of the next day the VJ began shelling Turjake, upon which the villagers of Turjake fled and joined us in the valley.

The VJ surrounded the valley we had fled to and began shelling the valley with mortar rounds. Women and children were screaming and crying. One man and one woman were killed by the mortar rounds. Another old woman died from shock. I did not know the people who died because they were from another village. About 16:30 hours the ground troops which had surrounded us moved in and began firing machine-guns and automatic weapons over our heads. The VJ ordered us to get on our tractors and go to Lubizhde [Ljubizda (Orahovac)] or we would be killed.

On the way to Lubizhde I saw the VJ beat many of the villagers. The VJ would pick men out of the crowd of IDPs who were wearing the traditional white cap, called a *klis*, and beat them with more severity than others. I saw one VJ stop a car and pull a Kosovo Albanian out of the driver's seat and hit him over the head with a bottle. I saw a woman who spoke Serbo-Croat chastise the VJ when she saw them beating an old man. One VJ took this woman and smashed her head into a tree.

When we reached Lubizhde we were forced to sit on the ground in the rain. One of the VJ took me from the crowd, held an AK-47 to my neck and told me to count the Kosovars in the group, or I would be killed. The VJ also said, "Where are the democratic leaders and Bill Clinton?" As I began counting, a tank crew drove around the 5,000 displaced people and fired its machine-gun over everyone. The women and children began screaming and crying. The tank continued doing this tactic for one hour. After an hour the VJ lined us up one by one, telling us, "We will kill you." They told us to go to Malisheve [Malisevo (Orahovac)]. This journey took us about four hours because the crowd of villagers was so large.

Before reaching Malisheve, near the village of Mirushe [Mirusa], my 14-year-old son fled into

the woods with several young men. Before fleeing my son looked at me and said, "I can't look at you any more and I don't want you to look at me." My son then fled. It was about 21:00 hours.

We reach Malisheve and stayed about two hours. From there the VJ told us to go to Dragobil [Dragobjile]. We arrived there at about 07:00 hours of the next day. I was upset that the women I saw had no shoes and were carrying children on their backs. In Dragobil we were put into a field and separated into two groups. The groups had to file into two school buildings (one old building and one new one). After 20 minutes the VJ shot into the air and ordered the villagers to come out of the school doors one by one. The VJ threatened to kill us if we did not give them money. The VJ took our money and one hour later buses arrived. The VJ ordered us on to the buses without letting us go to our tractors to retrieve our belongings. The VJ told us, "Go to Albania, and don't come back." We entered Albania via Kukes.²

¹M/1619

²A/0209. The interviewee was distraught at the time of his interview, because he still had heard nothing of his young son.

In less violent situations Serbian forces would come and tell the Kosovo Albanians that the situation was now too dangerous, that buses or trucks would come or that they should go to the railway station the following day, and they would be transported to Albania or the former Yugoslav Republic of Macedonia. One refugee describes how in early April in Pristina a policeman came to him and asked him where his family was. He indicated the house where his and other families were gathered. The police went in and told people to pick out their families and leave, otherwise they would be killed. They all boarded a truck that was in the yard. The police asked for the keys to the other cars because they needed them. The interviewee asked the police where they were being sent to and the policeman replied, "You are going to Albania and you are never coming back to Kosovo" ¹⁶

As part of the process of forced expulsion Serb forces often separated the women and children from the men. While women and children were generally sent on their way, the males, who often included young boys and old men, were frequently subjected to harassment, beatings, arbitrary arrests, detention and killings, as is described in greater detail elsewhere in this report.

Those who fled to the mountains or to a nearby village to escape the shelling tended to stay close to their village. Particularly in March and early April there was still snow on the hills and it was bitterly cold in the open. They would then return home during the day to feed the animals and/or milk their cows,¹⁷ to find food, or to check on their possessions or shops.¹⁸ Sometimes villagers were able to return home and stay on for several weeks, often in the ruins of their damaged or destroyed homes. Often, however, they would be moved from place to place before eventually being able to flee, as described in the case history of the 27-year-old woman from Gladno Selo/Gllanaselle (Glogovac).

After a village had been cleared, Serbian forces often returned some days or weeks later to empty the village again of any IDPs who had returned and to ensure that there were no Kosovo Albanians left. They would give a renewed ultimatum to leave with attendant threats and intimidation. Buses were provided, or people were ordered to go to the railway station, or convoys were sent and sometimes accompanied to the border. This was the case on a large scale in Glogovac/Glogoc on 4 May, when 50 buses took Kosovo Albanians to the train and thence to Blace (former Yugoslav Republic of Macedonia).

All sections of Kosovo Albanian society and all ages were forcibly displaced; even those such as

the elderly or immobile were obliged to leave or were killed, as is described in Chapter 18, Elderly, Disabled. Thus, when VJ and police expelled Kosovo Albanians from Istok, the chief of police is reported as refusing to allow the old men to stay.¹⁹

As April progressed, Kosovo Albanians who had been displaced from their villages also appear increasingly to have been used as human shields as Serb forces moved military materiel or men around Kosovo to protect them from attack. This practice is described in greater detail in Chapter 13, Human shields.

Other instances of harassment, ill-treatment and extortion are described in greater detail in the section on convoys below.

Perpetrators of the forced expulsion of Kosovo Albanians

Serbian/Yugoslav forces involved in the mass expulsions are widely described as VJ soldiers, police, paramilitaries and/or armed local Serb civilians. Sometimes members of only a few of these categories were present. Sometimes there were 100 or more armed men accompanied by tanks, Pragas, armoured personnel carriers, jeeps and other vehicles, sometimes far fewer. Even a handful of armed men prepared to harass and kill could move a great many unarmed civilians.

Frequently refugees knew or at least recognized those who were ordering them to leave, and often gave these people's names or official positions in their statements. Such cases generally refer to local police officials or armed Serb civilians living nearby. However, in other cases, particularly when paramilitaries were involved, the refugees were only able to give descriptions of what the men looked like or what they were wearing.

VJ and also police are frequently described as being involved in the shelling of villages, while it was generally police and/or paramilitaries who are described as going from house to house expelling people and enforcing compliance with their orders. (Details of the different Serbian/Yugoslav military groups are given in Chapter 3, The military/security context.)

Nevertheless, the police sometimes contained the violence, although villagers were often forced to move on later when different forces came into the area. Thus in Krusevac/Krushevc (Obilic), which had a small Serb population, some of the Kosovo Albanian villagers went to the police station in nearby Obilic/Obiliq town in mid-April, after paramilitaries attacked Kosovo Albanian villagers. They explained what had happened and asked for help. The police said that they would help and posted a guard in the village night and day for two weeks. Then, however, they told the villagers they were leaving, and that the villagers were no longer their responsibility.²⁰ Similarly, in Leskovcic/Lajthiste (Obilic) in late April five policemen from nearby Crkvena Vodica/Palaj (Obilic) came and told the villagers there: "You must leave. We have protected you until now but a group of bandits will come to burn the village and there's nothing we can do, so it is better that you leave." When the villagers asked for protection to go to the border, the police organized two buses and escorted them to the border at Djeneral Jankovic/Hani i Elezit (Kacanik).²¹

The situation seems sometimes to have changed quite rapidly, however. In Pec/Peja on 26 March 1999 one Kosovo Albanian's neighbour, who was a VJ soldier, told him that he and his family should remain and that they would be safe. Later that day the neighbour returned and told him that he had been ordered to kill them. The soldier demanded DM 500 in exchange for not killing them. They paid and fled the next morning.²²

Paramilitaries appear to have meted out particularly savage treatment. They were involved in committing brutal atrocities on the thousands of Kosovo Albanians who came down from the hills around Kolic/Koliq (Pristina) in the second half of April. Extortion involving large sums of money

was repeatedly reported, children were threatened or held hostage to extort money from their parents, women were raped and killed, and young men and others were shot summarily in a column of thousands of refugees that took days to pass.²³

Occasional provision of protection for IDPs

By contrast, there are also some reports of individuals or groups who took steps to protect some Kosovo Albanians. One 42-year-old wheelchair-bound Kosovo Albanian woman had remained in her house in Kozica/Kozhice (Srbica) in late March when Serb forces had shelled and then entered the village. She asked a young Serb soldier to bring back her mother and sister who had been taken to a yard with others. He did so, and also gave his name and asked about a woman who had been killed in mortar fire and "said his heart was aching as he heard that she had left three children behind". When paramilitaries seized their documents he returned them, and his men brought the woman in her wheelchair to the mosque where elderly and disabled people stayed for eight days. He arranged for two tractors to be brought to transport other wounded and disabled. The VJ brought food, water and medicine to the mosque where villagers were sheltering.²⁴

Protection is also reported to have been given to refugees by the Yugoslav Red Cross on two occasions. On 23 March two Red Cross vehicles came to Staro Cikatovo/Cikatove e Vjeter (Glogovac) and evacuated women and children from six families to Glogovac town, although the majority of women and children remained in the village and shelling began immediately afterwards.²⁵ On another occasion women and children who had been expelled on foot from Dragacina/Dragaqine (Suva Reka) were detained in two rooms of a school in Dulje/Duhel (Suva Reka) in late April. After two or three days the Yugoslav Red Cross came with food and took them on two buses to Albania via Zur/Zhur (Prizren).²⁶ One 32-year-old man held by police near Vucitrn/Vushtrri in early May describes how doctors arrived with a water truck and tried to gain access to the detainees, but reports that this was denied.²⁷

Another refugee describes staying in mid-April in Zablace/Zablag (Istok), where he and others were given food by the Catholic priest.²⁸

Control of population movements by the UCK

The UCK also controlled the movement of Kosovo Albanians, though generally this was perceived as being for the safety of the villagers.²⁹

However, at the beginning of March the UCK held displaced Kosovo Albanians against their will in the village of Kotalina/Kotline (Kacanik), over which they had recently gained control. The villagers were not allowed to evacuate, although UNHCR (UN High Commissioner for Refugees) and the OSCE-KVM had made all the arrangements for a safe transport out of the conflict area. Women and children were later evacuated, but the UCK's action had put civilian lives at risk.³⁰

After the OSCE-KVM evacuation on 20 March there were many instances where the UCK asked Kosovo Albanians to leave their homes or told them to leave a village because Serb forces were about to arrive. These instructions often came just before fighting broke out. This was especially so in UCK-held areas such as the hills between Suva Reka/Suhareke and Stimlje, the area around Malisevo (Orahovac), Drenica and the Lap and Shala hills. As one man said, "It was easier for them to fight if nobody was around."³¹ In some cases villagers who had spent weeks in the hills were eventually forced to come down to the valleys as the UCK were beaten back and were no longer able to provide protection.

The situation of those displaced from towns

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When towns and villages were shelled, Kosovo Albanians often sought shelter in basements for days and even weeks. Refugees speak of seeking shelter in basements in Pristina³² Djakovica³³ and many other towns. However, such places also turned into death traps and sometimes when villagers returned from the hills they found bodies in these basements³⁴. There are reports of people being killed when hand grenades were thrown into basements where they were sheltering³⁵.

Refugee statements indicate that larger towns, including Djakovica/Gjakove, Klina/Kline, ^{GREEN BROWN} Kosovska Mitrovica/Mitrovice, Pec/Peja, Pristina/Prishtine and Prizren/Prizren, were cleared in a systematic way. These expulsions are described in more detail in the municipality entries, especially in the case of Djakovica and Pec, where the expulsions were particularly violent ^{Hod Drw} (although many in Djakovica succeeded in remaining in the town). Although these operations ^{EC-4C} created panic and chaos as they were implemented, their implementation was methodical. ^{STRIDE} Different areas were cordoned off and cleared block by block, while police and other forces lined ^{TR} the streets directing Kosovo Albanians to the railway or bus station. One interviewee describes how on the afternoon of 27 March Serb forces separated the town of Suva Reka into two parts, how in the south the forces were shooting indiscriminately to cause a mass exodus and how a corridor was opened to the north to allow the population to flee³⁶. In Pristina a first wave of ^{2149R} large-scale expulsions took place in the 10 days to around 4 April, after which expulsions ¹ continued on a regular basis but not involving the same numbers. Similarly, in Klina Kosovo ^{VERBODEN!} Albanians were expelled on 28 March and again on 31 March, while in Kosovska Mitrovica expulsions took place on 24-29 March, over several days in early April, and on an increased scale on 14 and 15 April.

One young man described his expulsion from Pec as follows:

On 28 March 1999 at around 09:00 hours an armed Serb civilian entered every house on my street/area and ordered all the Albanian families: "Go to Albania or we will come back to force you out. You have till noon." (The Serb civilian was not acting alone, but his colleagues remained on the street and when he saw a "nice" car he had them take it away.) Shortly afterwards (about half an hour) I and others went out into the street, gathering together as the policemen ordered us to go to the centre of the city. At the centre of the city there were about 70,000-80,000 Albanians, who had been forced from their homes, gathered together. I joined the group in the centre where police ordered us on to civilian trucks and buses and transported us to Prizren.

³⁷

During May the police began a registration programme for all IDPs in Pristina and a number of other major towns and said that after this Kosovo Albanians would be free. However, one refugee described this policy as "a ploy to discover the number of Albanians in Pristina", following which they would expel all IDPs from Pristina. Men in particular could not leave houses or apartments because they would be taken away if found³⁸. One 19-year-old man states:

On 19 May at 04:00 in the Vranjevac area of Pristina, we were surrounded by police. All had blue uniforms. Some had green or black flak jackets. Some had flame-throwers and automatic weapons. They were forcing their way into the houses and removing anyone who did not have IDs or who did not come from Pristina. At that time I hid in the sewer system³⁹.

By the latter part of May police in Pristina were ordering some people from outside the town to return to their villages (although others continued to be expelled from Kosovo)⁴⁰.

The purpose of the registration programme is not entirely clear and could have served a number of

purposes: for example, (i) the police may have wanted to know which or how many Kosovo Albanians were left (a kind of census); (ii) the programme would identify IDPs and allow the police to get them to move out; (iii) it represented another way to complicate property records further (since by then Serbs had reportedly moved into the best houses in former Kosovo Albanian parts of the town); (iv) it could assist the maintenance of law and order in the town; (v) male heads of household could be ordered to come to a given place (such as the post office) from where they could be taken to the police station for "informative talks"; (vi) it made sure that no Serbs had dodged the draft.⁴¹

Among the other towns where registration programmes were initiated were Gnjilane/Gjilan and Suva Reka/Suhareke. Kosovo Albanian suspicions of this exercise were sometimes well-founded. One man from Vucitrn describes how he and his family were told that they could go to a designated location where they could receive Red Cross humanitarian assistance, but when they arrived the men were separated from women and children, and then taken to Smrekovnica prison.⁴²

Displacement to the mountains and from village to village

While some of the expelled went directly to the border, hundreds of thousands of Kosovo Albanians were displaced within Kosovo, often for many weeks. While initially those who were expelled or had to flee generally fled only a short distance from their homes, increasingly groups of IDPs found themselves moved around from village to village and from hill to valley, until eventually large convoys of tens of thousands of people were formed.

Initially the hills may have appeared to provide greater safety than villages which were being shelled, but they also became dangerous places. In addition to being caught in crossfire in areas where there was fighting between Serbian/Yugoslav forces and the UCK, IDPs were also sometimes targeted directly. In early April Kosovo Albanians from Kacanik were forced by heavy artillery fire to leave their houses and were driven towards the hills. As they passed through the hills 40-50 VJ soldiers and police reportedly took up sniping positions and opened fire on them, killing between 40 and 70 people.⁴³



Abandoned IDP shelter in Kolic/Koliq area (Pristina/Prishtina) (photo: Ridvan Slivova) [zoom]

Another IDP describes how the hills were shelled with mortars from Cirez/Qirez (Srbica) every day for five days in mid-April. According to her account several thousand people were hiding in the dense forest, and she described their position as being "like foxes in a fox hunt"; there was no UCK resistance, and no one was shooting back.⁴⁴ In the Cicavica mountains Kosovo Albanians were literally hunted down by Serb forces. One man describes how one afternoon in mid-April, after many children and elderly had fled to the mountains because of an offensive on the village of Gornji Grabovac/Graboc i Eperm (Obilic), "suddenly two dogs came and there was shooting in our direction". He described how the dogs were being used by police and barked to show them where to shoot.⁴⁵

Living conditions in the hills were extremely difficult. Initially there was still snow on the ground and it was bitterly cold. IDPs later erected plastic sheeting as tents, although this provided little protection from the elements or from attack. Three men who stayed on the hillside above

Bradas/Bradash (Podujevo) were killed by VJ in late March, even though one was mentally ill and, since they were living in an IDP camp of plastic sheeting tents, they were clearly identifiable as IDPs.⁴⁶

In addition to the dangers from fighting or being pursued by Serb forces, lack of food also meant that IDPs had to move from place to place in search of food as well as safety. Villagers had often to flee for their lives with no time to take or carry food, equipment or clothing that might have made their stay in the hills easier. One 55-year-old man described how IDPs gave leaves from the trees to children who were suffering from a lack of food.⁴⁷ Villagers had to return to shelled villages in search of food, often a dangerous undertaking from which some never returned.⁴⁸ A 52-year-old man, who spent five or six weeks in the Lap hills between Podujevo and Mitrovica, eventually came to the conclusion, "Either we die from hunger or from fighting with the Serbs."⁴⁹

Those who were displaced were often effectively denied adequate medical treatment and became incidental casualties of the war. Others, especially the very young and the elderly, died from exposure or lack of food. One man sheltering in the hills above Bukos/Bukosh (Suva Reka) described how three or four children died of hunger and cold every day.⁵⁰

Flight on foot, by car and by tractor

As villagers were expelled, many left independently in convoys of tractors, cars and with people on foot.

A few Kosovo Albanians fled on foot across the mountains, avoiding checkpoints and eventually reaching safety.⁵¹ It should be noted that there was a 10-km exclusion zone along the border with Albania, which had been mined by Serb forces in 1998, and that such a route was therefore a perilous one. Fear was a key motivator in choosing such a precarious mode of flight. Thus a woman from Mala Krusa (Prizren), who had been forced to leave the village just before the massacre of more than 100 men and boys in late March there, escaped on foot to Morine (Albania).⁵²

The images of Kosovo refugees that reached the world's television screens were often of people trekking across the snow or in columns through fields to the border. While there are reports of refugees doing just that, indeed one man described how he carried his 70-year-old mother through the snow to Montenegro,⁵³ others did not, however, come all the way on foot. Those fleeing were often obliged to leave any motorized transport they had used just before the border and walk the last few kilometres on foot.

Many refugees describe fleeing in convoys of tractors, trailers, trucks and cars laden with possessions, with others walking alongside. Those unable to walk were sometimes killed by Serbian forces.⁵⁴ Sometimes these convoys were guarded by Serb forces, sometimes not. Vehicles which broke down or ran out of fuel had to be abandoned beside the road. Those who fled in cars (who often came from the towns) were often forced to hand them over to Serb forces. Smarter cars such as VW Golfs and Mercedes were particularly vulnerable. Cars or tractors which were allowed across the border often had their licence plates removed.

Convoys

As villagers were expelled they were joined by other IDPs, often, particularly in areas where villagers were on the move for several weeks, forming convoys that were tens of thousands strong and many kilometres long. IDPs in the Lap hills west of Podujevo describe forming part of groups of thousands of people who were eventually forced to come down off the hills to Gornje Sudimlja/Studime e Eperme (Vucitrn), where between 90 and 160 people were killed after being pulled from their tractors on the night of 2 May⁵⁵. Equally large convoys came off the hills around Kolic/Koliq, east of Pristina, during April and May, as described in the report of events in Pristina municipality.



Tractor convoy going to Makovac/Makofe (Pristina/Prishtina) (photo: Ridvan Slivova) [zoom]

As groups of IDPs from different villages gathered together they became vulnerable to attack. Thus 24 men taken from a group in Staro Cikatovo/Cikatove e Vjeter (Glogovac) were killed on 17 April, while in Gladno Selo/Gllanaselle (Glogovac) 30 Kosovo Albanians were also killed, as described in the entry for that municipality in Part V of this report. On 28 March about 150 men and women were killed in Izbica/Izbice (Srbica) from a group of thousands of IDPs displaced from the Izbica area in preceding days, as described in the section on events in that municipality.

These long convoys effectively blocked communication routes. A 59-year-old man describes waiting in a long line of vehicles at Prizren which took 40 hours to cover the 17 km to the Albanian border. All the way to the border the military harassed people for bread, clothes, money and so on, and at the border they took their remaining documents, including the vehicle licence plate. They let them go and told them never to come back⁵⁶.

Convoys were often moved from place to place, as the case history of the 27-year-old woman from Gladno Selo (Glogovac) cited above tells. Similarly, a 30-year-old woman from Izbica/Izbice (Srbica) describes how she was ordered by police to go to Djakovica/Gjakova but when after 30 minutes a shell fell on the column of refugees, soldiers ordered them to go to Klina where police ordered them to go back to Djakovica. Then at Glodjane/Gllogjan (Decani) they were sheltered from police in a church by a priest before eventually being able to reach Albania⁵⁷.

In the northern part of Kosovo convoys of up to 10,000 Kosovo Albanians were forced to leave Kosovsko Mitrovica in mid-April and spent several weeks on the move from village to village being directed along on often minor roads (which would not have clogged main communication routes) in the area between Kosovsko Mitrovica and Klina. One man, who was separated from his family in Sipolje/Shipol (a few kilometres south-west of Kosovsko Mitrovica), describes how when his convoy was stopped on eventually reaching Djakovica and ordered to return to Mitrovica. On the way back this convoy of 10,000 was halted in Klina/Kline for three days before continuing on its way back to Kosovsko Mitrovica. It was halted on two further occasions, the second at Srbica/Skenderaj (Srbica), where the men were separated from the women and children and detained in a school building. After 15 days there they were transferred to Smrekovnica prison for a further 15 days before eventually being deported to Albania on 25 May⁵⁸. Similarly, Kosovo Albanians expelled from villages around Lipljan/Lipjan were not told to follow the most obvious exit route south out of Kosovo but to go to Albania via Prizren, as described in greater detail in the description in Part V of events in Lipljan municipality.

The redirection of IDPs might also be explained by the fact that the roads further on were not clearing fast enough, as appeared to be the case at times when the border with the former Yugoslav Republic of Macedonia became blocked.

It is also likely that this diversion of convoys was sometimes for Serbian strategic military reasons linked to keeping communication routes open. However, it is also possible that the movement from place to place reflected the general confusion rather than a deliberate attempt to make the IDPs' journey more perilous. There was nevertheless clear management of the flow of refugees. OSCE-KVM officers on the Albanian side of the border near Prizren could see from the border how the town of Prizren would fill up with IDPs for some days and then be emptied of them as they were sent to the border. This resulted in influxes of 4,000-5,000 refugees a day at Morine (Albania) for three to four days and then for three to 10 days there would be only a trickle. Among other towns apparently used in this way were Belanica/Bellanice (Suva Reka/Suhareke) and Veliki Kicic/Kqiqi iMadh (Kosovska Mitrovica/Mitrovica).

