



Dealing with the past, surviving the present:

Situation and needs of civilian war victims in Serbia, Kosovo and North Macedonia

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Abbreviations

| | |
|---------------|---|
| BiH | Bosnia and Herzegovina |
| CSO | Civil society organisation |
| DDR | Disarmament, demobilisation and reintegration |
| DP | Displaced person |
| FRY | Federal Republic of Yugoslavia |
| HLC | Humanitarian Law Centre |
| HRW | Human Rights Watch |
| ICMP | International Commission for Missing Persons |
| ICRC | International Committee of the Red Cross |
| ICTY | International Criminal Tribunal for the Former Yugoslavia |
| IDP | Internally displaced person |
| JNA | Yugoslav People's Army |
| NATO | North Atlantic Treaty Organization |
| NGO | Non-governmental organisation |
| OSCE | Organization for Security and Co-operation in Europe |
| RECOM | Regional Commission for Establishing the Facts about War Crimes and Other Serious Human Rights Violations |
| SGBV | Sexual and gender-based violence |
| TJ | Transitional Justice |
| UNDP | United Nations Development Programme |
| UNHCR | United Nations Commissioner for Human Rights |
| UNOCHA | United Nations Office for the Coordination of Humanitarian Affairs |
| | |
| Serbia | |
| LAPMB | Liberation Army of Preshevo, Medvedja and Bujanovac |
| | |
| Kosovo | |
| CC | Coordinating Council (of Kosovo Missing Family Members' Associations) |
| EULEX | EU Rule of Law Mission in Kosovo |
| KFOR | Kosovo Force (peace support mission led by NATO) |
| KLA | Kosovo Liberation Army |
| KRCT | Kosova Rehabilitation Centre for Torture Victims |
| MPRC | Missing Persons Resource Centre |
| TRC | Truth & Reconciliation Commission |
| UNMIK | United Nations Interim Administration Mission in Kosovo |

North Macedonia

| | |
|----------------|---|
| DPA | Democratic Party of Albanians (original: Partia Demokratike Shqiptare) |
| DUI | Democratic Union for Integration (original: Bashkimi Demokratik për Integrim) |
| NLA | National Liberation Army (original: Ushtria Çlirimtare Kombëtare) |
| OFA | Ohrid Framework Agreement |
| PDP | Party for Democratic Prosperity (original: Partia për prosperitet demokratik) |
| SDSM | Social Democratic Union of Macedonia (original: Socijal demokratski sojuz na Makedonija) |
| VMRO-DPMNE | Internal Macedonian Revolutionary Organisation – Democratic Party for Macedonian National Unity (original: Vnatrešna makedonska revolucionerna organizacija – Demokratska partija na makedonsko nacionalno edinstvo) |
| ZUVO 2001–2002 | Association of participants in the armed actions in defence of the sovereignty of the Republic of Macedonia 2001–2002 (original: Združenie na učesnici vo vooruženite dejstvija pri odbrana na suverenitetot na Republika Makedonija 2001–2002) |

Introduction

The Western Balkans still grapple with the aftermath of the wars that took place between 1990 and 2001. While the war-affected countries have developed economically and in terms of institution building and overall stability, the legacy of the conflicts has not been dealt with effectively and still impacts and shapes social relations between different ethnic groups. These underlying social tensions are entrenched in the social fabric of the Western Balkans and are a key factor in regional politics. As such, although the Western Balkans have moved on from the period of violence, they have not yet transformed into peaceful societies. Alongside good governance and economic development, the transformation of these countries into democratic and peaceful societies is an important element in realising their aspiration to become members of the European Union (EU). The explicit aim of the EU's enlargement policy for the Western Balkans is to firmly anchor peace by restoring trust among citizens and societies, facilitate reconciliation and good neighbourly relations, and ensure lasting stability.

During the past 20 plus years, there have been several initiatives in the Western Balkans to deal with the wartime past. Transitional justice (TJ) measures have focused especially on war crimes tribunals/ courts and institutional reforms, both of which are relevant to TJ but on their own are not enough to realise social transformation within war-affected societies. Other TJ initiatives have included fact finding on missing persons by, among others, the International Committee of the Red Cross (ICRC) and the International Commission on Missing Persons (ICMP). Of the initial 40,000 cases of missing persons, 70 per cent have been accounted for, with about 10,000 persons still missing in the region. These unresolved cases remain a trauma for the families and broader communities.

Civil society in the region has also undertaken many TJ initiatives, for example on documentation, truth finding, memory books, memorialization and facilitating dialogue between different ethnic groups. Because these initiatives are usually small scale and limited in scope, their transformative impact is also limited. A regional network of civil society organisations, the Coalition for RECOM, campaigned for the establishment of the Regional Commission Tasked with Establishing the Facts about All Victims of War Crimes and Other Serious Human Rights Violations Committed on the Territory of the Former Yugoslavia from 1 January 1991 to 31 December 2001 (RECOM). Unfortunately, the process faced many challenges and has come to a halt. In March 2022, however, within the EU-funded sub-granting programme “Supporting Grass-root Civil Society Actors in Transitional Justice Initiatives and Confidence-building in the Western Balkans – RECOM Reconciliation Network”, five initiatives were selected from the first call for proposals.¹

A major factor hindering social change in the Western Balkans is the fact that current national political structures are often related to former political or military factions that were actively involved in the violent conflicts. Most countries in the region struggle with widespread denial of war crimes,

¹ Forgotten Children of War Association (Bosnia and Herzegovina) and Symbols of the Lost Past project; GAIA (Kosovo) and Challenging Propaganda through Remembrance project; Advocacy Center for Democratic Culture – ACDC (Kosovo) and Dealing with the Past and Reconciliation in Kosovo through Raising Awareness on Missing Persons Issue project; Vojvodina Civic Centre (Serbia) and short movie 'Milena'; Comic Centr of Macedonia (North Macedonia) and All we are saying is 'Give reconciliation a chance' project.

falsification of history, and strengthened ethno-nationalist politics. During the entire post-war period, the victims of war have played only a marginal role. In this polarised context, most victims' groups have not been able to document or share their experiences or find truth or redress. They have not been equipped to raise their voices. Women victims, especially, have had hardly any space to gain recognition, acceptance or redress. Women have been seen mainly as victims of war-related sexual violence, which is only recently becoming destigmatised. However, in addition to being recognised, women need to be supported to participate fully in dialogues about the past – not just as victims. In general, TJ initiatives have barely addressed the issue of gender norms, which have resulted in women's broader experiences, position and needs being overlooked.

War victims are faced with numerous issues: lack of justice and a very weak position in criminal trials; poor state support, including financial and material reparations; poor donor support; and a general lack of sympathy in a society that chooses not to see the victims and their problems. In general, victims' associations are institutionally weak and unable to start or run serious advocacy or other campaigns. The victims' groups usually lack basic knowledge about TJ and most officially registered organisations lack basic institutional capacities and a strategic approach. Many victims' groups are polarised and politically influenced; their discourse is often based on emotion and hatred of "the other". In such a context, it is difficult for victims to find support or justice, or to share their stories. At the same time, no progress has been made at the society level to deal with the past.

This study looks at the social situation and position of war victims in Serbia and Kosovo,² and of groups affected by the armed conflict in North Macedonia, as well as their specific needs and challenges. These three countries present different and interesting context-specific circumstances. Serbia was a main actor, involved in four ex-Yugoslav wars between 1990 and 1999, which affected all parts of Serbian society. Several hundred thousand people were directly involved in war operations and many civilians suffered, including deserters, anti-war activists and war journalists. There are hardly any victims' associations in the country, and discourse about the past is shaped by ethno-nationalist politicians who are not supportive of the basic principles or processes of TJ, such as establishing the truth and securing justice. The vast majority of victims in Serbia (including victims of war crimes committed by Serbian forces) are left without legal protection. The 1998–1999 Kosovo conflict reached all regions of Kosovo, affecting the lives of its entire population. The conflict further exacerbated already tense relations between the Albanian and Serb populations. Overall, public discourse is controlled by the political elites in Kosovo and Serbia, which continues to affect relations between the Kosovo-Albanian and Kosovo-Serb communities. Over the past 20 years, several mechanisms were designed to deal with the war legacy, but most have proved to be inconsistent and inadequate.

Although North Macedonia remained relatively stable during the break-up of Yugoslavia, armed conflict erupted in 2001 when the Albanian National Liberation Army (NLA) took up arms over repression by the Macedonian government. The conflict lasted eight months and, although there were relatively few casualties and fewer atrocities than in Serbia and Kosovo, it resulted in 171,000 people being displaced. The Ohrid Framework Agreement of August 2001 regulates TJ on a national

² Kosovo was an autonomous province within the republic of Serbia in the federal/Socialist Republic of Yugoslavia (1945–1991). This autonomous status was abolished by Serbian president Slobodan Milošević in 1989. After the Kosovo war of 1998–99, Kosovo was put under UN administration. It unilaterally declared independence from Serbia in February 2008, and has been recognised as a sovereign state by a majority of EU member states and just over half of UN members states, although recognition fluctuates over time. Serbia does not recognise Kosovo as a sovereign state, neither does Russia, China or Brazil, among others.

level but no accountability processes have been set up. Although former Albanian guerrillas were integrated into the political system and the large Albanian minority was granted more rights, society remains starkly polarised. There is no public debate about the armed conflict, very strong nationalistic narratives persist, and there is no space for multiperspectivity. Ethnic intolerance has deep roots and is passed down from generation to generation. Mistrust and hatred between ethnic Macedonians and ethnic Albanians erupts during times of political crisis, and other ethnic minorities are neglected or pushed aside, especially the Roma people who continue to face serious discrimination.

While there are differences between the three countries when it comes to the timing and scale of their wars and how their post-war administrations have responded to these violent legacies, there are several common denominators. These include: ethnic polarisation through one-sided narratives about the past wars; institutionally weak victims' groups being used politically rather than supported in gaining reparations or justice; the intergenerational transferral of one-sided historic accounts; masculine and feminine stereotypes of victimhood (or heroism); and lack of social space to discuss the violent past.

This assessment study looks at three dimensions regarding victims' groups in Serbia, Kosovo and North Macedonia:

1. The situation and needs of victims and other groups affected by conflict, in terms of: their social situation; their position regarding other stakeholders (political, NGOs, related initiatives); their level of organisation; the activities they undertake to further their cause; and the challenges they face. The specific needs of (un)official victims' groups are identified in terms of organisational capacity, knowledge about TJ, and skills needed to support their cause. Particular attention is given to the situation and status of women victims.
2. Official (state-led) initiatives to deal with the past, including the existence of policies and laws relevant to victims and other groups affected by war or violent conflict.
3. Each country's national discourse about the violent past.

Research focused on the first dimension, identifying the situation and needs of those affected by conflict, while the second dimension places the situation of victims in a political and legal context. The third dimension provides context by describing the mainstream discourse about each country's war time past. The three country chapters follow the same structure.





Dužanka Kojić a wife of a missing husband from Nova Gradiška. His body was never found.

Photo by: Borislav Pešić Blagoja, 2022

1. Serbia

1.1 Introduction

Serbia is the only successor state to the former Yugoslavia that has been involved in four armed conflicts. In the wars fought outside its territory – i.e. in Slovenia (1991), Croatia (1991–1995) and Bosnia and Herzegovina (1992–1995) – Serbia did not officially participate as a party to the conflict but was deeply involved militarily, materially, politically and financially. In the years when Yugoslavia disintegrated, the Serbian leadership took control of the Yugoslav People's Army (JNA) and used it to achieve its nationalistic goals. Under the guise of preserving Yugoslavia, the JNA was first engaged in the war in Slovenia, from where it emerged defeated after ten days. At the beginning of the war in Croatia, the JNA presented itself as a neutral actor trying to separate the warring parties, but soon sided openly with the Serbs and actively engaged in connecting Serb-controlled territories, including attacks on places throughout Croatia.³ In Bosnia and Herzegovina (BiH), the JNA helped to realise the idea of a Greater Serbia by arming the Serb population and helping to bring certain municipalities under Bosnian Serb control.⁴ On leaving Croatia and BiH, the JNA left significant military equipment to the armed forces there, and the Serbian military and civilian authorities continued to provide logistical, personnel, material and financial assistance to the newly-formed armed forces in Serb-controlled territories.⁵

The war on Serbian soil erupted in 1998–1999 in Kosovo the then-province of Serbia.⁶ Serbia was directly engaged through the involvement of its army, police and paramilitaries, which were under the control of security forces. In the decade following the conflict, the International Criminal Tribunal for the Former Yugoslavia (ICTY) convicted Serbia's military, police and political leadership of a joint criminal enterprise aimed at changing the ethnic balance in Kosovo and securing control of the province by Serbian authorities through war crimes, crimes against humanity and violations of the laws and customs of war. The army and police were also involved in the internal armed conflict with the Liberation Army of Preshevo, Medvedja and Bujanovac (2000–2001), which was linked to the conflict in Kosovo but was also the only armed conflict after the change of the (pro) war regime in Serbia.

The complexity, intertwining, cross-border and ethnic character of the armed conflicts in which Serbia was involved have influenced, among other things, the fact that numerous victims have looked for a safe haven on its soil. First, refugees from Croatia and BiH arrived in Serbia in waves, creating the biggest refugee crisis in Europe after the Second World War. With the end of the conflict in Kosovo, a large number of displaced persons were pouring into the territory of what was then central Serbia. Refugees and displaced persons include family members of those who were forcibly disappeared and

³ Jovana Kolarić, 2018. *Dossier: The JNA in the Wars in Croatia and BiH*, Belgrade: Humanitarian Law Centre (HLC)

⁴ Ibid

⁵ For example, numerous officers in these armies received their salaries through the Yugoslav Army's personnel centres.

⁶ In socialist Yugoslavia (1945–1991), Kosovo was known as the Autonomous Province of Kosovo and Metohija, within the Yugoslav constituent republic of Serbia. In 1989, Slobodan Milošević's regime abolished the autonomy of the province and it continued to be part of Serbia. At the 1991 unofficial referendum, Albanians voted for independence, but this status was not acknowledged by any international actor other than Albania.

those who bear the psychological and/or physical effects of war. In addition, a number of refugees were forcibly recruited and sent involuntarily to the battlefield in BiH, some to take part in the Srebrenica genocide. The internal armed conflict in the Preševo/Preshevë Valley left behind citizens who continue to be harassed, who continue to search for the missing, and who do not trust their country's institutions.

The effects of the war in Serbia were also felt in those territories not directly exposed to the conflicts, as well as among civilians who did not participate in any way. Areas of Sandžak with a majority Bosniak population were hardest hit. Being on the border with BiH where war was raging, Sandžak became strategically important while, as compatriots of the opposite side from (Bosnian) Serbs, Bosniaks were considered enemies of the state. For several years, Bosniaks were subjected to intimidation, illegal detention, politicised trials, police torture, kidnappings, expulsions and killings. Similarly, during the Kosovo war, Albanians in the Preševo/Preshevë Valley were subjected to numerous and grave human rights violations. Serbia's nationalistic war policy also affected Croats in the multi-ethnic province of Vojvodina, where they were intimidated and under pressure to move out of the country, resulting in the expulsion of tens of thousands.⁷

Families who had a son in regular military service or mobilised and sent to the battlefield also suffered. The events of the war were especially cruel to women, who were direct victims of violence during the conflict but also suffer the prolonged consequences of the war that continue to this day. In that sense, their exposure to domestic violence under the influence of war trauma is frightening.

Finally, the victims of the wars in Croatia and BiH were exposed to suffering in Serbia itself. In at least eight camps, Serbian security forces detained, mentally, physically and sexually abused, and killed Croats and Bosniaks captured during armed actions in war-torn areas or when fleeing such actions in search of a safe place in Serbia.⁸

With the exception of Croats expelled from Vojvodina and forced detainees in camps throughout Serbia, most of the above-mentioned victims today live in Serbia and are still awaiting justice. Their exact number cannot be determined for various reasons, but it is certain that there are more than 220,000. Some victim groups are organised into associations, while others are linked into informal groups; some groups are more visible than others. Groups that bring together Serbs from Croatia, BiH and Kosovo are united in formal associations, are more visible to the general public, and enjoy greater political support from Serbian institutions. In contrast, groups that bring together minority peoples remain recognised mainly in local communities and within their ethnic group. Completely invisible are the groups of victims who, out of existential fear, are reluctant to profile themselves as victims, as is the case with forcibly mobilised refugees or Albanians from the Preševo/ Preshevë Valley.

Thirty years after the beginning of the armed conflicts in the former Yugoslavia, all victims living in Serbia remain politically, socially and economically neglected. Their demands include prosecution of those responsible for the crimes committed, finding out what happened to the missing, political and social recognition, financial support, and public recognition within Serbia and, especially, from the societies they fled from. Instead, for decades they have faced inadequate legal solutions regarding

⁷ Jovana Kolarić, 2019. Dossier 'Crimes against Croats in Vojvodina', Belgrade: HLC.

⁸ Tatjana Tabački and Andrej Jakovljević. 'Prison camps in Serbia in the 90s', Portal YU Historia, available [here](#).

reparations, impunity for those who planned, organised, ordered, committed, and concealed war crimes, a lack of opportunities to talk about their experiences with fellow citizens and important others, the public glorification of convicted war criminals who continue to be politically active, silence surrounding court-established facts regarding crimes committed, and their distortion so that they fit with the official state narrative – that Serbia did not participate in the wars of the 1990s and that it was only the Serbian people who suffered in them. At the end of 2021, growing public support for war criminals who are considered heroes is especially disturbing.

METHODOLOGY

Initial desk research commenced with data from Serbian and English language sources on legal and policy frameworks related to the 1990s armed conflicts, information about victims' groups from that period, media coverage, and existing research. The desk study confirmed the lack of comprehensive research into the position of war victims in Serbia. Later, semi-structured interviews and focus groups were conducted with 23 people during April and May 2021. The interviewees were selected by the researcher and Civic Initiatives, following the broader mapping that included victims' associations and informal groups active in Serbia, individual victims, and actors engaged in advocating for victims' rights, supporting victims, and providing services to victims (mainly NGOs and international organisations).

The crucial limiting factors were the short time available for research and the availability of certain victims' groups in Serbia. Because of this, the field research could not include all civilian victims of war categories. Included are war crimes and severe human rights abuses. Many have a multi-layered war experience that involves several aspects of suffering. The interviews with victims' groups were carried out in the Serbian language and concentrated on personal experiences during and after the wars, how the interviewees experience their current situation, and what their needs and expectations are. The interviews with other actors were conducted in Serbian and English and focused on their experiences of cooperating with and supporting victims, lessons learned, legal gaps, and capacity and needs assessments. Most interviews and focus groups took place in person, but some had to be conducted online due to restrictions related to the COVID-19 pandemic. Interviewees were given the opportunity to contribute anonymously to enable them to express themselves freely and to shield those belonging to vulnerable groups from any form of retribution.

The third element of the study was to situate the findings on the position and needs of victims' groups within a specific socio-political context. This allows for better understanding of the issue and puts a spotlight on factors that may influence initiatives to improve their situation. Moreover, it will hopefully serve as a warning sign for the international community and other interested stakeholders on how far Serbia has departed from its proclaimed commitment to peaceful settlement of the legacy of the 1990s wars.

1.2 Situation and needs of civilian victims of war in Serbia

Serbia lacks recent comprehensive research on the position and needs of civilian victims of wars in the former Yugoslavia between 1991 and 2001. The available research explores only some aspects, such as the need for victims to receive official recognition in the form of reparations,⁹ or the experiences of victims testifying in court.¹⁰ Some research touches on the issue indirectly, as in the case of research on the war crime trials¹¹ or the prosecution of sexual and gender-based violence in war.¹² The research on victims in Serbia has been conducted by a handful of civil society organisations and academics.

The exact number of victims of the wars resulting from the break-up of Yugoslavia¹³ living in Serbia, or even an approximation, is impossible to determine due to the passage of time and the state's unwillingness to identify victims and keep systemised data. For the same reasons, it is hard to estimate the number of (in)formal victims' associations, combined with the fact that some are functioning only *de jure* (on paper), and others are not registered but are operating *de facto*.

Furthermore, the differentiation between several categories of victims, including two distinctive groups of direct victims of war and victims of human rights abuses committed within the context of armed conflicts, present another challenge to this process. Although a clear distinction is not always possible, for this report victims are divided into two categories: direct victims of war, and victims of war-related human rights abuses.

DIRECT VICTIMS OF WAR

1. **Refugees from Croatia and Bosnia and Herzegovina** – In 1996, immediately after the wars, a total of 537,937 refugees + 79,791 war-affected persons from Croatia and BiH were recorded in Serbia. According to official data, 90% of these refugees were Serbs. The data does not state what ethnic groups the other 10% belong to but some were probably Roma, some from mixed marriages, and others do not identify as Serb (e.g. there are still some people who call themselves 'Yugoslavians'). Over the years, the majority of refugees have integrated in Serbia, while a smaller number returned to Croatia or BiH. As of July 2020, there were 25,794 refugees from Croatia and BiH in Serbia.¹⁴

⁹ Meris Mušanović, 2021. *The right to reparation in compensation lawsuits: the practice of Serbian courts 2017-2020* Humanitarian Law Centre (HLC); Meris Mušanović, 2019. Policy Paper: *Improving the Status and Rights of Victims and Witnesses in War Crimes Proceedings in Serbia*, HLC; Jasmina Kijevčanin, 2019 'Redress for Victims of the NATO Bombing of the Radio Television of Serbia: The Example of Monuments', *Journal of Victimology and Victim Justice* 2(2) 129–140.

¹⁰ King K., Meernik J., Rubert S, De Smit T., Vranov Schoorl H, 2016. *Echoes of Testimonies: A pilot study into the long-term impact of bearing witness before the ICTY*. University of North Texas and the International Criminal Tribunal for the Former Yugoslavia.

¹¹ Marina Kljaić, 2021. Report on war crime trials in Serbia during 2020, HLC.

¹² Ivana Žanić, 2019. Policy Paper: *Prosecution of Crimes of Sexual Violence during Armed Conflicts before the Courts of the Republic of Serbia*, HLC.

¹³ For the purpose of this report the definition stated in the United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violation of International Human Rights law and Serious Violations of Humanitarian Law was used: "Persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of international human rights law, or serious violations of international humanitarian law. Where appropriate, and in accordance with domestic law, the term 'victim' also includes the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization."

¹⁴ [Statistical Overview of Refugees and IRL by Municipality 2018 eng.xlsx \(kirs.gov.rs\)](#).

2. **Displaced persons (DPs) from Kosovo** – After the 1998–1999 war in Kosovo, 187,129 people fled to central Serbia, mostly Serbs, but also other non-Albanian communities.¹⁵ In the following five years, around 20,000 new DPs arrived, creating a total of 209,021 by the end of 2005. According to official data from July 2020, there are 196,995¹⁶ displaced persons from Kosovo (who left between 1998 and 2004) in Serbia today.
3. **Families of missing persons** – In 2020, Serbia was still searching for 2,453 missing persons.¹⁷ This number includes: 1) citizens of Serbia who went missing in wars in Croatia and BiH; 2) citizens of these countries of Serbian ethnicity or/and had fled to Serbia as refugees; 3) Serbs and non-Albanians who went missing in the Kosovo war.¹⁸ Missing persons in relation to the Yugoslav wars include those who were arrested, detained, abducted or in any other way deprived of liberty by state authorities or armed formations actively opposed to them, or by persons or groups of persons acting with the authorisation, support or acquiescence of the government or the armed formations, and whose whereabouts remain unknown. With families consisting of multiple people, the number of family members searching for their loved ones is much higher.
4. **Families of Serbian citizens abducted from a bus in Sjeverin** (municipality of Priboj, Serbia) and train in Štrpci (municipality of Rudo, BiH) by Bosnian Serb forces and killed – 35 victims (34 Bosniaks and one of Croatian ethnicity). With families consisting of multiple people, the number of family members suffering from this loss is much higher.
5. **Families of people killed** – the number of killed civilians (of different ethnicities, including Albanian, Ashkali, Balkan Egyptian, Bosniak, Croatian, Montenegrin, Roma, Serbian, etc.) is impossible to determine for several reasons: no official or complete evidence, overlapping victimhood, their families not participating in any association or group, etc.
6. **Survivors of war crimes** – people subjected to severe war-related human rights violations, usually with physical and/or psychological consequences. The number of victims belonging to this group remains unknown because official (state) records include only certain victims from the 1990s Yugoslav wars (see textbox) while at the same time including victims from other wars. According to incomplete official records, in 2019 there were 905 civilian war invalids in Serbia, including civilian invalids from World War II.¹⁹
7. **Forcibly mobilised refugees and their families** – around 10,000 refugees (mainly of Serbian ethnicity) were involuntarily sent to the battlefield.²⁰ At least 54 were killed or went missing.

¹⁵ According to official data, 76% of DPs were Serbs, 11% Roma, and 13% Montenegrins, Bosniaks and Egyptians. Source: *Registracija lica raseljenih sa Kosova i Metohije* (Registration of persons displaced from Kosovo and Metohija), Commissariat for Refugees of the Republic of Serbia and the UNHCR; available in Serbian [here](#).

¹⁶ [Statistical Overview of Refugees and IRL by Municipality 2018 eng.xlsx \(kirs.gov.rs\)](#)

¹⁷ *Izveštaj o radu Komisije za nestala lica u periodu od 1. januara do 31. decembra 2020. godine* (Commission on Missing Persons Annual Report for 2020), Commission on Missing Persons, available in Serbian [here](#).

¹⁸ Ibid.

¹⁹ Justification on the Law on the Rights of War Veterans, Invalids of War, Civilian Invalids of War and their Family Members, available in Serbian [here](#).

²⁰ Kolarić Jovana, 2019. Dossier: *Forcible Mobilisation of Refugees*, HLC.

8. **Families of civilians killed or harassed during the internal armed conflict** between the Liberation Army of Preshevo, Medvedja and Bujanovac (LAPMB) and Serbian security forces in Preševo/Preshevë Valley from January 2000 to August 2001. – The families of at least 16 killed or missing civilians and at least 150 people (Albanians and Serbs) harassed by Serbian security forces²¹ are not recognised as civilian victims of war.
9. **Victims of NATO's military intervention** – 260 civilian victims (of different ethnicities) killed in Serbia, which was then still part of the Federal Republic of Yugoslavia (Serbia, Montenegro and Kosovo).²² The actual number might be higher given that Serbian citizens were also killed during the NATO military intervention in Kosovo and Montenegro.

VICTIMS OF WAR-RELATED HUMAN RIGHTS ABUSES

10. **Victims of war-related state repression against Sandžak Muslims** (Bosniaks) between 1992 and 2000 – tens of thousands of victims of police torture/unlawful detention (17,000), politically motivated trials, killings, abductions, harassment, intimidation, forced expulsions.²³
11. **Victims of war-related state repression against Albanians in south Serbia** during the NATO military intervention – 11 killed and an unknown number subjected to harassment and torture by Serbian forces.²⁴
12. **Non-Serbs** (Albanians, Croats, Muslims, Yugoslavians²⁵) living in Serbia and subjected to harassment, intimidation, discrimination and/or physical violence – an unknown number.²⁶

The category of indirect victims of war also includes victims of domestic violence caused by post-war trauma (PTSD syndrome), as well as family members of civilians who were involuntarily recruited and sent into battle. Another special category of victims are women victims of war, specifically female refugees and the victims of war-related SGBV (and the aforementioned domestic violence), of whom the numbers remain unknown.

Finally, several tens of thousands of Serbian citizens of Croatian ethnicity were **victims of intimidation, harassment and expulsion from the Autonomous Province of Vojvodina** between 1991 and 1995.²⁷

21 Goran Miletić, 2003. *Albanians in Serbia – Preševo, Bujanovac, and Medvedja*, HLC.

22 754 Victims of NATO bombing, Press Release, 23 March 2018, HLC, available [here](#).

23 Semih Kačar, 2002. *Testimonies from Sandžak*, Sandžak, Committee for Human Rights and Freedoms in Serbia.

24 Miletić, 2003, op cit.

25 Some people self-identify as Yugoslavs.

26 Hrtkovci – Pritisak na Hrvate u Srbiji (Hrtkovci – Pressuring Croats in Serbia), Report, 1993, HLC, available in Serbian [here](#); Priboj – Diskriminacija, otmica

i zastrašivanje Muslimana u Srbiji (Priboj – Discrimination, abductions and intimidation of Muslims in Serbia), Report, 1993, HLC, available in Serbian [here](#);

Policijsko nasilje na beogradskim ulicama (Police violence on the Streets of Belgrade), Report, 1993, HLC, available in Serbian [here](#); Srpsko-albanski zatvorenici

– Devizno vaganje pravde (Serbian-Albanian Prisoners – Weighting of Justice through foreign Currency), Press Release, 2000, HLC, available in Serbian [here](#);

Human Rights Abuses of Non-Serbs in Kosovo, Sandžak and Vojvodina, 1993, Human Rights Watch; Izveštaj o pojačanoj represiji u Srbiji (Report on Increased

Repression in Serbia), 2000, Helsinki Committee for Human Rights in Serbia, available in Serbian [here](#).

27 Jovana Kolarić, 2019. Dossier: Crimes Against Croats in Vojvodina, HLC.

The majority settled in Croatia but are still demanding justice and redress from Serbia's state institutions.²⁸

Several factors prevented the position and needs of all the above categories of victims being included in one comprehensive research project.

The crucial limiting factors were the short time available for research and the availability of certain victims' groups in Serbia. The focus was therefore on victims' groups from categories **1, 2, 3, 4** and **10**. Victims from **categories 5** and **6** were also included, bearing in mind that, in many cases, this type of crime overlaps with other human rights violations (forced disappearance, displacement, ethnic cleansing, etc.). In other words, the groups of victims who were the subjects of the research and who were involved in interviews have a multi-layered war experience that involves several aspects of suffering. Some victims from categories **8** and **11** were included, within the setting of a broader community of victims.

