



KOSOVO / KOSOVA

As Seen, As Told

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**An analysis of the human rights findings of the
OSCE Kosovo Verification Mission
October 1998 to June 1999**

The OSCE Kosovo Verification Mission (OSCE-KVM) was created in October 1998 as part of the international response to events in Kosovo. Recognizing that the Kosovo crisis was in large part a human rights crisis, the mission had a mandate to monitor, investigate and document allegations of human rights violations committed by all parties to the conflict. By the time the OSCE-KVM stood down on 9 June 1999, its Human Rights Division had amassed hundreds of in-country reports, and had taken statements from nearly 2,800 refugees.

This report presents a comprehensive analysis of the human rights findings of the OSCE-KVM. It gives an overview of the nature of the human rights and humanitarian laws violations in Kosovo. It looks at the specific impact of those violations on different groups in Kosovo society. It also gives a geographical human rights "map", describing events in hundreds of towns and villages throughout Kosovo.

The analysis reveals a pattern of human rights and humanitarian law violations on a staggering scale, often committed with extreme and appalling violence. The organized and systematic nature of the violations is compellingly described. Surveying the entire period of the OSCE-KVM's deployment, it is evident that human rights violations unfolded in Kosovo according to a well-rehearsed strategy.

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THE MUNICIPALITIES

A human rights map of Kosovo October 1998 to June 1999



The purpose of this section is to give a detailed "map" of human rights and humanitarian law violations in Kosovo, as they were observed by and reported to the OSCE-KVM. It indicates the impact of the conflict, as it unfolded during the time that the OSCE-KVM was operational, on hundreds of communities, large and small, throughout Kosovo. It describes changes in patterns of human rights violations over the reporting period. It also seeks to place the reported human rights violations against the background of the prevailing local security situation, and what can be surmised of the military objectives being pursued by both parties to the conflict.

All 29 of Kosovo's municipalities have a separate entry here, presented alphabetically; in addition there is an entry for Pristina/Prishtina city. In the reporting period not all were affected on an equivalent scale, or in the same way.

Each municipality entry opens with basic population data, followed by a brief description of the security and human rights climate prevailing at the time of the OSCE-KVM's deployment. Thereafter, events in the municipality are surveyed, location by location, drawing on the information gathered by the OSCE-KVM while deployed inside Kosovo, and on statements given by refugees to the OSCE-KVM after its evacuation.

The information presented here deriving from refugee statements (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/) should be read with the clear understanding that this is as it was recounted to the OSCE-KVM (see also the "Methodology" section in the Introduction, and Chapter 2: The OSCE-KVM human rights operation). In many cases descriptions are based on the statements of several victims or witnesses to the same incident. Other descriptions are based on the statement of one person only. This is made clear in the text and/or by the footnotes. 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 in the details given by

different interviewees about particular incidents.

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-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 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.

It must be stressed, however, that it has not been possible to verify fully the mass of information available, especially as the OSCE has been confronted since its re-entry into Kosovo with the priority need to address a continuing serious human rights situation there, of a quite different but often no less grave character than the one described here. The OSCE is developing further human rights reporting on Kosovo to bring to public attention the continuing human rights violations there. The information and statements gathered by the OSCE-KVM both in Kosovo and among refugees nevertheless present a clear and credible picture of the situation inside Kosovo from October 1998 to 9 June 1999.

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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.

The OSCE/ODIHR is grateful for the advice and assistance of staff of the International Criminal Tribunal for the former Yugoslavia (ICTY) in the development of this report.

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



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.



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/Vushtrri 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.



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
<i>Hoja (hodja or 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>Socijalisticka 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 Chechoslovakia
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

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Kosovo

Administrative divisions

Note:

All municipalities have the same name as the main town or village, except the southernmost, centred on Dragas/Dragash village, 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 contains two links - the Pristina/Prishtina city only and the municipality excluding the city



Serbia

Montenegro

Rozace

Istok/Istog

Zubin Potok

Zvečan

Kosovska Mitrovica/Mitrovica

Štërkovica

Podujevo/Podujeve

Vucitrin/Vushtri

Srbica/Skenderaj

Obiliç/Opiliq

Kolç

Pristina/Prishtina

Kosovska Kamenica/Kamenice

Novo Brdo/Novberdë

Glogovac/Gillogoc

Kosovo Polje/Fushe Kosove

Kina/Kine

Lipjan/Lipjan

Decani/Decane

Jurk

Rakovina

Drahovac/Drahovec

Stipoc/Shterpcë

Gnjilane/Gjilan

Djakovica/Gjakova

Rogovo

Suva Reka/Suhareke

Uroševac/Ferizaj

Vitina/Viti

Prezevo

V. Krupa

Stipoc/Shterpcë

Kacanik

General Ankoçic

Prizren

Zur

Vibrica

Draga/Drage

Skopje

Albania

North

0 20 Kms

The Former Yugoslav Republic of Macedonia

Kosovo: Main road communication routes





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 air campaign, 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.

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