Fleeing families were sometimes told that it was safe to return and so would make their way back, or they were told that they had to move on to another town. Others sought to leave but were turned back. One refugee describes how between 1 and 26 April her family tried to leave Pristina for the border but were turned back either by police or VJ on five different occasions in five different places, before they eventually succeeded on the sixth attempt.⁵⁹

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Alternatively Kosovo Albanians were turned back at the border and told to go to another border crossing. Several buses were turned back from Djeneral Jankovic/Hani i Elezi (Kacanik) at the end of March and told to go to the Jazince border crossing (slightly further west) into the former Yugoslav Republic of Macedonia.⁶⁰

Checkpoints - extortion and killings

It is clear that many Serbian forces terrorized convoys and used the opportunity to extort money and valuables from Kosovo Albanians before they were allowed to pass.⁶¹ Events as described in Part V of this report depict a widespread and pervasive pattern of extortion and robbery of IDPs. One family describes its flight to Djakovica in late March, during which there was no trouble, but in Djakovica itself the family were beaten and robbed by police and body-searched for valuables. They went on to Prizren and were again beaten by police, who also threw away all their food. The police beat anyone whose vehicle broke down.⁶²

At checkpoints the men in the convoys were often separated from the women and children and were arrested and taken away or were killed. A man travelling south-west in a convoy from Crni Lug/Carralluke (Klina) with tractors and trailers describes how the convoy was stopped and then robbed by the police who took all money, gold and watches from them. Then they were told to leave Kosovo and never come back. The police also took three young men from his village and used rifles to shoot them dead.⁶³

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Serb forces also often demanded money of IDPs and killed those unable to hand any over. Those involved were sometimes paramilitaries and sometimes (possibly rogue) VJ or police. One person describes the president of Podujevo municipality being among the police participating in this operation.⁶⁴ The convoys coming down from the area around Kolic (Pristina) to Pristina town from late March until at least early May were subjected to particularly brutal treatment by paramilitaries, apparently largely for financial gain. Paramilitaries took children and threatened to kill them if their parents or other relatives did not give enough money to have them released.⁶⁵ Thus the children of those who did not have as much as DM 500 or even in some cases several thousand deutschmarks, or who had already been robbed, were either beaten, abducted or

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immediately killed⁶⁶ In the worst cases families gave money but still their relatives were killed quite arbitrarily⁶⁷ As elsewhere, young men in particular were targeted and subjected to harassment, beatings, abduction, arrest, mock execution and mass arbitrary killing⁶⁸

Deportation by buses, trucks and trains

More systematic deportations were made in buses and/or trains. When Serb forces came to a village, Kosovo Albanians were often provided with buses then and there or told to assemble the following morning when buses would arrive. Sometimes police accompanied them to the border. One refugee describes how police made the villagers of Randubrava/Randobrave (Prizren) board buses on 27 March which took them to Zur, from where they had to walk to Albania. There were two policemen and one driver for each bus.⁶⁹

Alternatively, depending on the location of the village, people were told to go to the railway station where trains would take them to the border. An enforced air of "normality" was created by the requirement to buy tickets for the journey (as described in greater detail below). Such operations require advance planning and indicate a premeditated policy of expulsion on the part of the Serbian authorities.

A railway worker stated that before the war there were two regular trains a day from Pristina to Skopje, usually with three carriages. During the war there were three or four extra trains running each day. The ordinary morning train had between three and six carriages, while the unscheduled trains had between nine and 13 carriages and there was even one with 21 carriages.⁷⁰

While Pristina station served as a hub for deportations, expulsions were also carried out from others, such as the main junction at Kosovo Polje/Fushe Kosove. Kosovo Albanians were herded towards stations under armed guard. Despite the fact that extra trains were laid on for these expulsions they often had to wait for hours at the station where they were widely harassed and beaten. There are also reports of public rapes there.⁷¹ (Although a railway line runs east-west across the province from Pristina to Pec no trains had run on that line since 1998 because of the fighting, so that this route was not used for forced expulsions.)

The use of trains, the refugees' descriptions of the way Kosovo Albanians were force-marched to the station, beaten and harassed there, herded on board and packed into carriages raised particular concerns. One woman describes waiting on the train for four hours before it left Pristina station and hearing police shout through megaphones: "Go to NATO and ask them to protect you!" When they arrived at the border with the former Yugoslav Republic of Macedonia the Serbian border police shouted: "Animals, get off the train and go to Macedonia!"⁷²

A 47-year-old man who had fled from Glogovac/Gillogoc (Glogovac) arrived at Pristina station on 2 April. He explained:

There were thousands of people at the station. The first train arrived and was loaded on 3 April at 21:00 hours. The second train was loaded on 4 April at 01:00 hours. Each train consisted of 28 cars. The police were pushing the people into the carriages. The Kosovars were screaming from the sheer force of the crowd. I estimate the crowd to have been 60,000 people. While we were waiting two women gave birth in the field. Behind the station police separated men aged 15 to 50 from the women and children. The men were put on civilian trucks and driven [away]. I got on the third train at 05:15 hours. Before I got on the train I saw a woman holding a baby. She was being pushed and was extremely frightened. She was afraid of dropping the baby in the crowd. I held the baby for her until she had boarded the train. I then handed her the baby through an open window of the train. I got on the

train and it soon became packed with Kosovars. It was so packed, I and five others were forced into the toilet compartment. The glass window of the toilet compartment was painted over so I scratched off the paint to look outside. The train left the station at 06:20 hours on 4 April."

The interviewee further describes a "stop-start" journey to Kosovo Polje, Lipjan/Lipjan, Urosevac/Ferizaj and Kacanik/Kacanik. At Lipjan he saw "thousands of Kosovars, surrounded by police and paramilitaries... Some were in civilian clothes carrying Kalashnikovs.. At Ferizaj I saw thousands of Kosovars and many police. As we passed through Kacanik I saw only police."⁷³

Lack of provision of food or water

Although these journeys generally took many hours and days, as the convoys, trains or buses were often stopped for several hours before being allowed to move on, there was no provision of food or water for those being expelled, or it was only available for purchase at extortionate prices.

At Pristina station one IDP states that police refused to provide water for people being loaded on trains. Water bottles were on sale for DM 10-15, although police had already demanded money from the IDPs. Police declared, "NATO gives you water."⁷⁴ Similarly, when villagers were escorted by Serbian forces from Slovinje/Sillovi (Lipljan) to Lipjan town, they were not allowed to drink water for 16 hours on the journey.⁷⁵ Indeed, a number of interviewees describe how the police and VJ actually took or destroyed any supplies of food and water in the possession of fleeing Kosovo Albanians.⁷⁶

Extortion and harassment on buses and trains and at the border

Expulsions by train or bus provided another opportunity to extort money from Kosovo Albanians, who had to buy tickets at inflated prices and pay in deutschmarks for the journey out of Kosovo.⁷⁷ Payment had to be made to the ticket controller, driver or accompanying police or VJ, or to a combination of these.

Sometimes Kosovo Albanians were taken off buses and threatened or beaten and had to pay to be allowed to get back on. Others had to pay in order to be allowed simply to pass checkpoints.⁷⁸ Sometimes it was also necessary to pay police to cross the border, especially if IDPs did not have an ID.⁷⁹ One 41-year-old man, who took the train from Pristina to Djeneral Jankovic on 31 March, where he got off the train, had like many others to walk along the railway tracks to the border. At the border he asked a policeman how he could enter and was told he should give him DM 200. He said that he saw a lot of people giving money.⁸⁰

Confiscation of documents

The majority of refugee statements indicate that documents, as well as money and valuables, were routinely taken from Kosovo Albanians by police, VJ or Serbian border police, either en route to the border or at the border itself, whether with Albania or the former Yugoslav Republic of Macedonia.⁸¹ This practice was sufficiently widespread as to constitute a clear pattern. Other refugees left their documents in their houses because they had to leave so suddenly or had them burned in the house or had had them confiscated at a police station or in prison.⁸² Car and tractor licence plates and documents were also taken.⁸³

Border crossing points

Major border crossing points for refugees were as follows:

Montenegro (FRY): Kulina (on the road from Pec to Rozaje).

Albania: Qaf e Morines, Qaf e Prushi (both between Djakovica and the Albanian border), Morine (on the road from Prizren and Zur/Zhur to Kukes).

Former Yugoslav Republic of Macedonia: Jazinec (on the mountain road from Dubrava to Tetovo), Blace (on the road from Djeneral Jankovic to Skopje), Tanusevci, Malina Mala, Straza, Lojane, Tabanovce (on the border between Kosovo and former Yugoslav Republic of Macedonia east of Djeneral Jankovic)⁸⁵

Routes taken out of Kosovo

However, the most obvious exit route was not always taken, and convoys were sometimes diverted along minor, dirt roads to avoid main communication routes as described above. This was particularly true of those from the north of the province. Many refugees from Kosovska Mitrovica and the surrounding area were not sent north to Leposavic/Leposaviq, west towards Rozaje (Montenegro) or southwards down the main route to the former Yugoslav Republic of Macedonia. Instead they were compelled to take very roundabout routes south-west along minor roads, eventually reaching Prizren and then Albania.

The overriding need from the point of view of the Serbian authorities was to keep main communication routes open to supply Serb forces with materiel, fuel and food. In the same way the 1998 "winter exercises" held in the Vucitrm area were also intended to ensure that the main supply route was kept open.⁸⁴ Convoys of refugees only clogged up roads, and is perhaps why refugees were sent hither and thither.

Notes

¹ Kosovo Albanians accounted for 82 per cent of a total population of over 1,956,000 in the province on the basis of figures estimated and provided by UNHCR, Geneva, 15 October 1999.

² Under the UNHCR/International Organization for Migration (IOM) Humanitarian Evacuation Programme 79,979 Kosovo refugees had been evacuated to countries outside the region from the start of the programme on 5 April until 9 June 1999. By 5 July this figure had increased to 91,057.

³ Bronwen Maddox, "The 80 Days War", *The Times*, 15 July 1999, p. 49.

⁴ Cited at NATO Press Briefing 13 May 1999.

⁵ Roy Gutman and David Rieff (eds.), *Crimes of War: What the Public Should Know* (New York: W.W. Norton, 1999), p. 201. Those displaced internally by the 1998 escalation of conflict in Kosovo were estimated at 200,000 by Albanian aid organizations as at 16 July 1998 and at 263,000 by the Mother Teresa Society as at 19 July 1998. Gesellschaft für Bedrohte Völker, "Kosovo Krieg, Vertreibung, Massaker. Ein Bericht der Gesellschaft für bedrohte Völker", August 1998, available (as of October 1999) at <http://www.gfbv.de/dokus/kosovo.htm>. The Council for the Defence of Human Rights and Freedoms in Pristina estimated that Council for the Defence of Human Rights and Freedoms in Pristina estimated that there were 270,000 displaced as of 9 August 1998, as stated in the

⁶ OSCE-KVM, "Daily Report", 2 April 1999, gives UNHCR figures for refugee arrivals for the period 24 March to the morning of 2 April as follows: Albania 120,000; the former Yugoslav Republic of Macedonia 70,000; Montenegro (FRY) 31,000; Bosnia-Herzegovina 7,400. A further 68,000 refugees were registered in Albania and 48,000 in the former Yugoslav Republic of Macedonia the following day. It is not possible from the refugee interviewee forms, or other data gathered by OSCE-KVM, to assess accurately the numbers of displaced either within Kosovo or those fleeing to other countries. Calculation of the numbers of displaced, especially of IDPs, was a complex issue, and other agencies, such as UNHCR, were better equipped to assess this.

⁷ See, e.g., M/1126; M/1504.

⁸ A/0130; A/0216; M/0629; M/0948; M/1780.

⁹ Even in relatively non-violent situations M/1194 describes how a convoy of 10,000 people which left Mramor/Mramor (Pristina) in late March was accompanied by 100-200 police "who harassed us". A/0615, who was held in Smrekovnica prison and then taken by bus on 23 May to Prizren, describes

and the driver were allowed to take cover, the men were left out in the open. The men were then taken to Zur and told to walk to the Albanian border.

¹⁰ A/1027. Other accounts of this expulsion and repeat expulsions which were carried out on approximately 30 March and 4 April are given in A/0046; A/1027; A/0044; A/0641.

¹¹ A/0296.

¹² A/0348. The group he was with had to give money and jewellery to paramilitaries to be allowed to enter Rogovo/Rogove (Djakovica) and seek shelter there.

¹³ A/1018.

¹⁴ M/0349.

¹⁵ M/1528.

¹⁶ A/0216.

¹⁷ M/0364; M/0967.

¹⁸ M/1522.

¹⁹ A/0181.

²⁰ M/1259.

²¹ M/0874.

²² A/0358.

²³ Further details are given below under the subheading "Checkpoints - extortion and killings" and in Part V events in Pristina municipality.

²⁴ M/1267, comprising the statements of three sisters including the disabled woman.

²⁵ M/1224.

²⁶ A/0225; A/0228; A/0230; A/1124.

²⁷ A/0577.

²⁸ A/0940; A/0996.

²⁹ A/1034, who said that the UCK was trying "to protect the population" when it advised them to move from one place to another.

³⁰ OSCE-KVM/RC5/CC Urosevac, HR Special Report "Chronology of events in Kacanik", 11 March 1999.

³¹ A/1031.

³² M/0017; M/0151; M/0243; M/0397; M/1035; M/1728; M/1729; M/1763.

³³ A/0011; A/0045; A/0049; A/0904; A/1059; A/1112; M/1515.

³⁴ A/0633 reported that those who had sheltered in basements in Landovica/Landovice (Prizren) were killed (although it is not clear that he saw these bodies). M/0198 and M/1702 found a mutilated body in a basement Banjica/Bajice (Kacanik).

³⁵ A/0921 Brestovac/Brestoc (Orahovac); M/0410 Poklek/Poklek i Vjeter (Glogovac).

³⁶ A/0134.

³⁷ A/1018.

³⁸ M/1256; see also M/1387.

³⁹ M/1262.

⁴⁰ M/1710.

⁴¹ Discussions with OSCE-KVM officer, September 1999.

⁴² A/0960. For further details see Part V, entry on Vucitrn/Vushtrri municipality.

⁴³ M/0702.

⁴⁴ M/12367.

⁴⁵ M/0604. M/1294 also describes how on 22 March Serbian units arrived in Gladno Selo/Gllanaselle (Glogovac) with dogs.

⁴⁶ M/1712.

⁴⁷ M/1123.

⁴⁸ M/1267 describes how by mid-April in Srbica municipality, "Food ran out and many foraged from the villages at night."

⁴⁹ M/0856. A/0127 also describes fleeing to a mountain village where children were without adequate food or warmth. M/0325 describes lack of food as being one reason for flight (as well as fear of Serbs); M/1508 describes how a three-month-old baby died in Bajgora/Bajgore (Kosovska Mitrovica) because of the bad conditions and how men who returned to their villages to try and find food never returned; M/1614.

⁵⁰ M/0939. M/0569 also describes how a man with a kidney disease died on 24 April because he was unable to go to hospital for dialysis.

⁵¹ A/0939 crossed the mountains into Tetovo (former Yugoslav Republic of Macedonia) from Nisor (Suva Reka) in journey taking six weeks, involving perilous conditions (shelling, lack of food and water) and avoidance of 23 checkpoints; M/0910 went by foot from Djakovice/Gjakova to Albania on a journey lasting two days.

⁵² A/0272.

⁵³ A/0995.

⁵⁴ A/1045 saw three people who could not walk shot in Drenovce (Kosovska Kamenica); A/0421 tells how in Pristina on 20 April he witnessed 10 men in green camouflage and masks realize that an old woman could not walk any more; they said to leave her behind and then killed her in front of the interviewee.

⁵⁵ A/0552; A/0554; A/0620 (describes convoys as being 7,000-8,000 long); A/0626; A/0627; A/0797; A/0816; A/0854; A/0855; A/0856; A/0861; A/0862; A/0956; M/1305; M/1502 (describes convoys as being between 5,000 and 20,000 strong).

⁵⁶ A/0216.

⁵⁷ A/0145.

⁵⁸ A/1058. A/0996 describes a similar journey from Kosovska Mitrovica and back after which he was arrested and spent time in Smrekovnica prison before being released.

⁵⁹ M/0710.

⁶⁰ M/1128. In this case, it is likely that this was because the border was at that time blocked as a result of the massive influx of refugees.

⁶¹ See also Chapter 12, Deliberate destruction of civilian property, looting and pillage.

⁶² A/0460 (who said that the police wore black masks or had painted their hands and faces). M/1256 also states that Serb forces stole the IDPs' food from a convoy which had just reached Pristina on 23 April.

⁶³ A/0130.

⁶⁴ M/1123.

⁶⁵ M/0314; M/1256; M/1404; M/1471; M/1480; M/1730; M/1737.

⁶⁶ M/1238; M/1260; M/1320; M/1359; M/1440; M/1757.

⁶⁷ A/0636; M/1351; M/1365.

⁶⁸ M/1147; M/1238; M/1256; M/1260; M/1263; M/1279; M/1320; M/1351; M/1365; M/1440; M/1480; M/1611; M/1709; M/1737; M/1741; M/1755; M/1756; M/1757; M/1760; M/1850.

⁶⁹ A/0919.

⁷⁰ OSCE-MiK, 9 October 1999.

⁷¹ See also Chapter 7, Rape and other forms of sexual violence.

⁷² M/0092.

⁷³ M/0065 (who said that two babies died on the train because it was so densely packed).

⁷⁴ M/1508.

⁷⁵ A/0376.

⁷⁶ A/0243; A/0460; M/1256.

⁷⁷ See also Chapter 12, Deliberate destruction of civilian property, looting and pillage. M/0271; M/0737; M/0810; M/0864; M/0981; M/1031.

⁷⁸ M/1228 speaks of having to hand over DM 1,000 at Kacanik on 22 May when he was taken off the bus and beaten and told that if he did not pay they would kill everyone on the bus.

⁷⁹ M/0104, who did not have documents, had to pay border guards of the former Yugoslav Republic of Macedonia to be allowed to enter.

⁸⁰ M/0034. It is not clear whether he was speaking to police of the FRY or the former Yugoslav Republic of Macedonia. M/1031 had to pay DM 100 to a Macedonian female border guard for not having a passport.

⁸¹ M/0092 is one example where they did not do so. M/1502 explained that since documents were often destroyed at the border, refugees tried to hide them.

⁸² M/1403.

⁸³ A/0130.

⁸⁴ For further details see Part V, entry on Vucitrn municipality.

⁸⁵ Extrapolated from map drawn by UNHCR GIS Unit Skopje, 21 May 1999.



OSCE

KOSOVO / KOSOVA As Seen, As Told

PART IV : The impact of the conflict on communities and groups in Kosovo society

[Contents](#)[Previous](#)[Next](#)

INTRODUCTORY NOTES TO PART IV

The chapters in this part of the report look at the specific and different ways in which communities and groups in Kosovo society experienced human rights violations during the period covered by the OSCE-KVM.

The absence of a separate chapter on Kosovo Albanians

There is no separate chapter here addressing in general terms the experiences of Kosovo Albanians in the period to 9 June 1999. This is because the findings of this report, in its various thematic chapters in Parts III and IV, and in the descriptions of events in the municipalities in Part V, are dominated by the description of the Kosovo Albanian experience of the conflict. While this is reflective of the predominance of Kosovo Albanians among those from whom the OSCE-KVM gathered statements about human rights violations, the findings are consistent with other analyses of the conflict in Kosovo: that overwhelmingly the victims of human rights and humanitarian law violations up to 9 June were Kosovo Albanians.

Allegations about Kosovo Albanian perpetrators

The issue of Kosovo Albanians as perpetrators of humanitarian law violations is addressed in a number of places in this report where reference is made to violations by the UCK. Another important nuance of the conflict in Kosovo is the issue of Kosovo Albanian complicity with Yugoslav/Serbian forces in human rights and humanitarian law violations committed against other Kosovo Albanians. Although reporting of this in refugee statements is rare, there are references to some Kosovo Albanians assisting the Yugoslav and Serbian forces, or acting in concert with them.

Some are described as providing information. For example, one man recounted how in Suva Reka/Suhareke on 28 April "two Albanians authorized by the Serbs came to register all the young men to work and fight for them, but we refused and hid our boys"¹. Others are mentioned, invariably by name, as having participated in forced expulsions² or as having accompanied Serbs when they carried out arbitrary killings³. A Kosovo Albanian police officer from Urosevac/Ferizaj is mentioned in nine separate refugee interview statements as being involved in looting, extortion, harassment, forced expulsion and killings⁴. Similarly, interviewees recognized a Kosovo Albanian police officer from Kosovska Mitrovica/Mitrovice among those involved in the arbitrary detention and/or beatings meted out to detainees at Smrekovnica/Smerkonice prison (Vucitrn/Vushtri municipality)⁵.

Kosovo Serbs and Roma: an appropriate human rights response to allegations against whole communities

There are separate chapters here dealing with the role in the conflict of, and its impact on, members of the Kosovo Serb and Kosovo Romani communities.

Towards the end of the mandate of the OSCE-KVM it was already becoming evident that issues

of summary and arbitrary punishment and of the alleged "collective guilt" of both the Serb and the Romani population of Kosovo were emerging.

It is a fundamental principle that "collective responsibility" cannot be assigned to a whole group and used to justify human rights and humanitarian law violations against it. Although the evidence is strong that certain Kosovo Serbs, as well as Kosovo "Gypsies" (*Maxhupet*),⁶ committed human rights violations in Kosovo, the concept of collective guilt of the entire populations must be rejected. As with any other group, alleged perpetrators among the Serb and Romani population must be treated on an individual basis and offenders brought to justice in accordance with internationally accepted standards of fair trial.

Notes

¹ A/1062, M/1526 (Bariljevo/Barileve, Pristina, 20 March) also mentions a Kosovo Albanian assisting police to locate LDK activists.

² M/0127 (Gnjilane/Gjilan, 26 March); M/1750 (Obiliq/Obiliq, 28 March).

³ M/0702 and M/0921 (Kacanik/Kacanik, both hearsay naming the same perpetrator).

⁴ M0180 (hearsay); M/0496; M/0597; M/0819; M/1092, M/1127; M/1129; M/1200; M/1338.

⁵ A/0554; A/0602; A/0950; A/1041.

⁶ See explanatory note in Chapter 20 on the use of this term.



OSCE

KOSOVO / KOSOVA As Seen, As Told

PART IV : The impact of the conflict on communities and groups in Kosovo society (Chapter 15)

[Contents](#)[Previous](#)[Next](#)

YOUNG MEN OF FIGHTING AGE

The monitoring by the OSCE-KVM Human Rights Division confirms that young men were the group that was by far the most targeted in the conflict in Kosovo, particularly in the period after the OSCE-KVM's evacuation and the commencement of the NATO air campaign against FRY. Clearly, there were many young men involved in the UCK (see Chapter 3, The military/security context), but every young Kosovo Albanian man was suspected of being a terrorist¹. If apprehended by Serbian forces - VJ, police or paramilitary - the young men were at risk, more than any other group of Kosovo society, of grave human rights violations. Many were executed on the spot,² on occasion after horrendous torture. Sometimes they would be arrested and taken to prisons or other detention centres, where, as described afterwards by men released from such detention, they would be tortured and ill-treated, while others would simply not be seen again. Others were taken for use as human shields or as forced labour³. Many young men "disappeared" following abduction.

It is not possible in this report, on the basis of the data gathered by the OSCE-KVM, to determine how many men on either side were killed in combat. The focus in this section is on cases of people subjected to grave human rights violations who appear to have been non-combatant civilians. Even if some of the young men referred to here were in fact members of the UCK, in all the cases cited they are reported as having been *hors de combat* as defined in Common Article 3 of the 1949 Geneva Conventions.

Killings

Very many statements speak of executions of young men, sometimes because they came from locations that were well-known UCK strongholds, at other times because they had the same family names as known UCK fighters. In most cases, however, they seem to have been killed simply because they were male and young enough to join the UCK. In one illustrative case a 41-year-old man saw how police separated two young men from the convoy in which they were all travelling. Since the young men were identified as coming from Lapastica/Llapashtice (Podujevo), a well-known UCK stronghold, they were summarily killed⁴.

It is very commonly recorded in the statements taken by the OSCE-KVM how men were separated from the other inhabitants as the villages were attacked⁵ as they were leaving in convoys or as they were trying to cross the border into the former Yugoslav Republic of Macedonia or Albania. In many such instances, the men were killed on the spot, often in front of their families, often in groups⁶. At other times the men went missing after being detained in this way, only for their bodies to turn up later.

The following cases are illustrative. For an indication of the full extent of the phenomenon, reference should be made to Part V of this report, surveying Kosovo's 29 municipalities.