Research on the victims' groups from categories **7** and **12** would require more time and resources, while victims from **category 9** were excluded due to their particular circumstances. They were considered to be 'collateral damage' while most of the other civilian victim categories were deliberately targeted. It should be noted, however, that families of Radio Television of Serbia employees who were killed when NATO missiles hit the building on 23 April 1999 are part of the post-conflict recovery initiatives in Serbia.

Most victims identify as victims. The most publicly vocal are groups of refugees and families of missing persons from Croatia and Kosovo (categories 1, 2, 3 and 4). Refugees from Croatia see themselves as victims of war crimes, ethnic cleansing, the prolonged search for missing family members,²⁹ and neglect and discrimination by the Serbian state.³⁰ Refugees from BiH are not as publicly visible as other refugees and DPs, due to their smaller number in Serbia.³¹ Their victimhood is nevertheless included in public debate and initiatives led by victims' groups. DPs from Kosovo perceive themselves as victims of war-related killings, abductions, expulsions, torture, ethnic cleansing, the post-war tendency to conceal these crimes, and manipulation and neglect from the international community.³² DPs from Kosovo who are also searching for their missing family members prioritise the issue of enforced disappearance over their status as displaced persons. Some of the Serbian refugees and DPs from Croatia, BiH and Kosovo perceive themselves to be the greatest victims of wars in the former Yugoslavia.³³

In addition to being victims of war crimes, family members of missing persons consider themselves to be victims of a prolonged and politicised process of searching for remains, establishing the circumstances of their disappearance, and side-lining victims in the public discourse to provide the

²⁸ Representatives of the Humanitarian Law Centre in conversation with the author.

²⁹ Representatives of victims' groups in conversation with the author.

³⁰ Miodrag Linta, 20 May 2021, 12th Sitting of the 1st Regular Session of the National Assembly of the Republic of Serbia in 2021.

³¹ Representatives of the Humanitarian Law Centre in conversation with the author.

³² Association of Families of Kidnapped and Disappeared Persons in Kosovo and Metohija, available [here](#); Representatives of victims' groups in conversation with the author.

³³ Miodrag Linta, 8 April 2021, 6th Sitting of the 1st Regular Session of the National Assembly of the Republic of Serbia in 2021.

space for perpetrators.³⁴ Family members of persons missing in relation to the war in Kosovo believe that their family members might be victims of human organs trafficking.³⁵

Sandžak Bosniaks perceive themselves to be victims of state terror, police torture, unlawful conduct by Serbian police and members of the armed forces, and expulsions. Family members of persons abducted in Štrpci and Sjeverin consider themselves to be victims of war crimes. Both groups also emphasise the silence surrounding what has happened to them, which means that most citizens outside their area know nothing about what they have suffered.³⁶ This is due to the state's long-term unwillingness to assume responsibility, as well as the limited success of Bosniak leaders to place the issue on the national socio-political agenda.³⁷

Although refugees forcibly recruited into the Serb army and their families feel themselves to be victims of state-inflicted injustice, they refrain from publicly profiling themselves as victims. The main reason for this is their widespread stigmatisation as traitors and cowards who fled their homes expecting others to defend them.³⁸

The victimhood narrative is also scarcely present among Albanian victims of crimes committed during the 2000–2001 internal armed conflict in the Preševo/Preshevë Valley or among victims of state repression against Albanians during the war in Kosovo. Already stigmatised in Serbia, these groups were labelled terrorists, separatists and state enemies, making them afraid to speak out publicly about these events and present themselves as victims.³⁹

34 Representatives of victims' groups in conversation with the author.

35 *Unforgetableness* bulletin, No 16, available in Serbian [here](#). Crimes allegedly committed by the Kosovo Liberation Army in Kosovo against civilians are currently being investigated and tried at the Kosovo Specialist Chambers, an international court under Kosovo Law, based in The Hague.

36 Representatives of victims' groups in conversation with the author.

37 Representatives of victims' groups in conversation with the author.

38 Representatives of the HLC in conversation with the author.

39 Representatives of the HLC in conversation with the author; Representatives of victims' groups in conversation with the author.

CIVILIAN VICTIMS OF WAR UNDER SERBIAN LAW

The Law on Rights of Veterans, War Invalids, Civilian War Invalids and Members of Their Families⁴⁰ recognises four categories of civilians as victims of war:

1. Civilian victim of war
2. Civilian invalid of war
3. Family member of civilian victim of war
4. Family member of civilian invalid of war

A **civilian victim of war** is a citizen of the Republic of Serbia who lost his/her life as a civilian under the following circumstances:

1. as a consequence of abuse or deprivation of liberty by the enemy during the war or during the conduct of war operations on the territory of the Republic of Serbia
2. from residual war material on the territory of the Republic of Serbia
3. as a victim of an attack in a diplomatic or consular mission of the Republic of Serbia or on the way to that mission, in connection with the performance of official duties within the competence of the Republic of Serbia in the capacity of an employee.

A civilian who has disappeared under these circumstances is also considered a civilian victim of war.

A **civilian invalid of war** is a citizen of the Republic of Serbia, who, due to a wound or injury, has suffered damage to their body of at least 50%:

- 1) as a consequence of abuse or deprivation of liberty by the enemy during the war or during the conduct of war operations on the territory of the Republic of Serbia
- 2) from residual war material on the territory of the Republic of Serbia
- 3) as a victim of an attack in a diplomatic or consular mission of the Republic of Serbia or on the way to that mission, in connection with the performance of official duties within the competence of the Republic of Serbia in the capacity of an employee.

Secondly, the Law recognises as a **family member of a civilian victim of war and civilian invalid of war** only those who had lived with the civilian victim of war in a joint household for at least one year before his/her death. Moreover, the Law considers a family member to be:

- 1) a spouse or a person who lived in an extramarital union with a civilian victim of war and had a common child with him/her
- 2) a child born in or out of wedlock and an adopted child
- 3) a pastor who was supported by a civilian victim of war
- 4) a parent or adoptive parent, who was supported by a civilian victim of war
- 5) stepfather and stepmother, who were supported by a civilian victim of war.

⁴⁰ Act on the Rights of Veterans, War Invalids, Civilian War Invalids and Members of Their Families, (*Zakon o pravima boraca, vojnih invalida, civilnih invalida rata i članova njihovih porodica*), Official Gazette of the RS No. 18/2020

According to the Humanitarian Law Centre (HLC), around 15,000 people living in Serbia should benefit from the law that aims to support civilian victims of war.⁴¹

REPRESENTATION OF VICTIMS' GROUPS

Formally organised groups are registered as citizens' associations or alliances. They are led by someone who is a victim him or herself, and most (if not all) members are victims. Changes in leadership are rare, happening mainly because of death or resignation due to internal disagreements. Informal groups are usually coordinated and/or represented by one person, who is often the most publicly visible.

Victims from the wars in Kosovo and Croatia (1, 2, 3 and 4) are formally organised. There are currently at least five national associations made up of Serbs from Kosovo,⁴² some of which derive from one association that was formed in the early 2000s. Internal divisions and disagreements led to the initial association splitting into several smaller ones. These associations bring together family members of people who are missing or who were killed in a war-related incident during and after the 1998–1999 war in Kosovo. Most members, if not all, are themselves DPs.

The most active association of Serbs from Croatia was established in 1998, three years after the end of the 1991–1995 war in Croatia.⁴³ As well as bringing together families of missing persons or persons killed during the war, it includes people who fled or were forced to leave Croatia. There is also a significant number of other associations of refugees from Croatia, some of which are participating in the work of two coalitions dealing with refugees from Croatia and BiH.⁴⁴ The oldest association of victims of the war in Croatia, the Association of Parents and Families of Arrested, Detained and Missing Persons of the Federal Republic of Yugoslavia, is also still operating, albeit on a smaller scale.

Associations of families of missing persons are members of an umbrella organisation of 60 Serbian associations throughout the region.⁴⁵

Several groups gather displaced persons from Kosovo, providing them with humanitarian aid and preserving their cultural traditions and heritage.⁴⁶ The Coalition of DPs from Kosovo and Metohija has been operative since 2015, but there are questions about how representative it is.⁴⁷ Relevant representatives of victims' groups interviewed for this study say they have not heard about the Coalition or its sole representative, which implies that the Coalition is not representing many victims.

41 Relja Radosavljević, 2017. 'The legal and institutional framework in Serbia regarding the rights and needs of civilian victims of war', Belgrade: HLC.

42 Association of Families of Kidnapped and Disappeared Persons in Kosovo and Metohija; Association of Families of Kidnapped and Killed in Kosovo and Metohija; Association 'Kosmetški stradalnici' (Sufferers from Kosovo); Association of Women from Kosovo and Metohija; Association of Kidnapped, Killed and Displaced Persons from Kosovo and Metohija „Paštrik“; Source: Serbian Business Registers Agency Database (SBRA), available [here](#); **Representatives of victims' groups in conversation with the author.**

43 Association of Families of Disappeared and Killed Persons 'Suza' (A Tear). Source: SBRA Database.

44 Coalition of Refugees Associations in Serbia, and Coordination of Associations of Refugees and IDPs in the Republic of Serbia. Source: SBRA Database.

45 Coordination of Serbian Associations of Families of Missing, Murdered, and Killed Persons from the Former Yugoslavia. Duško Čelić, 2020. Waiting for the Law on Missing Persons, bulletin 'The Tear', No.56, pp. 13-15, available in Serbian [here](#).

46 Association of Citizens of the Kosovska Mitrovica County; Association of Citizens 'Izvor – Istok'; etc. Source: Serbian Business Registers Agency Database. **Representatives of victims' groups in conversation with the author.**

47 Jelena Krstić, 2016. Transitional Justice in Serbia in the period from 2013 to 2015, HLC; **Representatives of victims' groups in conversation with the author**

Other categories of victims are either loosely connected or not connected at all. Families of people who were abducted and/or killed in Štrpci and Sjeverin are publicly represented by one to two people⁴⁸ and gather for occasions such as commemorations or advocacy actions. Former political prisoners, who were victims of the state terror in Sandžak, formed an informal association, though this group is increasingly less active due to the age and sometimes illness of its members.⁴⁹ Victims of expulsion from the municipality of Priboj are organised in the formal association, but it suffers from internal divisions over the issue of ownership.⁵⁰

Victims listed under 6, 7, 10 and 11 are neither connected nor organised in groups, and no joint initiative has been recorded so far.

Victims' groups are formed around unresolved issues related to:

- **displacement**
 - supporting the integration of refugees, including housing, employment, obtaining documents, and social and healthcare
 - supporting voluntary return to Croatia or BiH, including the reconstruction of homes, development of return communities, fulfilment of political and cultural rights, and restoring refugees' rights to property (in the countries they fled from)
- **justice**
 - campaigning for the prosecution of crimes⁵¹
- **truth**
 - creating, preserving and publishing a list of victims
 - resolving the fate of missing persons – Serbs during the war in Croatia, Serbs and other non-Albanians during and after the war in Kosovo, Bosniaks, and one Croat abducted in Štrpci and Sjeverin who was killed in BiH
 - speeding up the exhumations and identification of mortal remains
 - raising public awareness about missing persons and the suffering of Serbs, and advocating for the relevant authorities to include the issue of missing persons in political discussions between Serbia and other post-YU countries
- **reparations**⁵²
 - reconstructing destroyed property, and ensuring a set of social, economic and legal rights for those granted the status of civilian victims of war
 - keeping alive the memory of victims of enforced disappearances and murders
 - providing psychological and legal support to families of missing persons;

48 Nail Kajević, injured party in the Štrpci Case, Transcript of the audio recording from the court hearing held on 3 April 2019, p. 11, available in Serbian [here](#).
Representatives of victims' groups in conversation with the author

49 Representatives of victims' groups in conversation with the author

50 Representative of the Sandžak Committee for Human Rights and Freedoms in conversation with the author

51 In the relevant jurisdictions depending on the victim group: Serbs from Kosovo are focused on the Kosovo Specialist Chambers, Serbs from Croatia seek justice from Croatian courts, and Bosniaks from Sandžak in Serbia look to Serbian courts.

52 From the jurisdiction/country they consider accountable for their suffering, e.g. Croatia for Serbs who fled Croatia, BiH for Serbs who fled BiH, Kosovo for Serbs who fled Kosovo, Serbia for Bosniaks from Sandžak. All seek the status of 'civilian victim of war' from Serbia, which could bring them some socio-financial support, as well as symbolical reparations such as monuments. Families of missing persons seek the status of 'family of missing persons', to bring them recognition and socioeconomic support. Bosniak victims from Sandžak seek the status of 'civilian invalid of war', and reparations for injury inflicted through torture, repression, harassment, etc.

- policy making, e.g. participating in the working group drafting the law on missing persons; sending inputs during preparation of the Law on the Rights of Veterans, Military Invalids, Civilian Invalids of War, and their Family Members

- **other**

- coordinating the work of associations with similar missions
- preserving the culture and tradition of Serbs from different parts of the former Yugoslavia.

Victims' groups carry out various actions to fulfil their missions, including:

- Collecting information and maintaining databases about victims and crimes
- Commemorating victims and anniversaries
- Providing support to families of missing persons, including during exhumations and identifications, as well as in their communications with state institutions and other authorities
- Publishing periodicals, such as bulletins, newsletters, reports and press releases
- Organising public events (press conferences, roundtables, etc.) informing the public about certain events or developments, or advocating for certain measures
- Telling victims' stories
- Inviting and encouraging families to report their missing family member to the relevant authorities
- Participating in working groups dealing with the missing persons' issue
- Providing humanitarian assistance to the most vulnerable families
- Providing legal support to victims in their quest for material compensation
- Cooperating with other victims' groups, national authorities, international organisations, and courts
- Policymaking: drafting the model law on missing persons, and participating in the design of other relevant laws, such as the law regulating the status of civilian victims of war.

Most victims' groups focus on resolving their personal concerns, such as finding family members still missing from the war, prosecuting those responsible for the death of a family member, receiving redress, fulfilling property rights, etc. None of the groups is engaged in a broader mission to promote peace and/or advocate for transitional justice in a broader social sense.

In most cases, victims and victims' groups do not relate their situation to the transitional justice context/process explicitly. Advocating for transitional justice or dealing with the past in terms of concepts/ideas is sporadic, and seemingly without deeper knowledge of the concept and its relevance for them.⁵³ They are personally affected, and thus focused on resolving their problems rather than exploring abstract concepts of post-conflict recovery.⁵⁴ While not mentioned in the interviews, they do nevertheless express an understanding in written statements that resolution of the problems

⁵³ One such example is the Coordination of Serbian Associations of Families of Missing, Murdered, and Killed Persons from the Former Yugoslavia pledges for 'dealing with the past, establishing the truth, and fulfilling justice'. Source: Coordination's Website, available in Serbian [here](#).

⁵⁴ Matthew Holliday, Head of the International Commission on Missing Persons Western Balkans Programme in conversation with the author.

they are facing is key to ensuring reconciliation,⁵⁵ stability, and a peaceful future in the region.⁵⁶ Additionally, they invoke their right to truth⁵⁷ and reparations,⁵⁸ and warn about the recurrence of violence should the legacy of the past remain unresolved.⁵⁹

No joint all-inclusive victims' platform has been initiated or created among the victims' groups. Since 2006, the RECOM initiative has provided a platform for victims' groups across all post-Yugoslav states to collaborate, and many Serbian-based groups are members of the regional coalition that advocates for the establishment of a regional fact-seeking body.⁶⁰ However, the most dynamic period of their exchange ended with the conclusion of the consultative process on the RECOM mandate in 2011. Although still formally members of the Coalition, since then not all groups are actively participating in this initiative. Some victims have lost hope that there will ever be sufficient political will for the establishment of such a commission.⁶¹

Associations of families of missing persons cooperate nationally through the Coordination of Serbian Associations of Families of Missing, Murdered and Killed Persons from the Territory of the Former Yugoslavia, and regionally through the Regional Coordination of Families of Missing Persons from the Former Yugoslavia. These platforms push for international and domestic authorities to speed up and genuinely commit to resolving the fate of missing persons.⁶²

Cooperation usually happens between groups with the same or similar mission, or those focused on the same war-related event. Partnerships across the ethnic, national and religious lines or between victims of different violent events are rare but do exist. One such example is the cooperation between associations of families of missing persons from Serbia and Kosovo, who jointly approach relevant institutions, organise events and commemorate anniversaries in both Serbia and Kosovo.⁶³

Some groups are part of international networks, as is the case with the Association of Families of Kidnapped and Disappeared Persons in Kosovo and Metohija, which is a member of the Euro-Mediterranean Federation Against Enforced Disappearances.⁶⁴

55 Marking the International Day of the Disappeared, 30 August 2020, Association of families 'Kosmetski stradalnici', available in Serbian [here](#).

56 Regional Coordination of the Families of Missing Persons: the Fate of 11,000 still unresolved, August 2019, Association of Families of Disappeared and Killed Persons 'Suza', available in Serbian [here](#).

57 Duško Čelić, 2020. *Waiting for the Law on Missing Persons*, bulletin 'The Tear', No.56, pp. 13-15, available in Serbian [here](#).

58 Website of the Association of Families of Kidnapped and Disappeared Persons in Kosovo and Metohija, available in Serbian [here](#).

59 Nataša Šćepanović, 'We are not tired from the Two-Decade long Struggle for Truth and Justice for Serbian Victims of War', *Unforgettability*, No.16, February-March 2020, p.3, available in Serbian [here](#).

60 Representatives of victims' groups in conversation with the author; *Unforgettability*, No.16, February-March 2020, available [here](#).

61 Representatives of victims' groups in conversation with the author.

62 Representatives of victims' groups in conversation with the author.

63 Roundtable in Niš, 20 October 2020, Association of families 'Kosmetski stradalnici', available in Serbian [here](#); Marking the International Day of the Disappeared, 2 September 2020, Association of families 'Kosmetski stradalnici', available in Serbian [here](#); Matthew Holliday, Head of the International Commission on Missing Persons Western Balkans Programme in conversation with the author.

64 Source: Euro-Mediterranean Federation Against Enforced Disappearances (FEMED) website, available [here](#).

Among the reasons for modest cooperation with their counterparts in other countries is the perceived politicisation of groups from the other side of the border and of a different ethnicity.⁶⁵

Victims' groups involving Serbs from Kosovo and Croatia have established good local-level cooperation with war veterans, with whom they sometimes share members and offices.⁶⁶ For example, civilian victims and war veterans jointly erected a monument dedicated to all Serbian victims and all Serbian fighters in one of Belgrade's city centre squares.

Serb victims' groups from Croatia, as well as groups of Serb refugees from Croatia, are represented at the local level through local branches or groups made up of members from a certain locality. In addition, partnerships with other local groups, especially war veterans, give them visibility at the local level – in the case of victims' groups, usually through their leaders.⁶⁷

Bosniak victims of state terror in Sandžak and abductions in Štrpci and Sjeverin are well known within their ethnic group, as well as within the local authorities, religious community and civil society sector. They can also rely on the solidarity of local citizens from other ethnic groups.⁶⁸

Given their reluctance to be perceived as victims, people who were forcibly mobilised are neither recognised nor visible at the local level. Albanian victims of crimes committed during the 1998–1999 Kosovo war and the 2000–2001 internal conflict in Preševo/Preshevë Valley are known to their local co-citizens, authorities and civic groups, but there is no initiative among them to address their post-conflict situation. Because they are labelled terrorists, they are afraid to step out and insist on concrete measures, and they are forced to focus on everyday survival because of economic deprivation and discrimination based on their ethnicity, including increasing administrative ethnic cleansing.⁶⁹

WOMEN VICTIMS AND GENDER CONSIDERATIONS

Despite official data showing that 26% of women consider themselves to be affected by war,⁷⁰ no association or informal victims' group deals with the issue of gender-based violence in war, nor do any recognise specific aspects of women's suffering throughout and following war (e.g. female refugees/DPs, victims of war-related trauma-based domestic violence, women with no living relatives). That being said, the gender aspect of the impact of war is omnipresent. Many women have lost family members on the battlefield, had to take on the role of a food provider, feel insecure due to prolonged conflict, have suffered violence, faced inadequate healthcare, become refugees, etc.⁷¹ Nevertheless, only the involuntary disappearance of a family member has pushed women in Serbia to organise within a victims' association. The associations of families of missing persons from wars in Kosovo and Croatia have a significant number of female members and, moreover, the majority are led by women. However, they are not connected as women victims of war, nor do they refer to gender-related crimes, including SGBV. Rather, women victims perceive themselves as mothers, sisters, spouses and relatives

65 Representatives of victims' groups in conversation with the author.

66 Representatives of the Center for Nonviolent Action in conversation with the author.

67 Representatives of Humanitarian Law Centre in conversation with the author.

68 Representatives of victims' groups in conversation with the author.

69 *Serbia is Depopulating Albanians in the Presevo Valley at Alarming Levels*, Flora Ferati-Sachsenmaier, May 2020, available [here](#).

70 Organization for Security and Co-operation in Europe (OSCE), *Well-being and Safety of Women – Serbia Results Report*, 2019, available [here](#).

71 Ibid.

of missing or killed men or women. In addition, they tend to ask for or rely on the opinion of their male colleagues.⁷²

Women are less visible and less vocal in other victims' groups involved in this study, including in those dealing with the abductions and murder of civilians in Sjeverin and Štrpci, war-related repression in the Sandžak area, and refugees from Croatia. Although the victims of domestic violence inflicted by a person suffering from war trauma were not involved in this research, it is worth noting that the prevalence of violence against women is higher in families in which a member participated in war.⁷³ This problem is a very clear example of how unaddressed past events continue to shape the present and affect even those generations and people who never experienced war.

There is modest awareness of the importance of tackling women's suffering among these circles. Female victims' group members praise initiatives to address war-related sexual violence against members of their ethnic group that are emerging in some neighbouring countries⁷⁴. They also highlight the importance of programmes empowering women fleeing the war.⁷⁵ The 'Lastavica' (Swallow bird) association was particularly mentioned as empowering women refugees.⁷⁶ They recognise the challenging situation of single women who suddenly became the only food provider in the family, but who were also under significant pressure from society and their families to continue coping alone.⁷⁷ However, these declarations are not transforming into concrete action. The predominant patriarchal culture, which celebrates masculinity and insists on strict gender roles, is among the main factors discouraging women from emphasising their own experiences. Women also lack motivating factors, such as associations of women victims, organisations specialising in SGBV and state or/and media support. Women victims of sexually based crimes also have to cope with prejudices and stereotypes surrounding these types of criminal actions.

There are no organised SGBV victims' group in Serbia. There are some reports on war-time sexual violence in the former Yugoslavia but no reliable data exist on the numbers of female and male conflict-related SGBV victims in the country.⁷⁸ According to the HLC, "Among the reasons for the non-existence of precise records and documented cases of rape is the fact that rape is still a taboo topic in the Balkans, and that even after three decades since the events in question, the victims are still being stigmatised both by their own families and by their immediate communities."⁷⁹ Some NGOs work on the issue of SGBV, but no victims' groups exist.

The Act on the Rights of Veterans, Disabled Veterans, Civilian Invalids of War and Their Families, which was adopted in March 2020, does not include (women) survivors of sexual violence in wartime as civilian victims of war. Victims of sexual violence have limited options to seek remedy and reparation.

72 Matthew Holliday, Head of the International Commission on Missing Persons Western Balkans Programme in conversation with the author.

73 OSCE, 2019, op cit.

74 Representatives of victims' groups in conversation with the author.

75 Representatives of victims' groups in conversation with the author.

76 The initiative was launched in 1996 by the Autonomous Women's Centre and Oxfam UK. It provided shelter for single women refugees and empowered them through education, skill building and entrepreneurship.

77 Representatives of victims' groups in conversation with the author.

78 Information on (conflict related) SGBV against men is very scarce. One of the few sources is on detention camps for Bosniaks in Serbia, available [here](#).

79 HLC, Policy Paper: *Awarding restitution claims for victims of sexual violence in war crimes proceedings before Serbian courts*, June 2021: [available here](#).

For example, there is an option to file a restitution claim (in this case for sexual violence committed in the context of war) during criminal proceedings against those responsible for war crimes, but the court chambers are urging victims to file a private lawsuit instead.

Most victims' groups dealing with the issue of people who went missing during the wars in Kosovo and Croatia are led by women. They are direct victims (a refugee, wounded person), family members of killed, missing or wounded persons, or often both. In other victims' groups included in this research there were no women leaders.

The specific needs of women victims of war are not recognised by victims' groups. Although victims' groups do not deny women's victimhood, they generally overlook women's specific needs. Even those NGOs that seek to address the needs of women victims tend to deal only with SGBV.

POLITICISATION OF VICTIMHOOD

In general, the interest of national-level politicians in victims ranges from ignorance to manipulation. Twenty-plus years after the end of the last armed conflict, victims' needs have still not been dealt with. The only existing mechanisms relate to the prosecution of war criminals, the search for missing persons, and the integration of refugees, albeit with modest achievements. For some victims, even those mechanisms remain unreachable.

Victims only come to the attention of politicians on the anniversaries of certain crimes, or when they are perceived as politically useful. Their attitude towards victims' groups differs, however, to fit the official narrative that Serbia was not involved in the 1990s wars and that Serbian people are the greatest victims. Politicians (and Government) are most interested in groups gathering families of missing persons from Kosovo and Croatia. The official cooperation taking place at the operative level between associations and the Commission for Missing Persons of the Government of the Republic of Serbia. Victims participate in some aspects of the Commission's work, while the representatives of the Commission participate in activities organised by victims' groups.

Refugees and DPs also enjoy some political and institutional support, with a special body having been established to provide support to refugees and DPs – the Commisariat for Refugees and Migrations.⁸⁰ It cooperates with relevant victims' groups through information sharing, commemorations and participation in events. However, some representatives of victims' groups are worried that the political will to continue supporting refugees and DPs is diminishing. A representative of the refugee population, who is also a member of the National Assembly, has tried unsuccessfully to get support from the Government and Assembly members to continue the Regional Housing Programme.⁸¹ An estimated 16,780 refugee families were in need of housing at the start of the programme.⁸² The Programme planned to provide around 7,600 homes between 2012 and 2017, later extended to 2021.⁸³ Until August 2021, a total of 5,987 units had been provided,⁸⁴ meaning that around 10,800

⁸⁰ Law on Refugees, *Official Gazette* 18/92, 45/02.

⁸¹ Miodrag Linta, 13 April 2021, 7th Sitting of the 1st Regular Session of the National Assembly of the Republic of Serbia in 2021.

⁸² *Regionalni program stambenog zbrinjavanja* (Regional Housing Programme), Brochure, available [here](#)

⁸³ *Regional Housing Programme in Serbia*, January 2021, Factsheet, available [here](#); *Economic and social rights*

for forcibly displaced persons during the conflicts in former Yugoslavia, Conference Concept Note, 27 – 28 June 2017, available [here](#).

⁸⁴ *Regional Housing Programme in Serbia*, August 2021, Factsheet, available [here](#).

families still have a housing problem. Parliament has rejected putting this issue on its agenda, and the Government has offered no reassurance that a solution will be sought for these people.

The state provides annual financial support for several victims' associations of Serbs from Croatia, Kosovo, and BiH.⁸⁵ This support, along with an imposed perception that the Serbian state and its institutions are their only ally, gives the state political control over the associations.

Groups of non-Serb victims are completely out of sight of politicians and institutions, who show no interest in addressing the consequences of war that non-Serbs are facing.⁸⁶ Even those processes that have been initiated are prolonged or not completed, as is the case with the families of people abducted in Štrpci and the victims of state terror in Sandžak.⁸⁷ An important exception is the mayor of Prijepolje, who participates in annual commemorations of the crime in Štrpci and supports the families of victims.

Victims of Albanian ethnicity are not, in any sense, recognised.

The fact that politicians and state institutions have little regard for victims is also clear from memorialisation practices, law-making processes and relevant strategic approaches. Since 2015, the state has monopolised events that symbolise commemorating the suffering of victims (of Operation Storm in 1995 and the beginning of NATO's intervention in the Kosovo war). Victims are excluded from these state-run commemorations, despite requests from their organisations.⁸⁸

Institutions have also remained deaf to the demands of victims regarding the rights they can expect under the law regulating the status of civilian victims of war. The first law, adopted in 1996, discriminated against certain categories of victims. Those excluded were families of missing persons, victims of SGBV, survivors with less severe physical injuries or mental illness, and those whose illness was deemed psychosomatic.⁸⁹ People targeted by Serbian forces, as well as those who suffered harm outside the territory of Serbia, were also not recognised as civilian victims as the law was vague and allowed for different case-by-case interpretations. Those qualifying for state support were given modest cash allowances, but only after proving their low socioeconomic status. The new law adopted in 2020 kept all the above discriminatory measures but now clearly states that under Serbian law civilian victims are only those who suffered at the hands of enemy forces outside of Serbia. This provision explicitly excludes the majority of victims covered in this report, especially Bosniak victims from Sandžak and Albanian victims from Preševo/Preshevë Valley. Moreover, this law prioritises war veterans over civilian victims, providing them with greater material support and services.

Victims receiving the greatest and continuous legal attention are refugees/DPs. The first law addressing the plight of refugees was adopted in 1992 and the strategic approach developed in the early 2000s. The third strategy expired in 2020, and a new one for 2021–2025 was supposed to be adopted in 2021.

85 Report on the Work of the Commission on Missing Persons for the period January 1 – December 31, 2019, available [here](#); Representatives of victims' groups in conversation with the author.

86 Representatives of victims' groups in conversation with the author.

87 Representatives of victims' groups in conversation with the author.

88 Representatives of victims' groups in conversation with the author.

89 Relja Radosavljević, 2017, op cit.

However, by early 2022 it had still not been adopted.⁹⁰ At the other end of the scale, victims of war related SGBV are completely neglected,⁹¹ and several categories of civilian victims of war are striving to gain state support by using different strategies (lawsuits, acquiring the status of the civilian victim of war). As stated above, they include families of missing persons, non-Serb ethnic groups who suffered at the hands of Serbian security forces, survivors suffering the psychological consequences of war, victims with physical disabilities that affect less than 50% of their body, and forcibly mobilised refugees.