At Iglarevo/Gllareve (Klina) the young men (the interviewee says "boys") were not

*Blagovest
"Germans"
Kosovans*

allowed to leave as the rest of the villagers were expelled by Serb forces on 17 March 1999. The next day one of the villagers went back to the village to see what had happened to the boys. He saw the burned body of a boy tied up to hay; only the bones and parts of the legs were left. Eleven other boys had been shot all at the same spot, executed. They buried the young men right there.⁷

One 17-year-old boy describes how on his way to Velika Krusa/Krushe e Madhe (Orahovac), he was stopped by police and put in a line of young men. They were forced to say "Long live Serbia" and give the Serbian sign (three fingers). A 25-year-old mute man, since he could not say "Long live Serbia", was ordered to get into a pool of water. He was shot in the back and a second time with an automatic weapon. The police then took four or five men from the group and put them in the water, one by one. They forced them to drink from the pool where the bodies were. They were then shot. This happened over a three- or four-hour period.⁸

In Podgradje/Pogragje (Gnjilane), 30 paramilitaries drove through the village on a stolen tractor. Five young men, Kosovo Albanians, were at that time coming from the other direction. The paramilitaries stopped them, ordering them to lie down on the road so that all the villagers could see. Then the paramilitaries trod on the backs of the young men for a while and beat them with rifles. After that four of the young men were shot in their backs as they were lying face down on the asphalt. The paramilitaries told the fifth one to go in the village and get some fuel so that they could burn the bodies. When he refused to do so they put him on top of the bodies and shot at him. He was wounded but survived.⁹

Two interviewees describe how a convoy was stopped just outside Donji Crnobreg/Carabreg i Ulte (Decani) on 7 May 1999 by four masked men in camouflage uniforms, who took young men from the tractors. Four young men were forced to lie down on the ground with their hands behind their heads. Three others were forced to do the same about 10 metres away. Then [a masked] man shot the four men in the back of the head with a single bullet each. He walked over to the other three men. A man from the convoy had been collecting money and jewellery and offered them, pleading that they not be killed - two of the three were his sons. The man shot the three men and then the father as well.¹⁰

An interviewee described being in a convoy of IDPs which arrived in Grastica/Grashtice (Pristina), where it was stopped by paramilitaries. The paramilitaries took nine young men from 20 to 28 years of age and made them stand at attention with their backs to the people, then they were killed. Next they tied a young man to an electric pole and used him for target practice starting with his legs, hands and then from the head down. In all 11 were killed.¹¹ Another man who was forced out of a convoy at Grastica at around the same time described how he was brought behind a neighbouring house where he was shown "about 100" executed young men lying side by side. He was asked whether he recognized any of the dead "terrorists" and as he was unable to identify them, he was then shot with one bullet through his face/neck. He survived by pretending to be dead.¹²

A 28-year-old woman witnessed how 11 men were separated from a convoy in Gladno Selo/Gllanaselle (Glogovac). All 11 were shot straight away a few metres in front of the interviewee. They were ordered into one line, and first shot in their knees and legs, and all men fell.¹³

As Serb forces surrounded the villagers of Dubrava/Lisnaje (Kacanik) in the mountains on or around 13 April, a woman interviewee saw how some of the young men were caught. She saw the paramilitaries lining up 11 of the men and tie their hands behind their backs. Then they wounded them with automatic fire (legs and arms). While the men were still alive, the paramilitaries carved

out the eyes from some of them, slashed their throats, opened the chests of others and one other had his forehead cut open.¹⁴

Fate unknown - young men missing following abduction

In addition to the kind of killings described above, very many young Kosovo Albanian men were seen being taken away from villages or out of convoys, and their subsequent fate was not known at the time the cases and incidents were being reported to the OSCE-KVM.¹⁵ At the time of writing this report, some 7,000 Kosovo Albanians were estimated to be missing.¹⁶

Arrest, detention, torture and ill-treatment

(The issues touched upon here are also extensively covered in Chapter 6, Torture and ill-treatment, Chapter 9, Arbitrary arrest and detention, and Chapter 10, The violation of the right to a fair trial.)

It is impossible to determine why some young Kosovo Albanian men who were apprehended by Yugoslav and Serbian forces were summarily killed, and others were not. Those who were not killed faced other kinds of human rights violations, particularly arbitrary arrest and detention, very often accompanied by torture and ill-treatment. As one 55-year-old inmate of Lipljan/Lijpan prison said, "young men were the biggest targets" for beatings and maltreatment. He added "they wanted to destroy them".¹⁷

Nevertheless, there is evidence that, notwithstanding the clear focus of the Yugoslav and Serbian forces in targeting young Kosovo Albanian men for grave human rights violations, at least in certain instances the handing over of enough money could secure the release even of young men from arbitrary detention after they had been apprehended following attacks on their villages, at checkpoints or in the IDP convoys.

At the end of March in Belanica/Bellanice (Suva Reka) masked VJ demanded DM1,000 from each family with young men. The interviewee saw 10 men forced to kneel, with guns pointed at them. Those who could not pay were led away.¹⁸ When the village of Celina/Celine (Orahovac) was surrounded by Serb forces on 25 March, young men were separated from the group and lined up. After the villagers paid around DM20,000 the young men were released.¹⁹ As one 30-year-old man described when the bus by which he was being expelled from Glogovac/Glllogoc was stopped in Lipljan on 3 May at a police checkpoint: "All young men were ordered out of the bus and beaten with batons. Those who could pay the DM 300 were released."²⁰ A young woman saw police abduct four young men from her bus at a checkpoint on 24 May in Pristina. Among the young men was her brother; when she handed over DM 400 the police released them.²¹

Notes

¹ For example, A/1077 describes how special police in Savrovo stopped every tractor and searched for young men. See also Chapter 17, Children, where one paramilitary is quoted as having said that all young boys must be killed because otherwise they would grow up and seek revenge". Also, in one unusual incident, nevertheless illustrative of the Kosovo Albanian community's justified anxiety over the targeting of its young men, a 66-year-old man describes how in Suva Reka, on 28 April two Kosovo Albanians "authorized by the Serbs" attempted to register young Kosovo Albanian men to work and fight for the Serbs, but the interviewee and others refused to co-operate and hid the young men, A/1062.

² M/1193; M/1196.

³ For more information concerning these violations see Chapter 13, Human shields and other endangerment of non-combatants.

⁴ M/0981.

⁵ M/0496; M/0622; M/0166.

⁶ Numerous examples, including A/0133; A/0289; A/0492; M/055; M/0220; M/0240; M/0339; M/0376; M/0432; M/0460; M/0720; M/0830; M/1378; M/1388; M/1701; M/1707; M/1747.

⁷ A/0415.

⁸ A/0118. Incident occurred on 1 April 1999.

⁹ M/1441. Incident occurred on 18 April 1999, as recounted to the interviewee by his brother.

¹⁰ A/0574; A/0429.

¹¹ M/1256. The incident is reported to have happened on 23 April 1999.

¹² M/1815. Attached to the interview form is a medical certificate confirming that he had been operated on for facial injuries.

¹³ M/1619. The incident happened on or around 23 April 1999.

¹⁴ M/0363.

¹⁵ For example A/0417; A/0422; A/0450; M/0034; M/0098; M/0382; M/0715; M/0915; M/1119; M/1120; M/1608; M/1162.

¹⁶ Tom Hundley, "Kosovars agonize over the missing" *Chicago Tribune*, 7 October 1999.

¹⁷ M/1777.

¹⁸ A/0139.

¹⁹ A/0742.

²⁰ M/0473.

²¹ M/1746.

**OSCE****KOSOVO / KOSOVA As Seen, As Told****PART IV : The impact of the conflict on communities and groups in Kosovo society (Chapter 16)**[Contents](#)[Previous](#)[Next](#)**WOMEN**

The way women in which were targeted during the conflict differed notably from the way in which men were targeted. Much of the violence that women suffered seems to have been directed towards their gender in a way that appears also to have been intended to humiliate the whole of Kosovo Albanian society. Instead of being arbitrarily killed, as were many men, many women suffered rape and other forms of sexual violence, since the perpetrators knew that this attached extreme stigma in many women's eyes (see also Chapter 7, Rape and other forms of sexual violence).

In some cases when men and women were separated, the men were victims of extra-judicial killing, torture and ill-treatment, while the women were taken away and raped nearby. As young men were singled out from the convoys, so were groups of young women. However, in such cases, it was more common for women and children to be released and sent on their way out of Kosovo, while the men were kept back by Yugoslav/Serbian forces.

Pregnant women were at risk of being specifically targeted by Yugoslav/Serbian forces, given a climate in which the high birth rate in Kosovo Albanian society has been portrayed by the official media as part of a deliberate policy to increase the Kosovo Albanian population in the province. There are several reports of pregnant women being beaten in the stomach, killed or disembowelled. They also had difficult births in difficult situations. There are reports of many children being born in the mountains without any medical support and with almost no sustenance. Women also gave birth at railway stations, at the border and in similar public places. Many of the babies born in these circumstances died.

When villages came under attack, women were left in an especially vulnerable position, as they were often left behind with the children and the elderly. There are many accounts telling how the men left a village, either to join the UCK or to go into hiding, and how they told the women to stay behind because they thought "the Serb forces would not harm the women".

The number of women fighters in the UCK has been the subject of many articles in the international media. There are no exact figures for the number of women who participated in the fighting.

Gender-based humiliating and degrading treatment

Yugoslav/Serbian forces deliberately humiliated women in ways that could severely traumatize them, as they carried out expulsions of the Kosovo Albanian population. A common form of humiliation was to grope the women and force them to undress, often under the pretext of searching for money or valuables. There are numerous accounts of how Yugoslav/Serbian forces would grope the women underneath their clothes and keep their hands there for a long time. Many women were also forced to undress in public, sometimes only to the waist, sometimes completely. Sometimes the women were even sent away without any clothes.

One 29-year-old woman describes how three paramilitaries entered the house and dragged her into the room where her parents were. She states: "They forced my mother and me to undress. They groped and ridiculed us in front of my father."² A 41-year-old man describes leaving Pec/Peja in mid-April 1999 and seeing police take the clothes off women and send them away naked.³

Violence against pregnant women and mothers

Many interviewees tell how pregnant women were targeted in different ways by the Yugoslav/Serbian forces. Pregnant women were harassed and beaten. In Lukare/Llukare (Pristina) in mid-April a man in a large convoy describes seeing paramilitaries ask a pregnant woman on a tractor in front of him for money and confiscate her ring. He said: "They threatened to cut open her stomach but let her go after she had given them some money."⁴ Paramilitaries were also seen beating a pregnant woman in the abdomen when they expelled people from their flats in Pristina on 24 March.⁵

The work of the OSCE-KVM with refugee women

Once refugees reached the refugee camps in Albania and the former Yugoslav Republic of Macedonia and the OSCE-KVM started to collect statements, it became clear that many more men than women were coming forward for interview. OSCE-KVM staff considered that new approaches to the collection of information were needed, especially given that the general practice was for the (male) head of household to come and speak with interviewers. By more proactive approaches directly to women, the percentage of interviewees who were women was raised to 25 per cent.

In Cegrane camp (former Yugoslav Republic of Macedonia) the OSCE-KVM worked in close collaboration with a Kosovo Albanian women's organization, Motrat Qirasit. They organized several workshops with young women and girls and also with more mature women. The subject matter varied, included such topics as self-empowerment, health issues, self-defence and solidarity between women, especially those who were victims of sexual violence. An important additional component was singing and dancing, since this helped the women to regain their spirits and make them more prepared to tackle problems.

OSCE-KVM officers participated in the workshops, sometimes presenting the work but sometimes just as participants in the workshops. Quite quickly they were accepted and were seen as just another participant. This also led more women to come to the OSCE-KVM tent to give statements. It was also possible for the OSCE-KVM officers to bring women who were traumatized or had been victims of sexual violence to the workshops without anyone being labelled in any way. This ongoing work helped to avoid problems encountered in the past, when human rights organizations took statements from victims of sexual violence and then left them alone with their traumas, or even traumatized them again.

Sometimes this had fatal consequences. One pregnant woman describes being forced to leave Vucitrn/Vushtrri, walking to a nearby village from where she took the bus to Pristina on 10 April. Before the bus got to Pristina it was stopped and the police forced everyone to get off. She states:

They hit me with batons in my stomach and on my back. Afterwards, I lost consciousness. I woke up at border at Blace [Blace, the former Yugoslav Republic of Macedonia], and from there I was taken to Tetovo hospital. After 23 hours I gave birth, but my baby, a girl, was born dead. The baby had sustained internal bleeding after the beating.⁶

knife with his right hand, held the woman with his left hand and cut her breast off with one quick movement. The woman was crying and screaming. She kneeled and curled up. No one dared help her. The policeman joined the other policemen without making any other comments and his colleagues behaved as if this were perfectly normal behaviour¹⁶

Resistance

Some women tried to resist the violence against them. There are several accounts of women resisting, sometimes with tragic results as they were killed on the spot or subjected to other gross human rights abuses. A 66-year-old man, who was travelling in a convoy of 300 families which was more than a kilometre long, describes how in mid-April they were stopped at gunpoint by Serbs near the entrance to Djakovica/Gjakove. A 22-year-old woman was pulled from the tractor by a paramilitary "who wanted her". She resisted and the Serb shot her dead with a Kalashnikov in front of her father-in-law and brother-in-law. The Serbs then pulled her body to the side of the road and ordered the convoy on.¹⁷

In other cases women actually managed to prevent the Yugoslav/Serbian forces from taking any women with them. A 26-year-old man describes how in Globare/Globare (Glogovac) in mid-April six soldiers came, took money and gold and ordered several women and girls to go with them to "sleep with them". He said, "The women started to cry and refused ... The men were taken to the other side of the room and beaten there. Everybody was screaming in the house. The men were then ordered to leave the room and were taken to the yard ... In the meantime, the soldiers were trying to force some women to go to their houses, but the women were holding each other's hands and were very strong. Then, the soldiers started to beat the women and then told them that they would come back in three hours." Although there were three guards on the building, the women then managed to escape.¹⁸

There are reports of mothers trying to save their young sons from being taken, but the mothers themselves would be severely beaten, or worse, and in most cases had to relinquish their sons. An interviewee from Pristina/Prishtina municipality describes an incident he witnessed in mid-April after he had been expelled from his village. A young Kosovo Albanian man was summarily killed by a Serb paramilitary in a village near Pristina, and was left dead by the side of the road. The interviewee recounted that "the mother went to her son and took his hand. Because she wouldn't let [go] the hand of her son, a paramilitary cut away her arm with a big knife"¹⁹

Societal consequences of the conflict for women

The husbands of many women were killed during the conflict and these women face many problems, especially if they have children. In addition to practical problems, tradition and customary law in Kosovo sometimes contradict the written law; in such cases, especially in rural areas, customary law prevails.

According to customary law children are considered to be the property of the father and, if the father dies, the children belong to the family of the father. This means in practice that the mother is completely dependent on the goodwill of her in-laws, who may choose to keep the children but reject the mother. Further, by tradition women are not allowed to own property or live on their own. This will of course have potentially serious consequences for women who hope to inherit the property which belonged to their husbands, so as to be able to stay in their houses.

Finally, experience of the conflict in Bosnia-Herzegovina and of other conflicts has shown that the level of domestic violence rises dramatically in post-conflict societies. There are no indications that Kosovo will be an exception to this rule. Indeed, the problem had already begun to appear in the refugee camps.

Notes

¹ See, however, Noel Malcolm, *Kosovo - A Short History*, 2nd edn (London: Macmillan, 1998), pp. 331-32, where he writes that, while the birth rate among Kosovo Albanians is indeed the highest in Europe, this is more likely to reflect the traditional nature of the society rather than a deliberate policy to increase the Kosovo Albanian population. The birth rate among Kosovo Albanian women in paid work in urban areas, who could be expected to be more politicized, is much lower.

² M/1043.

³ A/0833.

⁴ M/1710.

⁵ M/1019.

⁶ M/1280.

⁷ M/0328. The word "Shiptar" is used in the former Yugoslavia as a derogative name for Albanians; it may be compared to the slightly different "Shqiptar" which means an Albanian man in Albanian.

⁸ M/1017.

⁹ M/1711.

¹⁰ M/0236.

¹¹ M/0781.

¹² M/0876.

¹³ M/0395.

¹⁴ M/0179. M/0164, who passed through Pristina station at around the same time heard that five women had given birth on the day he was there, indicating that at least some of the events described above are likely to be separate incidents.

¹⁵ M/0750.

¹⁶ M/0217.

¹⁷ A/0271.

¹⁸ M/1512.

¹⁹ M/1378.

[Contents](#)

KOSOVO / KOSOVA As Seen, As Told

[Previous](#)

[Next](#)
OSCE ODIHR

**OSCE****KOSOVO / KOSOVA As Seen, As Told****PART IV : The impact of the conflict on communities and groups in Kosovo society (Chapter 17)**[Contents](#)[Previous](#)[Next](#)**CHILDREN****Children as political objects in the Kosovo conflict**

The high birth rate in Kosovo Albanian society has been the subject of considerable negative publicity in official Serbian propaganda. This portrays it as part of a deliberate policy to increase the Kosovo Albanian proportion of the population in the province. However, as Noel Malcolm has written, while the birth rate is among the highest in Europe, this reflects the traditional nature of the society rather than "a deliberate and politically motivated policy", since among working Kosovo Albanian women in urban areas, where other factors, such as economic security and access to reproductive health care, are much more in evidence, the birth rate is much lower.¹ A young mother from Gnjilane/Gjilane described to the OSCE-KVM the problems she faced because she had triplets:

In August 1997 I had triplets (two boys and a girl). From the day they were born until I left Kosovo the police repeatedly came into the house to find and take one or more children away from me because 'you don't need so many babies'. I was forced to keep all three at separate relatives to avoid provoking the 'taking' of any. During our departure by bus to Macedonia, the bus was stopped in Klokot (Gnjilane). One policeman attempted to take one of the babies but did not succeed due to my hysteria and my father's protest.²

Education

Access to education by Kosovo Albanians has been a human rights issue in Kosovo for the past decade. The shortness of the OSCE-KVM deployment inside Kosovo meant that the mission was largely unable to address itself to the issue, so it is not specifically covered within this report. However, background to the issue is included in Chapter 22, Groups in Kosovo Albanian society particularly targeted for human rights violations, in the context of the references to teachers and students, as part of an analysis of the targeting of people for human rights violations because of their occupation.

The impact of the conflict on children

During the period of the escalation of conflict in Kosovo in 1998, and especially in the period from late March 1999, the suffering of children was often extreme. The elements which follow in this section highlight a number of ways in which children were victims of the conflict.

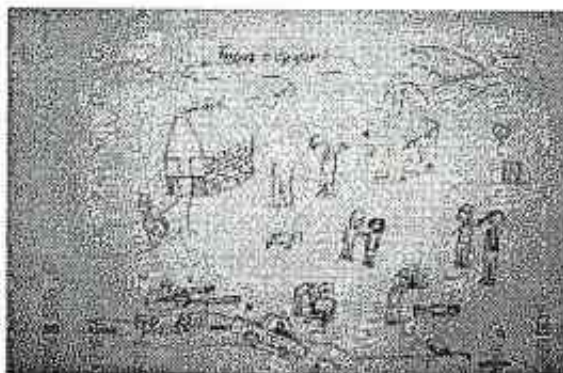
Children as targets

Among the most atrocious aspects of the conflict are the reports of the deliberate killing of children by the armed forces. Many children who were not killed endured other grave human rights violations, including torture and ill-treatment.

There are many statements which describe Kosovo Albanian children being specifically targeted by Serb forces. Girls were raped³ and boys were killed because they were seen as potential UCK fighters.⁴ One woman described how she heard a Serb paramilitary state how they had to kill the young boys because otherwise they would grow up and seek revenge.⁵

In other instances the purpose of deliberately killing children appeared to be to terrorize and traumatize the parents and other adults, who were then left alive. Many refugees recounted incidents of children being ill-treated or killed in front of their parents, with the apparent purpose of punishing the parents. For example, one interviewee recounted that in Gornje Grabovc (Obilic) the Serb forces gathered all the villagers together in a yard. One family tried to escape, and when they were caught a child from the family was decapitated in front of the parents.⁶ Another interviewee told the OSCE-KVM that he had seen a paramilitary cut off the head of a 3-year-old child in front of the parents. The family was from Kosovska Mitrovica/Mitrovica.⁷ An LDK member and intellectual described how his 13-year-old son was separated from the rest of the family as they were fleeing up in the mountains. The son was caught by two "chetsniks" who broke both his arms and fired shots in the air causing the parents to panic, as they believed he had been killed. The son managed to escape and rejoin the family.⁸ Another interviewee reported having witnessed how, in mid-April, on the mainroad from Pec/Peja to Decane/Decani, a Kosovo Albanian woman who was travelling on foot with her son (who was about five to six years old) was stopped by three men, who appear to have been Serb paramilitaries, wearing masks. They asked where her husband was and she replied that she did not know. They told her that if she wanted to save her son, her husband must "be here". They then grabbed the boy. One of the soldiers said to the one holding the boy, "What are you talking to her for, kill him." At this point the soldiers cut the boy's throat and then they completely decapitated him.⁹

One interviewee described seeing a child, aged two or three, who had been impaled on a wooden pole on the road between Pristina/Prishtina and Kolic/Kolici. Written on the pole were the words, "This is Serbia. This is what we are going to do to all Albanians, because I am God and NATO means nothing to me."¹⁰ A 22-year-old man described how he saw a woman being stabbed by a Serbian police officer first in one arm and then in the other, so that the two-month-old baby that she held in her arms fell to the



"Kosova burning": a drawing by a child in a refugee camp
[zoom]

ground. As the baby fell the police officers shot it on the spot.¹¹ As the Serb forces surrounded the village of Padaliste/Padalishte (Istok), they went into the house of a teacher, took three young children and told the teacher to cut off their heads. When he refused, the police cut their throats; they also killed the teacher.¹² As police, VJ and paramilitaries expelled inhabitants from their homes in Kosovska Mitrovica in mid-April, an interviewee reported seeing one of them hit a six-month-old child with a hammer (the fate of the child is not reported).¹³ Another interviewee described how, in an IDP convoy outside Pec on the morning of 16 April 1999, Serb forces took a five-month-old baby from the arms of its mother and asked: "Do you want to come back to Kosovo?" As the baby - of course - did not answer, they told the mother: "This baby will never go back to Kosovo!" and they threw it on the ground and killed it.¹⁴

Serb paramilitary forces who entered the village of Zulfaj/Zulfaj (Djakovica) on 5 April 1999, irritated by the cries of terrified children as they searched the village before expelling inhabitants

and torching the houses said, "You wanted NATO, now you got them! As long as they kill our children, we will kill yours!"¹⁵

Other conflict-related deaths of children

Very many children died who were not deliberately targeted during the conflict. As recounted to the OSCE-KVM by Kosovo Albanian refugees, many were killed during shelling of civilian houses and other kinds of apparently indiscriminate attacks by Serb forces.

Many children were forced to live under very severe physical conditions that resulted in deaths from hunger or for other reasons.¹⁶ One man described how the train from Pristina was so full that two infants died of suffocation.¹⁷ Another woman described how two babies died as the population from Gornje Streoc/Strellci i Eperm village (Decani) was walking to Kukes (Albania).¹⁸ In one tragic incident in Crmoljevo/Carraleve (Stimlje) Serb forces stopped a convoy. The Serbs detained the driver of a tractor in the convoy, and ordered a 10-year-old boy to drive it instead. There were 20 people on the tractor, the boy lost control and it rolled over, killing the boy, his mother and a baby; another five were injured. The Serbs laughed at this and did nothing to help.¹⁹

Children held to ransom

During the very many reported situations of extortion from Kosovo Albanians (see Chapter 12, Deliberate destruction of civilian property, looting and pillage), children were often used as a means to blackmail parents to give money to the Serb forces. The threats against the children could take very brutal forms, as illustrated by the following examples, and compliance by the parents with what were in effect ransom demands did not always secure the children's safe release.

In the village of Grastica/Grashtice (Pristina) a convoy of IDPs was stopped by police and paramilitaries on or around 20 April. They took small boys and girls, pointed guns or held knives at their throats and asked their parents for money. In some cases the children were killed even though their parents handed over the money that was asked for. About 40 children were killed like this, according to one witness.²⁰

During the expulsion of a family from Pozaranje/Pozzaran (Vitina) in mid-April a paramilitary took a seven-year-old boy and threatened him with a knife, thereby forcing the boy's mother and the interviewee who gave this account to hand over money and jewels. The boy was then released.²¹ In Pristina a 39-year-old man saw how several young men and women were separated from a crowd that was going to the railway station and taken away by masked people dressed in black. In order to get their children, parents gave all their money and gold to the abductors, but to no avail. The interviewee did not know what happened to the young people who had been abducted.²² In the centre of Belanica/Belanica (Suva Reka) on 26 March, with the village crowded with IDPs, VJ wearing black masks demanded money and other valuables from Kosovo Albanians. One soldier took a baby from its mother, and holding a knife next to its body forced the mother to hand over money or else have the baby returned to her dead.²³

Children as human shields

Children were used as human shields together with adults, but there was also at least one occasion when children alone were used. For a short period in April, after the VJ had arrived in the village of Smira/Smire (Vitina), the Kosovo Albanian inhabitants were not allowed to move within the village, being kept under a form of house arrest. Only children were allowed to play outside. The refugee who recounted this to the OSCE-KVM made the observation that the children's presence around the tanks was particularly welcome.²⁴

Torture and ill-treatment of children

In the period after 20 March 1999 children, particularly teenage boys, would sometimes be rounded up with men and taken into detention. There they faced torture and ill-treatment. For example, some of the detainees at Smrekovnica/Smrekonice prison in May-June 1999 who were later interviewed as refugees by the OSCE-KVM report that boys as young as 12 were detained there. Conditions at the prison were cruel and inhumane, and most reports from the prison mention torture and ill-treatment, as described in this report on Vucitrn/Vushtrri municipality in Part V. One of the most detailed descriptions of what happened to prisoners there is from a boy who had just turned 15 when detained in Kosovska Mitrovica/Mitrovice as part of a mass arrest on 16 May and taken to Smrekovnica. He describes being beaten with a club on arrival, and during questioning.²⁵ His statement to the OSCE-KVM is covered in more detail in Chapter 9, Arbitrary arrest and detention (see also Chapter 15, Young men of fighting age).

The incidents of rape and sexual violence documented by the OSCE-KVM include rapes of young women and girls. These are dealt with in Chapter 7, Rape and other forms of sexual violence.

Ill-treatment and harassment of children occurred often in the context of forced expulsions and extortion, as is mentioned extensively elsewhere in this report, including many references in the municipality entries. It could also occur outside this context, in situations that were otherwise unremarkable, such as the journey to and from school. The following two examples illustrate how acts of ill-treatment and harassment against Kosovo Albanian children could be perpetrated by the police directly, or the police would look on and do nothing as Kosovo Albanian children were beaten by others.

A 13-year-old boy from the town of Suva Reka/Suhareke gave the following statement to an OSCE-KVM interviewer in Albania, a month after the incidents described:

[On 25 March 1999] there was a shooting incident between [the] UCK and the police near my neighbourhood. The UCK was trying to prevent the police from coming in. The police finally arrived and kicked into our house. My sister and I and my father were on the ground floor. My mother was upstairs and saw them coming in. She shouted for my dad to leave the house. As my dad opened the door to leave, they shot him. Then the four policemen entered our house. They hit my sister with the big part of the automatic weapon. They turned and pointed the gun at me. I fainted. The police did not shoot me. They were looking for money or they'd kill us. Ten minutes later, I became conscious again. My dad was lying dead on the floor just outside. I shook my dad three times. No reaction. He was not dead yet because he is strong. His arms were destroyed, he was full of blood. I was scared and ran away. I heard two shots at my father. The policemen were going into houses and killing people. They were using silent guns [silencers]. I heard them in a house and later went in and saw five people dead in that house. I left our house but my sister [his 25-year-old half-sister] stayed behind and cared for my dad. She said that a policeman told her to go inside right away. As she did, a bullet flew by her head, just missing her. I went to my neighbour's house. My sister joined me in the afternoon. We went later to my house and my father's body was gone. There was blood on the stairs like he was pulled. I have not seen him since. My mother is also gone. I don't know where she is.

¹ A/0221.

On 10 December 1998, at around midday, young Serb civilians armed with wooden clubs stopped a 16-year-old Kosovo Albanian secondary school student as he was going home after school in Obilic. They beat him up so severely that he had to seek medical treatment for injuries

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to his head and for broken teeth. Two policemen on guard outside the nearby police station saw the incident but did not intervene. The same group of Serb youths was reported as having beaten up several other students on their way home from school on about four occasions over the previous three weeks.²⁶

On 24 March 1999 a 17-year-old Kosovo Albanian girl and her 18-year-old male companion were walking home from school in Dusanovo/Dushanovo (Prizren) when police stopped them. They asked the girl's companion what kind of book he had in his hand. When they saw it was in Albanian they snatched it from him and threw it to the ground. The police punched him repeatedly in the face. Two days later the girl was again stopped on the street by a policeman who demanded to see her ID. She told him she did not have one. The policeman insisted she needed one to move about, and told her that if she came with him for two days he would get one for her. She refused and ran off in fear. Later that day she encountered the same policeman, who made unwelcome sexually suggestive comments to her.²⁷

The trauma of the conflict's child survivors

It may take years for the children who lived through the conflict to overcome the traumas that they have undergone. Many were witnesses as their parents were killed, or they watched other people being killed. Among statements given by refugees to the OSCE-KVM there are numerous examples. One woman describes how her husband was killed in front of their three children:

The paramilitaries had been in our building and robbed the inhabitants in their apartments. As they were going to leave our apartment one of them just turned round and shot my husband several times. He did not die immediately, but as the paramilitaries left they shot him again and this time they killed him. My children ran to their father and shouted "Daddy, daddy, don't leave us!" My children, all three boys, had always been closer to their father than to me. My oldest son refused to let go of his father's body. My husband's head was split in two and we had to put a plastic bag around it when we buried his body.²⁸

One interviewee saw how some paramilitaries took a young boy, aged 10 and pointed at the bodies of two young men they just had killed. "They told him that it could happen to him."²⁹ Another interviewee described how the police scared children in Turjak (Orahovac) by firing AK-47s close to their ears.³⁰

As IDPs were hiding in the mountains of Kosovo the parents would constantly hush the children and they would later describe to the OSCE-KVM how they even held their hands over the mouths of their children in order to prevent them from making noise. One man describes how as the children was crying, the Serb forces would threaten: "If you don't silence your children, we will kill them all!"³¹

The conflict certainly also had a traumatic impact on Kosovo Serb children, particularly as it escalated after 20 March. However, the OSCE-KVM, being deployed outside Kosovo at that time and until it was stood down on 9 June, had no access to Serbs inside Kosovo or the rest of the FRY who might have reported Serb children's experiences of human rights violations. There were almost no Serbs among the refugees interviewed by the OSCE-KVM.

Notes

¹ Noel Malcolm, *Kosovo - A Short History*, 2nd edn (London: Macmillan, 1998), pp. 331-32.

² M/0808.

³ For the singling out of girls and young women for acts of sexual aggression see Chapter 7, Rape and other forms of sexual violence.

⁴ For more on the specific ways in which young men were targeted for human rights violations see Chapter 5, Young men of fighting age

⁵ M/1016.

⁶ M/0604.

⁷ A/0284.

⁸ M/1705.

⁹ A/0257. The interviewee describes the perpetrators as "soldiers", but the detailed description given is inconsistent with their having been paramilitaries.

¹⁰ M/1711.

¹¹ M/1528.

¹² A/0640. This case is cited in the indictment against Milosevic and others issued by the International Criminal Tribunal for the former Yugoslavia (ICTY), see ICTY, "Indictment Milosevic & Others ('Kosovo')", IT-99-37-I, 24 May 1999.

¹³ A/0727.

¹⁴ M/1507.

¹⁵ A/1084.

¹⁶ For example A/0939.

¹⁷ M/0065.

¹⁸ A/0162.

¹⁹ A/0698.

²⁰ M/1351.

²¹ M/0837.

²² M/0432.

²³ A/0345.

²⁴ M/1126.

²⁵ A/1069.

²⁶ PR/02/0002/98.

²⁷ A/0695.

²⁸ M/0717.

²⁹ M/0249.

³⁰ A/0089.

³¹ A/1084.

[Contents](#)
KOSOVO / KOSOVA As Seen, As Told

[Previous](#)

[Next](#)
OSCE ODIHR



OSCE

KOSOVO / KOSOVA As Seen, As Told

PART IV : The impact of the conflict on communities and groups in Kosovo society (Chapter 18)

[Contents](#)[Previous](#)[Next](#)**ELDERLY, DISABLED**

While the OSCE-KVM was in Kosovo there were few reports of the specific targeting of elderly or disabled people from either the Kosovo Albanian or the Serb community. One example concerns a 73-year-old Serb who was killed when on 29 January 1999, unknown persons approached a house in Rakos/Rakosh (Istok/Istog) and threw two Chinese-made hand grenades through the window. The man's wife was also injured¹

After the withdrawal of the OSCE-KVM on 20 March 1999, and the escalation of human rights violations, the elderly or disabled were by no means spared. The following account from the village of Sopina/Sopine (Suva Reka/Suhareke) shows how age was no barrier to even the worst kinds of violations.

On the afternoon of 26 March two Serbian police entered the room of the house where we were staying and started shooting. They were wearing masks and camouflage uniforms. As they shot into the room my daughter was shot in the hip. In the meantime [my daughter's] husband and his cousin were on the floor above and came down to see what was going on. A policeman shot at [the cousin] and missed. Then the policeman took DM1500 from [a 16-year old female relative] in exchange for sparing [the cousin's] life. Nevertheless, when the money was presented the policeman still shot [him] in the chest with a machine gun, killing him instantly. They then called [my daughter's husband] outside and shot him in the head, killing him instantly.

The family was taken out into the yard, where the elderly mother of [my daughter's husband], aged 75, began walking towards the policemen and cursing them for what they had done. They immediately shot her as well, and she died instantly.

I also saw shot dead in their yard, in a kneeling position with their faces to the ground my neighbours [both aged 70]²

Although many elderly people were able to flee and formed a large proportion of those in the refugee camps, the treatment of those who were unable to do so suggests that they were in many cases specifically targeted, whether for killing, torture or ill-treatment, regardless of the fact that they were unable to resist.

Possibly this was because the intention was to expel the whole population, possibly because the killing of the elderly would preclude relatives from returning to look after them, or possibly because the intention was to kill heads of households and thus weaken the fabric of Kosovo Albanian society. When combined with the particular targeting of young men (as described in Chapter 15, Young men of fighting age), the effect was in any case to leave many extended families without the direction and cohesion traditionally provided by a head of household.

The most common attacks were those on elderly Kosovo Albanians who were also immobile and

therefore particularly vulnerable. Relatives often had no choice but to leave them behind in the chaotic and hurried circumstances of mass expulsion under threat of death and they were unable to make their way to the border by themselves. Occasionally families were able to bring elderly relatives with them against great odds, as was the case with a man who fled from Istok/Istog municipality in late March whose tractor was shelled and who then carried his 70-year-old mother across the mountains through the snow on foot to Montenegro.³ However, those who were left behind were frequently shot or burned alive in their homes, while a few statements report cases of abduction or ill-treatment.

The elderly and disabled are treated in the same section of this report because their fates were frequently relatively similar. Their vulnerability had the same roots, since they often could not move, or move fast enough to leave independently and there was usually neither the time nor the resources to transport them.

Killing of old, immobile persons

Almost every extended family in Kosovo had elderly people with them. While it would be the natural instinct to take the whole family with them upon fleeing, the way the forced expulsions were carried out often did not leave the families the time or resources to carry the old people who were not able to walk. Sometimes elderly people refused to leave despite the persuasions of other members of the family. Other elderly who tried to follow their relatives were too weak either to join convoys or to walk to the train or bus station.

In Pristina/Prishtine, on 2 or 3 April a policeman shot a 66-year-old man, who was sick and being carried by his son. The policeman said that he had killed him "just to make it a bit easier for you".⁴ In Pec/Peja, in late March, when the army was escorting a convoy of IDPs, one woman was transported in a wheelbarrow, the two others were carried. One of the men who was carrying an elderly woman was forced to put her down and she was shot dead by a police officer with a pistol.⁵ In Pristina paramilitaries killed old people who were not able to follow the crowd.⁶ On 1 April Serbian forces shot three villagers who were unable to walk when they forced villagers in Drenovce (Kosovska Kamenica/Kamenice) to leave.⁷ In Mirusa/Mirushe (Orahovac/Rahovec) an old man was shot because he could not walk to leave his home.⁸ In Marcevec/Marefë (Pristina/Prishtina) paramilitaries shot dead a 90-year-old man who was paralyzed and was therefore unable to leave.⁹

Those who stayed behind frequently found no mercy at the hands of the Serbian forces. When they entered the house - generally either to expel the inhabitants to loot or both - they often killed elderly men and women who had stayed behind. On 28 March in Crnovrana/Gurbardh (Orahovac) 26 people were killed and one interviewee saw four dead bodies of people aged over 70. Paramilitaries had killed them all in one place and spread them over two kilometres apart. Two days later they killed three more people over 70 years old.¹⁰ In Studenica (Istok) an man who was over 100 years old was knifed to death.¹¹

The elderly were not spared from mass killings and occasionally even appear to have been targeted. On 4 April in Pusto Selo/Pastasel (Orahovac) VJ took more than 100 men, all over 50 years old at gunpoint to lower land. The interviewee then heard automatic gunfire from that area. Reportedly only four men survived the massacre by hiding underneath the dead bodies.¹² Also in the Srbica/Skenderaj-massacre where 148 people were killed, a number of (named) old people died, aged 60-81, as well as a 70-year-old disabled person.¹³ In Dragacina/Dragaqine (Suva Reka/Suhareke) special police killed 11 old men (aged from 60 to 90). An interviewee heard that one policeman said: "We killed and massacred the old men and dropped them into a well".¹⁴

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Elderly or immobile people were also mutilated when they were killed. When one villager returned on 10 April to Kladernica/Klodernice (Srbica/Skenderaj), he found 35 bodies, including that of a 75-year-old woman (name recorded) who had been cut from her pelvic area to her throat.¹⁵ Among several killed elderly people in the area around Pristina's public hospital, one had a distorted face and a heavily mutilated body.¹⁶ A 70-year-old man captured in Plitkovic/Plitkoviq (Lipljan/Lipjan) had his fingers and toes cut off and was then killed.¹⁷

The burning of elderly and disabled people

Elderly and disabled people were widely reported as being either shot dead and then burned or as being burned alive, often in their homes. On 12 April in Grebno/Greben (Urosevac/Ferizaj) two Kosovo Albanians (aged 105 and 60) were burned to ashes in their houses.¹⁸ On 21 April in Makovac/Makofc (Pristina) three interviewees report finding the burnt bodies of three relatives, all of whom were in their 80s who died in a blaze after the house was set on fire.¹⁹ In Zlatare/Zilatare (Pristina) five old people (one of whom was an invalid) were found burned in their houses.²⁰ On 28 March an interviewee witnessed in Lesane/Leshane (Suva Reka/Suhareke) how a (named) local Serb carried a (named) 80-year-old woman who could not walk and placed her against a pile of corn stalks. He then set the pile on fire and burned her alive.²¹

Even if the elderly had managed to flee some of the way, they were sometimes killed and/or burnt. In mid-April in Vrelo/Vrella (Lipljan/Lipjan) a family had to leave two elderly people during their flight in an empty house because they could not walk any further. Later on, someone found their partially burnt bodies.²² In Slovinje/Silovi (Lipljan/Lipjan), when a series of mass killings were carried out in mid-April, an elderly paralysed woman was killed and burned on a tractor.²³ In Krajlane/Kralan (Djakovica/Gjakove) in early April two elderly women and an elderly man who had been unable to walk with the others the evening before were killed by paramilitaries. The women (one of whom had a broken leg) wanted to get off the tractor but the paramilitaries would not let them. The tractor and the bodies were burnt by the police.²⁴

Conflict-related deaths and death from exposure

The elderly were also incidental victims of the conflict. In Vranjevac (Pristina) a 72-year-old man was among those killed when MUP fired into a crowd of people who had been forced out of their homes.²⁵ In Kojlovica/Kolovice (Pristina) in early April when VJ surrounded the village and ordered villagers to leave, there was a lot of shooting in which an old man (aged 65-70) was wounded in the shoulder.²⁶

The vulnerability of elderly people meant that they were particularly likely to die from exposure, starvation or lack of care. In Kolic/Koliq (Pristina) at the end of April four old women and six disabled people who were left behind died in the harsh conditions in the hills. Another interviewee heard that approximately 20 elderly or paralyzed people died from exposure. It was also reported that old people particularly suffered and sometimes died in the overcrowded trains or at the border.²⁷

Ill-treatment of elderly people

In some cases elderly people were subjected to ill-treatment, which was probably meant either to punish them or their relatives who were forced to watch this. In Drenovac/Drenoc (Pristina) VJ or MUP stripped naked the 73-year-old father of a human rights activist stole his money and beat him with the butts of their weapons.²⁸ In Nakarada/Nakarade (Kosovo Polje) an old, immobile man was left behind after 16 male family members had been abducted and the women had fled. When the women returned, they found him in a house, crying out. He was tied naked to a chair

and there was a dangerous dog in the room. The old man said the Serb and "Gypsy" (*Maxhupi*) neighbours had ill-treated him²⁹

The elderly were not spared from the prevailing brutality and violence in other cases. In Petrastica/Pjetershtice (Stimlje/Shtime) MUP burned the car of a 65-year-old Kosovo Albanian because he had no money to give to them. After they had set his car alight the police pushed the man's head through a window of the burning car³⁰ In Donje Gadimlje/Gadime e Ulet (Lipljan) on or around 11 April a Kosovo Albanian witnessed policemen hitting old people in the mouth to extract their gold teeth.³¹

The elderly were also beaten. At the end of April in Pristina/Prishtina a 70-year-old woman was robbed, beaten and kicked all over her body³² One 74-year-old man taken to Djakovica/Gjakove police station in October 1998 was beaten so badly that he spent the next two months in hospital before he eventually died³³

Attacks on elderly men for wearing traditional headgear

Elderly Kosovo Albanian men who wore the traditional Albanian crocheted or hard white hat or *plis* were also targeted for doing so, in what can be seen as an assault on Kosovo Albanian culture and traditions.

There is one account of a man being shot dead for doing so³⁴ Another interviewee explains how the group of Kosovo Albanians he was with was sheltering in a valley near Turjak/Turkjake (Orahovac/Rahovec) and was surrounded by VJ, who are described as beating more severely than others those who were wearing a *plis* ³⁵ Men were also hit about the head for wearing a *plis*.³⁶ *Plis* were confiscated, thrown on the ground, trampled on, and seen lying beside the road to Prizren "with blood stains and World War Two 'chetnik' symbols scrawled on them"³⁷ *Plis* were also seen on the ground besides 40 dead bodies in Globocica/Gillobocic (Kacanik) in late March³⁸ In Cirez/Qirez (Srbica/Skenderaj) the Serbian forces gathered all the old men and confiscated their jackets and *plis*.³⁹

Extortion

The extortion of money, which was often accompanied by the killing of those who did not hand over the required amount of money, did not spare the elderly. In early May a 70-year-old woman was beaten and then killed by three paramilitaries who entered her house in Gnjilane/Gjilan. The interviewee presumed that when the woman gave them DM 20 this was not deemed sufficient because the perpetrators kicked her in the stomach. She fell on her knees and they shot her twice, hitting her in the hand and the shoulder. Finally they kicked her again and she died of her injuries in the corridor.⁴⁰ In Podujevo/Podujeve a 75-year-old man (the head of the household) was severely beaten when he was unable to produce the DM 30,000 paramilitaries and other Serbian forces asserted he had.⁴¹

Abduction

A few statements refer to the abduction and subsequent disappearance of elderly people. On 27 March in the Ulpiana/Ulpiana district of Pristina an immobile woman was put on a tractor with 10 other old people who had difficulty walking. At the time the interview was given, the relatives still did not know the whereabouts of these people. A few days later, also in Pristina, police abducted the 72-year-old mother of an interviewee from a convoy going to the train station. The police said they would give her a lift to the station in a tractor, as they were collecting old people, but the tractor never arrived.⁴²

Attacks on disabled people

There are relatively few indications that disabled Kosovo Albanians were a specific target but they were not spared ill-treatment or killing.

On 25 March in Brestovac/Brestoc (Orahovac/Rahovac) Serbian police went into a home for paralyzed people. Several of the people could not move. A witness saw that at least 16 disabled people were shot dead.⁴³ In Velika Krusa/Krushe e Madhe (Orahovac) one interviewee saw a police officer kill a 25-year-old, deaf-mute man who couldn't say "Long live Serbia", he was ordered to get in a pool of water and then shot in the back, he was then shot a second time with an automatic weapon.⁴⁴ On 6 April in Kozica/Kozhice (Srbica) a 25-year-old mentally handicapped man was taken out of sight of the others and shot by a paramilitary wearing a cowboy hat.⁴⁵ In the main MUP station in Pristina a handicapped man was tied up with handcuffs to a radiator and beaten till he was bloody and unconscious.⁴⁶ In Glogovac/Gllogoc on 20 April a deaf/mute mechanic was shot dead by paramilitaries in front of his wife and his children. Then the perpetrators robbed the dead man.⁴⁷ In a case subsequently confirmed by the OSCE-MiK, a man who needed two sticks to walk was shot once in the back and once in the head in Baraina/Baraina (Podujevo/Podujeve) on 21 April as he was trying to walk up a track away from looting Serbian forces.⁴⁸

Other reports describe how relatives of the disabled or handicapped tried to prevent the Serbian forces from attacking them. Usually the disabled as well as the relatives received beatings before they were released.⁴⁹

Acknowledgement that the disabled did not constitute a threat

Occasionally there was some recognition that the elderly and disabled did not constitute a threat, although this still did not stop them from being ill-treated. They were, for instance, permitted to leave a group of several hundred men held, harassed and beaten by Serbian forces for several days in Kraljane/Kralan (Djakovica) in early April upon payment of DM 5,000-15,000, which they collected among themselves. They were loaded onto trucks and driven directly to the Albanian border in Prizren municipality.⁵⁰ One 65-year-old woman explained how when Serbian forces in Cirez/Qirez (Srbica) seized and started to beat her 28-year-old mentally handicapped son, she was first beaten but then was eventually able to explain his condition so that they stopped.⁵¹ Another interviewee who was in a wheelchair stated that MUP found him near the border and, after questioning him, transported him in their car the rest of the way.⁵²

Notes

¹ Reported by the OSCE-KVM RC3 Police Liaison Officer on 30 January.

² A/0874. All victims mentioned are named in the statement

³ A/0995.

⁴ M/0762.

⁵ A/0736.

⁶ A/0421.

⁷ A/1045.

⁸ A/0834.

⁹ M/1458.

¹⁰ A/1114; A/1121.

¹¹ A/0173.

¹² A/0728.

¹³ A/0676.

¹⁴ A/1124.

¹⁵ A/1024.

¹⁶ M/1728.

¹⁷ M/1314.

¹⁸ M/0173.

¹⁹ M/1302; M/1438; M/1738.

²⁰ M/1770.

²¹ A/0979.

²² M/0433.

²³ M/0103; M/0817; M/1051.

²⁴ A/0065; A/0066; A/0176.

²⁵ M/1722.

²⁶ M/0739.

²⁷ M/1174; M/1235.

²⁸ M/1308.

²⁹ M/0534; M/0537.

³⁰ M/0280.

³¹ A/0285.

³² M/1065.

³³ A/0535.

³⁴ M/0302.

³⁵ A/0209.

³⁶ M/0959.