Provisions in the Law on War Memorials⁹² forbid the erection of monuments not dedicated to Serbia's liberation wars, as well as those that symbolise Serbia's loss of sovereignty and territorial integrity.⁹³ The Law also leaves space for flexible interpretations of what constitutes an historical fact.⁹⁴ Given Serbia's official narrative that it only defended its people in the 1990s Yugoslav wars, and its stance on Kosovo's unlawful secession, the majority of non-Serb victims are not commemorated under this law. Some memorials have already been removed, albeit before the adoption of this law, as was the case with memorials for the Liberation Army of Preshevo, Medvedja and Bujanovac (LAPMB).⁹⁵

However, dozens of memorials dedicated to the LAPMB still exist throughout southern Serbia,⁹⁶ as well as memorials to victims of the Sjeverin and Štrpci abductions in Sandžak who are also excluded under the law. For example, in 2021 a memorial to a LAPMB commander was being built near the village of Trnovo, in the Bujanovac/Bujanoc municipality.⁹⁷ Such a discrepancy between the legal provisions and practice, as well as between different practices, proves that memorialisation has been politicised and that some memorials are targeted for political gain.

Overall, there is a strong sentiment among victims' groups and civil society actors that declarations of support and some institutional mechanisms are not converted into a sincere and dedicated commitment to resolve all the post-conflict issues victims are facing.

The majority of opposition politicians do not show any interest either. One political party has recently initiated a mechanism to return property confiscated by the Socialist Party of Serbia (SPS), the ruling party during the 1990s crisis and wars, and using 50% of this property to provide redress for the victims Slobodan Milošević's regime, but only victims of political violence.⁹⁸ Likewise, no opposition politicians have visited south Serbia or Sandžak recently, to reach out to these communities and victims' groups.⁹⁹

90 Plan rada Vlade za 2021. godinu (2021 Annual Work Plan), February 2021, The Government of the Republic of Serbia.

91 *Srbija ne priznaje žrtve silovanja u ratu* (Serbia does not recognize the victims of war rape), 26 September 2017, Radio Free Europe, available in Serbian [here](#).

92 Law on War Memorials, *Official Gazette* No. 50/2018.

93 *Ibid*, Article 20.

94 *Ibid*.

95 Krstić, 2016 op cit.

96 Marko Milosavljević, 2019. 'Law on War Memorials in Serbia: Nationalistic Monopoly over Memory', *Balkan Perspectives – A Magazine on Dealing with the Past*, Issue 11.

97 'Leši iznad V.Trnovca dobija memorijal, radovi u toku' (Leshi gets memorial in Veliki Trnovac, under construction), Bujanovačke, 8 April 2021, available in Serbian [here](#).

98 Pokret za preokret predstavio zakon o oduzimanju imovine SPS-u koja je ranije pripadala SKS i SSRNS, April 2021, available (in Serbian) [here](#).

99 Representatives of victims' groups in conversation with the author.

It should also be noted that certain victims' groups have been politicised and are highly influenced by the official narrative of Serbian victimhood. They identify their suffering with that of the Serbian state, which puts them in a position where the solutions they demand are those imposed by politicians, rather than those that can meet their own needs. This isolates them from any sincere or meaningful cross-ethnic or cross-border cooperation, which could bring some new strategies and a sense of support. Some groups and individuals have openly sided with the ruling parties and pursued political goals instead of providing a space for victims to be heard within the institutions.¹⁰⁰

UNMET NEEDS OF WAR VICTIMS

Victims in Serbia still seek redress, truth, justice and social recognition.¹⁰¹ They live in socioeconomic hardship, face obstacles in fulfilling their rights, and cope with post-war trauma.

In summary, the needs analysis identified these priority issues:

Socioeconomic needs – Many displaced persons and victims' families from Kosovo are materially disadvantaged and marginalised, in part because they have been unable to dispose of their property in Kosovo. They also face unemployment and inadequate housing, with 166 still living in inhumane conditions in the collective centres.¹⁰² DP status provides them with fewer housing opportunities, as they are not entitled to all the rights granted to refugees. The situation is also grim for a significant number of refugees from Croatia and BiH. Although the Regional Housing Programme has helped a lot of refugees to get a new home, there are still around 10,800 families seeking support.¹⁰³

Being in a difficult socioeconomic position also hinders the realisation of certain rights. For example, those who want to declare a missing person dead in order to inherit and dispose of property or receive a pension must pay for an announcement in an official gazette or hire a lawyer. Victims rely mainly on NGOs and lawyers providing free legal support, but there are only a handful of them and often victims are not aware that such support exists. Families of people who were killed or went missing after 20 June 1999 are in a particularly difficult situation, because they are entitled to reparations in neither Kosovo nor Serbia (see also the section on Kosovo).

Victims from the war in Croatia face high costs of lost litigations in Croatia, making their difficult economic situation even more challenging.¹⁰⁴

Family members of missing persons are not entitled to the monthly allowance granted to socioeconomically deprived civilian victims. Neither are those considered victims of state terror in Sandžak and south Serbia, or the families of victims of the 2000–2001 internal conflict.¹⁰⁵ For years now they have been calling for their status to be legally recognised so that they can exercise their rights and improve their economic position.¹⁰⁶

100 'Za novine poslanika SNS-a milioni dinara iz budžeta' (Serbian Progressive Party's Member of National Assembly receives millions of dinars from the state budget for publishing newsletter), May 20, 2020, available (in Serbian) [here](#).

101 Needs listed here are inevitably reduced to key issues, and in no way claim to be a comprehensive and detailed analysis.

102 Commissariat for Refugees and Migrations data, available [here](#).

103 Miodrag Linta, 18 May 2021, 12th Sitting of the 1st Regular Session of the National Assembly of the Republic of Serbia in 2021.

104 Representatives of victims' groups in conversation with the author.

105 Law on the Rights of Veterans, Military Invalids, Civilian Invalids of War, and their Family Members, *Official Gazette* 18/2020.

106 Duško Čelić, 2020. 'Waiting for the Law on Missing Persons', *The Tear* No.56, pp. 13-15, available in Serbian [here](#).

The victims of state terror in Sandžak need their homes and infrastructure that was destroyed by Serbian security forces, to be reconstructed.¹⁰⁷ Although forcibly displaced, they are denied the possibility of registering as DPs, and thus obtain the rights they would have been entitled to as DPs.¹⁰⁸ In addition, they have mostly been unable to get material compensation for the damage or trauma inflicted by Serbian forces.¹⁰⁹ Some victims report having to return part of the compensation they received because it was calculated incorrectly.¹¹⁰

Albanian victims living in southern Serbia face specific problems. There has been no state investment in the region's economy and private investment has been discouraged. Infrastructure is poor, health facilities are inadequate, and there are severe problems in education including, until recently, a ban on importing Albanian-language textbooks. Albanian-speaking university students also find it difficult studying in Serbian and the qualifications they gain in Kosovo are not recognised in Serbia, making it difficult for them to gain employment. However, the most acute problem is the 'passivation of residence', which means that Albanians the authorities believe are not living at their addresses cannot obtain an ID or medical ID, which threatens to ethnically cleanse the area, especially the municipality of Medveđa/Medvegje.¹¹¹

Resolving the fate of missing persons – speeding up the search,¹¹² exhumation and identification processes,¹¹³ establishing and publicising the truth about what happened to the victims.¹¹⁴ Families of missing persons from Croatia would like to be involved in the processes led by Croatian institutions. They feel uninformed and underrepresented in the process.¹¹⁵

Administrative and legal support – victims' groups often do not have sufficient capacity to run their own relevant processes. An example is the legal procedure for declaring a missing person dead in order to claiming legal benefits, which is financially and administratively demanding as well as being traumatic. Similarly, victims lack the capacities to apply for participation in court proceedings before the Kosovo Specialist Chambers.¹¹⁶ Victims also need legal support to file compensation suits for damage, as well as to gain the status of civilian victims of war.

Psychological support – Victims suffering with trauma resulting from war, war crimes, displacement, the loss of a family member, destruction of property, and other war-related human rights abuses need

107 Representatives of victims' groups in conversation with the author. *Ćutnja o proterivanju Bošnjaka iz Priboja* (Silence covers the expulsion of Bosniaks from Priboj), 15 February 2018, Radio Free Europe, available in Serbian [here](#).

108 Representatives of victims' groups in conversation with the author.

109 Mihailo Pavlović, 2018. *Circumventing Justice: The Statute of Limitations as a Mechanism for Denying War Victims the Right to Compensation*, HLC.

110 Representatives of victims' groups in conversation with the author.

111 *Serbia is Depopulating Albanians in the Presevo Valley at Alarming Levels*, Flora Ferati-Sachsenmaier, May 2020, available [here](#); Representatives of victims' groups in conversation with the author.

112 "He Was Gone": Video Memories of the Balkan Wars', *Missing Persons*, 31 August 2020, BIRN, available [here](#).

113 *Nestali ne smeju ostati broj* (Missing Persons Must not be only Numbers), 28 August 2020, daily newspaper Danas, available in Serbian [here](#); *Will Serbia and Kosovo Open Up Secret War Archives?*, 14 August 2020, BIRN, available [here](#); "He Was Gone": Video Memories of the Balkan Wars', *Missing Persons*, 31 August 2020, BIRN, available [here](#)

114 Representatives of victims' groups in conversation with the author.

115 Representatives of victims' groups in conversation with the author.

116 Representatives of victims' groups in conversation with the author.

special therapy programmes. Currently, victims are forced to seek psychological support through regular health services, which involves several difficult steps: recognising and accepting the problem, visiting a general practitioner, and referral to a specialist. Victims are thus often left to fend for themselves.¹¹⁷ Trauma unaddressed for two decades has even led to a fatal heart attack.¹¹⁸ Victims testifying in court are in particular need of emotional and psychological support.¹¹⁹

Recognition – all victims crave socio-political recognition in the form of statements, monuments, memorials and other forms of acceptance¹²⁰ from the Serbian state, the states and communities involved in the conflicts, and the international community. Victims of state terror in Sandžak and abductions in Štrpci and Sjeverin are still waiting for Serbian institutions to accept responsibility and recognise them as victims.¹²¹ Victims' groups of Serbs from Croatia want not to be seen as aggressors by their counterparts in Croatia.¹²² Groups of non-Albanians from Kosovo would like to be recognised as victims by the Kosovo state and society, and the international community.¹²³ Another frequent desire of victims is to have someone on the other side of the historic conflict line advocating for their rights and recognition. For example, Serb victims from Croatia or Kosovo would like to see someone in Croatia or Kosovo standing with them in advocating for justice and truth.¹²⁴

All groups want their story to be heard; that need was omnipresent during the field research. Some interviewees said they have noticed that the families of missing persons especially are now more willing to talk.¹²⁵

Societal remembrance – all victims' groups express the need to keep the memory of victims and what happened in the war alive. They, themselves compile lists of victims,¹²⁶ organise commemorations¹²⁷ and build memorials.¹²⁸

Prosecuting perpetrators – all groups perceiving themselves to be victims insist on bringing those responsible to justice.¹²⁹ They expect prosecutions from the courts in Serbia, Croatia and Kosovo,

117 Representatives of victims' groups in conversation with the author.

118 Representatives of victims' groups in conversation with the author.

119 *Serbia Urged to Safeguard War Crime Victims and Witnesses*, 6 December 2019, BIRN, available [here](#).

120 Website of the Association of Families of Kidnapped and Disappeared Persons in Kosovo and Metohija, available in Serbian [here](#); Kajević et al. *Transcripts from the Štrpci Case, Victim of forced displacement from Croatia, Vojvodina Civic Centre*, available in Serbian [here](#); Representatives of victims' groups in conversation with the author.

121 Representatives of victims' groups in conversation with the author; *Ćutnja o proterivanju Bošnjaka iz Priboja*, 15 February 2018, Radio Free Europe, available in Serbian [here](#).

122 Representatives of victims' groups in conversation with the author.

123 Representatives of victims' groups in conversation with the author.

124 Maja Stojanović, *Civic Initiatives*, 7 April 2021.

125 Representatives of victims' groups in conversation with the author.

126 Association of Families of Killed and Disappeared Persons in Kosovo and Metohija, Website, available [here](#); Representatives of victims' groups in conversation with the author.

127 Obeležavanje dana masovnog kidnapovanja Srba i ostalih na beogradskom groblju Orlovača i u Velikoj Hoći (Marking the day of the mass kidnapping of Serbs and other communities), 18 July 2021, available [here](#).

128 Spomen soba Udruženja 'Suza' - 'Nezaborav za žrtve devedesetih', 13 May 2021, available [here](#).

129 Nail Kajević, Selma Čolović, Ragip Ličina, Alija Kapetanović, Etem softić, Misin Rastoder, Edin Bakija, Islam Sinančević, *Injured parties in the Štrpci Case*, Transcripts of the audio recording from the court hearings held from 3 April to 13 May 2019, available in Serbian [here](#).

including the Kosovo Specialist Chambers. In relation to the latter, some victims want to be involved in the process, while others are unaware of that possibility.¹³⁰

Women victims of war are completely side-lined and left with no support or recognition as victims,¹³¹ particularly victims of sexual violence and women refugees/DPs. Neither have victims' groups addressed the particular issues facing women.

Civilian victims of war feel discriminated against compared with former fighters.¹³² Some victims also feel disengaged from official processes and initiatives with the potential to provide them with some form of redress.¹³³

Representatives of non-Serb victims' groups raised the rising atmosphere of fear and division between different ethnic groups in Serbia,¹³⁴ and expressed the urgent need for institutional reforms guaranteeing non-recurrence as some are experiencing threats and intimidation.¹³⁵

The general reason for depriving victims of opportunities for meaningful closure lies in socio-political unreadiness to objectively examine the role of Serbia in the 1990s wars. Such a tendency can be seen in many processes, including the following.

No **systematic reparation programme** was ever discussed or established. In general, victims do not receive financial support from the state. As stated earlier, the law providing some form of reparation excludes several categories of victims, including families of missing persons, victims with physical injuries affecting less than 50% of their body, victims with post-traumatic stress disorder and other forms of war-related trauma, victims of sexual violence, and victims who suffered at the hands of Serbian security forces.¹³⁶ In addition, victims have to be financially vulnerable, meaning that this support is reduced to a social welfare benefit. The only reparation initiative envisaging the reconstruction of devastated communities in Sandžak area – the Program for the Return of Refugees and Displaced Persons from the Municipality of Priboj – was also never completed.¹³⁷ Victims not entitled to state support through any of the existing legal measures have to seek compensation for material damage through lawsuits. However, these processes rarely provide any sense of closure for victims. Court proceedings have been lengthy, with many claims rejected or, if accepted, awarding

130 Representatives of victims' groups in conversation with the author.

131 Representatives of victims' groups in conversation with the author.

132 *U Beogradu održana rasprava o nacrtu zakona o pravima boraca, vojnih invalida* (Public Hearing about the Draft Law on the Veterans' and War Invalids Rights held in Belgrade), 6 June 2019, Alliance of Serbs from the Region, available in Serbian [here](#); *Žrtve balkanske krčme* (Victims of the Balkan Trade), 22 November 2019, Deutsche Welle, available in Serbian [here](#).

133 *Udruženja: Povuci nacrt zakona o pravima boraca* (Associations: Withdraw the Draft Law on Veterans' Rights), Radio Television of Serbia, 30 December 2014, available in Serbian [here](#); *Draft Law on War Veteran and Disability Rights retains provisions that discriminate against civilian victims of war*, Press Release, 9 January 2019, HLC, available [here](#).

134 Representatives of victims' groups in conversation with the author.

135 Ibid; *Žrtve kao baražno punjenje za nove ratove*, 28 December 2020, Portal Autonomija, available in Serbian [here](#); *Serbian Policemen Investigated over Pro-Genocide Song*, 5 January 2022, Balkan Insight, available [here](#).

136 Law on the Rights of Veterans, Military Invalids, Civilian Invalids of War, and their Family Members, *Official Gazette* 18/2020.

137 Representatives of victims' groups in conversation with the author.

inadequate compensation.¹³⁸

Finally, although having an option to file a restitution claim through criminal proceedings, courts are urging victims to file a private lawsuit against those responsible for war crimes. Victims who do decide to file a private lawsuit are in need of legal assistance to help them navigate often complex procedures. Those under financial strain need free legal aid, which can be provided only under certain conditions. With such confusing and limiting options, victims remain both insecure and reluctant to initiate any claims. The victims of SGBV are particularly hesitant to file a restitution claim as this new proceeding would strip them of the protection they had during the criminal proceedings.

Displaced persons from Kosovo who worked in state-owned enterprises or public institutions in Kosovo are still formally employed but, instead of being paid a full salary, they receive only a very modest monthly allowance. Their inability to dispose of property in Kosovo is another obstacle to improving their socioeconomic situation.¹³⁹ In recent years, the Office for Kosovo has represented victims in property claims before the courts in Kosovo, but that support has come too late as many families have already gone through a very difficult period or even died. Furthermore, displaced persons from Kosovo are not eligible to participate in the Regional Housing Programme, due to the reluctance of Serbia to integrate them. Specifically, Serbia considers their displaced position as a temporary one and is encouraging their return to Kosovo.¹⁴⁰

Victims of crimes committed after 20 June 1999 are unrecognised by both Kosovo and Serbia. Kosovo believes the war was over by that time and recognises only those families who suffered prior to that date. Serbia believes that after that date it had no obligation to protect its citizens, since its military and police forces, as well as the administration, had withdrawn from Kosovo.¹⁴¹

Some families of (Serb) victims from Kosovo have received financial assistance from the state¹⁴² but, as one interviewee described it, through a selective and non-transparent process, which may imply the politicisation or corruption of individuals in state institutions.

Only in 2021 did the process of preparing the law on missing persons start. Without legal regulation of their status, families are urged to declare their missing family member dead to enjoy certain socioeconomic rights.

There has been no nationwide initiative to encourage victims to seek psychological support. The programmes provided by civil society actors are sporadic or have closed.¹⁴³ Moreover, war-related trauma was not recognised in wider social context, and there is a kind of taboo regarding seeking psychological help.

138 Pavlović, Mihailo, *Circumventing Justice: the Statute of Limitations as a Mechanism for Denying War Victims the Right to Compensation*, HLC, June 2018, available [here](#).

139 Representatives of victims' groups in conversation with the author.

140 National Strategy for Resolving the Issues of Refugees and Internally Displaced Persons for the period 2015-2020, Government of the Republic of Serbia.

141 Representatives of victims' groups in conversation with the author; Suočavanje s prošlošću i pomirenje na Kosovu – Pregled institucija i inicijativa, 2017, UNDP; Gëzim Visoka and Besart Lumi, June 2020, *Democratizing Transitional Justice – Towards a Deliberative Infrastructure for Dealing with the Past in Kosovo*, Pax, Integra, and New Social Initiative, <http://newsocialinitiative.org/publications/democratizing-transitional-justice/>

142 Representatives of victims in conversation with the author.

143 Representatives of victims' groups in conversation with the author.

War crime trials are slowly dying out, despite the well-established institutional and legal framework and requirements set by the EU within the accession framework. Insufficiently effective regional cooperation in the prosecution of war crimes, especially the lack of any with the Kosovo prosecutorial institutions, prevents some victims living in Serbia from achieving justice.

Victims lack the capacities to apply for participation in the court proceedings of the Kosovo Specialist Chambers in The Hague. Kosovo Serb victims' associations provide some support, but they often lack sufficient capacity, making them unable to reach all potentially interested individuals.

Symbolic gestures, such as public statements and monuments serve the purpose of maintaining the Serbian victimhood narrative rather than enabling sincere discontinuity with the past. RECOM, as the most prominent initiative aiming to enable and support the establishment of facts about the wars, was disregarded by the state.

No **institutional reform** was initiated, while the only existing law on lustration [accountability] expired without ever being implemented. Finally, security forces archives remain sealed, despite having the greatest potential to trace the vast number of missing persons, as well as to enable vetting procedures.

Victims remain hostage to political interests.¹⁴⁴ The clearest example is probably the Serbian policy towards Kosovo, which affects victims in a number of different ways. As already mentioned, bilateral cooperation in prosecuting war crimes is practically non-existent. Likewise, the search for missing persons depends, among other things, on Serbian readiness to consolidate lists with the counterpart organisation in Kosovo. On the other side, the position of Albanian victims in southern Serbia is influenced, among other things, by Serbia's expectation that relations with Kosovo will be resolved by dividing the territories or redrawing borders. Finally, victims' associations of Serbs from Kosovo are linked with and influenced by politicians, which limits their ability to advocate for what they want.

Only civil society has invested significant effort in meeting victims' needs for justice, truth and recognition. However, it has not always been successful in reaching out to all victims' groups, particularly those representing Serbs from Croatia, BiH and Kosovo. There has always been a certain tension preventing mutual communication and cooperation between victims' groups and civil society actors.

ORGANISATIONAL CAPACITY NEEDS OF VICTIMS

Victims' groups are led by people who are themselves victims and who have had no preparation for leading an organisation, managing projects, or designing and implementing advocacy campaigns, etc.¹⁴⁵ Most have no plans to officially register to continue working as a victims' association. In fact, for a number of reasons, most do not envision any future for their group, e.g. because of disappointing results in achieving justice, most active members have passed away, or a lack of support from the rest of society. Any kind of capacity-building programme should, however, also be offered to those groups. A few associations have the capacity to prepare funding proposals and implement small-scale projects. Others rely on annual state funding, which is often insufficient for proper work, but gains them political control. Exploring fundraising opportunities might therefore be well accepted. Reporting

¹⁴⁴ Matthew Holliday, Head of the Western Balkans Programme, International Commission on Missing Persons, in conversation with the author.

¹⁴⁵ Ibid.

on the implementation of projects remains a challenge. Capacity building in advocacy, lobbying and developing campaigns is needed.

Raising awareness on gender aspects of suffering and the specific needs of women is also needed. It seems that the women-led groups are becoming more open to talking and discussing possible approaches. Women-led groups have not necessarily been concerned with gender and questioning patriarchy. Raising awareness of gender issues would therefore be the starting point for them.

Establishing partnerships, both with other victims' groups and NGOs, would help to widen their focus in terms of gender aspects, strengthen their advocacy position, and increase project management skills. Victims' groups might also be linked with other victims' group worldwide, to share experiences and build coalitions.

Given the generational shift and victim fatigue due to the 20+ year-long search for justice, it may be beneficial for younger generations to take over some aspects of their work.

1.3 Official initiatives to address Serbia's violent past

The only existing official initiatives with the potential to address the legacy of the 1990s wars in Serbia are the war crime trials, the search for missing persons, and the reintegration of refugees. Progress on domestic war crimes cases has been slow, however. In its 2020–21 report on Serbia, Amnesty International stated: “No progress was made towards implementing the national war crimes strategy, opening investigations into the backlog of more than 2,500 war crimes cases, or indicting senior police or military officials for command responsibility. [...] Prosecutions of low-level perpetrators in cases transferred from Bosnia and Herzegovina were extremely slow. Proceedings against 10 men related to the Srebrenica genocide continued to be delayed by absences of the accused.”¹⁴⁶ The search for missing persons is advancing slowly, due to the passivity of the relevant institutions. Significant numbers of refugees from Croatia and BiH are still living in Serbia, some in unsuitable accommodation.

The President of Serbia supported the Initiative for Establishing a Regional Commission for Truth-seeking and Truth-telling About War Crimes (RECOM), but no concrete measures were taken to promote the idea regionally or domestically. The Law on Lustration was adopted in 2003 but, during its 10 years of existence, it was never implemented. In 2012, the Government of Serbia adopted the “Programme for the return of refugees and displaced Bosniaks from the municipality of Priboj in the period 1991–1999”, which aimed to facilitate the return of Bosniaks expelled from their homes in the municipality of Priboj during the war in BiH. It introduced a set of measures, such as the reconstruction of buildings and infrastructure, agricultural subsidies and incentives, and the development of the local community, to enable the sustainable return of Bosniak citizens who were expelled from their homes. However, it was not framed as reparation, but rather as a reconstruction programme.¹⁴⁷

For years, victims' groups have advocated for a specialist law that would regulate the legal and socioeconomic position of the families of missing persons. In 2019, the Coordination of Serbian Associations of Families of Missing, Murdered and Killed Persons from the Former Yugoslavia received

¹⁴⁶ Amnesty International, *Amnesty International Report 2020/21: The State of the World's Human Rights*, p. 315. Full report [here](#).

¹⁴⁷ The Programme for the return of refugees and displaced Bosniaks from the municipality of Priboj in the period 1991-1999, Government of the Republic of Serbia, 2012.

declarative support for this initiative from President Vučić. The Coordination went further, developing a model law on missing persons and received assurance from the relevant authorities that it would enter the adoption process in autumn 2021.¹⁴⁸ However, it was not included in the Government's annual workplan for 2022, and neither has it been adopted.¹⁴⁹

There has been an increase in official memorial events to commemorate the 1990s wars in recent years, but they are ethnocentric and lack a sincere commitment to improving the position of victims. Two commemorative events – one marking crimes during and after the August 1995 Croatian military-police operation “Storm” and the other the beginning of the NATO military intervention in March 1999 – stand out as representing the backbone of Serbia's official memory politics. Both recognise only Serbian victims, neither situating the event in a broader context nor even mentioning victims from other ethnic groups. Other, smaller-scale official commemorative events follow this matrix. Since 2015, the two anniversaries have become a state project, with significant financial resources and time invested in their preparation and promotion. Local government support for the locally based commemoration of non-Serbian victims abducted from the train in Štrpci and killed is a rare occurrence.

In 2020, the new Law on the Rights of War Veterans, Invalids of War, Civilian Invalids of War and their Family Members replaced the 1996 law regulating the socioeconomic benefits of civilian invalids of war. Both laws, however, missed the opportunity to recognise all civilian victims of war and instead discriminates against certain categories of victims.

The legal framework for the protection of women's rights is largely complete but the implementation of legislation is inadequate. The lack of specialised knowledge among judges, the police and social workers, insufficient funding, politisation, and the lack of synergy between relevant institutions, as well as with experienced service providers from civil society, plays a significant role.¹⁵⁰ Women exposed to intersectional discrimination remain invisible to relevant authorities.¹⁵¹ Only victims of domestic violence automatically have access to free legal aid. Victims of other forms of gender-based violence covered by the Istanbul Convention have to go through a lengthy application process and provide relevant documents.¹⁵²

Sexual violence¹⁵³ is a criminal offence, but certain legal gaps persist. For example, under the law sexual assault is only defined as rape if coercion was used, despite the Istanbul Convention, which Serbia has ratified, encompassing the idea of free consent.¹⁵⁴ There is no law recognising war-related SGBV, and the issue has received little attention from the institutions specialising in prosecuting

148 *Zakon o prinudno nestalim licima prvi put u pravnom poretku Srbije* (Missing Persons Law for the first time in Serbian Legal System), 23 February 2021, Danas, available in Serbian [here](#).

149 Plan rada Vlade za 2021. godinu (2021 Annual Work Plan), February 2021, Government of the Republic of Serbia.

150 Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) 2020. Baseline Evaluation Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) Serbia, January 2020, Council of Europe. CEDAW Report.

151 GREVIO report, 2020, op cit.

152 GREVIO report, 2020, op cit.

153 Council of Europe Convention on preventing and combating violence against women and domestic violence Istanbul, 11 May 2011, Articles 36 and 40.

154 Criminal Code, Republic of Serbia, *Official Gazette* No. 35/2019.

war crimes.¹⁵⁵ There have been only three indictments for rape, specifically.¹⁵⁶ In May 2021, in a first-instance judgment, the Belgrade Higher Court sentenced a former Bosnian Serb police officer to nine years in prison for raping a Bosniak woman in August 1992.¹⁵⁷ In most cases, rape has been prosecuted alongside other war crimes. Furthermore, victims of war-related sexual violence are inadequately protected during criminal proceedings, often leading to stigmatisation and them becoming retraumatised.¹⁵⁸

Although domestic violence is a criminal offence under the Law on the Prevention of Domestic Violence, it only applies to certain types of relationship.¹⁵⁹ The National Strategy for the Protection of Women from Violence expired in 2015, and the new one has not been drafted.¹⁶⁰

Women lack awareness of their rights, particularly rural, Roma, older and migrant women, and women with disabilities.¹⁶¹ Additionally, they are not always supported by those close to them, due to their limited knowledge, personal beliefs or fears.¹⁶² Institutions' lack of interest and action to protect women deters them from reporting abuse and the non-existence of local protection mechanisms leaves women without any kind of protection.¹⁶³ The social climate significantly affects women's prospects of achieving justice. There is a strong tendency to re-establish traditional gender roles and anti-gender discourse dominates the public domain.¹⁶⁴ Protecting women's rights has become more challenging during the Covid-19 pandemic, with victims were more exposed to violence and less able to seek support.¹⁶⁵

Several NGOs support women and promote gender equality, including in relation to war-related SGBV. They are doing this through advocating for legal solutions, reporting on the implementation of laws, calling on the Government to meet its international obligations (e.g. under the Istanbul Convention and the Convention on the Elimination of All Forms of Discrimination against Women), raising public awareness on gender issues, offering feminist perspectives, and providing legal, psychological and other expert support to victims of gender-based crimes. There is a significant amount of expertise and experience in civil society, but this remains unexplored by institutions.

155 Žanić, 2019, op cit.

156 HLC, Policy Paper: *Awarding restitution claims for victims of sexual violence in war crimes proceedings before Serbian courts*, June 2021: https://hlc-rdc.org/wp-content/uploads/2021/06/Policy_Paper_-_ENG.pdf.

157 Stojanovic, Milica, *Serbia Convicts Bosnian Serb Ex-Soldier of Wartime Rape*, 13 May 2021, BIRN: <https://balkaninsight.com/2021/05/13/serbia-convicts-bosnian-serb-ex-soldier-of-wartime-rape/>.

158 Ibid.

159 *Concluding observations on the fourth periodic report of Serbia*, 28 February 2019, Committee on the Elimination of Discrimination against Women (CEDAW).