³⁷ A/0114; A/1027; M/1294; M/1789.

³⁸ M/1128.

³⁹ M/1294.

⁴⁰ M/1446.

⁴¹ M/0864.

⁴² M/0163; M/0377.

⁴³ A/0921.

⁴⁴ A/0118.

⁴⁵ M/1267.

⁴⁶ M/1418.

⁴⁷ A/0921; M/0832; M/1267; M/1418.

⁴⁸ OSCE-MiK, PR/0155/99.

⁴⁹ A/1123; M/1294. A/0569; M/0833 and M/1294 reported that paralyzed people were forcibly left behind.

⁵⁰ A/0112; A/0168; A/0426; A/0560; A/0970.

⁵¹ M/1294.

⁵² A/0728.

[Contents](#)

KOSOVO / KOSOVA As Seen, As Told

[Previous](#)

[Next](#)
OSCE ODIHR



osce

KOSOVO / KOSOVA As Seen, As Told

PART IV : The impact of the conflict on communities and groups in Kosovo society (Chapter 19)

[Contents](#)[Previous](#)[Next](#)

KOSOVO SERBS

The situation from deployment to evacuation of the OSCE-KVM

When the OSCE-KVM arrived in Kosovo, the Serb community was frustrated by the inability of the international community to retrieve information from the UCK about the fate of those Serbs who had gone missing following abduction or in unknown circumstances during the events of summer and autumn 1998. The Mission was met with some suspicion by Kosovo Serbs, not least because of the negative coverage of the Mission by the Serbian state media. Much of the initial suspicion waned and was replaced by cautious co-operation. In some cases the authorities obstructed actions which were meant to reach out to the Kosovo Serb Community. For example, Head of Mission Ambassador William Walker had planned to attend the funeral of the six young Serbs killed in Pec/Peja in the Panda Bar incident on 14 December 1998 (see below, and also the entry in Part V of this report for Pec/Peja municipality). The Serbian police, under the pretext of security concerns, denied his request.

Other initiatives to reach the Serb community were more successful, despite the fact that the overwhelming proportion of resources and focus was directed towards the Kosovo Albanian community, who filed a much larger number of complaints of human rights violations with the OSCE-KVM. The OSCE-KVM maintained a presence throughout Kosovo, with the exception of Leposavic/Leposaviq municipality, north of Kosovska Mitrovica/Mitrovice, where verifiers were driven out by the mayor and Serb civilians.

Displaced Serbs

According to the 1991 census there were 1,954,747 people living in Kosovo, 195,301 of them Serbs.¹ During the aftermath of the wars in Croatia and Bosnia-Herzegovina a substantial number of Serb refugees from Krajina and other parts of Croatia and from Bosnia-Herzegovina were forcibly sent to Kosovo. By the summer of 1996 there were some 19,000 Serb refugees living in Kosovo.² After the flare-up of armed conflict in Kosovo from the end of February 1998, however, an estimated 20,000 Kosovo Serbs and 9,000 Serb refugees left Kosovo for Serbia proper during the time of the OSCE-KVM deployment in Kosovo.³ The true number may well be higher. It is very difficult to obtain an accurate number for the Serbs who left the province during the entire conflict. Many Serbs did not register in Serbia proper. Furthermore, due to a law that prohibits the selling of Serb property in Kosovo to non-Serbs, many Serbs sold their property on the black market without informing the authorities.⁴

The crackdown of the Yugoslav and Serbian security forces beginning in February-March 1998 in the Drenica region, mainly in Srbica/Skenderaj, Klina/Klina and Glogovac/Glllogoc municipalities, marked the start of the flight of Kosovo civilians from their homes. The number of 100 per cent Kosovo Albanian villages within Kosovo rose from 703 before the beginning of the fighting in February 1998 to 793 in January 1999.⁵

Kosovo Serbs left villages in the municipalities of Decani/Decane, Djakovica/Gjakova, Istok/Istog, Kosovska Mitrovica/Mitrovice, Obilic/Obiliq, Orahovac/Rahovec, Pec/Peja, Podujevo/Podujeve, Srbica/Skenderaj, Suva Reka/Suhareke, Urosevac/Ferizaj and Vucitrn/Vushtri. According to the Serbian government, in 1998, 201 Serb houses were burned and 74 completely destroyed in Kosovo as a result of fighting between UCK and Serbian forces.⁶ Nevertheless, until August 1998, the Serbian government would not admit the existence of any Serb IDPs.

The departure of Kosovo Serbs and members of other minority national communities continued after the arrival of the first OSCE-KVM verifiers in October 1998. Kosovo Serbs abandoned some 90 villages in west and central Kosovo between October 1998 and March 1999. In particular, the fighting in Podujevo and Kosovska Mitrovica municipalities (see the relevant entries in Part V of this report) left many Serb homes empty.⁷

Serb civilians as victims of the UCK

During the time that the OSCE-KVM was in Kosovo the internal conflict between the Yugoslav and Serbian security forces and the UCK was ongoing, and thus both parties to the conflict were subject to the obligations under applicable international humanitarian law.⁸ Provisions under Additional Protocol II to the 1949 Geneva Conventions include prohibitions on the killing of non-combatants, inhumane treatment and spreading terror among the population. One of the main threats to the Serb community was the UCK.

Killings of Serb civilians. There were a number of unidentified victims of seemingly inexplicable killings. In some cases there was suspicion that UCK forces killed not only moderate Kosovo Albanians but also Serbs who were well liked by both communities. Two incidents in particular attracted international attention. On 14 December 1998, unidentified gunmen killed six young Kosovo Serbs in the Panda Bar in Pec. The attack was considered to be in revenge for the killing of 30 UCK members who had been shot while crossing the border illegally a few days earlier.⁹ On 17 December the Serb deputy mayor of Kosovo Polje/Fushe Kosove was abducted and murdered. The UCK claimed that they were not responsible for the killing.¹⁰ The deputy mayor of Kosovo Polje was a moderate Kosovo Serb politician who had done much to improve social conditions in his area.¹¹

More than 40 murders of both Kosovo Albanians and Kosovo Serbs occurred in the first three weeks of February 1999.

Abductions by the UCK. During the period when the OSCE-KVM was present in Kosovo, Serb civilians and some officials developed an increased level of trust as a result of the Human Rights Division's commitment to impartiality and a genuine concern for the plight of many Serb civilians. However, many Kosovo Serbs expressed frustration and anger over what was perceived as a failure adequately to address the issue which most concerned the Kosovo Serb community, namely that of people missing following abductions by the UCK.

Early in December 1998 a group of relatives of missing Kosovo Serbs demonstrated outside the OSCE-KVM headquarters in Pristina and demanded to see the Head of Mission, Ambassador Walker. He agreed, and between December 1998 and March 1999 four meetings between Ambassador Walker and the relatives of missing Kosovo Serbs were held in Pristina. Most of those who attended the meetings were Kosovo Serbs from Orahovac, but people from all over Kosovo were present. The Kosovo Serbs from Orahovac were relatives of a large group of people who went missing during the fighting in that area in the summer of 1998.

The OSCE-KVM Co-ordination Centre (CC) (under the Prizren Regional Centre) in Orahovac dealt extensively with the issues of missing persons from 1998 and with abductions by the UCK.

On an initiative by CC Orahovac, a Committee on the Missing was formed. It consisted of representatives of both the Kosovo Albanian and Kosovo Serb communities and of representatives of the OSCE-KVM.

The precise number of people held by the UCK was difficult to determine, since the UCK did not provide public information on those in its custody. In particular, they consistently denied to OSCE-KVM ever having detained or otherwise held Kosovo Serb civilians.¹² However, the detention of civilians occurred regularly before and during the deployment of OSCE-KVM verifiers. According to the Yugoslav Ministry of Internal Affairs in December 1998, 157 Serb civilians had gone missing since the previous February.¹³ According to the ICRC, by mid-March 1999 there were 146 persons reportedly abducted by the UCK or otherwise unaccounted for in areas under UCK control.¹⁴ The fate of most Serbs allegedly abducted by the UCK remained unknown at the time OSCE-KVM evacuated.¹⁵ A number of those Serbs reported missing after the events of summer 1998 were found dead.¹⁶ In meetings in December 1998 between the Human Rights Division and Adem Demaci, the UCK's political representative, Adem Demaci expressed doubt that any Serbs abducted during that time would be alive, and most are now presumed dead.¹⁷

High profile abduction cases include the following.

On 21 August 1998, a journalist from Radio Pristina and his driver were abducted by UCK forces near the town of Orahovac and have not been heard of since.¹⁸

Two journalists for Tanjug, the Yugoslav state news agency, were abducted by UCK members on 18 October 1998.¹⁹ Their release was finally secured two months later, facilitated by the OSCE-KVM Head of Mission.²⁰

On 15 February 1999, two Serbian policemen were abducted in Kosovo Polje. The relatives of the detained policemen threatened to use violence if the OSCE-KVM did not take measures to free them.²¹ Until the evacuation the OSCE-KVM tried to locate the two men, but the case remained unsolved.

Two Serb residents of Bukos (west of Vucitrn) were abducted by the UCK on 22 February 1999. One of them was beaten to death and the other's release was secured by the OSCE-KVM on 27 February. The UCK "Zone Commander" told the OSCE-KVM that the abductions were carried out by "uncontrolled elements".²²

On 27 February two Serb brothers were abducted near the village of Velika Hoca south of Orahovac. The UCK at first admitted holding the men, but then distanced itself from the incident. On 1 March the dead body of one of the brothers was handed over to the OSCE-KVM by the UCK. The other brother was released alive, but having been beaten severely.

On 3 March two Serb civilians were shot dead by the UCK at a "checkpoint" in the village of Mijalic, located between Pristina and Vucitrn. The two Serbs were relatives searching for a third family member, a VJ soldier who had deserted and who came looking for his family living in Kosovo. The VJ soldier had earlier been detained by the UCK (the case is also covered in Part V in the entry for Vucitrn municipality).

Freedom of movement. One effect of the UCK spreading fear among the Serb population was that their freedom of movement became severely restricted. As abductions mostly took place on the streets or from buses at night or in the early morning, people did not travel at all if they could avoid it and they stayed at home after dark.²³ Streets were deserted in the evening, even in the

larger cities. Kosovo Serbs were afraid of attacks and assaults by both Kosovo Albanian civilians and UCK forces.²⁴

With respect to forced expulsions by the UCK, a case was reported by the OSCE-KVM Regional Centre in Kosovska Mitrovica on 6 February 1999, when a supposed UCK leaflet was distributed 10 days earlier in the villages of Gojbulja/Gojbuja and Miroce/Mirace (Vucitrn), threatening the villagers with violence if they did not leave the areas immediately.²⁵ On 6 February an OSCE-KVM patrol met a person who claimed to be the commander of the UCK forces in the area and who said that he had heard of this leaflet. He stated that it was not an official publication and that his forces in the region had no aggressive intentions.

Serbs as victims of Yugoslav/Serbian authorities

Police. In Kosovo police officers work both locally and regionally. There were police officers who lived in the area where they worked, but most of the police forces operated on a six-monthly rotation basis and often came to Kosovo from places in Serbia-proper, where the issues in Kosovo were not necessarily well understood. Being assigned for six months to Kosovo meant changing location within the province every few weeks. For this reason, even Kosovo Serbs did not feel confident that the police would protect them if it came to violent clashes between Kosovo Serbs and Kosovo Albanians.

A large number of people reported that the Serbian police kept a very low profile as regards protecting the Serb population in the fighting in the summer of 1998. Throughout June and July 1998 there were many physical attacks on the Serb minority living in Kosovo. Killing, abduction, attacks and looting of houses occurred in villages in predominantly Kosovo Albanian-populated areas. Some of the Serbs were warned by their Kosovo Albanian neighbours about planned assaults and requested the assistance of the local police. According to a Yugoslav Red Cross representative, police forces, however, very often denied any kind of support or protection and were unwilling to intervene. They advised people to defend themselves. Consequently, people relied very much on their own initiative to secure both their families and their properties.

Torture. The OSCE-KVM did not receive any allegations of torture of Kosovo Serbs. This does not mean that it did not occur. According to the Belgrade-based Humanitarian Law Centre, an NGO, throughout 1998 about 500 cases of torture were registered in Yugoslavia, most of them in Kosovo. Although most of the victims were Kosovo Albanians, Kosovo Serbs were also subjected to torture and ill-treatment during police detention. Prosecutors, judges and disciplinary bodies within law enforcement agencies failed to investigate allegations of torture and took no steps to punish the perpetrators.²⁶

Propaganda. It was very much the impression of the OSCE-KVM Human Rights Division that the Yugoslav and Serbian authorities subjected Kosovo Serbs to intense propaganda. The Serb elite in Kosovo most often had ties to political circles in Belgrade or other cities in Serbia proper. Ordinary rural Kosovo Serbs were particularly vulnerable to propaganda and misinformation from Belgrade. The Serb community relied almost exclusively on the existing state-run media from Belgrade.

A bogus information leaflet distributed during March 1999 is an example which indicates great sophistication and organization on the part of those seeking to mislead the Kosovo Serbs. On 10 March this leaflet was distributed in Pristina, and three days later in Prizren and Gnjilane. The document mimicked an OSCE-KVM publication that explained in English, Serbian and Albanian the benefits for the local communities of signing the Rambouillet draft interim agreement. The forged version was strikingly similar in style and layout to the original OSCE-KVM leaflet but the text had been changed to portray a very negative picture and made for ambiguous interpretation.

The authors of the document were not identified.

An example of the Kosovo Serbs as victims of their own government's propaganda was experienced in the meetings held between Ambassador William Walker, the Human Rights Division and a group of relatives to missing Serbs. The vast majority of these people were ordinary Serbs who had lived for generations in Kosovo. The majority of abductions took place during the events during the summer and autumn months in 1998. It was the heart-breaking task of the OSCE-KVM Human Rights Division to meet with the relatives of the missing and explain to them that there was a very slim chance of finding anyone alive who disappeared during that period. And yet, they came back time after time with "new" information that their relatives had been sighted in such and such a town. The OSCE-KVM was met with questions of why they refused to confront the UCK, of why they were hiding information from Kosovo Serbs, and so on. Their own political representatives from Belgrade and the local police both adopted the position of "passing the buck" to the OSCE-KVM and told the Kosovo Serbs that there was nothing they could do to help but that the OSCE-KVM had all the answers. A man who stood out from the others by his appearance, obviously a Belgrade politician, was present at many of the meetings. He refused to introduce himself to the OSCE-KVM and coached the relatives during every meeting.

Military service. Article 137(2) of the FRY Constitution allows the possibility of civilian service as an alternative to regular military service. The Law on the Armed Forces, however, and armed forces practice restrict the constitutionally guaranteed right to conscientious objection. The civilian service lasts for 24 months, twice as long as military service. Conscientious objections can only be made within the first 16 days of military service. Moreover, according to the Supreme Court's recent decisions, men who have finished their military service are not allowed to object for conscientious reasons when they are asked to carry out reserve duties that include military action.

27

The situation after the OSCE-KVM evacuated from Kosovo

There can be no doubt that the Kosovo Albanian population suffered proportionally much more than the Kosovo Serbs. Nevertheless, all the events occurring between 20 March and 9 June 1999 (the period from the OSCE-KVM's evacuation from Kosovo until it was formally stood down - see this report, Part I: The OSCE-KVM Human Rights Operation) were undoubtedly also traumatic for the Kosovo Serb population. According to Kosovo Serbs who stayed behind, many felt a sense of insecurity and lawlessness, as well as a general feeling of horror and injustice regarding the numerous crimes committed against the Albanian population of Kosovo²⁸

Of the 2,764 interviews with mainly Kosovo Albanian refugees conducted by the OSCE-KVM, there are numerous reports of armed Serb civilians taking part in the atrocities committed against the Kosovo Albanian population from 20 March to 8 June 1999. For a description of Yugoslav/Serbian forces involved in human rights relations, see Chapter 3, The military/security context. Kosovo Albanians reported that they recognized the perpetrators as local Serbs, sometimes from their own village and even their own neighbours. Such reports are in evidence throughout Part V of this report, detailing events in individual municipalities. However, it would be misleading to consider these accounts "the whole story". In fact, there are also among the interviews a number of reports of Kosovo Serb civilians who themselves risked human rights violations to help or protect Kosovo Albanians.

Kosovo Serb civilians at risk for protecting Kosovo Albanians

Among the reports of Kosovo Serb civilians trying to protect and help Kosovo Albanians there are a particularly large number involving neighbours. Yet it should be noted that there are many more involving Kosovo Albanians seeing their own neighbours armed, often in uniform, joining other

groups of perpetrators.²⁹ The OSCE-KVM was also told on several occasions that Kosovo Serb villagers had been given guns by the VJ or paramilitaries³⁰

There are a number of refugees who report that Serb civilians warned them that they would be in danger if they stayed and advised them to leave.³¹ Furthermore, there are indications that Kosovo Serbs, genuinely unable to imagine the horrors to come, tried to reassure their fellow Kosovo Albanian villagers that it would be safe for them to stay.³² A resident of a small village in Gnjilane told OSCE-KVM that he was under the impression that the Serbs in his village were not happy to see all the Kosovo Albanians leave.³³ Another interviewee reported being told that a "high profile" member of the Serb community in Orahovac had been trying to protect the local civilian Kosovo Albanian population.³⁴

The following are examples of situations in which Kosovo Serbs faced threats and other human rights violations for trying to protect or help Kosovo Albanians they knew personally.

During the wave of expulsions in Kosovska Mitrovica, Kosovo Albanians living in mixed areas of the town seemed to be particularly targeted.³⁵ One refugee reported that during the expulsion of Kosovo Albanians from the building where he lived, his Kosovo Serb neighbour tried to protect the family by saying that they had already left, but the police returned the following morning and discovered the family was still there.³⁶ There is no report as to the possible repercussions for the Kosovo Serb neighbour who tried to protect the family.

Also in Kosovska Mitrovica, as reported by a refugee, a Kosovo Serb was appointed street controller by the authorities and painted a Serbian sign (a cross and 4 Cyrillic "S's) on house fronts to try to protect the Kosovo Albanian families from the local police and VJ. As the interviewee and his family were being expelled the Kosovo Serb neighbour pleaded their case, but the VJ ordered him back into his house, threatening to kill him.³⁷

In another case in Kosovska Mitrovica paramilitary forces entered the house of a Kosovo Albanian family and started beating two of the men. A Kosovo Serb neighbour intervened and told the paramilitaries to stop. The paramilitaries threatened to kill the Kosovo Serb neighbour along with the Kosovo Albanian family.³⁸

In the municipality of Gnjilane/Gjilan, a Kosovo Serb went over to his Kosovo Albanian neighbours to see if the family needed an ambulance, after two of the men in the family had been beaten and a woman had been kicked by paramilitaries.³⁹

While walking in the street with his Serb neighbour, a Kosovo Albanian was stopped by armed men in green camouflage uniforms. They insulted him and told him that he would have been killed if his Kosovo Serb neighbour had not accompanied him.⁴⁰

A Kosovo Albanian had 40 IDPs staying in his house. On 28 March, a police reservist and five other heavily armed men, two civilians, two VJ officers and one police officer, knocked on his door. A Kosovo Serb neighbour went over to greet them and invited them for coffee. They went to a nearby bar, and the Serb neighbour then sent someone to the house to tell the Kosovo Albanian family and the IDPs to leave immediately.⁴¹

In Vitina/Viti, a Kosovo Serb police reservist observed an incident in which his neighbour's father was taken away by paramilitaries. The Kosovo Serb offered to escort his neighbour to Pozaranje/Pozzaran, where the paramilitaries were stationed, to look for the father. They found the father in front of the police station where he was being beaten by paramilitaries. The Kosovo Serb intervened and convinced the paramilitaries to let the father go.⁴²

Kosovo Serbs interviewed in the former Yugoslav Republic of Macedonia

A small number of Kosovo Serbs chose to leave Kosovo between 20 March and 8 June. Kosovo Albanian refugees reported that they had seen Kosovo Serbs among the Kosovo Albanians moving towards the border, but that these were sent back by Serbian forces. Of those who crossed the border to the former Yugoslav Republic of Macedonia, the OSCE-KVM Human Rights Division interviewed five. These five people all cited general fear and the particular fear of NATO bombing as a reason for leaving. They also expressed pessimism over any possible future living with Kosovo Albanians in Kosovo. One Kosovo Serb woman reported that in predominantly Kosovo Albanian areas, Kosovo Serbs could not walk on the street for fear of angry Kosovo Albanian youths. Her biggest fear was for her 16-year-old brother, who would have to join the military or be targeted by the UCK. (It should be noted that many Kosovo Albanians also feared the UCK due to high-pressure tactics to join the UCK.)⁴³

Cases where individual members of FRY and Serbian forces intervened to prevent violations of international humanitarian law standards

The references in this report to Serbian forces acting in accordance with appropriate humanitarian law standards are an attempt to include the nuances which add to a more complete picture of the conflict. The following brief extracts from refugee accounts show that some members of the Yugoslav and Serbian forces in some instances acted according to principles of protection of civilians under international humanitarian law, and sometimes tried to prevent human rights violations. Bearing in mind the overwhelming evidence of a systematic campaign against Kosovo Albanians that was planned, instigated and ordered from the highest levels,⁴⁴ some of the people mentioned below may well have been acting against orders.

It is also notable that many of these accounts indicate that - while the overwhelming majority of refugee statements point to VJ, police, paramilitaries and armed civilians acting in concert - in certain instances there was strong disapproval and opposition on the part of elements in one force about the actions of elements in another.

Six VJ soldiers stopped a Kosovo Albanian man when he got back to his house in Donje Ljupce/Lupqi i Poshtem (Podujevo) at the end of April. Some of them wanted to execute him, but a soldier intervened and prevented it from happening.⁴⁵

A 42-year-old wheelchair-bound Kosovo Albanian woman who had remained in her house in Kozica/Kozhice (Srbica) in late March when Serb forces had shelled and then entered the village asked a young Serb soldier to bring back her mother and sister who had been taken to a yard with others. He did this, gave his name and asked about a woman who had been killed in mortar fire and 'said his heart was aching as he heard that she had left three children behind'. When paramilitaries seized their documents, he returned them, and his men brought the woman in her wheelchair to the mosque where elderly and disabled people stayed for eight days. He arranged for two tractors to be brought to transport other wounded and disabled. The VJ brought food, water and medicine to the mosque where villagers were sheltering. They then moved them to another village, saying that it was for their own safety as 'many shit people have got hold of arms now'.⁴⁶

One refugee recounted to the OSCE-KVM how in Zegra/Zheger (Gnjilane) in early April he had witnessed a police commander intervene to prevent a Serb, possibly a paramilitary, from killing a Kosovo Albanian.⁴⁷ At Laplje Selo/Fshati Llap in mid-April two young women were taken off by Serb civilians, but the police forced the civilians to let the women go and they were brought back to the refugee's family in a police car. (Actions at Zegra by an uncontrolled VJ volunteer unit are mentioned in Chapter 3, The military/security context.)⁴⁸ Other refugees told the OSCE-KVM

about incidents in which one police officer would intervene to stop human rights violations by a colleague.⁴⁹

Notes

¹ 1991 census, which is reliable as concerns the Serb population in Kosovo. For the Kosovo Albanian population, numbers are only approximate ones, because the census was boycotted by the Kosovo Albanians.

² Noel Malcolm, *Kosovo - A Short History*, 2nd edn (London: Macmillan, 1998), p. 353.

³ UNHCR Pristina.

⁴ Humanitarian Law Centre, Pristina.

⁵ UNHCR Report from 30 January 1999, information provided by FRY authorities.

⁶ Numbers provided by director for regional development, government of Serbia.

⁷ OSCE-KVM, "Monthly Report on the Situation in Kosovo pursuant to the Requirements set out in United Nations Security Council Resolutions 1160 and 1203 - Mid-February 1999 - 20 March 1999".

⁸ For a legal definition of the state of armed conflict see Chapter 2, The OSCE-KVM human rights operation.