160 Ignjatović, T. (2020). Violence against Women in Intimate Partner Relationships and Institutional Response to Women's Needs. *Primenjena Psihologija*, 12(4), 385–408. <https://doi.org/10.19090/pp.2019.4.385-408>.

161 CEDAW report, op cit.

162 *Reagujte pre zločina, ne posle!* (React Before, not After the Crime!), Press Release, 5 February 2021, Autonomous Women's Center Belgrade, available in Serbian [here](#).

163 CEDAW report, op cit.

164 GREVIO and CEDAW reports, op cit.

165 *Reagujte pre zločina, ne posle!* (React Before, not After the Crime!), Press Release, 5 February 2021, Autonomous Women's Centre Belgrade.

As regards victims' initiatives, several monuments have been erected, including the monument to Serbian victims of the 1990s wars in Tašmajdan Park, Belgrade, which was erected by the Coordination of Serbian Associations of Families of the Missing in the Former Yugoslavia.¹⁶⁶ The Coalition of Refugees Associations in Serbia initiated building a memorial to Serbian victims who died in the 1991–2000 wars, which was supported by local authorities, but this has so far not happened.¹⁶⁷ In 2009, families erected a memorial to the people abducted in Štrpci in the city of Prijepolje,¹⁶⁸ and victims' groups erected a memorial dedicated to victims of abduction in Sjeverin in 2015.¹⁶⁹ In 2019, a memorial commemorating Serbs killed in the municipality of Istok, Kosovo, was erected in Osojane, Kosovo, on the initiative of the Belgrade-based association, 'Kosmetski stradalnici'.¹⁷⁰

The call by families and relatives for missing persons from the Kosovo war to be included in the Serbia-Kosovo EU mediated dialogue was accepted.¹⁷¹ However, the dialogue itself is facing delays and many difficulties.

1.4 Public discourse about the past in Serbia

As far as the Serbian state is concerned, the wars in Croatia and BiH were defensive, waged only to protect Serbian people in parts of the former Yugoslavia where they were endangered. When it comes to Kosovo, the discourse is limited to NATO's military intervention in 1999. Armed clashes in 1998, but especially crimes committed against Kosovo Albanians, are covered in silence. To help promote this view and also to point out the continuity of Serbia's suffering throughout the 20th century, the memory of this period is increasingly linked to the Second World War. At the same time, the Second World War is being nationalised: the Yugoslav, that is, the multiethnic character of resistance to fascism, is being erased in order to present it as exclusively Serbian. Such simultaneous revision of historical events imposes a particular understanding of Serbia's role in the wars, which then influences how its responsibility is determined.

The theory that the wars were defensive is grounded in and reinforced by two elements: Serbian victimhood, and the heroism of Serbian security forces. Since 2014/15, the whole state mechanism has been engaged in producing content that promotes this narrative, supported by the media and formal education system. The process of reforming the public memory of the recent past takes place through commemorative events and the public rehabilitation of convicted war criminals. The official policy of remembrance focuses on Operation Storm and the beginning of the NATO bombing. Operation Storm is portrayed as the biggest ethnic cleansing since the Second World War, while the NATO military intervention is seen as "aggression" to defeat Serbia and seize its territory. However, what has been observed in the last couple of years is that events relating to the Kosovo war are getting priority. In that sense, the public is overwhelmed with stories about the suffering of Serbs, often told not by

166 Representatives of victims' groups in conversation with the author. The same park contains the monument 'Why?', erected by families of RTS employees killed when a NATO missile hit the building during the 1999 military intervention.

167 Krstić, 2016, op cit.

168 *Izveštaj o tranzicionoj pravdi u Srbiji, Crnoj Gori i na Kosovu 1999 – 2005* (Report on Transitional Justice in Serbia, Montenegro, and Kosovo in 1999-2005), 2006, HLC; Representatives of victims' groups in conversation with the author.

169 Krstić, 2016, op cit.

170 Representatives of victims' groups in conversation with the author.

171 'Can we expect progress in the Belgrade-Pristina dialogue?', September 2020, European Western Balkans portal.

victims but by former fighters or even convicted war criminals. The latter are promoted in the public and are key figures in official commemorations. This discourse completely excludes the sufferings of other ethnic groups, particularly Kosovo Albanians, as their voices would disturb the official narrative. It must be said that the voices of Serbian victims are also silenced, as the whole recreation of memory is hijacked by politicians and institutions.

The discourse is predominantly military and masculine, magnifying military victories over civilian casualties, and the heroism of men over the suffering of women. Although there has been some acknowledgement of the Serbian side's responsibility for crimes committed, they are neither elaborated nor further explored by prosecutorial institutions, the media or formal educational programmes. At the same time, the evidence relating to such criminal behaviour is systematically hidden by institutions. Women's experiences of war are completely missing from this public discourse.

Consistent with such a politicised, exclusivist and militaristic discourse, the state remains deaf to the majority of victims' needs. Opposite to that, the needs of war crimes indictees, convicts, or war veterans are in the spotlight.¹⁷² This is evidenced not only by the already mentioned public promotion of war criminals but also by the newly adopted law which prioritises war veterans over civilian victims of war, providing them with greater material support and services.¹⁷³ Likewise, the 2004 Law on the Rights of the ICTY Detainees is still in force, providing financial compensation for people indicted and convicted of war crimes and their families.

172 For example, Vladimir Lazarevic, a war criminal convicted by ICTY to 14 years' imprisonment for crimes against humanity, was brought home in a Government of Serbia plane when released from prison in 2014, <http://www.hlc-rdc.org/?p=30815&lang=de>. He was later engaged as a lecturer at the Military Academy of Serbia, <https://balkaninsight.com/2017/10/18/serbian-war-criminal-will-teach-at-military-academy-10-18-2017/>. Also, Vojislav Šešelj, who was convicted by the ICTY to 11 years in prison for instigating prosecution, deportation and other inhuman acts as crimes against humanity, is a regular guest in TV shows and until recently was a member of the National Parliament, <https://b92.tv/video/fokus/fokus-b92-gost-dr-vojislav-seselj-1871532>, https://www.youtube.com/watch?v=-_yVQ-Uyvw1o, <https://www.youtube.com/watch?v=565TgUgNVjk>.

173 Law on the Rights of Veterans, Military Invalids, Civilian Invalids of War, and their Family Members, *Official Gazette* No. 18/2020.



The photography is dedicated to the kidnapped and missing persons from Kosovo.

Photo by: Borislav Pešić Blagoja, 2022.



SHTRPI

DRITON RIFAT MURSELI
15.07.1972 - 22.05.1999

ARSIM SHAJI MUSA
02.12.1979 - 22.05.1999

HAT FERAT TIRIQI
1977 - 22.05.1999

ZEQIR ZEQRIRI
08.02.1947 - 22.05.1999

IGBALLE OSHLANI
14.07.1954 - 22.05.1999

AZIZ HALILI
15.12.1944 - 02.05.1999

BURIM LUTFI HOKHA
28.11.1979 - 22.04.1999

FEHMI i ISTREPI
20.06.1975 - 27.03.1999

HETEM m. JASHARI
06.07.1946 - 25.03.1999

AJIBI JASHARI
1954 - 2000

FERIT JASHAR REXHEPI
04.07.1960 - 23.04.1999

ENVER m. RRUSTOLLI
01.09.1966 - 05.05.1999

REXHEP m. VERDICI
1960 - 1999





Hasan Shkreli, showing a photo of his two children, Bukurie (16) and Rrahim (19) who were forcefully taken from him, and he never saw them again. Photo by: Atdhe Mulla, 2022

2. Kosovo

2.1 Introduction

Kosovo's war victims make up a sizeable amount of the population. Almost the entire Kosovo population has been affected in one way or another by the conflict of 1998–1999, and adequate measures to provide for their socioeconomic and health needs have yet to be met by Kosovo's institutions, international development agencies and CSOs. The Kosovo war started end-February 1998 with the Serbian/Yugoslav army offensive in Kosovo against the Kosovo Liberation Army (KLA). Under the Yugoslav Federation (1942-1992), Kosovo had been part of the Autonomous Province of Kosovo and Metohija, within the Yugoslav constituent republic of Serbia. Slobodan Milošević, the nationalist president of the Socialist Republic of Serbia, revoked Kosovo's autonomous status in 1989 as part of a larger plan to claim Kosovo as a full part of Serbia. Following that, tensions between Kosovo's Albanians and Serbs over structural discrimination against the Albanian population grew stronger. In that period, the KLA developed from a loose guerrilla group into an armed resistance movement. Following NATO's intervention in March 1999, the Kosovo War ended with the signing of the Kumanovo Agreement between the NATO-led peace-support mission Kosovo Force (KFOR) and the governments of the Federal Republic of Yugoslavia (FRY) and the Republic of Serbia in June 1999.

Between January 1998 and December 2000, 13,548 killings, deaths and disappearances associated with the Kosovo war have been documented.¹⁷⁴ Of these, 10,333 were civilians; 8,692 Albanians, 1,196 Serbs, 151 Roma, 86 Bosniaks, 77 Ashkalis, 55 Montenegrins, 37 Egyptians, 11 Gorani, 9 Turks and 19 members of other ethnic groups.¹⁷⁵ The majority were killed or disappeared in 1999 (11,225 people). After the withdrawal of Serb forces from Kosovo from 15 June 1999 to the end of December 2000, another 1,257 people were killed, abducted or disappeared: 717 Serbs, 307 Albanians and 233 Roma.¹⁷⁶ The majority of people allegedly kidnapped by KLA members during this period were either Serbs or Kosovo Albanians considered 'collaborators' with Serbia.¹⁷⁷ Directly after the war, 6,064 people were listed as missing.¹⁷⁸ Over 70% of these cases have been solved, but in March 2022 there were still 1,620 people missing.¹⁷⁹ Exhumations in Serbia and Kosovo continue. In 2021 alone, 25 remains were identified according to the Government of Kosovo Commission for Missing

174 HLC, *31,600 documents undoubtedly confirm death or disappearance of 13,535 individuals during war in Kosovo*, 6 February 2015, <http://www.hlc-rdc.org/?cat=281&lang=de>. The HLC database of human losses in connection with the war in Kosovo between 1 January 1998 and 31 December 2000 can be accessed [here](#).

175 In this report we use 'Albanians' and 'Serbs' for these ethnic groups in Kosovo when referring to the period before February 2008 when Kosovo declared itself independent (which is not recognised by Serbia and some other countries); for the period after independence, 'Kosovo-Albanians' and 'Kosovo-Serbs' are used.

176 HLC, 'Kosovo Memory Book Database: Presentation and Evaluation', 4 February 2015, available [here](#). See also, Human Rights Watch (HRW), 'Abuses against Serbs and Roma in the New Kosovo', August 1999, Volume 11, No. 10 (D), <https://www.hrw.org/reports/1999/kosov2>.

177 Amnesty International, *Burying the Past: 10 Years of Impunity for Enforced Disappearances and Abductions in Kosovo*, 8 June 2009, <https://www.amnesty.org/fr/wp-content/uploads/2021/09/EUR700072009ENGLISH.pdf>.

178 Youth Initiative for Human Rights (YIHR) in Serbia & New Social Initiative (NSI), 'The efficiency of mechanisms of institutions of Serbia and Kosovo in finding missing persons from the war in Kosovo between 2016 and 2020', March 2021, available [here](#).

179 Updated list of the missing persons in Kosovo received from the International Committee of the Red Cross (ICRC) on 11 March 2022 (no breakdown in ethnicity available).

Persons.¹⁸⁰ Since March 2000, investigations into war crimes, commissioned by the International Criminal Tribunal for the former Yugoslavia (ICTY) have identified 529 mass graves with the bodies of 4,300 victims, the vast majority in Kosovo.¹⁸¹ Until DNA testing became available in 2002, traditional methods of visual identification were used.¹⁸² These constitute the majority of today's cases of suspected misidentification. For many families who identified their relatives in that period, the emotional turmoil of exhuming loved ones for DNA verification is too difficult and many refuse both the exhumation and to give their own DNA samples.¹⁸³

After the Kumanovo agreement, Kosovo was put under UN administration through the United Nations Interim Administration Mission in Kosovo (UNMIK), whose mandate was to 'ensure conditions for a peaceful and normal life for all inhabitants of Kosovo and advance regional stability in the Western Balkans'. Since then, several initiatives have been undertaken to deal with the legacy of the war, including the prosecution of war crimes, the search for missing persons, and testimonials and documentation by civil society. However, this has not been enough to address the diverse needs of victims and survivors of the war, nor has the past been dealt with in broader society.¹⁸⁴

METHODOLOGY

The study included mixed methods of data collection. Desk research that preceded this assessment study included a review of reports from different academic institutions, NGOs and other relevant sources. This was followed by 20 semi-structured interviews with the heads and members of Associations of missing persons of Kosovo Albanians, Kosovo Serbs, and other non-majority communities, as well as with civilian victims of war, female victims of conflict-related sexual violence, and domestic and international stakeholders dealing with and supporting cases of missing and civilian casualties. In selecting interviewees, care was taken to ensure proportionate ethnic representation, equal geographic coverage, and that the specific needs of different victims' groups were covered. Overall, 14 interviewees were women and 6 were men, and 15 were legal representatives of prominent associations, out of which three were with associations of female victims of conflict-related sexual violence, and one with a survivor of conflict-related sexual violence. One former political prisoner, the deputy head of the association of political prisoners, was also interviewed. Three interviewees were heads of Serbian associations in Graçanicë /Gračanica, North Mitrovica and Serbia. Another leader of the victim/women's association was of Ashkali background from Fushë Kosovë/Kosovo Polje, and another was a K-Bosniak woman from the association that gathers widows of all ethnic backgrounds from North Mitrovica.

Out of 20 interviews, only five were conducted face-to-face due to Covid-19 restrictions. The others were conducted via platforms such as Zoom, Google Meet, Facebook, Viber or WhatsApp. Four interviews were conducted with organisations focusing on supporting the work of victims and missing persons

180 Facebook post by Head of the Commission, Andin Hoti, available [here](#).

181 Cani, B., Shehu, B. & I. Petrovic, 'Dialogu: Të vrarët, të pagjeturit dhe të zhvendosurit' (Dialogue: The Killed, the Missing and the Displaced), Deutsche Welle, 23 July 2020 available [here](#).

182 Youth Initiative for Human Rights (YIHR) in Serbia & New Social Initiative (NSI), 'The efficiency of mechanisms of institutions of Serbia and Kosovo in finding missing persons from the war in Kosovo between 2016 and 2020', March 2021, available [here](#).

183 Fazliu, E.: 'Unidentified Remains and Prevailing Pain', Kosovo 2.0, 6 June 2018, <https://kosovotwopointzero.com/en/eshtat-e-paidentifikuar-mbajne-dhimbjen-e-hapur/>

184 Visoka, Gezim & Lumi, Besart, 'Citizens' Perspectives on a Future Strategy on Transitional Justice for Kosovo', Integra, PAX, NSI, December 2020, available [here](#).

associations, such as the British Embassy-Kosovo, United Nations Development Programme (UNDP), UNMIK and the Agency for Gender Equity within the Prime Minister's Office.

This case study looks first at the situation and needs of the different victims' groups. The formal initiatives to deal with Kosovo's violent past are then discussed. Finally, there is a brief discussion on the national discourse about past violence and how this affects the situation of diverse victims' groups in Kosovo. The second and third dimensions are summarised descriptively, reviewing existing policies, initiatives and legislation, and public discourse on dealing with the past. The first dimension, analysis of the findings about the status of associations of missing and victims' groups, thoroughly elaborates the needs of these categories.

2.2 Situation and needs of war victims in Kosovo

The war of 1998–1999 and its aftermath affected practically all inhabitants of Kosovo as it reached all Kosovan territory. Some areas, such as Prizren, Gjakova/Đakovica, Rahovec/Orahovac, Shtërpçë / Štrpce, Peja/Peć and Drenica, were hit particularly hard. As well as death and disappearances, civilians experienced other forms of war-related human rights violations, such as forced displacement, imprisonment and sexual abuse. Many people experienced multiple abuses. Most informants identified themselves as either close relatives of missing persons, survivors or civilian victims, but political prisoners do not identify themselves as victims.

A number of victims' groups are represented by NGOs and foundations/associations. According to the Ministry of Public Administration database, since 1999, 169 organisations have been set up to provide some kind of support to war-related victims' groups, alongside organisations that deal with transitional justice and reconciliation in general.¹⁸⁵ About half of these organisations (80) were formed between 1999 and 2005, in the first five years after the war. Since then, organisations representing or supporting some of the various categories of war victims have continued to be registered. In the past five-and-a-half years (from 2016 to the present day), 25 organisations have been registered. This decreasing but continuing trend shows that victims' groups still feel underrepresented.

Three-quarters of these organisations have multiple purposes, but a fourth (39) state that their primary goal is to provide humanitarian aid to different categories of victims of war – widows, orphans, internally displaced persons (IDPs), families of martyrs, families of veterans, families of missing or murdered civilians, and war invalids. The most direct representatives of victims are the associations of families of either missing or murdered civilians, and there are 25 of those. Other organisations made up of groups whose interests they represent directly are associations of KLA war veterans (9), war invalids (10), political prisoners (6) and IDPs (3). In addition, seven other organisations are registered with the primary aim of collecting evidence of war crimes and crimes against humanity. The remaining organisations represent the interests of specific groups indirectly, including: – those assisting IDPs (20), those offering support to women (16), those offering psychological support (14), those supporting victims of sexual violence (4), those supporting landmine victims (4), those whose purpose is memorialisation (5) and those whose purpose was rebuilding after the war (4). These organisations

¹⁸⁵ Analysis based on Ministry of Public Administration database.

are registered in 29 out of Kosovo's 38 municipalities, with the majority (50) in Prishtina/Priština.¹⁸⁶

No comprehensive analysis on the social situation of war-related victims, or assessment of the technical capacities of associations and NGOs dealing with civilian victims or missing persons and their families, has so far been carried out. The War Victims' Needs Assessment undertaken by the Centre for Research, Documentation and Publication (CRDP) in 2012 identified barriers preventing victims accessing the services available to them, including a lack of knowledge about benefits, inadequate resources, institutional support, recognition, provision of education/employment skills, psychological support, and security concerns.¹⁸⁷ Interviewees revealed that the greatest barriers were directly related to poverty, with most concerned about finding work and the rising costs of food, electricity, healthcare and education. In 2019, the UNDP produced an internal *Needs assessment report for associations of missing persons families and economic empowerment of families*, presenting data on three municipalities. It suggests potential areas of support for the economic empowerment of these associations and civilian victims in general, and in particular for women involved in associations.¹⁸⁸ Among the women interviewed, the highest level of education achieved was secondary school or vocational education. Only half had finished primary school and most were unemployed, with a few self-employed in agriculture, textiles or cleaning services. Suggested areas of assistance include support for setting up and operating business ventures, professional and vocational training, information about employment opportunities and how to apply for jobs, and professional support for young people and children from these families.

CIVILIAN VICTIMS OF WAR AND THEIR FAMILIES

Civilian casualties

The Kosovo war took the lives of 10,333 civilians between January 1998 and December 2000, the majority of whom were K-Albanian (see Introduction). There were also several thousands of civilians who became invalids as a result of the war. There are no exact figures, but currently 1,801 civilians have an official status of civilian invalid and receive a pension under Law No. 04/L-172 (see Box 2, page 58). Under this law, the families of civilian war victims and war invalids are eligible for pensions if they were killed or injured between 27 February 1998 and 20 June 1999 or have suffered consequences within three years after the end of the war by explosive devices from the war. The law thus excludes victims who lost their lives after this date in violence stemming from the conflict, e.g. revenge murders of K-Serbs or moderate K-Albanians by members of the KLA.¹⁸⁹

Families of Missing Persons

As mentioned in the Introduction, in March 2022, 1,620 people remain missing in Kosovo, the majority civilians (about 1,560) and the rest members of armed groups.¹⁹⁰ Families of the missing make up the biggest victims' group within the associations of families of missing and civilian victims. There are 25 associations of family members of missing persons and civilian victims of war of different ethnicities registered in Kosovo. There are also other organisations formed by family members of the missing,

186 Other municipalities with multiple organisations representing or supporting victims of war in some way: Prizren (13), Peja/Peć (11), Gjakova/Đakovica (11), Rahovec/Orahovac (9), Mitrovicë e Jugut/Južna Mitrovica (10), Severna Mitrovica/Mitrovica Veriore (3), Štrpce/Shtërpçë (3), Gračanica/Gračanicë (2).

187 Centre for Research, Documentation and Publication (CRDP), 'Needs Assessment of Kosovo Victims', 2012.

188 UNDP, working draft, Needs assessment report for associations of missing persons families and economic empowerment of families, 2019.

189 Fred Abrahams, *Under Orders: War Crimes in Kosovo*, Human Rights Watch (2001), full version available [here](#).

190 HLC database; http://www.kosovomemorybook.org/?page_id=48&lang=de

but their primary purpose is to improve the economic situation of women who lost family members during the war.

The K-Albanian family associations of the missing and civilian victims that participated in this study were established at various times between 2000 and 2019. Their goal has been to gather and exchange information, and to seek the truth about the whereabouts of their missing family members. They found it necessary to register as an NGO or association because, as individuals, they found it more difficult to access institutions than legal entities did. Despite frequent administrative changes in Kosovo and the incomplete efforts of international organisations to discover the fate of those people who remain missing, expectations remain high. As a result, the relatives of missing persons work continuously and hard to reinforce this as a priority in every administration that comes along. Some K-Albanian associations also deal with documentation and legal aid:

“Activities have been focused on, but not limited to: gathering facts about economic losses, psychologically rehabilitating victims, and gathering documentation on the economic damage of war and on the moral damage caused to people. Subsequently, lawsuits were filed against the perpetrators and all legal remedies were exhausted within the territory of Kosovo. We have often also offered the services of a lawyer.” (Representative of K-Albanian victims’ association)¹⁹¹

In most initiatives by institutions, K-Albanian families of missing and civilian victims have been involved in small ways, including in the construction of various memorials. However, due to lack of funds, managerial skills and contacts with relevant stakeholders in the field, some groups recognised the importance of creating an umbrella organisation that would compensate for their lack of capacities, combine their individual strengths, and magnify the voice of families of missing and civilian victims vis-a-vis government and international organisations. (More on umbrella associations below.)

Among K-Serb victims’ groups, the families of missing and kidnapped persons are the most visible. However, as the leaders of the organisations are themselves displaced persons, most of these organisations are in Belgrade and some have dual registrations, in Serbia and in Kosovo.

*“The Association of the Missing and Victims is registered both in Serbia and Kosovo, and we function in accordance with the statute. Many Serb families fled Kosovo in 1999, following the bombing. We are now living in Serbia, so it is easier for families to come to our office. But we also participate in meetings of the association of the missing and abducted on the territory of Kosovo. Although our association was registered 22 years ago, I still don’t know who kidnaped and killed my parents. When we struggle together, it is easier as we console each other. How would I have done it on my own?”*¹⁹²

(Representative of K-Serb association of missing persons and victims)

Like K-Albanian associations, K-Serb associations mainly register in order to strengthen their voice before institutions responsible for discovering the fate of the missing and to share new information. Some managed to secure support from local government and international organisations, but, as with all other association representatives interviewed as part of this research, they underline the need for expanding their human capacities and memorialising their loss. *“The main goal is to find*

¹⁹¹ Interview 5, 6 April 2021.

¹⁹² Interview 11, 9 April 2021.

the missing persons. But while we are struggling for the truth, we need space to gather for which we have to pay electricity and heating bills. We also lack funds to build monuments and memorials. We don't have enough young people who want to deal with this topic, they expect to be paid for their work. [...] ICMP [the International Commission for Missing Persons] gave us a small project, but we need to increase our capacities, in writing projects, planning, and learning English to deal with internationals ..."
(Representative of a K-Serb association)

Inclusion of K-Serb associations in initiatives by the Kosovo government is improving but remains low, while consultations between authorities in K-Serb majority areas and K-Serb associations take place more regularly but are not necessarily fruitful. For example, the building of a monument to the missing and killed in Shtërpçë/Štrpce went ahead, despite the objection of 16 families of missing persons who felt that placing the names of the missing people on a monument would equate to them conceding that their family members are dead.

Most associations operate with little to no funding. In 2019, however, the Kosovo government gave family associations mini-grants worth €5,000 on an ad-hoc basis.¹⁹³ K-Serb organisations in Kosovo, but registered in Serbia, receive a yearly amount of approximately €770 from Belgrade, but K-Serb organisations registered in Kosovo do not have a support scheme.

Family members of victims and the missing hear about transitional justice or dealing with the past by participating in events about missing persons, war crimes or civilian victims but, while ready to participate in such activities and relating to the broader concept, some interviewees admit that they do not fully understand the terminology.

"Dealing with the past is a close topic for us and we know what it is because we are invited to conferences and workshops, we are present everywhere and such meetings mean a lot to us. We participate in meetings organised by state commissions for missing persons, and organisations such as ICMP, ICRC [International Committee of the Red Cross], EULEX [EU Rule of Law Mission in Kosovo], etcetera. We have good cooperation with everyone because it is in our interest to get information about our missing loved ones. In these meetings we hear a lot about dealing with the past. But I can't say I know more about it."¹⁹⁴
(Representative of K-Serb association)

Almost all family association representatives interviewed confirmed their empathy and support for other victims of torture or civilians killed during the war in Kosovo. They also agreed that there is no desire for revenge among them; they only strive to find the truth for their loved ones. However, the interests of victims' groups and associations of family members of the missing are often politicised. In fact, many of the goal-related efforts of families of the missing, such as truth-finding and information exchange, are directly related to political processes such as the EU-facilitated dialogue on normalisation of relations between Kosovo and Serbia. Since the new phase of dialogue started in 2020, the fate of the missing, along with the issue of returnees, has been formally included in the

¹⁹³ UNDP, draft working paper, 'Needs assessment for associations of missing persons families and economic empowerment of families', 2019.

¹⁹⁴ Interview 15, 7 April 2021.

negotiation as one of eight chapters within the future comprehensive normalisation agreement.¹⁹⁵ After the latest round of talks in February 2022, both governments confirmed that they are close to signing a joint statement on missing persons. It is not clear, however, whether the statement will include concrete commitments to resolve the issue.

According to the majority of family members of missing people interviewed, the most urgent matter is the right to know. This is followed by the need for financial support and health care assistance for individuals affected by the conflict, especially the elderly. Heads and members of missing persons and civilian victims' associations agree that they lack fundraising skills and find it difficult to meet donor requirements when seeking the truth and justice. The need for funds relates to basic operational needs, including renting a space for family members to meet. Some associations get some support from the local government but still have utilities and other operational costs.

The establishment of umbrella organisations that collect and disseminate information on the missing has allowed smaller victims' groups to focus on specific issues. For example, groups led by women victims of war that focus on the economic empowerment of women as well as their more immediate concerns have emerged in different regions of Kosovo.

"I founded the association for the purpose of obtaining information on missing persons, to be a legal entity and to engage in activities to make a living ... I did not think that we would become a business, hire widows of the missing, and continue to grow the business. After a while we started generating income." (Representative of K-Albanian association of widows)¹⁹⁶

As the majority of missing persons, 1,432 are men, the representation of women in the missing persons associations is high.¹⁹⁷ In 2015, CRDP found that women faced discrimination when they became household heads as a result of the death or disappearance of their closest male family member. It was difficult for them to take on the role of provider, due to high rates of overall poverty, their low skill sets, and a lack of opportunities for professional training. Women's perceived inferior role in the Kosovan family structure and social prejudices against women's employment also hindered their attempts to rebuild their lives. They also faced problems with their property rights and freedom of movement. This leaves women victims of war and their children particularly vulnerable to poverty and abuse.¹⁹⁸

In fact, the precarious financial and social situation widows of the missing men found themselves in after the disappearance of their husbands led to the establishment of widows' associations that work primarily to empower women economically or provide them with skills they can use to make a living. As many as six smaller associations, led mainly by widows of the missing and civilian victims, now focus on generating the means to help victims' families economically. The most well-known is Shoqata e Grave të Veja – Krusha (Women of Krusha), led by Fahrije Hoti, which was registered in

¹⁹⁵ Government of the Republic of Kosovo – Office of the Prime Minister, 'Report on the achievements and challenges in the implementation of the Brussels Agreements', 10 June 2021, <https://www.docdroid.net/kpfVzf2/raporti-mbi-arritjet-dhe-sfidat-ne-zbatimin-e-marreveshjes-se-brukselit-1-pdf#page=2>.

¹⁹⁶ Interview 3, 6 April 2021.

¹⁹⁷ HLC database.

¹⁹⁸ CRDP, 'Missing links: How Kosovo's institutions and society are failing civilian war families in Mitrovica', 2015; <https://womensnetwork.org/wp-content/uploads/2018/10/20140801164046242.pdf>.

2003 to seek truth and justice about the women's missing and killed husbands. Over the years, the association also responded to the economic needs of its members and, with assistance international NGOs and donors, later transformed into a business, Kooperativa Krusha. The company now employs 50 women, some of whom are war widows, and produces ajvar and other pickles that are sold in 200 stores throughout Kosovo and shipped to Switzerland.¹⁹⁹ Fahrije Hoti's story is told in the film *Zgjoji* ('Hive', 2021), which has won more than 15 awards at international film festivals. The film shows Fahrije's fight to live an independent life as a single mother in her patriarchal village after her husband goes missing in the war.²⁰⁰

Vildane Mulaku, the head of Shoqata e Familjarëve të Martirëve dhe të Zhdukurve 'Martirët e Lirisë 1998/99' from Vushtrri/Vučitrn (Association of the families of the martyrs and the missing 'Martyrs of Freedom' 1998/99) also built her own business after losing her husband in the war. Mulaku's business, which employs several women from families of missing persons and victims of war, serves food at a local school in Vushtrri/Vučitrn.

In an association of families of missing people in Mitrovica-North, widows of diverse ethnic backgrounds whose husbands went missing or were murdered offer each other psychological support when they get together to knit and produce carpets, and talk about their everyday struggles.

"My husband was killed in 1999, and I was tortured. A total of 32 women who are a part of the organisation knit and produce carpets, and 15 are widows of missing or killed men. They are tired of war and a hard life, so they are interested in working and earning more to support their families. They are not very interested in socialising with other associations because they do not have time and are tired of war topics. In regular meetings with other associations, I am their representative and they are happy." (K-Bosniak representative of association of missing)²⁰¹

Respondents to this research stressed that initiatives for the economic empowerment of victims of war only get support from embassies and international donor agencies, not from national institutions.

"We need a bigger office because the one we are using was given to us by the municipality as a service. We need computers, training such as writing a proposal, a business plan and various projects, and training staff in English and translation and how to report to donors. Even though women are over 40 years old, they still need training. We get respect for our work within the community." (Representative of K-Albanian association of missing persons)²⁰²

In order to provide social assistance to the families of the missing and other victims' groups, especially those who emerged from the KLA, in 2011 the Kosovo Government adopted Law No. 4/L-054 on the Status and the Rights of the Martyrs, Invalids, Veterans, Members of Kosovo Liberation Army, Civilian Victims and their Families. Although there are 1,620 missing persons from the war in Kosovo, only 318 recipients are categorised as receiving the pension on account of having family members who

199 The World Bank, *In the Aftermath of War, Women Farmers in Kosovo Rebuild Their Lives*, 2015.

200 'Hive' won three prizes at the Sundance Film Festival 2021, see: <https://www.theguardian.com/film/2022/mar/06/hive-film-kosovo-fahrije-hote-blerta-basholli-interview>

201 Interview 19, 29 April 2021.

202 Interview 20, 13 April 2021.

are missing. Another 18 people receive pensions because their family members who are missing belonged to the KLA.²⁰³

The small number of beneficiaries among family members of the missing compared with the number of registered missing persons is not the only concern. A loophole in the law leaves some families of the missing out of the scheme entirely. Due to the discrepancy in the timeframe that defines civilian victims of war (27 February 1998 to 20 June 1999, see Box 2, page 58) and missing persons (1 January 1998 to 31 December 2000), families of missing persons whose bodies are found but who were murdered after June 1999 are not recognised as families of the civilian victims of war. At the time the remains of their family members are located, they cease to receive pensions. If a missing person was located before adoption of the law, family members have no right to the pension at all. The Missing Persons Resource Centre (MPRC) has asked the Government to reduce the gap between the benefits afforded to families of missing civilians compared with those guaranteed to families of missing KLA fighters and to harmonise the timeframe so that the benefits of the law can be extended to families of those who went missing between 10 June and December 2000.²⁰⁴

Regardless of the existing legal framework and agreements, the rights of missing people and their families, especially their 'right to know', will continue to be violated until the fate of all who went missing as a result of the conflict has been determined. The Government of Kosovo adopted a concept document on missing persons in June 2019, which seeks to govern the status of missing persons and their families by supplementing and amending existing legislation, a measure that families of missing persons and the international community have been calling for for years.²⁰⁵

²⁰³ Data provided by the Ministry of Finance, Labour and Transfers of the Government of Kosovo.

²⁰⁴ <https://www.radiokim.net/vesti/ratni-zlocini/obelezen-nacionalni-dan-nestalih-lica-na-kosovu.html>

²⁰⁵ The Concept Document states, "The legal infrastructure, which regulates this matter, [...] does not fully meet the needs and does not fully address the concerns of family members of this category. Moreover, some legal provisions have produced unequal treatment in various categories arising from the war, resulting in concern and dissatisfaction among family members." Available [here](#).

KLA VETERANS' ASSOCIATIONS

Just after the Kosovo war in 1999, the Provisional Interim Government of Kosovo claimed that the KLA had about 20,000 members (fighters). Since then, the number has risen to 40,000,²⁰⁶ most likely as a result of fraudulent applications for the status of former KLA fighter. As stated by the 2018 US Ambassador to Kosovo, "We checked the archives in Washington, and Kosovo never claimed more than 15,000 KLA fighters. It's astonishing that the number of beneficiaries, 20 years after the conflict, is going up, not down. It just doesn't add up."²⁰⁷

A number of legislative instruments provide benefits and compensation for former KLA members and their families. Law No.04/L-054 defines the rights and status of members of the Kosovo Liberation Army who fought, died or were injured during the war and their families. The law also established the Government Commission for the Recognition and Verification of the Status of KLA Veterans (and other categories under the law). Benefits under this law can generally be divided into those for family members of KLA soldiers who were killed or went missing during the war and veterans who were injured during the war. Supports provide a family pension, health care, education, housing benefits and priority housing, as well as reduced public service fees and taxes for families of KLA members who died or went missing. Members of the KLA who were wounded in the war and their families are entitled to a personal disability pension, as well as health insurance and rehabilitation benefits; priority and assistance

in employment and education; and public service and tax reductions. Law No.04/L-261 on Kosovo Liberation Army War Veterans was adopted in April 2014 to further regulate the criteria for recognition and realisation of the rights to benefits of KLA veterans and their close family members. Under this law, fighter veterans and their families are entitled to a Fighter Veteran's Personal Pension, free health care, employment, schooling, housing and transportation rights, as well as funeral costs. The compensation that former KLA members receive for service to their country is not considered reparation, but rather a veteran service benefit.

Former KLA members have organised themselves in various veterans' organisations, nine of which are officially registered with the Ministry of Public Administration.²⁰⁸ Connections to the K-Albanian political parties is very strong, as several former KLA commanders became leaders of these parties (the Democratic Party of Kosovo – PDK and Alliance for the Future of Kosovo – AAK). Some of the veterans' organisations have been very vocal, insisting that Serbian forces were the aggressors and perpetrators of massive crimes, while the KLA were freedom fighters and heroes and Kosovo Albanians the only victims.²⁰⁹ The governments of Kosovo have not gone against this historical narrative. Two prominent leaders of one of the veterans' associations have been found guilty of obstructing official persons in performing official duties, intimidation during criminal proceedings and violating the secrecy of proceedings in a first instance verdict of the Specialist Chambers of Kosovo. Both have been sentenced to a four and a half years prison sentence and a fine.²¹⁰

206 Aliu, Fatmir, 'Agim Ceku to Count War Veterans', *Balkan Insight*, 19 September 2012, <https://balkaninsight.com/2012/09/19/agim-ceku-to-count-kla-war-veterans/>

207 Ambassador Delawie, 'Politicians Need to Step Back and Judicial Institutions Need to Step Up', 31 August 2018, <https://xk.usembassy.gov/politicians-need-to-step-back-and-judicial-institutions-need-to-step-up/>.

208 Several are organised around a specific location (brigade) where they were stationed and/or originated from.

209 Visoka, Gëzim, *Assessing the potential impact of the Kosovo Specialist Court*, September 2017, PAX & Impunity Watch, <https://www.paxforpeace.nl/publications/allpublications/assessing-the-potential-impact-of-the-kosovo-specialist-court>.

210 Kosovo Specialist Chambers & Specialist Prosecutor's Office, <https://www.scp-ks.org/en/cases/hysni-gucati-nasim-haradinaj/en>.

Umbrella organisations for Family Members of Missing Persons

There are three umbrella organisations in Kosovo – the Coordinating Council of Kosovo Missing Family Member Associations, the Union of Associations of Families of Kidnapped and Missing Persons, and the Missing Persons Resource Centre. The Coordinating Council for Missing Persons²¹¹ established in 2001 (registered in 2008) – also known as the Coordinating Council (CC) in Kosovo – comprises 23 organisations, all Kosovo-Albanian. It is mandated to deal with: missing persons, civilians abducted during the war, and civilian victims of torture and families of murdered civilians, and to cooperate with women’s associations that deal with conflict-related sexual violence, including victims from minority communities (K-Bosniak and K-Roma) and victims of domestic violence. According to the chairman of the CC, four member associations deal with victims of torture and ill-treatment during the war, while the other associations deal with missing persons and war crimes. No Serb association is currently part of the CC. The chair commented that of the 23 Albanian associations that are currently members of the CC, 10 are active in collecting information and participating in workshops, conferences and memorials dealing with the past. Others are registered but only attend monthly meetings for the missing organised by the CC. Like the CC, many of these organisations struggle with obtaining financial means for their activities.

“The Coordinating Council is attended by 1,200 individual family members of victims and missing persons, while our budget last year covered 5,000 euros provided by the Ministry of Labour and Social Welfare for psychosocial treatment of family members of missing, and a much smaller amount from the ICMP to hold meetings on DNA importance.”²¹²

The Missing Persons Resource Centre (MPRC),²¹³ which registered in 2017, is an independent umbrella organisation whose mission is to serve as a neutral meeting and information-sharing venue for the families of missing persons from all ethnic backgrounds in Kosovo, improve access to information and materials on missing persons for all interested parties, and hold the government accountable in fulfilling its obligations in determining the fate of all missing persons. It was established with the support of UNMIK through the Confidence Building Measures Programme and the British Embassy. Unlike the CC, the MPRC has ensured that all ethnic communities in Kosovo are represented and has Serb representatives in its founding and organisational bodies.

“We cooperate with everyone, and with other organisations and associations of the missing and kidnapped because we need information and we have to exchange everything we know. We go to the MPRC regularly and such meetings are more effective because we are better informed.” (Representative of a Serb association from Gračanica/Graçanicë)²¹⁴

On the other hand, the fact that Serb associations cooperate with MPRC has allegedly led to some Albanian associations refusing to cooperate with it. *“Representatives of some Albanian associations are forbidding the relatives of missing persons to cooperate with us... This has reduced the pace of work with associations. While they refuse to attend monthly meetings, MPRC staff have begun visiting families in the field.” (Representative of the MPRC)²¹⁵*

211 In Albanian: Këshilli Koordinues i Asociacioneve Familjare të të Zhdukurve të Kosovës.

212 Interview 17, 17 March 2021.

213 Qendra Burimore për Personat e Zhdukur in Albanian; Resursni Centar za Nestala Lica in Serbian.

214 Interview 11, 9 April 2021.

215 Interview 13, 2 April 2021.

Representatives of organisations critical of the MPRC claim that Serb organisations being part of it has nothing to do with them boycotting its work. They quote instead personal issues with its management: “The MPRC does not cover the activities of all associations and ... It does not support other associations with small grants in order to give them a little push.” (Representative of a K-Albanian missing persons association)²¹⁶

Another umbrella organisation in Kosovo – the Union of Associations of the Families of Kidnapped and Missing Persons (Unija udruženja porodica kidnapovanih i nestalih lica) – which has been operational since 2000, gathers mostly Serb members. Its headquarters are in Gračanica/Graçanicë, but they also have coordinators in Velika Hoča/Hoçë e Madhe, Štrpce/Shtërpçë and North Mitrovica. Members of the Union are also members of the MPRC, and some were also part of the government’s Commission on Missing Persons under the Commission’s previous mandates.

The rivalry between different associations, including on an ethnic basis, hampers victims and their families from uniting in their requests for reparation, justice and guarantees that there will not be a recurrence of violence. The associations are critical of national laws and the treatment they receive from national institutions, politicians and international institutions. They complain of the lack of effort to obtain information about the perpetrators of kidnappings, killings and other abuses during the war, and to locate the bodies of the missing.

“The lack of state capacity to seek information has left us in the dark about who took our family members and where their bodies are for 22 years. We as individuals cannot do the search, the state must find the way to put pressure on Serbia. We are also indignant at the international community because they have not done enough on this issue so far. They were unable to convince Serbia to give information about the disappearances.” (Representative of a K-Albanian women’s association)²¹⁷

On the other hand, some informants highlighted the gratitude the families of civilian victims and the missing feel towards organisations such as the International Commission for Missing Persons (ICMP), the ICRC, EULEX, UNDP, and local NGOs, which over the past 22 years have provided psychotherapeutic assistance, small grants, training and legal aid to associations and individuals.

²¹⁶ Interview 18, 8 April 2021.

²¹⁷ Interview 3, 6 April 2021.

LEGAL FRAMEWORK FOR VICTIMS OF WAR IN KOSOVO

Within the Kosovo legal system, there are several laws related to Transitional Justice:²¹⁸

- (10 December 2010) **Law No. 03/L-95 On the Rights of Former Politically Convicted and Politically Persecuted** regulates the status, special rights and compensation for persons imprisoned, convicted and/or persecuted for political reasons between 1 March 1913 and 12 June 1999, and their family members. The Law defines a former political convict as: "the person, a citizen of Kosovo, who has been convicted by a court act for incriminating political-ideological acts against the totalitarian regime in the former Yugoslavia"; a former political prisoner as "a person who was arrested, held in solitary confinement, in custody, under house arrest or imprisonment for political motives more than seventy-two (72) hours in special state premises; and a former politically persecuted as "the person, a citizen of Kosovo, who by legal act of the body competent, for political motives was persecuted by state authorities". Pursuant to the Law, these persons have the right to: adequate legal, moral, social and political rehabilitation; compensation related to confiscated immovable property; material and gradual compensation; rehabilitation, protection and health insurance; and pension and disability insurance. The Law also established the Governmental Committee for Recognition of the Status of the Former Politically Convicted and Former Politically Persecuted and the Institution for Former Politically Convicted and Former Politically Persecuted. The Committee's work is ongoing.
- (1 September 2011) **Law No. 04/L-015 on Witness Protection** regulates protective measures for witnesses, including: physical protection; temporary relocation to a safe place; change of identity; and social, legal and financial support.²¹⁹ Previously, the competence and exclusive responsibility for the protection of witnesses had been with the UNMIK and EULEX Witness Protection Unit. This legislation was enacted because the security climate was not conducive to reporting or testifying about war crimes and organised crime, which involved disclosure of identity, intimidation, direct and indirect threats, and assassinations.²²⁰
- (14 September 2011) **Law no. 04/L-023 on Missing Persons** guarantees the right of families to know the fate and whereabouts of family members missing as a consequence of the war in Kosovo, regulates the legal status of missing persons, and enables the creation of a Central Registry on Missing Persons. The Law defines a civilian missing because of the war as "the person whose whereabouts are unknown to his/her relatives and who, based on reliable information, disappeared between 1 January 1998 and 31 December 2000 as a result of the war in Kosovo in the years 1998-1999".
- (December 2011) **Law No. 4/L-054 on the Status and the Rights of the Martyrs, Invalids, Veterans, Members of Kosovo Liberation Army, Civilian Victims and their Families** recognises six categories of victims of war who are awarded either family or individual pensions: families of missing civilians and missing KLA members; families of civilian victims and KLA victims, civilian and war invalids. On 23 April 2014, **Law no. 04/L-172** on amending and supplementing the **Law No.04/L-05 on the Status and the Rights of the Martyrs, Invalids, Veterans, Members of Kosovo Liberation Army, Sexual Violence Victims**

²¹⁸ All referenced laws can be found in the Kosovo Government gazette, [here](#).

²¹⁹ Ahmetaj, N. & Unger, Th., 'Dealing with the Past and Reconciliation in Kosovo: A Summary of Institutions and Initiatives: A Working Document, 2017, available [here](#).

²²⁰ Centre for Research, Documentation and Publication (CRDP), 'Witness Protection in the Republic of Kosovo: Policy Analysis', September 2015; https://www.recom.link/wp-content/uploads/2015/09/Witness_Protection_RepublicofKosovo.pdf.

of the War, Civilian Victims and their Families was adopted to supplement the aforementioned law to include survivors of sexual violence within the category of civilian victims of war. The Law provides verified victims of conflict-related sexual violence the right to a personal pension and access to health services abroad; priority employment in the public and private sector; release from property tax; and residential care. The Government Commission for the Recognition and Verification of the Status of Sexual Violence Victims during the Kosovo Liberation War was established through Regulation No. 22/2015 in December 2015 and went into effect in February 2016.

- (23 April 2014) **Law no. 04/L -261 on Kosovo Liberation Army War Veterans** was adopted to further regulate the criteria for recognition and realisation of the right to benefits for KLA veterans and their close family members.
- (26 April 2013) **Law No. 04/L-146 On the Agency for the Management of Kosovo Memorial Complexes** establishes the Agency for Management of Memorial Complexes Its rank, organisation, roles, duties, obligations and funding are all defined. The Agency is a separate entity tasked with the design, construction, administration and management of memorial complexes. The Agency should work with institutions and organisations that arose from the KLA conflict, as well as with municipalities and tourism organisations. A list of current Memorial Complexes by municipality is also included in the law.
- (13 November 2018) **Law no. 06/L-059 on the Memorial Complex Adem Jashari in Prekaz**; this is the only memorial site in Kosovo enshrined in law. The memorial commemorates the massacre

of Adem Jashari, the legendary hero of the Kosovo Liberation Army (KLA) and 56 members of his extended family who were killed in March 1998 by armed forces.

The government has declared 5-8 March an official commemoration of the Jashari family and KLA forces. This is now the biggest commemorative occasion of the year.

In addition:

- (3 June 2008) **Law no. 03/L-053** on the Jurisdiction, Case Selection, and Case Allocation of EULEX Judges and Prosecutors in Kosovo and **Law no. 03/L-052** on The Special Prosecution Office of the Republic of Kosovo
- (5 August 2015) Amendment of the Constitution of the Republic of Kosovo related to the Specialist Chambers and the Specialist Prosecutor's Office
- (31 August 2015) **Law no. 05/L-053** on the Specialist Chambers and Specialist Prosecutor's Office
- (6 April 2016) **Law no. 05/L-060** on Forensic Medicine
- (3 November 2016) **Law no. 05/L-010** on the Kosovo Property Comparison and Verification Agency
- (26 March 2019) **Law no. 06/L-073** on the Status of Albanian Education Employees of the Republic of Kosovo from Academic Year 1990/91 up to the Academic Year 1998/99.

(INTERNALLY) DISPLACED PERSONS

During the Kosovo war, which affected practically every municipality, many Kosovo inhabitants fled their homes for safety. Between March and June 1999, some 863,000 Kosovo Albanians were forcibly expelled by forces of FRY and Serbia.²²¹ It is estimated that over 90% (several hundred thousand) of the Kosovo Albanian population was displaced within Kosovo in 1999, many of them remaining in the then-province throughout the conflict.

In addition, it is estimated that by 2000, more than 100,000 Serb IDPs had left Kosovo and were registered in Serbia and Montenegro.²²² In 2018, UNOCHA estimated that within Kosovo 5,176 households were still displaced, including 1,167 Albanian households (5,879 individuals), of which the majority (93%) experienced original displacement in 1999. Many (78%) were displaced from North Mitrovica. In addition, 137 Roma/Ashkali/Egyptian households (638 individuals) were still displaced in 2018, most of whom (94%) had also been originally displaced in 1999. More than half were displaced from the Mitrovica/Mitrovicë region and from Prishtinë/ Priština (57%). Finally, 3,872 Serb households (16,383 individuals) displaced from different locations in Kosovo, south of the Ibar river, were residing in private accommodation and 140 households in collective centres. Most were also displaced in 1999.²²³

There are only two Kosovo Albanian associations supporting IDPs. While many Albanians experienced the forced expulsions, their focus is primarily on other human rights violations related to the war. The majority of organisations representing or supporting IDPs (16) were founded by ethnic Serbs, several of which represent the interests of all minorities.²²⁴

The majority of Serb victims' associations were focused on IDPs but most shut down when the Ministry for Communities and Return and local government structures, assisted by international organisations, most notably the International Organisation for Migration and the United Nation High Commissioner for Refugees (UNHCR), took over the returns process. The return process has been restricted to several rural areas in Kosovo, predominantly in the Peja/Peć region, which are unsuitable due to the age of returnees and security challenges.²²⁵ UNHCR recorded 27,286 voluntary returns to and within Kosovo between 2000 and 2016, but the number has been decreasing since 2011. Approximately 90,000 people of different ethnicities originating from Kosovo had displacement-related needs in 2017, of whom 72,000 were in Serbia.²²⁶ In 2020, only 273 persons returned from Serbia to Kosovo.²²⁷

In 2018, UNHCR found opposition in 22 locations in 11 different municipalities around Kosovo to the return of Serb and Roma returnees. In 2016, Suhareke/Suva Reka municipal assembly passed a

221 OSCE (1999), *Kosovo/Kosova, as Seen, As Told: An analysis of the human rights findings of the OSCE Kosovo Verification Mission October 1998 to June 1999*, <https://www.osce.org/files/f/documents/d/d/17772.pdf>.

222 Serbia official data state that in 2020 there were still more than 190,000 displaced persons from Kosovo in central Serbia who had left between 1998 and 2004; see chapter on Serbia.

223 UNHCR (2018), *Profiling of internally displaced persons in Kosovo*, available [here](#).

224 Ministry of Public Administration database.

225 OSCE (2019), *Assessment of voluntary returns in Kosovo*, available [here](#).

226 UNHCR (2018), *Displaced persons from Kosovo in the region – A re-assessment of interest to return*, available [here](#).

227 KosSev, 'Jevtic: I am not satisfied with the returns process, 273 people returned to Kosovo this year', 30 December 2020, available [here](#).

resolution against the return of K- Serbs to the village of Mushtisht/Musutiste.²²⁸ The most recent example are the incidents surrounding the return of a K- Serb woman to Gjakova/Đakovica in June 2021. Local civil society organisations, including Albanian associations of family members of missing persons prepared a petition to demand that the woman not to be allowed back into her apartment as “Gjakova is not ready to welcome the return of Serbs until the last remains of their loved ones are delivered.”²²⁹ Gjakova/Đakovica is a town of some 95,000 inhabitants where, according to Human Rights Watch (HRW),²³⁰ Serb forces committed “the most intense violence against civilians of Kosovo’s larger cities”. Some 1,500 locals were killed and around 200 residents are still missing. The Serb returnee is being sued by the municipality of Gjakova/Đakovica for not paying rent and has suffered several security incidents, including a robbery.²³¹ No leader of a Kosovo institution has responded to these incidents.

Most Serb-majority areas also oppose the return of Albanian IDPs, particularly the neighbourhood of Kroi i Vitakut/Brđani in North Mitrovica. However, organised and individual return of Albanian families continues to happen at a slow pace.²³² Given the challenges around the return process in rural areas, some Serb (I)DPs are instead offered housing in Serb-majority municipalities in the north of Kosovo. This is often portrayed by Albanian language media as illegal and by Kosovo Albanian politicians as “colonisation”²³³

VICTIMS OF CONFLICT-RELATED SEXUAL VIOLENCE

Conflict-related sexual violence in Kosovo has long been treated as an ‘invisible war crime’, despite it being reported on during the conflict.²³⁴ There are no reliable data about the number of victims of conflict-related sexual violence during the Kosovo war, but public discourse and statements by politicians often quote an unverified number of around 20,000.²³⁵ By the end of 2021, 1,000 persons had been granted the status of victim of conflict-related sexual violence by the Kosovo Government Commission for Verification and Recognition of Status of Victims of Sexual Violence.²³⁶

As early as 2000, HRW reported 96 cases of credible testimonies of rape during the NATO bombing campaign by Serb forces, predominantly paramilitaries. In some cases the victim was murdered

228 US Department of State (2017), *2016 Country Reports on Human Rights Practices: Kosovo*, available at: <https://www.state.gov/reports/2016-country-reports-on-human-rights-practices/kosovo/>.

229 KoSev/Koha, ‘Several NGOs from Đakovica demand the eviction of a Serb returnee’, 27 June 2021, available [here](#).

230 HRW (2001), ‘UNDER ORDERS: War Crimes in Kosovo – 6: Đakovica (Gjakove) Municipality’, available at: <https://www.hrw.org/legacy/reports/2001/kosovo/undword-06.htm>.

231 Radio Free Europe, ‘The person who robbed the apartment of Dragica Gasic arrested’, 31 July 2021, <https://www.slobodnaevropa.org/a/dragica-ga%C5%A1i%C4%87-pljacka-stan/31387204.html>.

232 OSCE (2019), *Assessment of voluntary returns in Kosovo*, available at: <https://www.osce.org/files/f/documents/3/8/440726.pdf>.

233 Andric-Rakic, Milica, ‘Return of the displaced persons – Colonization: Taboo topics in the dialogue’, *KoSev*, 2 September 2020, <https://kossev.info/return-of-the-displaced-persons-colonization-taboo-topics-in-the-dialogue/>.

234 UNFPA (1999), *Assessment Report on Sexual Violence in Kosovo*, 25 May 1999, available [here](#); OSCE (1999), *Kosovo/Kosova, as Seen, As Told: An analysis of the human rights findings of the OSCE Kosovo Verification Mission October 1998 to June 1999*, <https://www.osce.org/files/f/documents/d/d/17772.pdf>.

235 No serious investigation has yet been conducted in Kosovo into cases of rape during the war. The supposed number of rapes, 20,000, is often repeated by politicians who support the petition, but this figure has never been proved to be correct. See: <https://BalkanInsight.com/2014/07/23/the-problem-with-the-kosovo-war-rape-petition/>.

236 KosovoOnline, ‘Status of the victims of war/related sexual violence granted to 1,040 people’, 7 December 2021, available [here](#).

after being raped. HRW described the rapes by Serb forces as “an instrument to terrorize the civilian population, extort money from families, and push people to flee their homes,” as well as a weapon of ethnic cleansing.²³⁷ Reports of similar offences by the KLA against women are scarce. However, HRW has reported that “Since the end of the war, rapes of Serbian, Albanian, and Roma women by ethnic Albanians – sometimes by members of the Kosovo Liberation Army (KLA) – have also been documented”. In 2020, HRW reported that “Roma women in particular” had suffered rape. Between June and November 1999, when NATO still did not have effective control over Kosovo and while disarmament of the KLA was in progress, 10 rape incidents against non-Albanian women by men in KLA uniforms were reported to KFOR in various regions of Kosovo.²³⁸

Originally, survivors of conflict-related sexual abuse were not included in the 2011 law (04/L-172) on victims of war. They were added in 2014 following advocacy by civil society and after the case of Vafije Krasniqi-Blair went to trial in 2013. She was one of the first women to testify in court and then go public on TV (2018) about having suffered sexual violence during the war and remains one of the strongest advocates for victims of sexual violence.

During the parliamentary debates about the inclusion of survivors of conflict-related sexual violence in Law no. 04/L-54 in 2013, some MPs expressed doubts about survivors’ accounts and recommended that they be tested by a medical professional to verify whether they had suffered sexual abuse.²³⁹ These Assembly debates aroused strong criticism from civil society. However, the cause received strong political support from the then-cabinet of President Atifete Jahjaga, who established the National Council for Survivors of Sexual Violence in Conflict in 2014.²⁴⁰

According to law no. 04/L-172, a victim of war-related sexual violence is a person who survived sexual abuse and rape between 27 February 1998 and 20 June 1999. Individual pensions are considered only for this group, which excludes victims of war-related sexual violence between 21 June 1999 and 31 December 2000, when most victims were from non-Albanian communities.²⁴¹

The first Albanian Kosovo woman to testify as a rape victim before the UNMIK-run courts was Marte Tunaj in 2000. She had had little to no institutional support and sadly died before the application process for the verification of victims of conflict-related sexual abuse had commenced. She was commemorated after her death by President Jahjaga. The first person from Kosovo to testify about war-time rape in Serbia was a Roma woman called Shehrije Balaj, who testified before the Higher Court in Belgrade against members of a Serb paramilitary group. As Balkan Insight reported after her death, her testimony “did not attract any attention” in Kosovo and Balaj was not granted the status of victim of sexual violence under the Kosovo government scheme. Another witness in the case against the same paramilitary unit told Balkan Insight they were under the impression that “Roma women

237 Human Rights Watch (HRW), ‘Kosovo: Rape as a Weapon of “Ethnic Cleansing”’, 1 March 2000, available [here](#)

238 Human Rights Watch, ‘Serb Gang-Rapes in Kosovo Exposed’, 20 March 2000, <https://www.hrw.org/news/2000/03/20/serb-gang-rapes-kosovo-exposed>.

239 See: Assembly of Republic of Kosovo, ‘Transkript i mbledhjes plenare t Kuvendit t Republikës s Kosovës, e mbajtur m 14, 15 dhe 19 mars 2013’ (Lit. Transcript of the Assembly of Republic of Kosovo, held on 14, 15 and 19 March 2013), available [here](#).

240 Portal of the President of Kosovo, ‘National Council for the Survivors of Sexual Violence in Conflict’, 5 March 2014, <https://president-ksgov.net/en/national-council-for-the-survivors-of-sexual-violence-in-conflict>.

241 UN Women, ‘The Conflict did not bring us Flowers: The Need for Comprehensive Reparations for Survivors of Conflict Related Sexual Violence in Kosovo’, Technical Report, July 2016 available [here](#).

who became victims of rape during the war, like Shehrije Balaj, did not receive the appropriate attention because of their ethnic background.”²⁴² The ICTY gathered evidence of violations by KLA members against two Roma and Egyptian women in 1998 but in both cases the alleged perpetrators were acquitted,²⁴³ as were those in the cases of Marte Tunaj, Krasniqi-Blair and Shehrije Balaj, all of whom failed to find justice.

According to HLC Kosovo, since the end of the armed conflict four indictments for rape as a war crime against the civilian population have been filed against five persons by international missions and local courts in Kosovo.²⁴⁴ In three of those, the defendants were acquitted. The first ever conviction in Kosovo that included sexual violence as a war crime was delivered in 2014 by EULEX,²⁴⁵ when two defendants were found guilty of raping a 16-year-old girl whose identity was protected. The first conviction for conflict-related sexual violence by a domestic court was not until 2021 against former policeman, Zoran Vukotic. However, the defence has lodged an appeal, so the conviction is not final.

Providing survivors of sexual violence with support is challenging as only a handful of NGOs are certified to work with victims of conflict-related sexual violence, and the support most of them offer is very basic. Three NGOs that operate in larger cities have well-trained staff and stable donor support to document the testimonies of conflict-related sexually abused persons. A fourth small NGO operates in a small community that suffered heavily during the conflict, and where there is a high number of sexually abused women and men. It finds it hard to trace potential victims because both stigma and the patriarchal nature of society are even more pronounced in rural communities. Staff say their biggest challenges are drafting new projects, knowledge of English, fundraising and reporting to donors.