⁹ Humanitarian Law Centre, Human Rights Report 1998.

¹⁰ OSCE-KVM Report "Destabilization in Kosovo", 31 January 1999, Fusion.

¹¹ OSCE-KVM Report "Destabilization in Kosovo", 31 January 1999, Fusion.

¹² OSCE-KVM, Human Rights Division (HQ), Meetings with Adem Demaci, Political Representative for the UCK, December 1998.

¹³ Yugoslav Ministry of Internal Affairs, December 1998.

¹⁴ OSCE-KVM, "Monthly Report on the Situation in Kosovo Pursuant to the Requirements Set Out in United Nations Security Council Resolutions 1160 and 1203 - Mid-February 1999-20 March 1999".

¹⁵ Human Rights Watch.

¹⁶ On 9 September 1998, the police discovered the bodies of 34 Serbs and Montenegrins in a mass grave at Glodjane village near a UCK base. Authorities claimed that on 27 August 1998 they had discovered mass graves of Serbs and Montenegrins, of partly cremated bodies near Klecka village and at a mine in Volujak.

¹⁷ Meeting report.

¹⁸ Human Rights Watch, "Serbian Journalist and Driver Missing in Kosovo", Press Release August 1998.

¹⁹ Human Rights Watch, "Serbian Journalists' Detention Condemned", Press Release October 1998.

²⁰ Humanitarian Law Centre, Human Rights Report 1998.

²¹ OSCE-KVM, Operations, "Daily Sitrep 15 February 1999" (internal document).

²² OSCE-KVM, "Monthly Report on the Situation in Kosovo Pursuant to the Requirements Set Out in United Nations Security Council Resolutions 1160 and 1203 - Mid-February 1999-20 March 1999".

²³ UNHCR.

²⁴ Human Rights Watch.

²⁵ OSCE-KVM Report, Period covering 6-7 February 1999.

²⁶ Committee against Torture, "Conclusions and recommendations", 18 November 1998.

²⁷ Amnesty International, *Concerns in Europe*, EUR 01/02/97.

²⁸ OSCE-MiK, Human Rights Officer, 6 October 1999

²⁹ Among others A/0295; A/0342; A/0656; A/0634; A/0995; A/1104; M/0011; M0111; M/0124; M/0284; M/0392; M/0534; M/0797; M/0928; M/1098; M/1107; M/1171; M/1614.

³⁰ A/0295; A/1023; M/0162; M/1287.

³¹ A/0027; A0361; A/0426; A/0436; M/0018; M0460; M/0605.

³² A/0192; M/1180.

³³ M/0261.

³⁴ M/0366.

³⁵ A/0158; M0207.

³⁶ M/1507.

³⁷ A/0191.

³⁸ M/1181.

³⁹ M/1239.

⁴⁰ M/0112.

⁴¹ M/0493.

⁴² M/1499.

⁴³ M/0974; M/1056; M/1531.

⁴⁴ See ICTY, "Indictment Milosevic & Others ('Kosovo')", IT-99-37, 24 May 1999, Charges.

⁴⁵ M/0859.

⁴⁶ M/1267, comprising the statements of three sisters including the disabled woman.

⁴⁷ M/0401.

⁴⁸ M/1085.

⁴⁹ For example A/0531.



OSCE

KOSOVO / KOSOVA As Seen, As Told

PART IV : The impact of the conflict on communities and groups in Kosovo society (Chapter 20)

[Contents](#)[Previous](#)[Next](#)KOSOVO "GYPSIES" (*Maxhupet*) - ROMAExplanatory note: terminology¹

The decision to use, within this report, the formula "Gypsies" (*Maxhupet*) reflects problems with group identification in Kosovo of persons who might otherwise, in OSCE terminology, be classified generically - by outsiders - as Roma. As is explained below (see "Background"), only one such group self-identifies as "ethnic Roma", the others being self-identified by a variety of names and affiliations. The decision on terminology reflects the probable artificiality of using the terms Rom, Roma, Romani to convey descriptions of and information about people from those various groups which is derived from statements coming neither from the groups' own members, nor from people for whom Roma is a term present in common parlance. The choice of the formula "Gypsies" (*Maxhupet*) [singular: "Gypsy" (*Maxhup*); adjective "Gypsy" (*Maxhupi*)] is felt to best convey the kind of terminology, reflective of generic group identification by outsiders, that would have been used in the local context by Kosovo Albanians in their statements to the OSCE-KVM²

(The English term "Gypsy" most closely approximates to the Albanian term *Maxhup*, the most commonly used among Kosovo Albanians for this kind of generic identification based on attributes such as skin colour and cultural differences, although there are other Albanian terms of equivalent connotation used in parts of Kosovo, as well as the Serbian *Ciganin*.)

As noted below, virtually all of the information in this chapter of the report derives from information provided by Kosovo Albanian refugees.

Where reference is made to OSCE-KVM reporting about and contacts with the groups who are the subject of this chapter, however, the terms Roma and Romani (the standard terminology of the OSCE, as used by the OSCE-KVM) is retained. The formula Roma/"Gypsies" is also used here in regard to references in the Yugoslav official census.

Background

The several groups generically described here as Kosovo "Gypsies" (*Maxhupet*) have different allegiances and different linguistic and religious traditions³. The groups identify themselves quite distinctly.

The so-called "ethnic Roma", identify themselves as Roma and use Romani as their mother tongue, and also speak Albanian and Serbian. They have proud cultural traditions and align themselves with Roma communities in other countries (they include a small Catholic Romani community living near the Kosovo Croat communities in Lipjan/Lipjan municipality, as well as one group which has a nomadic lifestyle, known as the Cergari, who follow the Orthodox faith and speak Serbian).

The *Ashkaelia* are Albanian-speaking and live close to the Kosovo Albanians with whom they have always been identified.

The **Egyptians**, whom many consider to be Ashkaelia, speak Albanian but claim to have originally come from Egypt. They are perceived by Kosovo Albanians to be *Maxhupet* for whom a separate identity was created roughly 10 years ago by the Yugoslav regime in order to further the image of a multi-ethnic, rather than an Albanian-dominated Kosovo. It is also believed to be an effort of self-identification in order to escape the derogatory qualification of *Maxhupet* in Kosovo and to differentiate themselves from the Romani-speaking "ethnic Roma". Both the Ashkaelia and Egyptians follow the Muslim faith.

Kosovo Albanians and Kosovo Serbs alike generally treat the "Gypsy" (*Maxhupi*) population and groups as separate from themselves, despite their varying levels of integration. As is the case with majority populations in other central and east European countries, the Kosovo Albanians and Kosovo Serbs consider *Maxhupet/Cigani* as second-class citizens⁵

Population numbers

Although it is difficult to assess the exact numbers of Roma/"Gypsies" living in Kosovo before the conflict and up to early June 1999, it was estimated by some Romani refugees from Kosovo and Serbia living in third countries to be around 100,000-150,000 people⁶. In the 1991 Yugoslav census, the number of Roma/"Gypsies" in Kosovo was calculated at around 45,000. Many did not declare themselves as Roma/"Gypsies" in the census either because of a feeling of being fully integrated in the Kosovo Albanian or Serb communities, or because their registration as Romani/"Gypsy" could prevent their integration within the community and therefore deprive them of their basic rights.⁷ Based on data from the 1991 census, Romani/"Gypsy" communities could be found in almost all municipalities of Kosovo.

OSCE-KVM data collection

Little of the data gathered by the OSCE-KVM prior to 20 March 1999 concerned violations of the human rights of members of the Romani community⁸, and none of that data concerns complaints made directly by Roma to the OSCE-KVM Human Rights Division. Efforts were made by OSCE-KVM human rights officers to establish relationships with Roma representatives. Such contacts, however, did not develop to the extent required for a mutual exchange of information prior to the OSCE-KVM evacuation. The OSCE-KVM was often viewed with suspicion by the Romani communities⁹

After 20 March the mass forced expulsions by Yugoslav and Serbian forces overwhelmingly targeted Kosovo Albanians, although Roma are known to have also been caught up in forced expulsions or to have fled. Most of these are believed to have gone north to Serbia and Montenegro and then to third countries. It is difficult to determine the extent to which Kosovo Roma were present in the population of refugees from Kosovo in Albania and the former Yugoslav Republic of Macedonia - among whom the OSCE-KVM human rights division conducted its human rights interviewing after 20 March - since many are believed to have registered as Kosovo Albanians out of fear of setting themselves apart. The Roma who arrived in Albania or the former Yugoslav Republic of Macedonia in the course of the mass displacements from late March were in general either too afraid to talk to anyone, or else they were forced to move on.

For these reasons, no data was gathered by the OSCE-KVM from the Romani population of Kosovo concerning their own situation during the period covered in this report.

A number of reports from Kosovo Albanian refugees who crossed the borders into Albania and the former Yugoslav Republic of Macedonia mention Kosovo "Gypsy" (*Maxhupi*) men playing an

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active and willing role alongside Yugoslav and Serbian forces during the conflict. Kosovo "Gypsies" (*Maxhupet*) are mentioned as police, as paramilitaries, or as armed civilians. Many of these reports are compelling and credible.

Accusations that some Kosovo "Gypsies" (*Maxhupet*) aligned themselves with Serbs, particularly during the period of the NATO air campaign and the state of war in Yugoslavia up to June, and took part in human rights violations against Kosovo Albanians, have tainted the Romani population of Kosovo as a whole. These accusations have, since then, in the period beyond the scope of this report, placed the Roma of Kosovo in an extremely precarious position.

Kosovo "Gypsy" (*Maxhupet*) victims, 20 March to 9 June

Although, as noted above, there were no statements to the OSCE-KVM from Roma about human rights violations against themselves or other members of their communities, very occasionally references to Kosovo "Gypsy" (*Maxhupet*) victims of human rights violations appear in statements given to the OSCE-KVM by Kosovo Albanians. A "Gypsy" (*Maxhupet*) was one of two men reportedly mutilated and killed after he had tried to intervene to stop a Kosovo Albanian colleague being taken away by police on or around 17 March 1999 in Pristina/Prishtina¹⁰. A Kosovo "Gypsy" (*Maxhupet*) family and a Kosovo Albanian family were reported killed at the same time by paramilitaries in Nagovac/Nagaft (Orahovac) on 26 March 1999¹¹. An interviewee from Kacanik/Kacanik recounted that a Kosovo "Gypsy" (*Maxhupet*) neighbour had been killed by snipers on 28 March.¹²

Allegations against "Gypsies" (*Maxhupet*)

Kosovo Albanians have accused the Kosovo "Gypsy" (*Maxhupet*) population collectively of collaboration with the Yugoslav and Serbian forces. They have implicated them in such acts as murder, "opportunistic" looting and pillaging, extortion of money and valuables, and the transportation and burying of bodies in mass graves.

"Gypsy" (*Maxhupet*) involvement in human rights violations

In all cases where "Gypsy" (*Maxhupet*) police officers, paramilitaries and armed civilians are implicated in killings of Kosovo Albanians, they are described as acting alongside or in the presence of Yugoslav and Serbian forces.

In a few statements where "Gypsies" (*Maxhupet*) are implicated in human rights violations they are named. One interviewee claimed that in Pristina on 18 April about 10-15 men were taken from a crowd of about 3,000-4,000 villagers and killed, mainly with machine-guns. There was a group of five paramilitaries doing the killing which including a "Gypsy" (*Maxhupet*) whose name is recorded.¹³ One Pristina policeman, described variously as a "Gypsy" and a Serb "Gypsy", is mentioned by first name in three statements (one also identifies his police station) as being involved in expulsions, extortion, beatings or killings in April and early May.¹⁴ In Ribnik/Rimnik (Vitina) on 18 April an interviewee saw paramilitaries and a "Gypsy" (*Maxhupet*) (name recorded) looting houses.¹⁵ In an incident on 27 March where six or seven Autobinders (armoured wheeled vehicles) and 15 Pinzgauers surrounded the village of Crkvena Vodica/Palaj (Obilic); of the 16 police and paramilitaries involved, two "Gypsy" (*Maxhupet*) paramilitaries were named among the perpetrators.¹⁶

I saw a policeman in plain blue uniform and one soldier in camouflage uniform entering the house of [name recorded] across the street and take him behind the building. . . I saw them taking the ID from him and then ask him to go into the stream. When he walked into the stream the soldier shot at him with a rifle. . . The

policeman lived in my building (seventh floor). [First name recorded] (a "Gypsy")¹⁷

Many statements implicated "Gypsies" (*Maxhupet*) as joining with Serbian forces in the expulsion, and robbing, of Kosovo Albanians. In Pristina on about 24 March during the expulsion of Kosovo Albanians, police and VJ looted the vacated premises, then ordered "Gypsies" (*Maxhupet*) to destroy them.¹⁸ Police arrived at the house of a Kosovo Albanian in Djakovica/Gjakova on 28 March and told all of the occupants to leave immediately and started to steal belongings. "Gypsies" (*Maxhupet*) were also taking part in the stealing.¹⁹ In the Suncani Breg/Bregu i Diellit district of Pristina city on 29 April, "Gypsies" (*Maxhupet*) were seen looting goods from Kosovo Albanian-owned shops, with the protection of the police.²⁰

Four of them kicked our door in and called everybody out into the yard. One was a Serbian Gypsy (son of [name given]) from the same street. He is a reservist.²¹

*Problems with identification by Kosovo Albanians of "Gypsies" (*Maxhupet*) as perpetrators*

As noted, on the basis of the statements given to the OSCE-KVM persons identified as Kosovo "Gypsies" (*Maxhupet*) were involved in incidents of human rights violations. However, it should also be noted that there was clearly prejudice against and negative perceptions of "Gypsies" (*Maxhupet*) among Kosovo Albanians. Some Kosovo Albanians believed that the "Gypsies" (*Maxhupet*) had aligned themselves with Serbs over recent years in the hopes that they would get the better jobs (Kosovo Albanians also believed, however, that the Serbs also did not like the "Gypsies", and merely used them). Aspects of this prejudice cannot be ruled out as a factor in the identification of "Gypsies" (*Maxhupet*) by Kosovo Albanians as perpetrators in some of the reported incidents.

In some instances perpetrators were merely identified as "Gypsies" (*Maxhupet*) by Kosovo Albanians by the colour of their skin. Such "colour identification" is problematic. In one interview, a 13-year-old boy described a series of events beginning with a skirmish between the police and the UCK. After the UCK withdrew police entered his house and his father was shot and killed:

Four police came in. Two were in black/green camouflage uniforms with Serbian flag at the shoulders [statement notes "police insignia with two eagles inside - same as Yugoslav passport"]. No masks. The other two had no uniforms on but were in civilian clothes with black masks (interviewee thinks they were Gypsies). Interviewee is quoted in testimony as saying "I recognized the dark skin around the eyes, like those next to your office [the OSCE-KVM's office in his home town], the Gypsies behind the [police] station. These Gypsies, I saw them before with the police uniform on and Grey Wolves."²²

In another incident where a "Gypsy" (*Maxhupet*) was implicated alongside Serbian forces and paramilitaries in the extortion of money and the killing of one man the description of perpetrators was given: "One of the paramilitaries was short, fat with a moustache and two thick necklaces like a Gypsy. Another Gypsy would always be on his right."²³ This should be considered alongside the account of a Kosovo Albanian man who told one interviewee that paramilitaries had ordered him, along with others, to dig a mass grave. The Serbs, he said, had thought he was a "Gypsy" (*Maxhupet*) because of his dark skin.²⁴

*"Gypsy" (*Maxhupet*) involvement in the collection and burial of Kosovo Albanians*

A large number of statements describe "Gypsies" (*Maxhupet*) collecting and burying dead Kosovo Albanians in mass graves. The role the "Gypsies" (*Maxhupet*) played in the burying of bodies is not surprising, since even before the conflict in Kosovo escalated in March 1999, Roma were often

employed to carry out unpleasant or menial tasks. These included digging graves and performing burials.

There remains, however, the issue of the degree to which "Gypsies" (*Maxhupet*) involved in the disposal of bodies can be said to have been complicit in the violation of principles in humanitarian law which require that the burial of the dead be done respectfully and in a manner to facilitate subsequent identification (see also Chapter 5, The violation of the right to life).

In Urosevac, on about 2 April, about 30 to 50 metres from the graveyard in the direction of Gjilan [Serbian: Gnjilane], I saw a big yellow truck stop. On the truck were about 20 bodies. About 20 Gypsies in civilian clothes and unarmed were engaged in taking the bodies off the truck. A bulldozer dug a big hole near the truck and the Gypsies threw the bodies in the hole. The bulldozer filled the hole with dirt²⁵

Notes

¹ Derived from recommendations made to the OSCE/ODIHR project team responsible for this report by the OSCE Contact Point on Roma and Sinti Issues (CPRSI). OSCE/ODIHR internal memoranda, 15 and 18 October 1999.

² The statements taken by the OSCE-KVM were not recorded in Albanian but in English, so there is no record of the terms actually used by the interviewees. The terms "Gypsy" and "Roma" both appear in the written statements but the choice of which term was used to convey what the interviewee said can be assumed to have been that of either the OSCE-KVM interviewer or the interpreter through whom the interview was conducted.

³ UNHCR/OSCE "Second Assessment of the Situation of Ethnic Minorities in Kosovo", para. 38, 6 September 1999.

⁴ UNHCR/OSCE Second Assessment of the Situation of Ethnic Minorities in Kosovo, 6 September 1999.

⁵ OSCE CPRSI note to the project team responsible for this report, OSCE/ODIHR internal memorandum, 15 October 1999.

⁶ Provided at the Balkan Roma Peace Conference, 18-19 June 1999, Sofia, Bulgaria, organized by the Human Rights Project and the European Roma Rights Centre.

⁷ UNHCR, internal document on Kosovo Minority Communities in 1991 and "The Roma in Serbia", Centre for Anti-War Action, Institute for Criminological and Sociological research, Belgrade, 1991.

⁸ The OSCE-KVM reported the killing of three Roma in Kosovska Mitrovica/Mitrovica in December 1998 and the discovery of the body of a Rom near Pec/Peja in February 1999, albeit the circumstances of the killings were unclear (see relevant municipality entries).

⁹ Explanatory note to the OSCE/ODIHR project team responsible for this report from the Director of the former OSCE-KVM Human Rights Division, 16 October 1999.

¹⁰ M/1421 claims to have seen the bodies, and gave a hearsay statement about the circumstances of their arrest. M/0458 gave a hearsay statement apparently referring to the same victims, but with a date of about a week later.

¹¹ A/0135. A/0937 may also refer to the same incident.

¹² M/0090 (hearsay).

¹³ M/1142.

¹⁴ M/1142, M/1610 (describes him as a Serb "Gypsy" and names his police station); M/1817.

¹⁵ M/1779.

¹⁶ M/0569.

17 M/1731, Kacanik, 30 March 1999.

18 A/0040.

19 A/0395.

20 M/0331.

21 A/0885, Kosovo Polje/Fushe Kosove, 4 April 1999.

22 A/0221.

23 M/0832.

24 M/0933.

25 M/0187.

[Contents](#)

KOSOVO / KOSOVA As Seen, As Told

[Previous](#)

[Next](#)
OSCE ODIHR



osce

KOSOVO / KOSOVA As Seen, As Told

PART IV : The impact of the conflict on communities and groups in Kosovo society (Chapter 21)

[Contents](#)[Previous](#)[Next](#)

OTHER NATIONAL COMMUNITIES AND MINORITIES

In addition to the Kosovo Albanians, Kosovo Serbs and Roma, there are a number of other groups in Kosovo which had the status of "national communities" in the FRY. There were also small ethnic groups not designated as "national communities", one of which is mentioned here.

Among the information gathered by the OSCE-KVM there is only limited data on the impact the conflict had on these other national communities and minority ethnic groups, although it is clear that some members of these communities and groups were subjected to the kind of human rights violations that were commonplace across Kosovo in the period covered by this report.

Kosovo Turks

The 1991 census in Yugoslavia put the number of Kosovo Turks at 10,833, but that figure is not thought to reflect the true size of the population.¹ The Turks in Kosovo continue to use Turkish as their mother tongue (in the 1974 Constitution of Kosovo, repealed in 1989 by the federal government, Turkish was recognized as the third official language of Kosovo)² and there are a number of Turkish schools in the province. The Turks have traditionally taken a neutral stand between the Albanians and the Serbs and they have traditionally had good relations with both.

There are contradictory reports about how Kosovo Turks experienced the conflict up to June 1999. In the predominantly Turkish village of Mamusa/Mamushe (Prizren), which was attacked by Yugoslav and Serbian forces in late March 1999 (this is covered in more detail in the entry for Prizren municipality), people interviewed by the OSCE-KVM reported that the inhabitants of Turkish origin were allowed to stay as the Yugoslav and Serbian forces expelled the Kosovo Albanians³

In other parts of Kosovo, Turks were reportedly attacked and expelled together with Kosovo Albanians⁴ or otherwise left the province. Many found refuge in Turkey⁵

Kosovo Croats

The Kosovo Croats are also known as Janjevci after the village of Janjevo/Janjeve (Lipljan), where they made up two-thirds of the population. As well as Janjevo, Lipjan/Lijpan town also had a sizeable Croat population, and four villages at the eastern end of Vitina/Viti municipality - Letnica/Letnice, Sasare/Shashare, Vrnakovolo/Vrnakolle and Vrnez/Vernez - had Croat majority populations.

In the data collected by the OSCE-KVM there are no references to human rights violations against Kosovo Croats.

Gorani

This community consists of persons of Slav ethnicity and Islamic faith from Gora/Dragash

municipality in the south of Kosovo (the term Goran roughly translates as "Highlander"). They are distinct from the group described as Muslim Slavs (see below). A survey conducted jointly by UNHCR and the OSCE found that "Despite their shared religion, their relationship with [Kosovo] Albanians is not always easy given their ethnic and linguistic links with the Serbs, as well as their political attitudes."⁶

The entry in this report for Gora municipality describes the security and human rights situation there as monitored by the OSCE-KVM. It is also noted in that entry that after it evacuated from Kosovo, the OSCE-KVM took only one statement from a Goran refugee, in the former Yugoslav Republic of Macedonia. This interviewee, who left Kosovo on 18 June 1999, stated that the UCK were destroying and robbing Dragas/Drage village and the surrounding area, were ordering Serbs to leave or be killed, and had blocked the roads. Unlike the multitude of Kosovo Albanians who were expelled from Kosovo the interviewee was still in possession of his ID⁷

Muslim Slavs

This group consists of Serbian speaking Slavs who are associated with the "Muslim nationality" as classified within the former Socialist Federal Republic of Yugoslavia. Many of them describe themselves as Bosniac. In the data collected by the OSCE-KVM there are no references to human rights violations against Muslim Slavs. In Ozrim/Ozdrim (Pec/Peja) Muslim Slavs are described as having been spared when Kosovo Albanians were attacked and expelled in May (see the entry for Pec municipality)⁸

Cerkezi

The Cerkezi, who are a tiny minority group not recognized as a national community in the FRY, are of the Cherkess nationality from the north Caucasus region of Russia. The Cerkezi arrived in Kosovo more than 80 years ago and settled in Milosevo/Milloshve in Obilic/Obiliq municipality. They number around 100 persons, are Muslims, and speak Albanian, Serb and Cherkess. None of the data gathered by the OSCE-KVM specifically referred to the Cerkezi of Malisevo, but it is known that at some point during the period between late March and early June 1999 they were expelled and some of their houses were burned by Serbs, and that all of them became refugees in the former Yugoslav Republic of Macedonia⁹

Roman Catholic Kosovo Albanians

These are a religious, not an ethnic minority, numbering an estimated 70,000 people. They live mainly in the municipalities of Djakovica/Gjakova, Klina/Klina, Prizren/Prizren and Vitina/Viti.