“So far, we have been helped by big organisations like the KCRT in Pristina, but we need to work independently. We have a small number of staff while the needs of survivors and victims of domestic violence are enormous. Lately, due to lack of funds we had to reduce staff, and the pandemic has made it difficult for us to work in the field.” (Representative of K-Albanian women’s association).²⁴⁶

Another organisation that focuses on victims of war-related sexual violence is the Kosova Rehabilitation Centre for Torture Victims (KRCT), which was established in 1999 to document war crimes and provide psychosocial support and physical rehabilitation for people who have experienced conflict-related trauma, for example as a result of displacement, political violence or the loss of close relatives or friends.²⁴⁷ These include ex-prisoners, massacre survivors, raped women, widows, orphans, returnees, and victims of torture and other cruel, inhuman or degrading treatment or punishment, and their family members.

242 Haxhijaj, Serbeze, ‘Kosovo Roma Woman “Died in Despair” after War Rape Testimony’, Balkan Insight, 19 November 2019, <https://balkaninsight.com/2019/11/19/kosovo-roma-woman-died-in-despair-after-war-rape-testimony/>.

243 The Prosecutor of the International Criminal Tribunal for the former Yugoslavia against Haradinaj, R., Balaj, I., Brahimaj, L. (2005), available at: <https://www.icty.org/x/cases/haradinaj/ind/en/har-ii050224e.pdf>.

244 Humanitarian Law Centre – HLC (2021), Zoran Vukotic receives his second conviction for war crimes in Kosovo, available at: <https://www.hlc-kosovo.org/en/media/saopstenje/82/zoran-vukotic-po-drugi-put-osuden-za-ratne-zlocine-na-kosovu>.

245 EULEX (2014), ‘Two defendants convicted of rape as a war crime’, available at: <https://www.eulex-kosovo.eu/?page=2,10,13&2>.

246 Interview 7, April 2021.

247 History of KRCT, <https://krct.org/about-us/history/>.

The issues facing survivors of sexual violence are many, but respondents to this research emphasised that stigma and poverty are the most significant.

“Our centre is in principle certified to provide assistance to women and men who have experienced sexual violence during the war. Their economic conditions are often dire. We have some women who are waiting endlessly for the state Commission for Verification to confirm their status and that they have been sexually abused. Many of the women have not yet received any psychotherapeutic treatment or even used any medication. They have simply recovered and healed by sharing their worries with each other and by working. We have 30 such women coming to our workshops. This has been the best rehabilitation for them.” (Representative of K-Albanian women’s association).²⁴⁸

Many survivors of sexual abuse hide their trauma from their families for fear of being rejected. Several have committed suicide because of attitudes towards victims of sexual abuse and a small number have been killed by a family member in the name of honour. Many victims have been afraid to seek help because of abuse and stigma.

Some scholars argue that there is resistance to accepting conflict-related sexual abuse as part of Kosovo’s war history because it risks undermining the central principle of male honour in Albanian national identity. The dominant Albanian discourse on culture, remembrance and commemoration in Kosovo prioritises men and hero worship, while reaffirming women’s traditional status as serving the nation through their role as wives and mothers.²⁴⁹

In 2018, the KRCT and Women’s Association Medica Gjakova launched the ‘Be My Voice’ campaign to challenge the stigma surrounding survivors of wartime sexual violence in Kosovo and encourage the public to openly discuss wartime sexual violence. It also provides resources and information to help survivors apply for the status of sexual violence victims.²⁵⁰ There are still many sexually abused women who want to apply for a pension but have not been allowed to do so by their husbands.

“We have many sexually abused women living in fear that their husbands will find out. Some of those men do not even know that their wives receive a pension from the state. Whenever pensions are delivered, they come here to pick them up, and then they buy groceries and put them in packages and tell their men and family that the Women’s Association has given them food packages as aid. This gives women extra stress on how to deal with family and community pressure. Out of 320 women identified as sexually abused by our association, only 20% had the courage to share this with their husbands. Most of these women have now become grandmothers and want to keep their story secret.” (Representative of K-Albanian women’s association)²⁵¹

Respondents to this research said that speaking out about their abuse is even harder for sexually abused men. While most people who were sexually abused during the war are women, even the

²⁴⁸ Ibid.

²⁴⁹ Krasniqi V., Sokolić I. and Kostovicova D., ‘Skirts as Flags: Transitional Justice, Gender and Everyday Nationalism in Kosovo’ in: *Nations and Nationalism*, April 2020; 26:461–476. Full article available [here](#).

²⁵⁰ Kosovo’s ‘BE MY VOICE’ Campaign, https://wp.nyu.edu/gallatin_human_rights_fellows/2019/08/06/kosovos-be-my-voice-behu-zeri-im-campaign/.

²⁵¹ Ibid.

smallest association documenting sexual violence has evidence of men being abused.²⁵²

The Kosovo Government Commission for the Verification of Survivors of Sexual Violence during the War is often criticised by the public for its inertia and the small number of applications relating to conflict-related sexual abuse it reviews compared with the alleged number of victims. However, Commission members only work part time on the issue and say the number of applications they receive is small and that they are often incomplete.

“It is the third year that we have been receiving applications for verification of the status of survivors of sexual violence during the war in Kosovo, and the number of applications is very small and of poor quality. I understand that the stigma is high, but the number of applications is not the one that we aspired to.”²⁵³

Survivors of conflict-related sexual violence note that the assistance offered to them has been much slower than that offered to veterans as, due to stigma, they are unable to draw attention to their cause through street protests.

No Serb-run organisation in Kosovo deals with potential victims of conflict-related sexual violence. One interviewee noted that because victims abused after June 1999 are not recognised as war victims under the current legislation, as is the case with most Serb victims, it is difficult to approach potential victims and ask them to come forward.

“Although assisting all victims of sexual violence, including those whose abuse happened during the conflict, is in the mandate of my organisation, so far we have not dealt with this issue nor had any contacts with potential victims. On top of this being a taboo subject, any possible work by NGOs on identifying these women or encouraging them to speak up is made far more difficult by the fact that they are not recognised by the law as victims. Neither the Serbian nor the Kosovo legal system recognises potential Serb victims of sexual violence.” (Representative of Serb women’s NGO from Kosovo).²⁵⁴

As previously explained, victims of conflict-related sexual violence that occurred in the direct aftermath of the war between June 1999 and the end of 2000 are not included in the Kosovo legislation on the grounds that during that time KFOR and UNMIK were responsible for security.

Some interviewees suggested that a new strategy is needed among NGOs certified to work on conflict-related sexual violence, in collaboration with other women’s network organisations and the donor community. The strategy should focus on improving the efficiency and effectiveness of proposed activities and include staff training and advocacy. Following amendments to the Law and the formation of the Commission for the Verification of Survivors of Sexual Violence during the War, it has become critical to run community awareness campaigns to break the stigma associated with conflict-related sexual violence.

²⁵² Ibid.

²⁵³ Interview 2, 7 April 2021.

²⁵⁴ Interview 17, 13 March 2021.

Summary of identified needs

For the diverse categories of civilian victims/survivors of war and their families, the highest priority is to find truth and gain justice, along with recognition for the sacrifices made by the families. In order to achieve this, other needs of the victims' associations must also be addressed:

- Financial support to run and expand their activities, e.g. through grants and in-kind support, such as office space, exemption from utility fees, and inventory provision, so that associations can survive
- Improved organisational capacities to improve their management, operations, and communication skills
- Improved knowledge about dealing with the past (DwP) and traditional justice, and the underlying principles, to place their activities in a broader perspective and connect to other initiatives
- Connect their activities, such as the collection of evidence of war crimes, with the competent bodies and gather and store information in databases.
- Since the constituents of the biggest associations are getting older, run activities to motivate and train young people to get involved in the work, which would improve the quality of the work and make the organisations more sustainable.

POLITICAL PRISONERS

There are no reliable or comprehensive data on the number of political prisoners held in the former Yugoslav Republic, or in its successor states. Political opponents of the socialist regime (of all ethnicities) were put in prison on charges of 'separatism', 'organising and participating in demonstrations' or 'being active in illegal groups'.²⁵⁵ In the Yugoslav break-up wars, there were prison camps in the former republic's territory detaining military opponents and civilians, often without due process.²⁵⁶ During the 1990s, many Albanians were held in prisons under Serbian police control. Many were held for several years, sometimes multiple times, and were subject to torture.²⁵⁷

Research in 2015 by the Kosovo Government Commission to Verify and Recognise Political Prisoners confirmed that 6,774 Kosovo Albanian men and women had been politically detained during the 1990s.²⁵⁸ However, not all have yet been officially recognised. Since 2014, the Commission has confirmed the status of over 2,840 former political prisoners, but by 2020 12,670 applications had been received.²⁵⁹ Balkan Insight found that "the majority of those who are being compensated were imprisoned during the 1990–95 period, and there are concerns that several years will be needed to complete the entire process because another 4,000 people have applied for compensation for the 1998–99 period alone."²⁶⁰

255 Ristanović, P. (2020), 'Kosovsko pitanje 1974–1989' (The Kosovo Issue 1974–1989), 2nd edition, Prometej, Novi Sad and Informatika Beograd, pp. 218 – 221.

256 Amnesty International. 'Federal Republic of Yugoslavia: Deaths of two more Albanians in custody highlight the fears for hundreds of Kosovo detainees', 18 August 1998, press release available [here](#).

257 International Crisis Group (ICG), 'Kosovo Albanians in Serbian Prisons: Kosovo's Unfinished Business', 26 January 2000, available at: <https://www.refworld.org/docid/3ae6a6e10.html> [accessed 22 December 2021]

258 Fazliu, Eraldin, 'Kosovo's Political Prisoners', Kosovo 2.0, 26.04.2016, <https://kosovotwopointzero.com/en/kosovos-political-prisoners/>

259 Serbeze Haxhijaj, 'Kosovo guerrillas' gun runners demand political prisoner status', Balkan Insight, 13 January 2020, [Kosovo Guerrillas' Gun-Runners Demand Political Prisoner Status | Balkan Insight](#).

260 Serbeze Haxhijaj, 'Kosovo's Political Murders: Unpunished but Not Forgotten', Balkan Insight, 5 March 2018, <https://BalkanInsight.com/2018/03/06/kosovo-s-political-murders-unpunished-but-not-forgotten-03-05-2018/>

After their release from prison, some of the Albanian political prisoners continued their activities either by joining the political parties or joining the Kosovo Liberation Army (KLA). Many former political prisoners became active in political parties or trade unions, while some of those who were younger took an active part in the Kosovo war.

The leaders of K-Albanian associations of former political prisoners refuse to identify themselves as victims. *"We do respect other categories of war. But we do not identify with other victims in any way because we consider that we have consciously and for the good of the country resisted the regimes in the former Yugoslavia, as well as joined the war for liberation."* (Deputy head of association of K-Albanian political prisoners)²⁶¹

In June 2020, at the request of the Association of Kosovo Political Prisoners, the Kosovo Government decided to turn Pristina Prison into a museum.²⁶²

2.3 Official initiatives related to transitional justice and dealing with the past in Kosovo

Since the end of the Kosovo war, diverse mechanisms have been designed to deal with the wartime period. Two earlier reports have listed all official mechanisms and institutions in Kosovo dealing with transitional justice in detail.²⁶³ Here, only the main institutions, policies and laws are summarised.

Kosovo's legal framework

Several normative and legal acts stipulate Kosovo's adherence to human rights, democracy and the rule of law, as well as to the protection of minorities from discrimination. Since Kosovo is not a UN member state, it is unable to ratify the International Covenant on Civil and Political Rights. However, the same core principles are enshrined in the Kosovo Constitution.²⁶⁴ Even before declaring independence, the 2007 Comprehensive Proposal for the Kosovo Status Settlement ('Ahtisaari Plan') committed the emerging state to uphold human rights and fundamental freedoms, including citizens' religious and cultural heritage, and refugees' and migrants' rights, and to create mechanisms for finding missing persons and addressing economic issues and poverty.²⁶⁵ As such, Kosovo opted for democratic principles that are fundamental. Furthermore, Kosovo chose the European course, drafting the Action Plan on Negotiations of the Stabilisation and Association Agreement in 2012, which became effective on 1 April 2016. The Stabilisation and Association Agreement focuses on the application of key democratic values, and the protection of human and constitutional rights in accordance with European norms. However, the implementation of human rights legislation and policies is often undermined by insufficient financial and other resources, especially at the local level, limited political prioritisation and lack of coordination.²⁶⁶ According to the EU Kosovo report 2020, the implementation and enforcement of human rights legislation, as well as the monitoring and coordination of established human rights

²⁶¹ Interview 20, 27 April 2021.

²⁶² Serbeze Haxhijaj, 'Kosovo to Transform Jail for Political Prisoners into Museum', Balkan Insight, 2 June 2020, <https://BalkanInsight.com/2020/06/02/kosovo-to-transform-jail-for-political-prisoners-into-museum/>.

²⁶³ Ahmetaj, N. & Unger, Th. (2017), op cit. and Visoka, G. & B. Lumi, 'Democratizing Transitional Justice: Towards a Deliberative Infrastructure for Dealing with the Past in Kosovo', Integra, NSI, PAX, June 2020, <https://paxforpeace.nl/what-we-do/publications/democratizing-transitional-justice-in-kosovo>.

²⁶⁴ The Constitution of the Republic of Kosovo, available at: <http://www.kryeministri-ks.net/repository/docs/Constitution1Kosovo.pdf>

²⁶⁵ The Ahtisaari Plan is a status settlement proposed by former President of Finland Martti Ahtisaari.

²⁶⁶ European Commission, 'Kosovo Progress Report 2020', see https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/kosovo_report_2020.pdf.

mechanisms, remains a challenge in terms of protecting and promoting human rights.²⁶⁷

The relevant laws are listed in Box 2 on page 58.

Pension schemes for war victims

In May 2021, a total of 13,426 people received pensions under the pensions scheme of laws 4/L-054 and 04/L-172, according to data provided by the Ministry of Finance, Labour and Transfers. The scheme costs the government over €3,3 million on a monthly basis. Over 90% of recipients are K-Albanians (13,313), while 113 recipients are from non-majority ethnic groups. Women constitute 6,799 of the recipients under this scheme, which is slightly more than the total number of male recipients (6,627). Families of KLA martyrs and families of KLA missing persons receive the largest amounts under this scheme, averaging about €448 a month. The difference in the assistance received by these groups is substantial given that families of missing civilians receive an average monthly assistance of €172, while families of civilian victims receive €171.

War invalids are the biggest category under this scheme, with over 4,700 recipients. In addition, more than 230 families of war invalids continue to receive the pension after the war invalid's death. Families of civilian victims constitute over 3,800 recipients, followed by over 2,200 family members of the martyrs and 1,801 civilian invalids. The least numerous categories under the scheme are the caretakers of KLA invalids (82) and caretakers of civilian invalids (33). 114 families of civilian invalids continue to receive pensions after their death.

Representatives of victims' groups who participated in this research complained of what they see as discrimination due to the established difference in the amounts of pensions approved to different victims' groups. For example, if a woman who receives a pension as a survivor of sexual violence is also the widow of a soldier murdered during the war, she would be obliged to choose which pension to receive. In fact, according to the Law, no recipient of a pension under this scheme can benefit from another pension, including the old age pension awarded to all Kosovo citizens older than 65. The dissatisfaction with such an arrangement was expressed by the head of the Ngritja e Zërit (Raising the Voice) association, which deals with documenting the economic losses and physical damages of war:

“From the central level, all categories of victims continue to receive social assistance. This also applies to veterans. But discrimination happens when a veteran turns 65, he is asked to choose which pension he wants to receive.” (Representative of K-Albanian association of victims)²⁶⁸

At the same time, the International Monetary Fund (IMF) has warned that the pension/ compensation payments to ex-political prisoners, war veterans and other war-affected categories have become a heavy burden on Kosovo's budget and has repeatedly urged Kosovo to be cautious about such schemes because of their high cost.²⁶⁹

²⁶⁷ Ibid.

²⁶⁸ Interview 5, 6 April 2021.

²⁶⁹ Serbeze Haxhijaj, 'Kosovo guerrillas' gun runners demand political prisoner status', Balkan Insight, 13 January 2020, <https://BalkanInsight.com/2020/01/13/kosovo-guerrillas-gun-runners-demand-political-prisoner-status>.

War crimes prosecution

Immediately following the end of the armed conflict, UNMIK assumed control of Kosovo's governance, policing, and justice system. In an effort to expedite the process of war crimes investigations and prosecution, UNMIK quickly passed a regulation allowing the administration to appoint international judges and prosecutors throughout Kosovo. This was a hybrid model of a UN mandated court system with a war crimes jurisdiction. To avoid ethnic bias in war crimes trials, local judges and prosecutors were unwilling or unable to proceed with war crimes prosecutions.²⁷⁰ After Kosovo's declaration of independence in 2008, courts of the Republic of Kosovo took over war crimes prosecution, supplemented with the EU Rule of Law Mission in Kosovo (EULEX), a judicial body mandated by the EU to prosecute war crimes. The EULEX judges and prosecutors functioned within Kosovo's prosecution and court system but operated independently in selecting cases. A previous report summarises the huge challenges of war crimes cases for the Kosovo court system:

“While UNMIK had identified almost 1,200 possible war crimes, for only ten cases (23 individuals) indictments were filed between 2000 and 2008. EULEX took over this heavy case load of almost 1,200 war crimes cases. By 2014, it had closed 500 cases due to lack of evidence, while 600 cases were pending and 51 new war crimes cases were initiated. From 2009 to 2018, EULEX managed to file indictments in only 22 cases (52 individuals). At least a third of these involved alleged perpetrators of Serb ethnicity.”²⁷¹

The ICTY also prosecuted serious crimes committed in Kosovo between 2007 and 2014, with two cases against high-ranking KLA commanders (six individuals; one sentenced) and two cases against Yugoslav/Serbian forces (eight individuals; five sentenced).²⁷²

Gradually, EULEX transferred war crimes cases to domestic courts. Since June 2018, the Special Prosecution of the Republic of Kosovo (SPRK) received exclusive competencies to investigate and prosecute war crimes and other violations of international humanitarian law and criminal law in Kosovo. The 2019 Strategy of War Crimes that guides the work of SPRK seeks to ensure greater commitment from Kosovo authorities to investigate and prosecute war crimes.²⁷³

Despite this strategy, prosecuting war crimes cases in Kosovo continues to have two main challenges, in addition to the decades that have passed since the war ended. First, there is an inconducive social and political context for Kosovo courts to investigate, prosecute, and judge war crime cases involving former KLA members. Secondly, most of the alleged Serbian war criminals reside in Serbia but judicial cooperation with Serbia is limited. Despite the 2013 EU-brokered Agreement on Mutual Legal Assistance, cooperation on criminal cases is far from smooth, hindering the ability to investigate and try war crimes cases of Serbian perpetrators.²⁷⁴ These circumstances leave an extensive amount of war crime case files uncompleted, hindering victims' access to justice.²⁷⁵

270 CRDP (2013), 'Struggle on all Fronts: For Kosovo's Institutions, Judiciary and Media, Dealing with the Past is a Perplexing Issue', Pristina: CRDP.

271 Schenkel, Kathelijne (2021), 'The Kosovo Specialist Court and Transitional Justice: Public perceptions on the KSC and the need for a comprehensive TJ approach', p.14. Integra & PAX, March 2021, available [here](#).

272 United Nations International Criminal Tribunal for the Former Yugoslavia, 'Key Figures of the Cases', available [here](#).

273 Republic of Kosovo, 'Strategy of War Crimes', February 2019, available [here](#).

274 Bami, Xhorxhina & Blerta Iberdemaj, 'BIRN Fact-Check: Do Serbia and Kosovo Really Cooperate on Court Cases?', 2 March 2022, <https://balkaninsight.com/2022/03/01/birn-fact-check-do-serbia-and-kosovo-really-cooperate-on-court-cases>.

275 Visoka & Lumi (June 2020), op cit.

In 2016, the Kosovo Specialist Chambers and Specialist Prosecutor's Office (KSC & SPO) was formally created "with a specific mandate and jurisdiction over crimes against humanity, war crimes and other crimes under Kosovo law, which were commenced or committed in Kosovo between 1 January 1998 and 31 December 2000 by or against citizens of Kosovo or the Federal Republic of Yugoslavia".²⁷⁶ The KSC/SPO is a court within Kosovo's legal system but based in The Hague (Netherlands), housing four Specialist Chambers and the Specialist Prosecutor's Office. It deals with alleged crimes that took place during and immediately after the Kosovo war, and which were carried out against ethnic minorities and political opponents of the KLA. The KSC/SPO is distinct from other Kosovan institutions and operates on its own.²⁷⁷ Among Kosovo-Albanians, the so-called "Special Court" is widely despised, as it is seen as an attempt to delegitimise the KLA's freedom war against Serbian repression. In October 2020, former President Hashim Thaçi, and Speaker of Parliament Kadri Veseli, both senior KLA figures during the war, were arrested and sent to The Hague to face charges.²⁷⁸ The KSC currently has four cases against eight people, two of which are in pre-trial, one that is in the final phase of the trial, and one in which the first instance verdict has been reached.

OTHER INSTITUTIONAL MECHANISMS FOR DEALING WITH THE PAST

In addition to the judicial mechanisms, the Kosovo War Crimes Research Institute, a public research institute within the Ministry of Justice, started operations on 15 June 2011. The Institute's mission was to collect, organise, process and publish information on crimes against humanity, war crimes, and genocide committed in Kosovo in 1998 and 1999. After nine years it was closed because it had failed to produce meaningful results. In 2020, however, Kosovo's Justice Ministry mandated a preparatory team to look into creating a new War Crimes Research Institute.²⁷⁹

Before the end of its term in late 2012, the International Civilian Office (ICO) for Kosovo, which had supervised the Government of Kosovo's implementation of the Athisaari Plan, left a package of measures for the Government of Kosovo to implement. One of those packages was the establishment of an Inter-Ministerial Working Group (IMWG) to develop a Strategy on dealing with the past and reconciliation composed of representatives of civil society and members of respective ministries. Political and financial support for the project by Kosovo institutions was extremely limited. The representatives of the ministries which should have been key actors in this process were not willing to engage in its work and it was eventually reduced to a deliberative forum of representatives of civil society and UNDP technical staff. The initiative ended in 2016 without producing the strategy.²⁸⁰ Five years later, in July 2021, the Division for Transitional Justice within the Department of Transitional Justice and Victim Support of the Ministry of Justice took over the initiative to develop a national strategy on transitional justice for Kosovo. A Working Group, comprising members of Kosovo institutions and civil society actors, was founded to

²⁷⁶ KSC & SPO website: <https://www.scp-ks.org/en>

²⁷⁷ For a full overview of the set-up and functioning of the KSC & SPO, see Schenkel (March 2021), op cit.

²⁷⁸ Haxhijaj, Serbeze, 'New Court faces old Problems in protecting Kosovo Witnesses', 8 March 2021; <https://BalkanInsight.com/2021/03/08/new-court-faces-old-problems-in-protecting-kosovo-witnesses/>

²⁷⁹ Haxhijaj, S., 'Kosovo Tries Again to Establish War Crimes Research Institute', 20 May 2020, <https://balkaninsight.com/2020/05/20/kosovo-tries-again-to-establish-war-crimes-research-institute/>

²⁸⁰ Ahmetaj, Nora & Unger, Thomas, 'Kosovo's Framework for Dealing with the Past at a Turning Point: Civil society review of progress towards a National Strategy on Transitional Justice', 2017, available at: <https://paxvoorvrede.nl/media/download/civil-society-review-report-final-eng.pdf>

develop a National Strategy for Transitional Justice.²⁸¹ The difference between this and the 2012 process is that the current initiative fills a gap identified in the European Commission's Kosovo Report and the strategy has been officially adopted into the work programme of the Ministry of Justice.

In 2017, then-President Hashim Thaçi, launched an initiative to establish a Truth and Reconciliation Commission (TRC) for Kosovo. After three general consultations, in 2018 the President mandated a Preparatory Team to prepare a Normative Act for establishing the Commission. A public survey showed that a majority of Kosovo citizens think reconciliation is needed and that truth and justice are important preconditions to achieving it, and would therefore support the TRC. However, serious doubts were expressed about Thaçi having been a former high-ranking KLA Commander.²⁸² After a comprehensive consultation process, the Preparatory Team finalised a Draft Normative Act in 2020. Soon after President Thaçi resigned because he was indicted for war crimes and crimes against humanity by the KSC/SPO.²⁸³ The current President of Kosovo, Vjosa Osmani, has promised to evaluate the work of the Preparatory Team before deciding how to finalise the documentation and the eventual establishment of the TRC.

MEMORIALS AND COMMEMORATIONS

Memorials to the armed conflict in Kosovo are largely monoethnic, ethno-nationalist and are intertwined with nationalist discourses that perpetuate patriarchy.²⁸⁴ There are a number of monuments dedicated to the memory of civilians killed in massacres, but most symbolise (K-Albanian) national pride, legendary tales of triumph, the fallen soldiers' courage and sacrifice for the liberation war, and the great virtues of individual heroes, as is the case in the wider Western Balkan region. Official commemorations have focused mostly on KLA heroism and K-Albanian victims,²⁸⁵ which risks keeping "the exclusive and divisive emotions of war years alive".²⁸⁶ This ethno-nationalist memorialisation happens not only with memorials and commemorations but in the naming of public spaces and other war-related remembrance symbols and rituals.²⁸⁷

The manner in which the Government of Kosovo develops or maintains memorials remains highly contested. Each year on 27 April, Kosovo's National Day of Missing Persons, hundreds of people gather in Mejë/Meja to remember the victims of the 1999 Mejë/Meja Massacre, the biggest mass killing in the Kosovo war. Roughly 370 Albanian civilians, among them three females, were killed by Serbian police and army forces as they fled to Albania for shelter. The government sponsored the construction of a memorial in Mejë/Meja 'Martyrs' Cemetery', but it remains unfinished. The families of the killed and missing did not like the design and work done by the company contracted by the

281 See Kosovo Ministry of Justice website, <https://md.rks-gov.net/page.aspx?id=1.162>

282 Ahmetaj, N. & K. Schenkel, 'Public perception survey and public dialogue about future Truth and Reconciliation Commission (TRC) of Kosovo', Integra and NSI, 4 March 2020, https://ngo-integra.org/publication/Perception_Survey_KS-%20final%20ENG.pdf

283 Haxhijaj, S., 'Kosovo Truth Commission's Future in Doubt After Thaci's Indictment', Balkan Insight, 15 December 2020, <https://BalkanInsight.com/2020/12/15/kosovo-truth-commissions-future-in-doubt-after-thacis-indictment/>

284 Visoka, G., 'Arrested Truth: Transitional Justice and the Politics of Remembrance in Kosovo', *Journal of Human Rights Practice*, 8:1 (2016): 62-80

285 For example, the Day of the Martyrs on 5 May focuses on the memory of KLA's fallen fighters. There are also a variety of localised days of remembrance commemorating various massacre locations.

286 Schrader, Lutz, 'Monuments and politics of identity in the Western Balkans', *Made in KS: Periodical dedicated to learning from the past in Kosovo*, No. 11, 2012, p6

287 Baliqi, B., 'Divided memories – divided youth: How war remembrance affects ethnic identity and political attitudes among youth in Kosovo?', available at https://www.bpb.de/medien/237737/Baliqi_paper.pdf

government so asked artists who had designed a memorial for the municipality of Gjakova/Đakovica to do a new design based on what they wanted.²⁸⁸ A local association, '27 Prilli', has said it would take care of the cemetery, but needs support from the government or donors to pay someone to deal with delegations, formal guests, researchers and journalists who visit it.²⁸⁹

Another example is the Marinë Memorial in Skenderaj to KLA soldiers. The site was established with foreign funds in 2005, but after years of negligence on the part of the Kosovo authorities, the donors decided to close it in 2014.²⁹⁰ Later, the Kosovo Government decided to make it a collective memorial site and rebury deceased KLA fighters there, in some instances without informing the families of the deceased.²⁹¹

Often, the names of non-Albanian victims have been left off memorials. The commemorative plaque in Mitrovica South, listing the names of six ethnic Albanian victims of the Green Market massacre in March 1999, initially left out the name of a young Roma girl. After research in early August 2020 confirmed that she had been killed in the massacre, the authorities responded with indifference. Only after a campaign by civil rights activists who petitioned the municipality was her name added to the memorial.²⁹²

In line with the goal of nation building, the majority of memorials in Kosovo depict symbols of war, strong fighters and masculine heroism, in line with patriarchal norms. This presents further obstacles for women seeking to challenge the male-dominated status quo.²⁹³ On 12 June 2015, the *Heroinat* memorial was unveiled in Pristina, dedicated to victims of sexual violence during the 1998–99 conflict. However, there was no attempt to engage and consult those affected, nor a wider process of societal discussion, denying victims any sense of ownership over the memorial.²⁹⁴

In Serb-majority areas, a number of monuments and plaques commemorate predominantly civilian victims of Serb ethnicity. The most well-known is the monument to the Missing in Grčanica/Graçanicë, which was erected by the local association of families of the missing and the local authorities in 2014 and is dedicated to all missing people. In a number of other Serb-majority municipalities, such as Štrpce/Shtërpçë, Zubin Potok and North Mitrovica, monuments are dedicated to missing and murdered local residents, including victims of "NATO aggression". When it comes to commemorations dedicated to fighters, a square opposite the main bridge in Mitrovica North is dedicated to three brothers from the Milić family, who were Serbian soldiers killed in Kosovo.