It is difficult to determine whether their experience of the conflict differed significantly from that of the majority of Kosovo Albanians who are Muslim. There are reports about Roman Catholic Kosovo Albanians being detained, ill-treated and expelled that are entirely consistent with the general patterns of human rights violations against Kosovo Albanians.¹⁰ However, a very limited number of statements from refugees suggest that there were members of the Yugoslav and Serbian forces who tended to distinguish Roman Catholic Kosovo Albanians and treat them better. For example, a Roman Catholic Kosovo Albanian who had fled Djakovica/Gjakova town on 25 March 1999 and was at the village of Meja/Meje recounted how he and his family had felt relatively safe there because a local VJ commander had assured them that they did not have to worry as long as he was in charge, because they were Catholics. Only when this commander was gone after 27 April did their situation deteriorate and they decided to leave for Albania.¹¹ There is also one statement from a Kosovo Albanian Muslim, describing expulsions from the village of Karasindjerdj/Karashengjergj (Prizren) on 31 March 1999, in which it is claimed that about 90 households of Roman Catholic Kosovo Albanians were allowed to stay.¹² From the data gathered

by the OSCE-KVM, it cannot be determined whether this kind of relatively favourable treatment was repeated anywhere else.

Notes

¹ Based on figures including estimates from community leaders, as cited by the UNHCR/OSCE Second Assessment of the Situation of Ethnic Minorities in Kosovo, 6 September 1999. Also "Informative Note on the Turkish National Minority in Kosovo", Turkish Permanent Mission to the OSCE, Vienna, 21 September 1999.

² UNHCR/OSCE, "Second Assessment of the Situation of Ethnic Minorities in Kosovo", para. 64.

³ A/0035; A/0114; A/0548; A/0994.

⁴ For example, OSCE-MiK, MI/22/99.

⁵ UNHCR/OSCE, "Second Assessment of the Situation of Ethnic Minorities in Kosovo", para. 64.

⁶ UNHCR/OSCE "Second Assessment of the Situation of Ethnic Minorities in Kosovo", para. 55, 6 September 1999.

⁷ M/1524.

⁸ OSCE-TFK human rights officer, reporting on a visit to Ozzim in late June.

⁹ UNHCR/OSCE "Second Assessment of the Situation of Ethnic Minorities in Kosovo", para 71, 6 September 1999.

¹⁰ PE/04/042/99 and PE/04/123/99, relating to incidents in January and March 1999 in Djakovica/Gjakova police station; M/0454, containing an eyewitness account of the beating of three young men in front of a house in Kabas/Kabash (Vitina).

¹¹ A/0465.

¹² A/1076.

[Contents](#)
KOSOVO / KOSOVA As Seen, As Told

[Previous](#)

[Next](#)
OSCE ODIHR



osce

KOSOVO / KOSOVA As Seen, As Told

PART IV : The impact of the conflict on communities and groups in Kosovo society (Chapter 22)

[Contents](#)[Previous](#)[Next](#)

GROUPS IN KOSOVO ALBANIAN SOCIETY PARTICULARLY TARGETED FOR HUMAN RIGHTS VIOLATIONS

Individuals or groups who in some way played a part in public life in Kosovo Albanian society were liable to be harassed, ill-treated, arrested, subjected to unfair trial proceedings and/or killed. Those affected extended from politicians to prominent individuals, religious leaders, medical professionals, journalists, teachers, students, human rights activists, those working in non-governmental organizations (NGOs), those associated with the OSCE-KVM, and the wealthy.

From the early 1980s Kosovo Albanian politicians had called for full republican status within the then Yugoslavia, and later, as Kosovo's autonomous status was curtailed from 1987 and then when Yugoslavia broke up in 1992, they called for full independence. After the effective revocation of Kosovo's autonomy, through the adoption of a new constitution in Serbia in September 1990, followed by a Kosovo Albanian boycott of Serbian elections, "emergency measures" were imposed in most of the public sector. Tens of thousands of Albanians were dismissed from their jobs, generally to be replaced by Serbs and Montenegrins. Kosovo Albanians, in a general policy of pacifist civil disobedience, started to establish parallel institutions, including their own president, a parliament, taxation and their own education system. (Further details on these political developments are given in Chapter 1, Kosovo: The historical and political background.)

Those working in the media became targets with the withdrawal or closure of publicly funded Albanian-language media from 1989 and the banning of key Albanian-language publications. Kosovo Albanian teachers were targeted when a parallel system of Albanian-language education was established in response to the 1990 publication of a new school curriculum for Kosovo to bring Albanian-language teaching into line with that in the rest of Serbia. It ended teaching in Albanian in most secondary schools in 1992, and cut Albanian-language teaching at Pristina University. Some 6,000 secondary school teachers and 800 university teaching staff, who failed to adopt the new curriculum, were sacked. Parallel health systems were established, often with the assistance of humanitarian groups such as the Mother Teresa Society, leading to the targeting of medical personnel. As the security situation deteriorated in 1998 Kosovo Albanian medical personnel were also presumed by the Serbian authorities to be providing medical assistance to the UCK.

By 1998 the polarization was complete and, in conjunction with an armed security crackdown against areas of UCK activity, many arrests were carried out. A notable case was in Urosevac/Ferizaj in June 1998, when some 11 human rights activists and LDK politicians, mostly the higher ranking in these organizations, were arrested in one operation (this case is described in greater detail in Chapter 10, Violation of the right to a fair trial, and in Part V in the entry for Urosevac/Ferizaj municipality.)

Following the deployment of the OSCE-KVM there were few political trials of prominent politicians or human rights activists, with the exception of the trial of the "Urosevac group" mentioned above and the case of Fatima Boshnjaku, who was executive manager of the Djakovica chapter of the Mother Teresa Society. Her trial is described below.

There were a number of killings and arrests of public figures during this period, notably the killing of a member of the Pristina branch of the Albanian Democratic Party (LBD), who on 27 February 1999 was found shot dead near a lake east of Batlava/Batlave (Podujevo). The OSCE-KVM went to investigate the site and found that the politician had been shot five times, and assumed that his body had been dumped there, since there was no evidence of shooting. Further indications as to who carried out the killing could not be found at the time.¹

The severity and number of incidents changed rapidly after the OSCE-KVM evacuated on 20 March. Given the history of the previous 10 years, it did not come as a surprise that many prominent figures were immediately targeted. These individuals can be grouped according to their respective professional responsibilities and status in Kosovo Albanian society.

First, they were the "professionals" and activists, such as politicians, religious leaders, lawyers, doctors, journalists, professors, teachers, students and human rights activists. Secondly, they were the people who were associated with the OSCE-KVM and other international organizations which were perceived as "the enemy". The last group of individuals who were specifically targeted were the rich, either because they were prominent in Kosovo society or by virtue solely of their wealth. Several statements refer to these groups as being especially vulnerable to Serb oppression.²

Different explanations can be given for this targeting. In general, the Serbs might have seen these different individuals as the "enemy" or as subversive elements, undermining Serb authority and dominance in the province. In other cases, especially where doctors or Mother Teresa Society workers were involved, they might have been connected with the UCK, which the Serbs viewed as a terrorist organization. The Serbs might have used their prominence in society to set a public example, to take revenge, or to terrorize the population and discourage future disruptive action. Lastly, the Serbs might have tried to break down the Kosovo Albanian leadership, and in this way leave Kosovo Albanians without representation in the future.

The UCK was held responsible for the abduction of among others seven Serbian Orthodox monks and a nun in July 1998.³ During the period of the OSCE-KVM's presence in Kosovo, the UCK was responsible for the abduction of some Kosovo Albanian politicians (mostly because of their presumed Serb alliances or sympathy).⁴

This section concentrates on those persons who were persecuted whose cases came to the attention of the OSCE-KVM. Other cases, where the individual and his or her fate were prominent enough to be recorded by the media or other sources and which later could be confirmed, are described only briefly.

Targeting of politicians and prominent individuals

Kosovo Albanian politicians were targeted throughout Kosovo. Serb perpetrators were responsible for the persecution of politicians at the "national", regional and village level. Most accounts are of victims who were members of or activists for the Democratic League of Kosovo (LDK-Lidhja Demokratike e Kosoves), which was founded officially in December 1989 and led by Ibrahim Rugova. Given the prevailing political climate, all Kosovo Albanian politicians belonging to either the LDK or to the smaller Kosovo Albanian parties had a well-founded fear of persecution and in many instances, once the OSCE-KVM evacuated, the politicians were the first victims of gross human rights violations.

Leading politicians, such as Ibrahim Rugova, were reported in the press to be under house arrest.⁵ Others went into hiding.⁶ Later Ibrahim Rugova emerged in Belgrade, where he was shown on television shaking hands with Slobodan Milosevic. At the time, the media reported that he was coerced into doing so. He was later allowed to leave for Italy with his family.

One of the most prominent members of the LDK was Fehmi Agani, aged 66, a former vice-president of the party, who was a sociology professor, a member of the Kosovo academy and one of the co-founders of the party. He belonged to the inner circle of LDK leader Ibrahim Rugova, and was working on the outline of a new constitution for Kosovo and a philosophy for a new and more just Kosovo society. One interviewee relates when he last saw the politician.

"... On 6th May 1999 the group was on a train and heading for the Macedonian border from Fushe Kosove [Kosovo Polje]. The train was stopped near the Macedonian border by Serbian forces and forced to head back to Fushe Kosove at about 13:00. Near Fushe Kosove the train was stopped and the passengers were forced out of the train and forced to lie in a muddy ditch after having the[ir] documentation taken by the police forces that were involved in the operation. The police had red and white ribbon on their left arms. The police then separated 20 men from the group and it appeared they were planning to kill these 20. The women and children started to scream and cry and the police officers seemed to change their minds. Two buses pulled up and half of the 20 were put on the first bus. In this first bus was Fehmi Agani, one of the leaders of the LDK and a member of the Rambouillet peace delegation. These buses headed for Prishtina [Pristina]. Three more buses were loaded with three hundred people and those people were taken to Lepane [Lebane]. Each passenger was forced to pay DM 50. Then they went on to Suhareke [Suva Reka]."⁷

Arrest, detention, torture and death of LDK secretary in Kosovo Polje/Fushe Kosove

Some 20 to 30 men (described as paramilitaries, MUP and VJ - wearing different uniforms, some masked) took into custody the local LDK secretary, his wife and a neighbouring Kosovo Albanian family, including the children, from their homes in Kosovo Polje on 27 March. In the police station all of the detained had to face the wall for about six hours. Apparently police from Serbia and/or State Security officers were present. The men were severely beaten, all in the same room.¹ The wife of the LDK secretary was made to clean the police station. Three hours later this woman asked a local policeman for help. The policeman answered that he had no competence over the police and paramilitaries from Serbia. However, the children and the woman were released that day after their money and jewellery had been stolen.²

The four men, including the LDK secretary, were released the next morning, 28 March, at 08:30 hours. The LDK secretary was not able to walk and his hands were black from the beatings. He had a large wound on his neck from cigarette burns. His stomach was distended and his ribs appeared to be broken. He vomited blood.³ Other relatives reported that he had said that the police demanded that he put on a Serbian military uniform and kill his family and accused him of being an UCK commander. He told his relatives that the police drove him several times somewhere for a mock execution.⁴ The family took the injured man to a village just outside Kosovo Polje, where he received medical assistance. On 3 April the family left to the former Yugoslav Republic of Macedonia, where he died of his injuries on 4 April in hospital in Tetovo.

¹ M/0527.

² M/1024; M/0142.

³ M/0641; M/0678.

⁴ M/0640 and M/0458 also include the name of the commander of the police station in Kosovo Polje.

This story is corroborated by other witnesses,⁸ that is, Fehmi Agani was seen by others getting on the bus; one interviewee says that Fehmi Agani was then taken off the bus by a civilian.⁹ Other versions of the story emerged to the effect that Fehmi Agani had got out of the train, was waiting in a field and was put in a private car and driven off.¹⁰ There were no witness statements from refugees as to what actually happened to him. He was later found dead. His son gave an emotional press conference in the Hotel Alexander Palace, Skopje, in the former Yugoslav Republic of Macedonia, announcing the death of his father but he was not able to give details of the circumstances.

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One of the most widely reported incidents after the first night of the NATO air strikes, 24 March 1999, was the killing of the prominent Kosovo Albanian lawyer Bajram Kelmendi. Although not a politician, he had strong ties with the LDK. He acted as a defence lawyer in almost all the "terrorist" trials which took place in Pristina and was also active in the local human rights non-governmental organization, the Council for the Defence of Human Rights and Freedoms. His wife (also a lawyer) was a secretary of the LDK. The day before his abduction, Bajram Kelmendi defended the Kosovo Albanian newspaper *Koha Ditore* in court, as described in Part V, in the entry for Pristina city.

On the night of 25 March, two cars stopped near Bajram Kelmendi's house. Around six men in blue camouflage approached the house, of whom around five actually entered by breaking the door.¹¹ The men demanded money and weapons; they then abducted Bajram Kelmendi and his two sons, one of whom had worked for the OSCE-KVM. On 26 March a relative found Bajram Kelmendi and his two sons on the road from Pristina to Kosovo Polje. Both sons had 15 bullet holes in their bodies; one had a finger cut off. The lawyer's body had 18 bullet holes. The same day a bomb was discovered underneath the staircase of Bajram Kelmendi's house; it was later removed by friends.¹²

There were many other accounts of regional and local politicians from around Kosovo who were targeted for particularly cruel treatment. A few were killed, notably the LDK president in Kosovska Mitrovica/Mitrovice and the LDK secretary in Kosovo Polje.¹³ Many political figures were arrested and beaten,¹⁴ or had their houses looted, burned or blown up.¹⁵ In one interview reference is made to a Serb "hit-list" of people who were to be executed.¹⁶ Prominent politicians were followed and visited by Serb police and civilians.¹⁷ The accompanying text box gives an example of the cruel treatment politicians received in police custody. It recounts the arrest on 27 March, the torture in detention and the subsequent death of the LDK secretary for Kosovo Polje.

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There are many statements describing the arrest and interrogation or detention of Kosovo Albanian politicians in the various municipalities in Kosovo. Well-documented were the arrests and treatment of some 10 Gnjilane/Gjilan political and human rights activists, who were rounded up and arrested around 10 May 1999. All of them were taken to prison, where they were ill-treated for weeks,¹⁸ suffering physical and mental torture, intimidation, malnutrition and extremely poor conditions of detention. Another well-documented arrest and imprisonment concerns a Kosovo Albanian politician from the Parliamentary Party (one of the smaller Kosovo Albanian political parties), who mentioned the names of other politicians who were incarcerated together with him in Lipjan prison.¹⁹ One interviewee stated that a Serb police officer mentioned a list of people who were to be arrested.²⁰

Position of religious leaders

Religion plays a major role in the cultural identity of the Serb nation, and was widely used in the nationalist campaigns of Serb politicians from the end of the 1980s. From the point of view of the Serbian Orthodox Church, emerging from the communist era at the end of the 1980s, its religious leaders suddenly found a willing ear and a means to re-establish their position in society. For this reason they started to associate with ethnically divisive forces. The Serbian Orthodox Church backed Milosevic in his campaign for "Greater Serbia" from the beginning of the 1990s. In Kosovo itself, "the cradle of the Serbian Orthodox Church", local Serb politicians were never consulted with regard to Serbian policy, and the bishop of Raska and Prizren, Artemije Radosavljevic, was the only local Kosovo representative in Belgrade with any authority. He gave the Orthodox Church in Kosovo an extra, political role. By 1998, fearing that Kosovo's Serbs would be the principal, long-term victims of conflict with Kosovo Albanians, the Church attempted to moderate Belgrade's hard-line position. Together with the leader of the Serb Resistance Movement in Kosovo, Momcilo Trajkovic, Bishop Artemije presented himself as an alternative Serb voice from Kosovo, calling for Serb-Kosovo Albanian co-existence and mutual tolerance.

On the part of the Kosovo Albanian "nation", religious identification was not particularly strong. Although most Kosovo Albanians are Muslim, there are Catholic and Orthodox Christian Kosovo Albanians. Religion did not play a major part in everyday life for most Albanians. There was a ceremonial role for the imam and *hodja* (also rendered as *hoca* or *hoxha*) at weddings, burials and other ceremonies. Islam exercised more moral authority in the villages than in the larger towns and cities. The Muslim religious leadership was nevertheless involved in organizing the parallel system of government which developed in the early 1990s, but their involvement faded for several reasons. The Rugova "government" did not want to be associated with the Islamic world, because it thought that the involvement of religious leaders would be a liability with regard to getting Western support. Further, their marginal role in society did not give the Muslim leaders the popular support needed to play a leading role in organizing the parallel system.

During the OSCE-KVM presence there were few reports of persecution of religious leaders or of those with a religious affiliation (although there are cases of the arrest, beating and harassment of Catholic Kosovo Albanians in Djakovica/Gjakove municipality, as described in the entry for that municipality). However, after the OSCE-KVM evacuation on 20 March 1999 there were a number of incidents reported where imams and *hodjas* were involved or where religious property was destroyed. The imams of Lausa/Llaushe (Srbica/Skenderaj) and Vlastica/Llashtice (Gnjilane/Gjilan), and the *hodjas* of Bela Crkva/Bellacerke (Orahovac/Rahovec) and Pojatiste/Pojatishme (Urosevac/Ferizaj) were reportedly killed²¹. An imam from Prilepnica/Perlepnice (Gnjilane) was reportedly taken hostage in order to persuade the villagers to leave²², and another imam from Velani district of Pristina was allegedly beaten and abducted²³. Also in Pristina, a hand grenade was thrown into the house of the mufti of the Kosovo Islamic Community²⁴.

Although the above incidents are significant, it has to be noted that the persecution of religious leaders does not appear to have been widespread. There does not seem to have been a concerted plan to undermine the Muslim religious leadership of Kosovo. There were also cases mentioned where the imam was able to negotiate on behalf of a group or to provide burial services²⁵.

The destruction of mosques was more widespread. They were destroyed during shelling campaigns²⁶ or when military equipment was put in the building²⁷ or when there was a deliberate attack on a mosque.²⁸ Some 200 mosques were allegedly damaged or destroyed²⁹.

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Targeting of doctors and other medical professionals

Persecution of medical personnel

International humanitarian law is clear: medical personnel can not be prevented from, targeted because of, or prosecuted for rendering medical assistance to the sick or wounded in armed conflict, regardless of who the beneficiaries may be.

Doctors and medical personnel were nevertheless targeted for human rights violations in Kosovo. The persecution of health professionals extended beyond their involvement as a leading group in society; they were also prosecuted for allegedly rendering medical assistance to the UCK.

Under the Criminal Code of the Federal Republic of Yugoslavia (KZSRJ), rendering assistance to those committing the criminal acts of "terrorism" (Article 125) or "subversive activity" (Article 136) was in itself a criminal act under Article 137, punishable by imprisonment of not less than one year.³⁰ The Yugoslav authorities considered medical supplies to be materials "rendering assistance", and prosecuted doctors under this charge. Fatima Boshnjaku, an activist of the Mother Teresa Society, was arrested on 12 July 1998 while delivering aid to a village in Djakovica, found guilty of organizing hostile activities under the KZSRJ and sentenced to seven months' imprisonment (as is also described in Chapter 10, Violation of the right to a fair trial). The examination of the accused focused primarily on whether the supplies being delivered were medical supplies or not; the court concluded that medical supplies had been among the assistance delivered.³¹

"Medical and religious personnel shall be respected and protected and shall be granted all available help for the performance of their duties. They shall not be compelled to carry out tasks which are not compatible with their humanitarian mission...."

Under no circumstances shall any person be punished for having carried out medical activities compatible with medical ethics, regardless of the person benefiting therefrom....

Medical units and transports shall be respected and protected at all times and shall not be the object of attack."

Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), Articles 9(1), 10(1) and 11(1).

Regardless of the other violations of the defendant's right to a fair trial in this case and the lack of evidence provided by the authorities, pursuing these charges violated international humanitarian law standards in themselves. The defendant should not have been put in a position where she faced imprisonment for ensuring that the wounded or sick had supplies necessary for their recovery, regardless of whether they were UCK or civilians of any ethnicity or nationality.

In another trial monitored by the OSCE-KVM, a doctor who had been arrested with 13 others in Oraovac/Rrahovec was prosecuted in Pec/Peja under Article 136 KZSRJ for "subversive activities," for allegedly joining the UCK and becoming a "terrorist doctor." The defendant denied he had been part of the UCK and said that he had worked in a local clinic which treated civilians, although he admitted that on one occasion in 1998 he had treated one person in uniform. Since he had "admitted" assisting the UCK, he was found guilty and sentenced to seven months' imprisonment.³²

On 28 February 1999 the OSCE-KVM was informed that an Albanian doctor from Sinaje (Istok) had been beaten and arrested by police, apparently only because he gave medical assistance to a

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Kosovo Albanian man earlier shot by police officers. As a result he sustained a broken rib and several chest injuries, and was accused of assisting terrorists and transferred to Pec prison³³

Doctors were also beaten on account of their work. On 14 January 1999 a Kosovo Albanian doctor on his way to visit an elderly woman patient was stopped at a police checkpoint on the Obilic-Podujevo road. Nine police in combat gear stopped him and started beating him with their weapons. When one policeman found his ID and doctor's bag he said, "He's a doctor. Kill the motherfucker! He is treating the terrorists." He was beaten until he lost consciousness, when the police left. Shortly afterwards the victim was able to drive home. When he reported the attack to the OSCE-KVM the following day he still had pains in his groin and abdomen, and abrasions on his neck were visible³⁴

Targeting of medical personnel after 20 March

When the NATO air strikes began on 24 March 1999 a Kosovo Albanian ambulance driver in Vucitn was told by police that he should no longer show up for work because he would treat UCK soldiers³⁵ Other Kosovo Albanian medical staff, who had managed to keep their jobs were also dismissed from their jobs at this time³⁶

Interviewees frequently reported that doctors were specifically sought out for expulsion or other human rights violations when armed forces came to their district or village³⁷ In Gladno Selo/Gllanaselle (Glogovac) Serbian forces who entered the village on 26 March specifically sought out a local doctor, who was later among those killed in the village³⁸ On 1 April Serbian forces came to Varos Selo/Varosh (Urosevac) in a civilian vehicle, shooting and searching for three doctors who lived on one interviewee's street. When the car returned the next day, the population fled in panic³⁹

In other places the killing of doctors left a particular impression on the interviewees, although they may not have been killed specifically because they were doctors. For example, in Slatina/Sllatine (Kacanik), an interviewee witnessed a doctor being killed. He said: "I saw from 200 metres the doctor being captured with his family. He was tied to a tree, beaten, his face was cut up with knives and then he was killed. All this was in front of his wife and children⁴⁰ There are numerous other accounts of doctors being killed⁴¹

Medical personnel were also targeted in other ways. In Kosovska Mitrovica/Mitrovice, a woman reported that armed masked paramilitaries in dark grey uniforms with bullet proof jackets came to the hospital in where her husband worked, looking for him. When they found him they took him into a room, accused him of helping the UCK, and beat and kicked him for about 10 minutes, when he was released and ordered to leave Kosovo within two hours. He reported the incident to the police, but they refused to help and told him and his family to go to the hospital and stay there because they "might" have to leave the following day. The couple then took a bus to the former Yugoslav Republic of Macedonia⁴²

In another case, three masked men dressed in black came to the house of one interviewee, a prominent doctor in Pristina, and beat the family members, including the interviewee's 70-year-old mother who was kicked all over her body. The men tried to rape the 44-year-old interviewee, but did not succeed, although the woman was kicked in the abdomen and trampled upon after the failed attempt. They also extorted money from the family⁴³

One interviewee, a (female) nurse for the Mother Teresa Society, went to the Society's office in Urosevac/Ferizaj as normal on 25 March. Four masked men in green camouflage came into the office and asked whether the drugs they had there were for the UCK. They then locked the nurse

talks. The Public Information Law itself and the way in which it was applied places restrictions on freedom of expression that go beyond what is permissible under international standards. *orig?*

In late March the printing houses of *Koha Ditore* and *Kosova Sot* were both looted and then burned down.⁵¹

Assaults on journalists

While the OSCE-KVM was in Kosovo it did not receive specific complaints from or about journalists who had been particularly targeted, except for the murder on 11 January of Enver Maloku, the director of the Kosovo Information Centre (a Kosovo Albanian news agency). This prominent figure, journalist and LDK supporter was shot in front of his house in the Suncani Breg/Bregu i Diellit district of Pristina when he returned from work. He died shortly afterwards in hospital.⁵²

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After the evacuation of the OSCE-KVM, journalists were attacked either because they collected evidence material or because they were suspected of writing pro-Albanian propaganda.

On 25 March three police officers arrested the editor of *Magazine Kosovare*, robbed him of money, documents and office keys, kicked him and beat him up with their rifles. Then another three men in black masks and in grey combat uniforms asked him his profession. He denied being a journalist and said he was working in a bar, but the masked men did not believe him and beat him with metal bars with screws attached to them. One of the men pointed a gun at his head, but the others said they wanted to beat him longer. The journalist was able to escape when they were distracted by something happening outside. At the end of March police allegedly also beat up a journalist from *Kosova Sot* for "doing good for the UCK".⁵³

In Urosevac in late March or early April a former journalist of RTV Pristina was abducted, reportedly by police, and shortly afterwards police planted an explosive device in his house. One interviewee found his body on the side of the road to Pristina.⁵⁴ Several other journalists, notably from the *Rilindija* newspaper and RTV Pristina were harassed by Serbian forces, for example in Vrbica/Verbice (Gnjilane/Gjilan), Srbica/Skenderaj, Kosovska Mitrovica/Mitrovica and Blace/Blace (Suva Reka).⁵⁵

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Others managed to stay safe by going into hiding. Veton Surroi, editor of the Pristina daily newspaper *Koha Ditore*, hid in Pristina throughout the period of NATO bombing. Baton Haxhiu, editor-in-chief of the same newspaper, also hid in Pristina for many weeks before eventually escaping to Tetovo in the former Yugoslav Republic of Macedonia.

Targeting of teachers and students

Kosovo Albanian teachers and students were only able to teach and learn under the most difficult circumstances. While it was present in Kosovo, the OSCE-KVM started a survey on the school situation and found that there were problems with respect to school accommodation for primary schools. There was a virtual system of "apartheid". Primary schools were either homogeneously Serb, with the Kosovo Albanian children situated in makeshift sheds or small housing, or there were mixed schools, where a small group of Serb children took up as much space or more in the building as a larger group of Kosovo Albanian children. As for secondary schooling, the situation was even more bizarre. There was no official secondary schooling in the Albanian curriculum. Albanian secondary schools were located in private houses, and the teachers, poorly paid through the "shadow system", were often not well qualified. Both teachers and students were reported to be harassed on their way to school, or they would be taken to the police station for "investigative talks".⁵⁶

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After the OSCE-KVM evacuated on 20 March, according to one statement police and paramilitary were looking for teachers in general.⁵⁷ In another statement it is narrated that the people in the village were forced to tell where the intellectuals lived, including teachers.⁵⁸ Yet another statement says that Serb paramilitary forces used a list with names of so-called "intellectuals" to identify individuals to be killed. Among those on the list were teachers.

On approximately 13 April I witnessed the execution of two [male Kosovo Albanian] teachers from Pristina who were in the school in Gillogofe [Glogovica, Pristina]... Four paramilitaries entered the school and said that the teachers were on the list for execution. They were killed 100 metres away from the school. I heard the shots and saw the bodies later.⁵⁹

One example of the way in which teachers could be treated is given in the following account:

On 27 March 1999, at approximately 15:00, 43 tanks arrived and surrounded the village of Cerkolez [Crkolez (Istok)]... Police and paramilitaries, wearing masks, entered Padalishte near Cerkolez [but in Srbica], and went into the house of the teacher [name mentioned]. The forces took his three young children and told the teacher to cut off the heads of the children. The man refused, and the police killed the three daughters by cutting their throats.⁶⁰

Several statements referred to the profession of the victim, as a teacher or an "intellectual", when the motivation for a killing was given.⁶¹ In other cases teachers were mentioned as victims, but as part of a larger group which was being assaulted. In the latter case it is apparent that although the profession of teacher made the victim stand out for the interviewee, this was not necessarily the case for the assailant. Altogether some 30 statements refer to the killing of teachers. They were also beaten,⁶² arrested⁶³ or expelled.⁶⁴

Students were targeted in Pristina. There are several accounts of students who were visited in their student quarters by police or paramilitary forces.⁶⁵ Male students were reportedly beaten and interrogated.⁶⁶ Some were expelled,⁶⁷ some arrested,⁶⁸ and some were killed.⁶⁹ Some female students were allegedly sexually assaulted.⁷⁰

The most prominent of the students was the student leader and spokesperson, Albin Kurti. On 25 March, police forced him and his father, who was a member of the Parliament Party, and two others (including a 10-year-old boy) out of a house and abducted them. They subsequently were seen in Lipljan prison, but their fate thereafter was not known.⁷¹

Targeting of human rights activists and NGO workers

People who worked for NGOs, especially those associated with the Kosovo Albanian human rights NGO, the Council for the Defence of Human Rights and Freedoms (CDHRF), and the Mother Teresa Society (MTS) were targeted by Serbs, because they were considered to be subversive elements.

The CDHRF was closely linked to the LDK, and activists of the organization had been arrested and tried before, indicted with subversive activity.⁷² After the OSCE-KVM evacuated, human rights activists were among the first group of people to be targeted. Their houses were burned⁷³ and some were killed,⁷⁴ while others were arrested, beaten and imprisoned.⁷⁵ Several statements refer to the generally precarious position of human rights activists.⁷⁶

MTS workers were accused of collaborating with the UCK, by bringing them food, medicines and

information⁷⁷ In one account an MTS worker from Vrnica/Vernice (Vucitrn) states that he had heard from his Serb neighbour that he was on a list to be executed⁷⁸ In other statements MTS workers are mentioned as being a specific group in society targeted by the Serbs⁷⁹ MTS offices and warehouses were reportedly looted and burned, or otherwise destroyed.⁸⁰ There are a few accounts of the individual targeting of MTS workers, notably the president of the MTS in Kosovo Polje was killed in his yard on 24 March. There are reports of the killing of three MTS workers in Leskovcic/Lajthishte (Obilic) on 18 April, two in Crkvena Vodica/Palaj (Obilic) on 17 April, and one in Novo Cikatovo/Cikatove e Re (Glogovac) on 22 March.⁸¹ In Urosevac, a female nurse and a female doctor were assaulted by paramilitaries⁸² Others went into hiding, such as the head of the MTS in Djakovica.

Targeting of OSCE-KVM associates ⁸³

While the Kosovo Albanian population explicitly welcomed the OSCE-KVM presence, the attitude of Serb civilians was only initially tolerant. After the Racak massacre on 15 January 1999, the attitude of the Serbs became more obstructive and sometimes even violent, since the mission was perceived as being pro-Kosovo Albanian. In Pristina on 20 January Serb civilians attacked a local OSCE-KVM interpreter. In Podujevo/Podujeve on 21 February the police physically assaulted two international staff members. On the same day Serb civilians in Lipjan/Lipjan threatened Kosovo Albanian local staff. During March a few OSCE-KVM patrols were attacked in Pristina municipality and on 12 March a vehicle was stoned. In Kosovska Mitrovica/Mitrovica an aggressive attitude was noted. The harassment was mostly not very serious and appeared primarily intended to intimidate and/or inflict minor injuries. For its part the UCK started to threaten Russian, Belarussian, and Ukrainian international staff⁸⁴ Although both sides were constrained by the presence of the international community at this stage, there was nevertheless no doubt that local Serb as well as local Kosovo Albanian interpreters were in some situations afraid for their own security and preferred not to work in particular places.

Days after the OSCE-KVM evacuated on 20 March, Serbian forces killed the owner of the OSCE office and accommodation in Suva Reka/Suhareke together with his whole family (see Part V, entry for Suva Reka municipality). The son of the owner of the OSCE-KVM office in Kacanik/Kacanik, a pharmacist, was killed. An OSCE-KVM interpreter from Djakovica was reportedly killed and another was among a group of 120 IDPs who were arrested in Vrani Do/Vranidholl (Pristina/Prishtina) and then detained in the main police station in Pristina in early May. What happened to this man is unknown. At the time of writing this report, one former OSCE-KVM security guard from Pristina was still in detention in a prison in Serbia proper⁸⁵

On 1 April, VJ and a special anti-terrorist unit arrested a local OSCE-KVM employee in Pristina "because he worked for Walker" (i.e. Ambassador William Walker, the head of the OSCE-KVM). They brought him to the "Army Club", the VJ Centre near the Grand Hotel, and VJ forces kept him in the basement and interrogated him about other OSCE-KVM staff, asking him to write a list with all local staff of international organizations still in the area. Since he did not do so, he was beaten by the VJ. They drove him to the Grimija district of Pristina and subjected him to a mock-execution. Then he was brought back to Pristina and summoned to the police station for the next day, when an inspector of the State Security Police (DBS) told him to leave the country⁸⁶

OSCE-KVM premises were usually among the first to be completely looted. The destruction of the OSCE-KVM office and house in Stimlje/Shtime was a typical example. On 25 or 26 March 30-50 policemen, VJ and Serb civilians raided the house. They looted everything the verifiers had left and took the owner of the house to the Urosevac/Ferizaj police station, saying that he had to put on his jacket, "because Walker was waiting for him". The man was beaten, kicked and released later the same day. A couple of weeks after this incident, the house was totally reduced to

rumble.⁸⁷ The OSCE-KVM office in Urosevac/Ferizaj was mined and blown up.⁸⁸ In Dakovica/Djakova the first immediate consequence of the OSCE-KVM evacuation seems to have been the systematic targeting of local staff and local Kosovo Albanian with close relations to the OSCE-KVM.⁸⁹

Any Kosovo Albanians who were somehow connected with the mission faced the possibility of being attacked because of their ties to the OSCE-KVM. Even Kosovo Albanians who had been seen reporting an incident to the OSCE-KVM were "punished".

"... Police came [on 22 March] to my house and asked why I had been going into OSCE building in Mitrovica [Kosovska Mitrovica]. They took me without clothes to the police station and they beat me. They put me in a tank of water for 24 hours and demanded to know why I had been going in the OSCE building. They showed me photographs of me going into the building.. They also had pictures of my wife going to OSCE. I told "We were going to OSCE to try to get medical help for our son." The police told me if I reported to OSCE that they had beaten me, they would kill me... I also saw the police shoot and kill the ... family. They killed this family because the family owned stores where many OSCE internationals shopped. The police who did this were wearing masks."⁹⁰

There are other examples of "punishment" for even tenuous links with the OSCE-KVM. One concerns the only Kosovo Albanian employee of an investment company (Sluzba Drustvenog Kontabiliteta), who was found dead on 24 March. A week before his death he was constantly harassed at checkpoints in Pristina, where he was asked whether he was related to Ambassador William Walker's personal interpreter (which was in fact so). One day he did not come back from a night shift and his body was found on the road from Pristina to Kosovo Polje.⁹¹ Another example concerns a man in Pristina whom the VJ beat up severely and accused of being a terrorist because they found the visiting card of an international staff member in his wallet, which had been given to him when he worked as a waiter in the Hotel Dea in Pristina.⁹²

Targeting of the wealthy

Rich people in general made for abundant loot and were therefore targeted by both Serbian/Yugoslav forces and Serb civilians. Shop-owners and businessmen were particularly targeted, because of the abundance of loot in the shops and factories (see also Chapter 12, Deliberate destruction of civilian property, looting and pillage).⁹³ Rich people were also known to support the "parallel system" by providing funding and accommodation, for instance for secondary schooling and offices, and they were in general more prominent and visible in society. The international media reported on lists of rich people which had been drawn up with the help of the local authorities long before OSCE-KVM had evacuated,⁹⁴ but there are no witness accounts that directly corroborate this. However, it was not surprising that wealthy Kosovo Albanians were targeted. One victim felt that "he was maybe targeted because he was rich"⁹⁵ One interviewee describes how on 23 April he saw masked Serb paramilitaries force a man and a woman to take off their clothes in Konjuh/Konjuh, a predominantly Kosovo Albanian village just outside Lipjan. The paramilitaries tied them up and then put a handgrenade in their son's mouth. Then they forced the couple to tell them where the richest Kosovo Albanian families lived in the village, who were then beaten.⁹⁶

Envy could also be a motive. One man describes how 10 paramilitaries in various uniforms killed three members of his family when they were gathered in his yard in early April in Sojevo/Sojeve (Urosevac). They were heard saying "... look what nice shoes you have and what crappy shoes we have. You all lived abroad and got rich. Now you have to leave."⁹⁷

Notes

¹ OSCE-KVM, RC5, CC-01 "Weekly Report No.1, 26 February-4 March 1999".

² A/0414; M/1164; M/1504.

³ They were later released after representations from the International Committee of the Red Cross and Crescent Societies. Amnesty International "A Human Rights Crisis in Kosovo Province: Orahovac, July-August 1998 - Deaths, displacement, detentions: many unanswered questions", August 1998.

⁴ See, for instance, the entry on Kacanik municipality.

⁵ M/0276.

⁶ Examples are (i) Adem Demaci (founder of the CDHRF, and a general political representative of the UCK whose influence diminished, however, after the Rambouillet negotiations); (ii) Hydajet Hyseni (a leading figure in the Albanian Democratic Movement (LDSh), itself part of the United Democratic Movement (LBD), currently "deputy foreign minister" in the "provisional government" of Kosovo); (iii) Bajram Kosumi (leader of the Parliamentary Party of Kosovo (PPK), also part of the LBD, and "minister for information" in the "provisional government").

⁷ A/0440.

⁸ A/1111; M/1714.

⁹ OSCE-KVM, SK-814 Statement.

¹⁰ OSCE-KVM staff member account.

¹¹ M/1620, The perpetrators were described as police. They were in blue camouflage uniform, with white eagle patches on the arm. The police also had automatic guns with silencers and masks.

¹² A/0249; A/0550; M/0052; M/0139; M/0150; M/0167; M/0335; M/1222; M/1354; M/1620.

¹³ Killed: A/0405; M/0140; M/0168; M/0435; M/0597; M/0646, referring to a politician from Urosevac, disappeared and was later found dead. M/0641, referring to an LDK secretary and member of CDHRF; M/0265; M/0510; M/0614, referring to the president of the Mother Teresa Society in Kosovo Polje; M/1457; M/1723.

¹⁴ Arrested and tortured: A/0708; M/0700; M/1467; M/1712; M/1777; M/1786.

¹⁵ House destroyed: M/0237; M/0260; M/0325; M/0417; M/0529; M/0597; M/0614; M/1100; M/1446.

¹⁶ M/0140.

¹⁷ M/0346; M/1526.

¹⁸ M/1786; OSCE-MiK, GN/0001/99.

¹⁹ M/1712. The story is corroborated by M/1739.

²⁰ M/1786.

²¹ M/0025; M/0457; M/0792; M/1333.

²² M/0218; M/0219; M/0221; M/0500. Similarly, in Oraovica (Presevo municipality of Serbia proper, bordering south-east Kosovo) the *hodža* had to announce from the minaret that all villagers were to stay in their houses M/1489.

²³ M/1113.

²⁴ M/1354.

²⁵ M/0647; M/0814; M/1484.

²⁶ A/0742; M/0296; M/0591; M/0947; M/1016; M/1215.

²⁷ M/0212; M/0289.

²⁸ A/0103; M/0201; M/0404; M/0457; M/0565; M/1460; M1540.

²⁹ Statement of the Presidency of the Islamic Community of Kosovo on 25 August 1999.

³⁰ "(1) Whoever conceals, shelters or gives food, material, money and other means to the perpetrator of a criminal act referred to in [Article] 136 ... of this law, whoever serves him in maintaining liaison, undertakes actions aimed at obstructing the discovery or apprehension of the offender, or renders him assistance in any other way, shall be punished by imprisonment for not less than one year." (Article 137, KZRSJ). See also Chapter 10, Violation of the right to a fair trial.

³¹ Djakovica Municipal Court, trial of Fatima Boshnjaku, 17 February 1999.

³² District Court Pec K 144/98, OSCE-KVM, RC3, "Pec Trial Monitoring Case 19", 15-17 February 1999.

³³ PE/05/022/99.

³⁴ PR/0023/99.

³⁵ A/1123.

³⁶ For example, M/0320 (27 March, Pristina city); M/0823 (29 March, Kacanik town). See also Gnjilane municipality for harassment of Kosovo Albanians in Gnjilane hospital. No others specifically said that they were dismissed because they might render assistance to the UCK.

³⁷ M/1164 reported that villagers in Vladovo/Lladove (Gnjilane) were beaten on 24 March 1999 because they refused to supply the addresses of doctors and other prominent personalities lived in the village.

³⁸ M/1294, M/1023, M/1423 and M/1774 were also from villages in Glogovac municipality and described a man of a similar name being killed, although in a different place. They did not mention whether the individual was a doctor and so could be referring to a different incident.

³⁹ M/0189.

⁴⁰ M/0759, M/0370 and M/0963 had also heard about the killing of this doctor, and a killing described by M/0417 may have referred to the same incident (the interviewee provided a different surname, but the account, which was hearsay, was similar in all other respects).

⁴¹ A well-known doctor was also killed in Kosovo Polje town with 11 other people in his clinic on 29 March 1999 (M/0627). Doctors were killed in other locations where interviewees did not provide information on whether they believed they had been specifically targeted because of their profession, but where the fact that doctors had been killed was clearly registered. In Velika Krusa/Krushe e Madhe (Orahovac) on 26 March 1999 (A/0136); in Djakovica/Gjakove (A/0845; A/1109; A/0242, these may have been different incidents) and in Grastica/Grashtice (Pristina) on 20 April (M/1229).

⁴² M/0708.

⁴³ The interviewee implied, but did not state, that she believed that the reason they came to her house was because of her occupation. M/1065.

⁴⁴ M/0514.

⁴⁵ M/1706, M/1786 saw the doctor in Gnjilane prison before he was released on 5 June 1999.

⁴⁶ A/0577.

⁴⁷ The editor and the publisher of the newspaper were summonsed through the media, which is in accordance with Article 72 of the Public Information Law. However, summonsing through the media is not a reliable system for bringing the imminent hearing to the attention of the publisher, see Council of Europe, "Expert Opinion of the Serbian Public Information Law (1998), Strasbourg, 19 November 1998",

<http://www.freeb92.net/media/legalrepression/word/andrew-nicol.doc> The Council of Europe in this expert opinion and the Belgrade Centre for Human Rights, in "Human Rights in Yugoslavia 1998", Belgrade 1999, argue that the law is inconsistent with the International Covenant on Civil and Political Rights.

48 Article 67 (1) Public Information Law states that for publicizing information which calls for the forceful overthrow of the constitutional order, jeopardizing the territorial integrity and independence of the Republic of Serbia and the Federal Republic of Yugoslavia, violating guaranteed freedoms and rights of Man and the citizen, or causing national, racial or religious intolerance or hatred (Article 42), punished for the misdemeanour will be (i) the founder and publisher - with a fine of 400,000.00 to 800,000.00 new dinars; (ii) the party responsible to the founder and publisher and the editor-in-chief - with a fine of 100,000.00 to 400,000.00 new dinars. Article 72 of the Law on Information states that appeal does not suspend the execution of the judgement.

49 OSCE-KVM, RC 5, "Weekly Report 13-19 March 1999"; OSCE-KVM, RC 5, "Incident Report 18 March 1999".

50 Associated Press: "Leading ethnic-Albanian newspaper in Kosovo accused of inciting 'racial hatred'", 22 March 1999. Allegedly Thaci accused the Serb state of genocide against the Albanians in Kosovo in the contested article.

51 M/0163; M/0167; M/0432; M/0525.

52 PR/00/0002/99; OSCE-KVM, "RC 5 Weekly Report 11-17 January 1999". In July 1998 someone had already tried to kill the journalist. The OSCE-KVM found that the police failed to investigate the crime scene properly.

53 M/0239; M/0355.

54 M/0237; M/0417; M/0818 (explosion caused by four masked paramilitaries); M/0920.

55 M/0769; M/1117; M/1314 (the journalist was also a LDK supporter); M/1477 (the journalist was allegedly abducted by UCK); M/1700.

56 OSCE-KVM, RC5, CC Urosevac, "Human Rights Weekly Report", 3 March 1999; OSCE-KVM, RC5, CC Urosevac, "Human Rights Weekly Report", 18 March 1999.

57 A/0931.

58 M/1164.

59 M/1411.

60 A/0640.

61 Including A/0414; A/0640; A/0644; A/0931; A/1100; M/0540; M/0565; M/1055; M/1106; M/1159; M/1292; M/1293; M/1411; M/1457; M/1460.

62 A/0644.

63 M/1293.

64 A/0971; M/0417.

65 "113"; A/0322; A/1046; M/0578; M/1521.

66 "113"; A/0322; M/0578; M/1120; M/1243; M/1521.

67 "113"; A/0322; M/0578.

68 A/1046; M/1101; M/1120; M/1521; M1801.

69 M/1186; M/1495.

70 M/1155; M/1521.

71 M/1101; M/1712.

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⁷² For further details see Chapter 10, Violation of the right to a fair trial.

⁷³ A/0045; M/0176.

⁷⁴ M/0641, most notably the LDK Secretary of Kosovo Polje/Fushe Kosove, who was also CDHRF member. Case is mentioned under subheading "Politicians" above; A/1122, killing of member of CDHRF in Klina/Kline.

⁷⁵ M/1734, Lipljan prison; M/1786, Gnjilane prison.

⁷⁶ A/0045; M/0597; M/1373.

⁷⁷ M/0514; M/1230.

⁷⁸ M/0140.

⁷⁹ A/0006; A/0062; M/1504.

⁸⁰ M/0563; M/1124, Pristina/Prishtina, on 30 March or 01 April; M/0529, Obilic/Obiliq, around 27 March; M/0717, Glogovac/Glllogoc, around 03 May; M/0525 Kosovo Polje/Fushe Kosove, around 25 April; M/0112; M/0349, Stimlje/Shtime, on 25 or 26 March; M/0180; M/0191; M/0417 (medical centre); M/1100, Urosevac/Ferizaj, around 27 March.

⁸¹ M/0350; M/1125; M/1149.

⁸² M/0514, see also under subheading "Targeting of doctors and other medical professionals".

⁸³ An earlier mission of the OSCE was aborted in July 1993; it also had an immediate negative impact on the human rights situation in the region. Former local staff of the mission and other Kosovo Albanians who were associated with the mission were interrogated, detained and beaten. Stefan Troebst, *Conflict in Kosovo: Failure of Prevention? An Analytical Documentation, 1992-1998*, European Centre for Minority Issues, 1998, p. 38.

⁸⁴ OSCE-KVM, RC 5, "Weekly Report 27 February- 6 March 1999", OSCE-KVM Headquarters, "Fusion Report Blue Book", 8 January, 21 February, 2,3,5,13 and 14 March 1999.

⁸⁵ A/0103; A/1100 (Suva Reka); M/0259; M/0544; M/0565 (Djakovica); M/0777; M/0924; M/1602 (Kacanik); M/1780 (Pristina).

⁸⁶ M/0335.

⁸⁷ M/0104; M/0112; M/0114; M/0861; M/0935; M/1022.

⁸⁸ M/0233; M/0322; M/0400; M/0843; M/1079; M/1192; M/1607.

⁸⁹ A/0008; A/0010; A/0283; A/0368; A/0457; A/0693; M/0910; PE/0014/99.

⁹⁰ A/0335.

⁹¹ M/0241.

⁹² M/1050.

⁹³ A/0312; M/0379; M/1149; M/1311; M/1405; M/1722.

⁹⁴ Newspaper article on paramilitaries by Petra de Koning, *NRC Handelsblad* (The Netherlands), 17 July 1999.

⁹⁵ M/0877.

⁹⁶ M/0873.

⁹⁷ M/1406.