In 2012, the Kosovo branch of the Association of Journalists in Serbia installed a commemorative plaque for 14 missing and killed journalists in Orahovac, where the first two journalists to go missing

288 Interview 20, April 2020

289 Interview 12, 20 April 2021

290 Edona Peci, 'Kosovo MPs Outraged as War Memorial Closes', Balkan Transitional Justice, 2014, available at: <http://www.BalkanInsight.com/en/article/kosovo-mps-slam-government-on-memorial-neglect>

291 Haxhijaj, S., 'Kosovo reburies Wartime Guerrillas at new "Martyrs Complexes"', Balkan Insight, 17 August 2018, <https://balkaninsight.com/2018/08/20/kosovo-reburies-wartime-guerrillas-at-new-martyrs-complexes-08-17-2018/>

292 Prishtina Insight, 'Elizabeta Hasani's name added to Mitrovica memorial', 18 August 2020, <https://prishtinainsight.com/elizabeta-hasanis-name-added-to-mitrovica-memorial/>

293 CRDP, 'Post-war Memorialisation and Dealing with the Past in the Republic of Kosovo', September 2015, https://recom.link/wp-content/uploads/2015/10/Post-war_Memorialisation_and_Dealing_with_the_Past_in_the_Republic_of_Kosovo.pdf

294 Ibid

in Kosovo were last seen in 1998. The plaque has been repeatedly vandalised and replaced or restored eight times since its installation.²⁹⁵ Memorial sites have been vandalised in several places, to both K-Albanian and K-Serb memorials.

The political elite's divisive, nationalistic political agenda is harming inclusive memorialisation, not only in Kosovo but throughout the region of the former Yugoslavia. Institutions all over the region have taken aggressive measures to discourage such programmes, inclusive commemorations or multi-perspectivity-based approaches to history education, in addition to refusing requests for collaboration or official permits.²⁹⁶ An inclusive and shared politics of remembrance in Kosovo is currently promoted only by NGOs, which aspire to liberate the past from ethno-nationalist tendencies by including all sides of the conflict and by constructing local, bottom-up or virtual memorialisation.²⁹⁷ Examples are HLC's Kosovo Memory Book, documenting all victims of the Kosovo war, and Integra's 'Kosovo Memory' project researching Kosovo memory heritage using various disciplines (historical research, informatics and technology) to deliver accurate and non-fictitious historical data.²⁹⁸

More than two decades after the conflict, Kosovo authorities lack a detailed official registry of war-related monuments. Recently, the head of Kosovo's Agency for Managing Memorials told Balkan Insight; *"We are working on a database in order to have general information. We have more than 1,600 war-related memorials."* He argued that legislation is needed to ensure that memorials are historically accurate, professionally crafted, and appropriately placed. *"Allowing everyone to erect monuments and memorials everywhere, including shopping malls, is a devaluation of the war's symbols."*²⁹⁹

CIVIL SOCIETY INITIATIVES

Most of the programmes addressing the Kosovo's violent history and memory/remembrance, and providing platforms for multi-perspectivity in Kosovo, are initiatives by civil society, activists and artists. There are too many to be listed here, but have included:

- Research and documentation of war crimes and the casualties of war in Kosovo. In the early 1990s, the Council for the Defence of Human Rights and Freedoms (CDHRF) was already collecting testimonies on human rights abuses in Kosovo, which were used in war crimes cases. The Kosovo Memory Book by HLC, mentioned earlier, provides a detailed account of all human casualties, including their personal details and a short summary of their life and circumstances of their death.
- Documentation and sharing of personal stories by survivors of the war. In 2017, Integra published a book with stories of women survivors of torture, 'I want to be heard'.³⁰⁰

²⁹⁵ KoSsev, 'Conditional three months imprisonment and a fine to Shaban Berisha for tearing down the monument to kidnapped journalists', 9 July 2019,

<https://kossev.info/sabanu-berisi-uslovna-kazna-od-tri-meseca-zatvora-za-rusenje-ploce-otetim-novinarima/>

²⁹⁶ PAX, 'Mapping Inclusive Memory Initiatives in the Western Balkans', October 2020, <https://paxforpeace.nl/what-we-do/publications/mapping-inclusive-memory-initiatives-in-the-western-balkans>

²⁹⁷ Visoka, G., 'Arrested Truth: Transitional Justice and the Politics of Remembrance in Kosovo', *Journal of Human Rights Practice*, 8:1 (2016):62-80; Gëzim Visoka and Besart Lumi (December 2020), *Citizens Perspective on a Future Strategy for Traditional Justice in Kosovo*, Pax, Integra, and New Social Initiative.

²⁹⁸ Visoka, G. (June 2020), op cit.

²⁹⁹ Haxhijaj, S., 'Unregulated and Unticensed, War Memorials Proliferate in Kosovo Towns', *Balkan Insight*, March 26, 2021, available [here](#).

³⁰⁰ Integra, "I want to be heard": memory book with stories of women survivors of torture during the last war in Kosovo', 2017, available [here](#).

- Seeking recognition for women's experiences in war, including but not limited to war-related sexual violence, as described earlier.
- Monitoring the implementation of relevant laws by, among others, the Centre for Research, Documentation and Publication, carrying out surveys to find out what citizens need and their ideas related to dealing with the past, and translating the findings into advocacy with national and international actors.
- Supporting the families of missing persons, for example through the "Living with Memories of the Missing" exhibition, to give them a voice and ensure their right to know and status as historical witnesses. The exhibition is housed in the Parliament of the Republic of Kosovo, sending a strong message about who bears the most responsibility for determining the fate of the missing.³⁰¹ This, and other initiatives by CSOs, activists and artists specialising in dealing with the past, have drawn national and international attention to family members of missing persons.
- Diverse Kosovo CSOs joined the 'Coalition for RECOM', a network of over 2,000 CSOs from post-Yugoslav countries that advocates for the establishment of the Regional Commission Tasked with Establishing the Facts about All Victims, War Crimes and Other Serious Human Rights Violations Committed on the Territory of the Former Yugoslavia from 1 January 1991 to 31 December 2001 (RECOM/KOMRA). Because of the lack of political will in several of the post-Yugoslav countries, the initiative for RECOM now concentrates on 'creating the nominal list of the victims of the wars of the 1990s on the territory of the former Yugoslavia'.³⁰² The positive outcome of establishing RECOM has been that 'dealing with the past' has been placed on the agenda.

Although many of these initiatives are valuable in providing platforms to share victims' and survivors' stories and advocate for truth and justice for victims, their success in overcoming the past and improving ethnic ties in Kosovo is still in doubt.³⁰³ Some activists criticise civil society's lack of courage to be more vocal about the war-time abductions and killings of people of a different ethnicity. Without a strong institutional foundation for dealing with the past, project-based and dispersed programmes have had a limited impact so far.³⁰⁴

2.4 Public discourse about the past in Kosovo

In general, there are several 'exclusive' truths about the past in Kosovo in line with the ethno-nationalist agendas of most political actors and a general lack of factual information on many wartime events.³⁰⁵ K-Albanians in general see their fight against Serbia as a legitimate one, and the only way through which Kosovo could have become independent. The dominant narrative is that the KLA were freedom fighters and therefore heroes, while Serbian forces were the aggressors and perpetrators of mass crimes. While the scale of KLA crimes cannot be equated with those committed by the Serb military,

³⁰¹ The exhibition was an initiative by Integra and ForumZFD, in collaboration with MPRC and the Assembly of the Republic of Kosovo, 2019.

³⁰² RECOM Reconciliation Network, <https://www.recom.link/en/coalition-for-recom-takes-charge-of-creating-list-of-war-victims-on-the-territory-of-the-former-yugoslavia/>

³⁰³ Visoka, G., 2017, op cit.

³⁰⁴ Visoka & Lumi (June 2020), op cit.

³⁰⁵ Visoka & Lumi (June 2020), ibid.

intelligence and police forces in Kosovo, there is hardly any mention of crimes that might have been committed on the KLA side. As such, in Kosovo, victimhood is exclusively K-Albanian.³⁰⁶ This is 'confirmed' by the law only recognising (families of) civilian victims of war who died or were injured between 27 February 1998 and 20 June 1999, excluding the violent aftermath of the war that affected mostly K-Serbs and other minorities. All this happens in a broader context where Serbia does not take responsibility for its repression of K-Albanians before the war, its aggressive role in the Yugoslav break-up wars, or the massive destruction and war crimes it perpetrated in Kosovo, exacerbated by its continuing refusal to recognise Kosovo as an independent state.

In 2020, Prime Minister Kurti dismissed one of his advisers for commenting that individual KLA fighters had committed crimes during the 1998–1999 war, which sparked furious reactions among K-Albanians.³⁰⁷ As shown above with memorialisation, most Kosovo politicians continue to glorify the KLA's freedom fight and the heroism of its fighters. Several MPs, both K-Albanian and K-Serb, have made problematic statements regarding war-related topics over the years (see Box 3 below for examples).

A recent, very disturbing example was when PDK MP Flora Brovina showed an explicit photograph at a conference in the Assembly Hall claiming it to show the rape of an Albanian woman by Serb soldiers. The photo was immediately shared by the media with only some outlets retroactively blurring the image, which turned out to be a screen print from a pornographic movie. The incident showed both the MP's and media's lack of sensitivity in relation to victims of sexual violence and the fragility of inter-ethnic relations in Kosovo. HLC-Kosovo reported that it had upset victims and threatened security in Serb-majority areas.³⁰⁸ Numerous reactions followed, with former President Jahjaga stating that it discourages victims from speaking up and telling the truth about the crimes committed on their bodies. The British Embassy in Kosovo characterised the MP's act as "political opportunism".

³⁰⁶ Visoka (2017), op cit.

³⁰⁷ Balkan Insight, 'In Kosovo Distrust of Hague War Crimes Court Simmers', 12 May 2020, <https://balkaninsight.com/2020/05/12/in-kosovo-distrust-of-hague-war-crimes-court-simmers/>.

³⁰⁸ HLC, Dealing with the Past Principles, available [here](#)

EXAMPLES OF PROBLEMATIC STATEMENTS BY OFFICIALS

- In 2017, AAK MP, Daut Haradinaj threatened that there would be ethnic cleansing if the French authorities extradited his brother, Ramush Haradinaj, to Belgrade authorities over war crimes charges.³⁰⁹
- In June 2021, an LVV MP, Arbëreshë Kryeziu Hyseni, stated in a TV debate that the issue of Albanian missing persons should have priority over the issue of missing Serbs.³¹⁰
- In 2019, deputy Minister of Justice, Vesna Mikić (K-Serb), was dismissed after posting on Facebook that NATO bombing was a planned genocide conducted against a sovereign state that had fought against Albanian terrorism for decades.
- Finally, in 2019 a Srpska List MP and then-Minister, Ivan Todosićević, was sentenced in the first instance to two years in prison after stating that crimes committed in Rečak/Račak were fabricated by 'Shqiptar terrorists'. The conviction was appealed, then confirmed by the Appellate Court in 2021, but later the verdict was overturned by the Supreme Court of Kosovo and a re-trial started in early 2022.³¹¹

309 'UN Urges Kosovo to Probe "Ethnic Cleansing Threat"', Balkan Insight, 11 April 2017, <https://BalkanInsight.com/2017/04/11/un-calls-kosovo-to-investigate-haradinaj-ethnic-cleansing-threat-04-11-2017/>

310 HLC, 'Dealing with the Past Principles - Equality, inclusion and reconciliation: case studies', 2020, available [here](#)

311 KosSev, 'Vlajic: Todosićević's verdict overturned, a new trial to start in February', 14 January 2022, <https://kossev.info/vlajic-todosijevics-verdict-overturned-a-new-trial-to-start-in-february/>

Acts by politicians to honour victims from the other side are met with criticism. In December 2016, then-president Thaçi, a former KLA commander, laid flowers in tribute to the 84 Kosovo Serbs who died in Hoça e Madhe/Velika Hoca during the 1999 conflict, saying that "*sacrifices must be made to achieve reconciliation*".³¹² Opposition parties harshly criticised the gesture, while civil society remained silent and did not publicly support it. In Parliament, Thaçi justified his action saying that his aim was to send a message of reconciliation. He rejected suggestions that through his actions he is disparaging the KLA's battle.³¹³ Citizens' reactions to the media coverage were very negative, arguing that Serbia's leaders should make the first gesture and apologise for the crimes committed against K-Albanian civilians during the 1998–1999.

Media reporting is often still one-sided, following the simple narrative that all Albanians were victims, while all Serbs are perpetrators. In 2004, Kosovo public broadcaster RTK and other media

312 Morina, D., 'Kosovo President Commemorates Serb War Victims', 16 December 2016, <https://BalkanInsight.com/2016/12/12/president-thaci-commemorates-kosovo-serb-war-victims-12-12-2016/>

313 Morina, D., 'Kosovo President Defends Visits to Serb War Memorials', Balkan Transitional Justice, 23 December 2016; <https://balkaninsight.com/2016/12/23/kosovo-s-president-justifies-his-visits-at-serb-victims-memorials-12-23-2016/>

outlets reported on unfounded accusations that Albanian boys in Çabër/Čabra were drowned by Serbs, triggering the biggest ethnic violence campaign against Serbs and orthodox monuments since the end of the war.³¹⁴ The OSCE evaluated the role of the electronic broadcast media in this incident and concluded that it was “reckless and sensationalist reporting”.³¹⁵ This has not stopped some politicians continuing to spin this story and accusing the Serbs in northern Kosovo years later.³¹⁶ The example mentioned earlier about the return of K-Serbs to their homes in Kosovo also shows that media often play on negative sentiments by terming this “illegal”.³¹⁷

In January 2021, public broadcaster Radio Kosovo refused to air the third episode of a series of ten audio dramas about wartime missing persons, despite an agreement with the producer, Koliqi of the Kosovan NGO, Integra. The third episode depicted the story of a Serb family. Radio Kosovo argued that the content “offended the majority”.³¹⁸ This act by the public broadcaster led Integra and Forum ZFD (a German NGO) to issue a statement citing censorship. Integra commented that “the ethnocentric public discourse in Kosovo continues to be nurtured and maintained, where a one-directional and politicized narrative dominates. With such a decision, Radio Kosovo as a public institution, financed by the taxes of the citizens of the Republic of Kosovo, violates the basic rights of representatives of the civilian victims of war, denying them the right to express, the right to know and the right of participating in building the collective memory.”³¹⁹

Politicians and local media, with the exception of a few, do not cover professionally the killings, kidnappings or disappearances of non-Albanian civilians. These facts are usually only mentioned when referring to the Law on the Specialised Chambers or the charges raised by the Specialised Chambers against former KLA commanders. With their power to shape public discourse and the way Kosovo looks back at the past, journalists in newsrooms across Kosovo should have encouraged debate and coverage of issues connected to our collective past – not only war crimes, as they fall within the frame of transitional justice, but also storytelling about the real lives of those affected by war.

314 OSCE, ‘The Role of the Media in the March 2004 Events in Kosovo’, 2004, <https://www.osce.org/files/f/documents/6/8/30265.pdf>.

315 Ibid.

316 KosSev, ‘Kosovo MPs harshly accuse the north: Serbs who committed crimes live in the north, they are guilty of the death of young me from Cabra in 2004’, 2 November 2020, available [here](#).

317 Andric-Rakic, Milica, ‘Return of the displaced persons – Colonization: Taboo topics in the dialogue’, KosSev, 2 September 2020, available [here](#).

318 KosSev, ‘Radio Kosovo refused to broadcast audio dramas about Serb families of the missing’, 13 January 2021, available [here](#).

319 Ibid.



H.F. SIZANE

ZIMBERI

SILUPCAN 14.04.1976

SILUPCAN 24.05.2001

JENUZ

ZIMBERI

SILUPCAN 28.05.1976

SILUPCAN 27.05.2001

HAFIZI

1971

SILUPCAN 28.05.1976

SILUPCAN 27.05.2001



Sizane



Mersim



Selviqe



Hisniqe



Neale

Martirët e luftës - Familja ZIMBERI



Ftore



Nirimane



Valbona



Jenuz



Fitim

The photography shows the names and the photos of the killed Zymberi family members, in Slupchane, with a description in the middle stating "Martyrs of the war - The Zymberi Family".

Photo by: Nake Batev, 2022

3. Republic of North Macedonia

3.1 Introduction

Thirty years ago, on 8 September 1991, the then Republic of Macedonia declared independence and peacefully withdrew from the Socialist Federal Republic of Yugoslavia, resulting in the Macedonian leadership at the time proudly calling the country the ‘oasis of peace’.³²⁰ At the same time, the Preamble of the Constitution of the newly independent country, among other things, explicitly envisaged the Republic of Macedonia³²¹ as “a national state of the Macedonian people, in which full equality as citizens and permanent coexistence with the Macedonian people is provided for Albanians, Turks, Vlachs, Roma and other nationalities living in the Republic of Macedonia”.³²² It further foresaw the Macedonian language (using the Cyrillic alphabet) as the official language of the state. Formulated in such a way, the Constitution was adopted without proper inter-ethnic consensus and without the support of the ethnic Albanian members of Parliament at that time.³²³ This then translated into “rigid solutions for language, higher education and the manner of decision making in the Parliament”, which led to further mistrust among the Albanian political parties,³²⁴ continuation of the discrimination ethnic Albanians faced during the Yugoslav period and, even more importantly, violation of the rights of the ethnic Albanian community in the newly independent country. Different ethnic minorities faced different levels of discrimination and minority rights violations during the Yugoslav period and/or early independence. In that context, the Roma community was perhaps the most systematically discriminated against, although that was arguably manifested in a different manner than the discrimination and rights violations against the ethnic Albanian community, which was and continues to be the most numerous minority.

The systemic state denial of the rights of ethnic Albanians, including the possibility to study in their mother tongue and be included in state institutions, along with the developments in the region and number of incidents in the country, contributed to the 2001 armed conflict.³²⁵ The armed conflict³²⁶ between the state security forces, composed of majority ethnic Macedonians but also including ethnic

320 Karajkov, Risto (2004) ‘The Oasis of Peace’, *Osservatorio Balcani Caucaso Transeuropa*, available at: <https://www.balcanicaucaso.org/eng/Areas/North-Macedonia/The-Oasis-of-Peace-27557>.

321 Throughout the study, the country is referred to as the Republic of Macedonia or Macedonia (when referring to internal dynamics and documents from 1991 until 2019), the former Yugoslav Republic of Macedonia (when citing documents by international bodies that recognised the country under that name until 2019), and North Macedonia (referring to events and developments since the country’s official name change in 2019).

322 The Preamble of the 1991 Constitution of the Republic of Macedonia. The other nationalities, inter alia, include ethnic Serbs. There are no accurate up-to-date demographic data; new census data is expected in 2022.

323 Shasivari, Jeton (2013) ‘The past and the present of the constitutional systems of the Republic of Macedonia in terms of the position of Albanians’, *European Scientific Journal* 9(17): 190–206, 191.

324 Ibid.

325 Interview with Xhevdet Hajredini, Minister of Finance 1992–1994, Viber, 21 April 2021.

326 In the study, the term used to refer to the events of 2001 is armed conflict. However, it is important to mention that the interviewees used both terms – conflict and war – with nearly all ethnic Albanians using the latter.

Albanians,³²⁷ Roma and other minorities, and the guerrilla group called the National Liberation Army (NLA), composed of ethnic Albanians, took place between January and August 2001 in Polog and the Northeastern Statistical region, as well as near the capital, Skopje. This eight-month armed conflict resulted in more than 171,000 displaced persons.³²⁸ The Ohrid Framework Agreement (OFA) was signed by the country's president and representatives of the two biggest ethnic Macedonian and two biggest ethnic Albanian political parties, witnessed by the mediators, representatives of the EU and United States. The OFA included provisions about the cessation of hostilities, complete voluntary disarmament of the ethnic Albanian armed groups, the development of decentralised government, and the guarantee of minority political and cultural rights.³²⁹ It also included the constitutional amendments that would guarantee those rights.³³⁰

The changes introduced with the OFA in the country's constitutional, legal and institutional framework in some ways started the process of transitional justice in the country. Nevertheless, these changes were not followed up by official, state efforts to determine the facts of the armed conflict and societally deal with the past, including the period prior to and during 2001. In that sense, the primary efforts, limited as they might be, to deal with the past or even to keep the 2001 armed conflict in the public discourse in any way have come from parts of the civil society in the country. The absence of national discourse about the armed conflict, coupled with the lack of organised victims' groups and victims' representation altogether, has led to notable invisibility of the armed conflict legacy, giving the false impression of a closed chapter in the country's history, while this legacy still impacts and shapes social relations between different ethnic groups today. For instance, society is still starkly polarised, without any public debate about the conflict and very strong nationalistic narratives, without space for different perspectives. There is also deep-rooted mistrust between ethnic Macedonians and ethnic Albanians, which is handed down from generation to generation and erupts during times of political crises. At the same time, the only public reminders of the 2001 armed conflict come from the families of victims, veterans' groups, some of the municipalities, and Peace Action.

It is within such a context that this study attempts to map out the current situation, narratives and needs of various groups affected by the 2001 armed conflict. The study proceeds by first outlining the methodology used in gathering and analysing the data, followed by a section that examines the situation and needs of victims and other groups affected by the armed conflict. The subsequent section analyses the official, as well as some unofficial, initiatives to deal with the past, including laws and policies relevant to victims and other groups affected by armed conflict. The final section unpacks the general national discourse about the 2001 armed conflict, or rather the dynamics that have contributed to the lack of national discourse about it.

METHODOLOGY

The research for this advanced study took place in three stages. The first stage included data gathering through desk research on existing or former initiatives to deal with the past, legal and policy frameworks related to the 2001 armed conflict and victims and other groups affected by it,

³²⁷ It is important to note that there are cases of ethnic Albanians who were part of the Army of the Republic of Macedonia and later joined the NLA, such as Talat Xhaferi who, at the beginning of the armed conflict, was a senior officer in the ARM.

³²⁸ Norwegian Refugee Council (2004) 'Profile of Internal Displacement: Macedonia', available [here](#), 7.

³²⁹ Ohrid Framework Agreement (2001), available [here](#).

³³⁰ Ibid.

oral history in the form of published interviews with select victims and veterans, media coverage, as well as existing research on these topics. The materials were gathered in Macedonian, Albanian and English. This phase of the research confirmed the lack of initiatives and research on transitional justice issues in the country, but also provided a solid basis for the second stage.

In the second stage of the data gathering, semi-structured interviews and focus groups were conducted with a total of 50 people in April 2021. This included 44 interviews and two focus groups, one with non-governmental organisations' workers and one with history teachers, with three participants in each focus group. The interlocutors included civilian casualties, their families, and family members of military victims alike, as well as veterans' associations. Using a socio-legal approach to the construction of civilian identities,³³¹ civilian casualties include those non-combatants who were killed or injured, those abducted and missing, refugees and internally displaced persons (IDPs), and local communities affected by the armed conflict. Specifically, the interlocutors included displaced persons, veterans and representatives of veterans' associations, people from the former armed conflict areas (including young people from those areas), family members of civilian victims, family members of military victims, history teachers, peace activists, people who have worked with different groups of victims over the years, and people who have worked on activities focused on dealing with the past. They reflected on their lived experiences, often before, during, and after the armed conflict, and shared their views on the current situation and path ahead. The interviews and the focus groups were carried out in Macedonian and in Albanian language (with an interpreter's assistance), depending on the interlocutors' preferences. All the interviews and the focus groups took place online (via Zoom, Viber, Skype, Google Meet, Facebook, and WhatsApp), due to mobility restrictions and ethical concerns related to the ongoing COVID-19 pandemic.

The interlocutors were given the opportunity to be included in the study anonymously and while some chose that option, many of the interviewees and focus group participants saw this as a rare opportunity for their voice to be included and their knowledge and experience to be considered, which seems to confirm the need for a formal process to allow for official acknowledgment of the past. Most of the interviews and the focus groups were arranged by the Peace Action team, which played an important role in building rapport with the interlocutors, despite the physical distance and limited time. Most people who were approached agreed to an interview, but nevertheless, there were also instances of those who refused, be that due to disillusion with the previous transitional justice or post-armed conflict initiatives, lack of time or lack of interest. With that in mind, especially considering the lack of formal victims' groups in North Macedonia, it is worth emphasising that this advanced study has its limitations in not being able to present the views of certain victims (such as the families of the civilian victims aside of the Zymberi family or the families of those kidnapped and disappeared, for instance, who were either unreachable or uninterested in being interviewed). At the same time, in many of the categories of people interviewed, data saturation was achieved, with patterns in the responses appearing by the end of this stage of the research.

The third stage was focused on data analysis and interpretation of findings. Interview data, policy and legal documents, official statements, as well as other secondary data were subject to discourse analysis. The writing up of the findings has been done in a manner that both does justice to the experiences shared and is useful for the future work on dealing with the past in the country. In this

331 Garbett, Claire (2015) *The Concept of the Civilian: Legal Recognition, Adjudication and the Trials of International Criminal Justice*. United Kingdom: Taylor & Francis.

stage, it was important to return to the raw data and analyse carefully what was said, as well as the meta-data.³³² Some of the interviews were primarily used for grasping of the context and the nuances therein. The analysis presented here combines interlocutors' words with the researcher's interpretation in ensuring that the stories shared are conveyed in a way that best represents the interlocutors' views and experiences.

3.2 Situation and needs of victims and affected groups of the 2001 armed conflict

Considering the lack of formal and even informal victims' groups in the country, this section focuses on various groups of victims and people affected by the armed conflict, who could be identified in the current context. In most cases, the issue of lack of precise data on the situation and the needs of various groups was mentioned, which is understandable given the absence of recent census data at the time of carrying out the research, official bodies focusing on and working with these groups and/or formal/informal associations. With that in mind, the section is divided in six parts, looking at the situation of IDPs, the families of the abducted and displaced, the families of the civilian victims, the families of the military victims, the veterans' groups, and the people living in the former armed conflict areas.

INTERNALLY DISPLACED PERSONS

The 2001 armed conflict is estimated to have displaced a total of over 170,000 people.³³³ Of those, according to the September 2001 figures, 76,054 were considered internally displaced persons (IDPs), with 3,228 of them housed at the time in collective centres around the country.³³⁴ The IDPs, including people of different ethnicities, fled from all three regions where the armed conflict was unfolding. Some fled to neighbouring Kosovo which changed their status to refugees, while majority of the IDPs stayed with host families (mainly relatives and friends) in different parts of the country. Notably not all those fleeing turned to the authorities to be granted an IDP status. This was particularly the case among ethnic Albanians, with some instances of ethnic Albanians not being granted such status even when they applied for one. Related, the figures of number of IDPs, as well as the ethnic composition breakdown differ not only across time, but also across sources referring to the same period.³³⁵

The Ohrid Framework Agreement included provisions on the return of refugees and displaced persons, including rehabilitation and reconstruction of the areas affected by the hostilities. All parties had agreed to "work to ensure the return of refugees who [were] citizens or legal residents of Macedonia and displaced persons to their homes within the shortest possible timeframe."³³⁶ According to the UN Office for the Coordination of Humanitarian Affairs, over 95 per cent of the those uprooted during the armed conflict period were able to, i.e. could potentially return by the end of 2002.³³⁷ However, a closer look at that ability to return even in the subsequent period reveals a different reality. With a nearly two decades old census data at the time of writing this study, the exact numbers are unknown,

332 Fujii, Lee Ann (2010) 'Shades of Truth and Lies: Interpreting Testimonies of War and Violence'. *Journal of Peace Research* 47(2): 231–41.

333 Norwegian Refugee Council, op cit., 7.

334 European Court of Human Rights (2016) 'Tomovski v. The former Yugoslav Republic of Macedonia', available [here](#).

335 Norwegian Refugee Council, op cit., 42.

336 Ohrid Framework Agreement (2001) Annex C, 3.1, available [here](#).

337 UN Office for the Coordination of Humanitarian Affairs (2002), 'Humanitarian Priorities for 2003 in FYROM', 31 December, available [here](#).

but anecdotal evidence points to many of those potentially considered by UNOCHA able to return, primarily ethnic Macedonians and ethnic Serbs, but not solely, either not returning or returning temporarily and eventually selling their houses before leaving. In Tearce/Tearcë, for example, some people did not return because of their houses being damaged or due to security concerns.³³⁸ In Opae/Opajë in 2003, 46 reconstructed houses were looted and demolished. This happened again after the second reconstruction a few years later.³³⁹ Who returned and who did not differs from place to place, depending on the post-armed conflict inter-ethnic dynamics. *“Nearly everyone returned in the village, but not our neighbours – Macedonians, and we had many. They never returned and we never saw them again,”* said an interviewee who as a child was displaced from Opae/Opajë.³⁴⁰

The stories from Aračinovo/Haračinë are similar. Speaking of the return of their grandparents, who had lived in a collective centre for years, one interviewee said: *“My grandparents wanted to return and did, but they weren’t entirely comfortable with the idea. They saw the house before it was repaired, seeing where weapons had been used from... In some ways, they felt that their home had been assaulted. They felt helpless, wanting to return and not knowing where else they could go. Eventually they sold the house and left because the fear and discomfort never went away.”*³⁴¹ Another interviewee, a former IDP from Aračinovo/Haračinë who lived in a collective centre for ten years, similarly reflected on the experience of their family: *“We wanted to return, but there were incidents in the meantime. For example, even though there was very little external damage to our house during the armed conflict, in 2008–2009 the house was burned. Many other houses were also damaged. It was incidents like these that made many of those who initially wanted to return change their mind. So, we eventually sold our house and did not return. In fact, most of the houses have been sold since the armed conflict. There is currently not a single ethnic Macedonian family in Aračinovo, the last one left a few years ago. To be clear, there are also many Albanian families from Aračinovo that never returned.”*³⁴² While across the board individual details differ, from houses being burned and demolished after the armed conflict to a returnee being killed by a grenade, a commonality emerges with the perceived lack of security and damaged homes being the two most frequent obstacles to return.³⁴³

In the first few years after the armed conflict, with foreign donors’ assistance, IDPs were offered the possibility of their houses being renovated and returning home. But if they accepted, they lost the status of IDP, the possibility of suing the state and, critically, had to return to their houses regardless of their fears and security concerns.³⁴⁴ Those who waited for their court cases for damages to be settled stayed in the collective centres for a decade and in some cases longer. Some evidence suggests, for instance, that the last IDP from Aračinovo/Haračinë left the collective centres as late as 2013.³⁴⁵ In August 2001, IDPs from Aračinovo/Haračinë living in six collective centres formed an association called Dawn (Zora).³⁴⁶ About 80 of these families took the state to court in 2003 for material and non-

338 Interview with Metin Muaremi, Zoom, 6 April 2021.

339 Comment by Boro Kitanoski, Peace Action, 5 August 2021.

340 Interview with former Opae/Opajë resident, Zoom, 16 April 2021.

341 Interview with a former Aračinovo resident, Zoom, 26 April 2021..

342 Interview with a former Aračinovo resident and IDP, Viber, 7 April 2021.

343 Norwegian Refugee Council, op cit., 72.

344 Interview with a former Aračinovo resident and IDP.

345 Ibid.

346 Association of the IDPs from Aračinovo Dawn, ‘About us’, available [here](#) [original in Macedonian].

material damages suffered as a result of the 2001 armed conflict.³⁴⁷ Their claim for damages for stress, honour violation and reduced ability to live was rejected in 2011,³⁴⁸ while their claims for material damages were settled by 2013. As late as March 2012, there were some 250 people from Aračinovo/Haračinë and another 500 from other former armed conflict regions in the collective centres, with nowhere safe to return to.³⁴⁹ Dawn ceased functioning when the last claims were settled.

The villages of Aračinovo/Haračinë, Raduša/Radushë, and Matejče/Mateç have the fewest returnees.³⁵⁰ In the case of Raduša/Radushë, there were as many as 26 families still internally displaced in July 2019.³⁵¹ These families were told they could apply for social housing, but feared they would be classified as recipients of social welfare and therefore lose their IDP status.³⁵² Their fear was that they would be added to the long list of people waiting to be given an apartment, which they would not have enough funds to furnish, and that that would enable the government to claim to have finally solved the issue of the internally displaced.³⁵³

When it comes to Matejče/Mateç, the IDPs lived in two hotels turned collective centres in Kumanovo, Kristal and Ku-ba. The two hotels were also home to the IDPs from the villages of Ropalce/Ropalcë and Opae/Opajë. They sued the state for compensation for the fear they had suffered, their deteriorating mental and physical health, and for the land and houses that had been damaged in the armed conflict. The IDPs, which included both ethnic Serbs and ethnic Macedonians, eventually signed an agreement with the government to withdraw their lawsuits, and for the state to compensate them.³⁵⁴ Most received compensation and by 2010 had settled down, mainly in Kumanovo.³⁵⁵ In some cases, groups of families purchased or built houses near each other in Kumanovo, as they needed support and to be close to each other.³⁵⁶

Asked whether their IDP grandparents viewed themselves as victims, one interviewee responded: *“They perceived themselves as victims. All the time. Their stories were typical. ‘We’ve given them everything, they’ve taken everything from us,’ which perhaps sounds true for people who have been forced to leave their homes. But that is not the collective truth, especially because no one bothers to understand the roots of it all, the reasons that led to that situation. So, they were victims, but victims of the situation they were in and the system that allowed that to happen.”*³⁵⁷

347 Ibid.

348 Makfax (2011), ‘The IDPs from Aracinovo are asking the Supreme Court not to take their money’, 8 June, available [here](#) [original in Macedonian].

349 Telma TV (2012) ‘Homeless even after nine years after the Ohrid Agreement’, *Macedonian Platform Against Poverty*, 22 March, available [here](#) [original in Macedonian].

350 Nakovski, Martin (2015) ‘Integration and/or reintegration of the internally displaced persons in the 2001 conflict in Republic of Macedonia’, *EthnoAnthropoZoom* No. 14, available [here](#) [original in Macedonian].

351 Topalova, Katerina (2019) ‘North Macedonia’s conflict-displaced families still waiting for homes’, *BIRN Skopje*, available [here](#) [original in Macedonian].

352 Ibid.

353 Ibid.

354 Antikj Jovčevska, Svetlana (2010) ‘The displaced are leaving the collective centres’, *Radio Free Europe*, 1 September, available [here](#) [original in Macedonian].

355 KumanovoNews (2010) ‘The displaced visit ‘Mala Bogorodica’ in Matejče’, 20 September, available [here](#) [original in Macedonian]; Antikj Jovčevska, Svetlana (2012) ‘Martina has grown up, but still hasn’t seen Matejče’, *Radio Free Europe*, 11 March, available [here](#) [original in Macedonian].

356 Interview with Divna Jankova, psychotherapist, formerly working with IDPs in Kumanovo, Zoom, 19 April 2021.

357 Interview with a former Aračinovo resident.

In terms of the needs of former and remaining IDPs, from a perspective of any form of representation, it is critical to map out their locations, their current status, and their needs. At present, they are not represented by anyone and their experiences are invisible in the public domain. These two aspects are connected. As one former IDP put it: *“It is important to inform the public about what happened because in many ways this issue has been forgotten. But it shouldn’t be. And it shouldn’t happen again. People should hear about the experiences of IDPs [...] Regardless of what choice they made – whether they returned, sold their houses or moved somewhere else – they were starting from zero. People also need to be encouraged to share their experiences. This includes people of all ethnicities. Very often before, and even today, we are stigmatised by the rest of the population and judged by people who didn’t live through the same thing for supposedly not fighting hard enough, for allowing the place to turn into what it is today. From our side, we think the state didn’t protect us enough at the time. But all of this has been forgotten. The situation would have been much different if there had been someone representing the IDPs, even after the court cases were concluded. It is very different when there is a representative or organisation representing the group, much more impactful than what can be achieved individually.”*³⁵⁸

Many IDPs continue to face material hardship and struggle to gain employment, so the need for assistance in that process was also noted.³⁵⁹ Additionally, the need for psychological assistance was also strongly emphasised, in which the gendered element and the intergenerational impact were also present. Divna Jankova, a psychotherapist working for a year and a half with some of the IDPs in Kumanovo in the immediate aftermath of the armed conflict reflected how initially it was mainly women who joined the sessions, wanting not just to process their experiences, but also to find ways to help their children to adjust.³⁶⁰ She also pointed out the need for psychological support to be offered to the children of IDPs who have since grown up, but many of whom continue to carry “unresolved grief”, which manifests itself in different ways.³⁶¹ The issue of unresolved grief, even if not termed so, came up in some of the other interviews. *“The grandparents needed psychological assistance, acknowledgement of their status as victims of the previous system, and some support to build solidarity networks and communities where they can talk about their experiences. If you asked them what you could do to help, probably the only thing they would say would be to turn back time. In the collective centre they essentially lived in one room, and everything was in it, whereas previously they had lived in a three-story house with a massive yard. My grandmother spent time as a housewife, taking care of the house, and receiving visits from her grandchildren there. And then she was forced to live in one room. On the other hand, my grandfather’s practice of spending time outside of the home continued when they were displaced, even though the change was quite hard on him too. This turned their life upside down, but they struggled in a very different way.”*³⁶²

Moving forward, the longer-term recommendation for working with this group of victims is to map out and bring together those who identify as IDPs, as well as the children of IDPs or the second generation. This would provide space for them to connect, but also potentially to find a way to be represented and advocate for their rights. Another recommendation is to work with the second generation specifically to establish dialogue with other IDPs. Additionally, with the older generation

³⁵⁸ Interview with a former Aračinovo resident and IDP.

³⁵⁹ Ibid.

³⁶⁰ Interview with Divna Jankova.

³⁶¹ Ibid.

³⁶² Interview with a former Aračinovo resident.

of IDPs dying, it is ever more important to collect the oral histories of IDPs from different parts of the country and make their experiences visible (through publication of a book or a different medium) as a means of both combatting some of the existing social stigma and preserving the knowledge of 2001.

FAMILIES OF THE ABDUCTED AND DISAPPEARED

When the OFA was signed in August 2001, 20 people were considered kidnapped and disappeared, including 12 ethnic Macedonian men and six ethnic Albanian men. In July–August 2001, 12 ethnic Macedonian men were allegedly abducted by members of the NLA in the Tetovo region, either from their houses in Tetovo and neighbouring villages or while working in the fields.³⁶³ In October of that year, the police issued a statement that the 12 men had been killed and their bodies buried in three mass graves near Tetovo.³⁶⁴ However, when the teams exhuming the bodies and investigating the graves were attacked with firearms and three police officers killed, the operation was suspended shortly after the first remains were found.³⁶⁵ Those remains were identified as belonging to four of the 12 abducted men. The operation to exhume the other eight bodies never properly continued. For years the families of the four identified men refused to collect the remains and bury them because some did not believe in the analysis results, while others refused due to only partial remains being found. Two of them were finally buried in 2018.³⁶⁶ The Tetovo court formally declared all 12 men dead in 2005, granting each family compensation of between €10,000 and €20,000.³⁶⁷

The families of those who were abducted have been searching for answers and for someone to take responsibility for two decades, to no avail. There were two court proceedings for the case of the abducted Macedonian men. In the civil one, the state was ordered to pay damages for endangering life through failure to prevent terrorism, which were paid to relatives in 2005.³⁶⁸ Criminal proceedings for war crimes against civilians were also filed for the abduction of the 12 civilians in July–August 2001 in the Tetovo region (also known as the Neprošteno case) and against the whole of the NLA leadership for committing several war crimes on the principle of command responsibility. Both cases were closed following Parliament's adoption of the authentic interpretation of Article 1 of the Law on Amnesty in 2011.³⁶⁹

In 2014, a memorial park with a monument honouring the four men abducted from the village was opened in Neprošteno/Nepreshten, near Tetovo/Tetovë. According to the former president of Hope (Nadež), the association officially set up in 2003 to represent the families of those abducted in 2001, the monument is a place where families can remember their loved ones and light candles since there are no graves.³⁷⁰ A former member of Hope said that the families of the abducted always acted together but that after several families were offered jobs [likely by those in power], they distanced

³⁶³ Andonov, Zoran (2019a) '18 years later', *Balkan Perspectives* 12, available [here](#) [original in Macedonian].

³⁶⁴ Dimovski, Sase (2012) 'The families of the abducted Macedonians are looking for a final settlement', *BIRN Skopje*, available [here](#) [original in Macedonian].

³⁶⁵ Ibid.

³⁶⁶ Andonov, op cit.

³⁶⁷ Dimovski, op cit.

³⁶⁸ Andonov, op cit.

³⁶⁹ Ibid.

³⁷⁰ Nova TV (2014) 'Neprošteno near Tetovo: A memorial park has been opened in honor of those abducted in 2001', 24 July, available [here](#) [original in Macedonian].

themselves from the association.³⁷¹ The association currently appears as inactive in the Central Registry.³⁷²

The Commission on Kidnapped and Other Missing Persons, established under the auspices of the European Union in November 2001, examined the cases of a number of missing people, including six ethnic Albanian men. Between 17 April and 20 August 2001, three ethnic Albanians disappeared in different parts of the country after the police raided their houses or stopped their vehicles at checkpoints. According to Amnesty International, “although the facts of the circumstances relating to how the men went missing remain to be clearly established, there are grounds for suspecting official complicity.”³⁷³ The remains of three of the men were found in 2004, two in a mass grave and one in a separate location.³⁷⁴ Three other ethnic Albanian men went missing during the same period, but there is a scarcity of information regarding the circumstances of their disappearances and they remain missing to this day.

In the aftermath of the armed conflict, the families of the missing Albanian men joined forces with the families of the missing Macedonian men in their search for truth and justice, but soon, “*for unclear reasons, they completely withdrew and terminated the previous cooperation, stopped addressing the institutions and remained inaccessible for conversation.*”³⁷⁵ No interviews were carried out with any family member of the abducted and/or disappeared men for this study due to lack of access. Their needs are therefore unknown, but any mapping out of people affected by the armed conflict would be amiss without their mention.

The public seems to have largely forgotten the situation of the families of the kidnapped and disappeared, even though they never received justice in any form and some of them still have not found their loved ones. The recommendation with regards to this group is to attempt to establish contact with the families of all the kidnapped and disappeared, ethnic Macedonians and ethnic Albanians alike, in an effort to understand their needs and then potentially work on activities that can bring them together in an effort to better advocate for those needs to be met.

FAMILIES OF CIVILIAN VICTIMS

This section of the study focuses specifically on the families of civilian victims, defined as the non-combatants killed or wounded during the 2001 armed conflict. The exact number of those killed or wounded is unknown. According to the Ministry of Internal Affairs, NLA is said to have killed ten civilians, but the number of civilians killed or wounded by the state security forces remains unknown.³⁷⁶ Ten members of the Zymberi family, including children, were killed during the army shelling of the village of Slupčane/Sllupčan (Municipality of Lipkovo/Likovë) in May 2001.³⁷⁷ Human Rights Watch reported that another ten civilians, including one child, were killed during the 10–

371 Dimovski, op cit.

372 Central Registry of the Republic of North Macedonia (2021), ‘Association Hope Tetovo’, available [here](#) [original in Macedonian].

373 Amnesty International (2003) “Where are they now?” Their families need to know! Alleged “disappearances” and abductions in 2001’, available [here](#).

374 Blazevska, Katerina (2015) ‘The “bomb” opened the wounds for the 12 abducted Macedonians’, *DW*, available [here](#) [original in Macedonian].

375 Andonov, op cit.

376 Marusic, Sinisa Jakov (2021) ‘The consequences of the conflict in Northern Macedonia are felt even after twenty years’, *BIRN Skopje*, available [here](#) [original in Macedonian].

377 Filipovska, Slavica (2017) ‘The war is never an option’, *360 Stepeni*, available [here](#) [original in Macedonian].

12 August 2001 police operation in the village of Ljuboten/Luboten (near Skopje).³⁷⁸ For this case, the Office of the Prosecutor at the International Criminal Tribunal for the Former Yugoslavia (ICTY) opened an investigation against the former Minister of Internal Affairs, Ljube Boškoski, and a former police officer acting as an escort inspector in the president's security unit at the Ministry of Internal Affairs, Johan Tarčulovski.³⁷⁹ In 2008, the Trial Chamber acquitted Boškoski and sentenced Tarčulovski to 12 years in prison, upheld by the Appeals Chamber, for “violations of the laws or customs of war for murder, wanton destruction, and cruel treatment”.³⁸⁰ After serving two-thirds of his prison sentence, Tarčulovski was released from prison and returned to the country in 2013.³⁸¹ A few years later, in 2016, he was elected a member of Parliament for the VMRO-DPMNE party.³⁸²

According to Verime Zymberi, who was present but survived the shelling that killed ten members of her family, to the best of her knowledge there have been no initiatives or associations set up by or for the families of civilian victims.³⁸³ She says there were about ten civilian victims in Tetovo, ten in Ljuboten, and ten in Slupchane, but she has never met the families of the other civilian victims.³⁸⁴ Verime notes that they were helped by NLA soldiers during the armed conflict, but that since then the civilian victims have been forgotten, with no one even mentioning them since 2002: “The focus has been on the war veterans and the military victims, but no one remembers the civilians.”³⁸⁵

Abedin Zymberi, another member of the same family, a former commander of the NLA military police for the Karadak region and a former member of Parliament, reflected on the current situation of the families of the ethnic Albanian civilian victims: “I haven’t had any direct contact with the other Albanian families of civilian victims, although indirectly I once started an initiative to register all the families and their needs and what I could do for them. Some of them have been taken care of, some are part of a political party, so their needs have been met through that route. But those who have no connections have remained forgotten and in a very difficult position. I’m talking about the Lipkovo/Likovë region. In Tetovo, for instance, the municipality took care of them – some got employment, some got housing, etc. But here, I could say that 60 per cent of them are in a tough situation.”³⁸⁶

In April 2010, a group of MPs led by Abedin Zymberi and Daut Rexhepi proposed a Law on the Special Rights of Disabled NLA Members, Family Members of Civilian Victims and Members of the Families of Fallen NLA Fighters during the 2001 Armed Conflict.³⁸⁷ Critically, unlike the existing so-called Veterans Law, described in a later section, the proposal included provisions regarding civilian casualties. Nevertheless, following a debate in June 2010, in which of the 89 MPs present (out of 120

378 Human Rights Watch (2001) ‘Crimes Against Civilians: Abuses by Macedonian Forces in Ljuboten, August 10–12, 2001’, available [here](#).

379 International Justice Resource Centre (2021) ‘Boškoski & Tarčulovski (IT-04-82)’, available [here](#).

380 Ibid.

381 MIA (2013) ‘Tarčulovski was released from prison’, *DW*, 10 April, available [here](#) [original in Macedonian].

382 Andonovska, Elena (2016) ‘Tarčulovski, convicted of war crimes, became an MP’, *BIRN Skopje*, 19 December, available [here](#) [original in Macedonian].

383 Interview with Verime Zymberi, WhatsApp, 10 April 2021..

384 Ibid.

385 Ibid.

386 Interview with Abedin Zymberi, Viber, 14 April 2021..

387 Krzhalovski, Aleksandar (2012) ‘The Veterans Law: brief overview of the reintegration policies’, *Macedonian Centre for International Cooperation*, available [here](#) [original in Macedonian], 5.

in total), 61 voted - 11 in favour and 50 against,³⁸⁸ Parliament did not adopt the proposal.³⁸⁹ While all the MPs who voted in favour of the proposal were ethnic Albanians, not all ethnic Albanian MPs supported the proposal or were present during the debate.³⁹⁰ To this day, the rights of civilian victims of the 2001 armed conflict are not recognised in the Macedonian legal system, even though a survey in 2012 showed that 83 per cent of all ethnic groups were in support of legal provisions on the rights of civilian victims, regardless of ethnicity.³⁹¹

The needs of the civilian victims' families are manifold. Those highlighted most during interviews included recognition of the families' loss, visibility of the issue, and legal, material and psychological support. As Verime Zymberi explains: *"The families are disappointed, no matter how many family members they have lost. For example, my cousin lost his wife, son and daughter and there has been no assistance for them, nor any recognition of their loss. Some have deep psychological scars, but have never received any sort of psychological help. My aunt who lost her daughter shuts off from everyone every year in May, around the time of the shelling, for about a month. She takes strong drugs and is deeply depressed. No one has worked with the remaining family members [...] Even materially, they live poorly because they don't have a single salary in the households. Their fight is to either get employment or leave the country. They have had to leave the past behind to fight to survive the present. Imagine, five or six people living on one salary."*³⁹²

Family members' needs are also in many ways gendered, which is yet another aspect that has not been considered. Verime attempted to explain some of that dynamic: *"The women in these areas are not so educated and stay at home all day, unlike the men whose time passes when they leave the house for work. While women stay at home, they have time to keep thinking of what has happened and sink even further into the trauma. There is a huge need for them to work with a psychologist, but also for their children to get employment and stay in the country instead of leaving in search of work abroad. This is also a way to support older family members."*³⁹³

Abedin Zymberi, who has been perhaps the most visible if not the only advocate for the rights of the civilian victims' families, spoke of the lack of support from various state institutions in seeking justice or reparations of any kind: *"I have asked the President of the country to help us by reaching out to the families of civilian victims and maybe helping some of them get employment, so that they don't feel entirely forgotten by the state and the institutions. For instance, in the case of my brother's family, they lost their daughter. Nobody works in the family and even the son had to stop his education because they had no money. How can we expect their children to be loyal to this country if the country has never even acknowledged their suffering? We didn't hear back from the President, so that is where that ended. Aside from that, in terms of any form of support from the state, we tried suing the state in 2003 for the killings. But instead of getting anything, everyone who filed a suit had to pay €1,500 because their suits were denied, and they stopped. Imagine, paying €1,500 euro when no one in the family is employed. So, in a way, we were doubly killed with this. But it is critical for us to know who killed the civilian victims on all sides. It*

388 Parliament of the Republic of Macedonia (2010) 'Draft Law on the Special Rights of Disabled NLA Members, Family Members of Civilian Victims and Members of the Families of Fallen NLA Fighters during the 2001 Armed Conflict', available [here](#) [original in Macedonian].

389 Krzhalovski, op cit., 5.

390 Parliament of the Republic of Macedonia, op cit.

391 Ibid, 7.

392 Interview with Verime Zymberi.

393 Ibid.

*is important to take responsibility, so there is justice for them. Those who have committed crimes must be held responsible. And it is important to never stop talking about this and make sure the issue is visible.*³⁹⁴

When it comes to seeking justice, Verime mentioned that the civilian victims' families could probably take the issue to the European Court of Human Rights in Strasbourg, but they are "not educated" and they do not know how to pursue that path to recognition and justice.³⁹⁵

In terms of representation, they do not feel represented by anyone, which highlights even further the need for a more organised approach to advocacy from the civilian victims' families. It was suggested by one of the interviewees that there was a problem mixing civilian and military victims, so "all the assistance that the state might have for Albanian victims goes through the Democratic Union for Integration [DUI – the political party formed by members of the disbanded NLA]. They decide who receives what, it is all partitioned and politicised, but those who are in power, who have become millionaires since 2001, have not even suffered losses in their families."³⁹⁶ Abedin continues that the political parties only remember the civilian victims and their families during election campaigns, and then forget them again for the next four years of the mandate.³⁹⁷

FAMILIES OF MILITARY VICTIMS

According to some estimates, during the armed conflict over 70 members of the state security forces were killed and more than 340 wounded. Also, more than 80 NLA members were killed and an unknown number wounded.³⁹⁸ Of the 80 NLA victims, around 20 were citizens of Kosovo and Albania.³⁹⁹

The Law on the Special Rights of Members of the Security Forces of the Republic of Macedonia and Members of their Families was passed in 2002 and amended in 2003, 2004 and 2007.⁴⁰⁰ It covers five types of rights: employment, housing, one-time cash benefits, education and family pension.⁴⁰¹ The latter was regulated with the 2003 amendments. Critically, most of the benefits are available only to family members of state security forces who were killed or war-disabled, but not to those of other surviving members of the security forces.

Macedonia's Heroes 2001, the association of wounded security forces and family members of those security forces who were killed, was formed in September 2001.⁴⁰² As of 2012, the association had 1,200 members from 68 families.⁴⁰³ Although association representatives stated in the past that 97 per cent of their demands had been met with the 2002 Law and subsequent amendments, there

394 Interview with Abedin Zymberi.

395 Interview with Verime Zymberi.

396 Interview with Verime Zymberi.

397 Interview with Abedin Zymberi.

398 Klekovski, Sasho (2012) 'Defenders, the NLA, and civilian casualties', available [here](#) [original in Macedonian].

399 Ibid.

400 Ministry of Internal Affairs of Republic of Macedonia (2007) 'Law on the Special Rights of the Members of the Security Forces of the Republic of Macedonia and the Members of their Families', available [here](#).

401 Ibid.

402 Central Registry of the Republic of North Macedonia (2021), 'Association of the Wounded Security Forces and Family Members of the Killed Security Forces of Macedonia – Macedonia's Heroes Skopje', available [here](#) [original in Macedonian].

403 Malenkova, Tatjana (2012) "'Macedonia's Heroes 2021" visit the Municipality of Ohrid', *TV M Ohrid*, 28 June, available [here](#) [original in Macedonian].

were delays in families receiving compensation for non-pecuniary damage, accessing free health services or receiving the necessary support.⁴⁰⁴ One family member of the ten army reservists killed in an ambush on 8 August 2001 spoke of some of the rights extended to the families of the reservists. These include employment of a small number of family members, access to education, a family pension, rented housing with the possibility of eventually purchasing the flats at affordable prices, and holiday accommodation in the army camp on Lake Ohrid.⁴⁰⁵ The interviewee also pointed out the gendered aspect of the necessity for basic needs to be met, given that many family members were mothers with young children who all of a sudden had to provide for their family on their own.⁴⁰⁶ When discussing the issue of advocacy and the rights of these families, the interviewee said: “It is different when something is given as opposed to when you ask for it. I don’t want to ask for anything. And at the end of the day, ask who? The state where those who killed my father are now in power?”⁴⁰⁷ In that respect, the interviewee felt there could be no justice for their father and other fallen soldiers with former NLA members in power.⁴⁰⁸

When it comes to visibility, representation and memorialisation of the fallen security forces, family members and the veterans’ associations organise commemorations in different parts of the country every year. While some, such as the Karpalak commemoration, are attended by government representatives,⁴⁰⁹ or by ministers and mayors,⁴¹⁰ in other commemorations it is left to family members to remember their loved ones on their own.⁴¹¹ At Karpalak, the memorial plate marking the place where the ambush happened is frequently destroyed or removed.⁴¹² In 2019, family members were promised by the then National Coordinator for War and Police Veterans that a memorial would be built after the country joined NATO, which it did in March 2020. However, to date, that promise has not materialised.⁴¹³

At the same time, family members of NLA victims, as well as the NLA veterans themselves, remain outside the protection of the law. They were included in the aforementioned 2010 law proposed by Zymeri and Rexhepi, which was not adopted by Parliament. As Fuat Beqiri, the son of a fallen NLA fighter and a witness in the Ljuboten/Luboten case, explained, the families of the fallen NLA fighters were “taken care of” by the DUI.⁴¹⁴ To that end, it was the political party rather than the state that

404 Meta.mk (2017) ‘The Government will seek a solution to the problems of the families of the fallen defenders’, available [here](#) [original in Macedonian].

405 Interview with a family member of one of the reservists killed at Karpalak, Facebook, 7 April 2021..

406 Ibid.

407 Ibid.

408 Ibid.

409 Andonov, Zoran (2019) ‘The killed defenders at Karpalak will receive a monument after NATO membership and relaxation of the interethnic relations, says Stojanče Angelov’, *Sakam Da Kažam*, 8 August, available [here](#) [original in Macedonian].

410 Macedonian Media Service (2021) ‘Kriva Palanka marks 20 years since the 2001 conflict’, 3 August, available [here](#) [original in Macedonian]; Expres.MK (2021) ‘20 years since the death of defender Atanas Janev in Aračinovo’, 23 June, available [here](#) [original in Macedonian].

411 Vučevska, Milena (2021) ‘He gave his life for Macedonia, but got no respect in return – 20 years since the death of the police officer Coki’, *Alfa TV*, available [here](#) [original in Macedonian].

412 Andonov, Zoran (2019c) ‘Memorial plate for killed defenders at Karpalak was removed again’, *Sakam Da Kažam*, 14 May, available [here](#) [original in Macedonian].

413 Andonov (2019b), op cit.

414 Interview with Fuat Beqiri, Viber, 6 April 2021.

met the basic needs of the families and ensured their right to education and employment.⁴¹⁵ What has become evident is the vacuum created by the state not meeting the needs of the families of all military victims. This in turn is related to the refusal by the Macedonian parties in power, partially influenced by various veterans' structures, to acknowledge the NLA fighters as legitimate armed conflict veterans, rather than as a force that threatened the order and integrity of the state. This is seen as granting the same rights and legitimacy to state security forces and the NLA.

Fuat Beqiri, a member of an association of families of fallen NLA fighters composed almost exclusively of male family members, emphasised that the association's main activity is the annual commemoration of the beginning of the armed conflict.⁴¹⁶ For this they request and receive financial support through various DUI ministers and mayors, as well as from private businesses.⁴¹⁷ Families that are part of the association share a strong bond due to the losses they have suffered and, despite the attempts by various political parties to split them up, have remained together.⁴¹⁸

It is unclear, however, whether the support from the DUI is extended to all family members of fallen NLA fighters or only to those who are part of the association or closely associated with the DUI. For example, one interviewee from Tearce/Tearcë recalls that: "One family of a fallen NLA fighter with three daughters initially got some support but, eventually, after a few years, the mother had to return to her parents with them because their rent was no longer paid. There are many examples like that, and fewer and fewer moments of remembering these victims. Now I think it is just 14 March, the day when the armed conflict started in Tetovo, and the day the OFA was signed."⁴¹⁹

One specific commonality that emerged from the interview data is that none of the families of fallen fighters, be it from the security forces or NLA, had been offered psychological support. This remains a need that is clearly recognised by interviewees, despite the long period of time since the losses they suffered. Beyond that, many of the basic needs of the families of some of the military victims on both sides seem to have been met, either directly through the state or through the DUI as a political party. What is still unclear, without a detailed mapping out of the victims, their families and their needs, is how many families exist beyond these networks, without any support or representation.

The recommendation here is to work with the families of military victims primarily on building trust and potentially establishing a dialogue, should such a need be identified.

VETERANS' GROUPS

Numbers as to how many people participated on each side of the 2001 armed conflict vary, so it is hard to estimate the exact number of veterans in the country. Regardless of the numbers, however, veterans from both sides are at present the only people affected by the 2001 conflict whose associations (all composed exclusively of men) remain active and visible in the public domain.

415 Ibid.

416 Interview with Fuat Beqiri.

417 Ibid.

418 Ibid.

419 Interview with Metin Muaremi.

Even though the Law on the Special Rights of Members of the Security Forces of the Republic of Macedonia and Members of their Families was passed in 2002, and amended in 2003, 2004 and 2007, the law primarily gives rights to the war-disabled and families of the fallen among the state security forces.⁴²⁰ Other members of the security forces are guaranteed only two rights under this Law: to free university education, including an advantage in accessing student accommodation, and an advantage when applying for employment with state bodies, local self-government units, public enterprises and public institutions.⁴²¹ Aside from this Law, there have been no other state measures or programmes aiming to reintegrate veterans and former armed conflict participants.

Demanding the rights of security forces veterans and “righting the injustices done to them” by those in power were the core drivers in founding *Dignity (Dostoinstvo)* in 2007, according to Stojanče Angelov, one of its founders and a former major general in the Macedonian police special units.⁴²² At one point, the association had over 10,000 members, with over 1,000 active members.⁴²³ Speaking of the 2002 Law and the main achievements of *Dignity (Dostoinstvo)*, Stojanče Angelov said: *“The 2002 Law was good for the war-disabled, but those who weren’t wounded got nothing. The rest had two rights: to attend university free of charge and an advantage when applying for employment. However, hardly anyone was employed in that way, or none that I know of anyway. [...] With Dostoinstvo, we managed to correct a few injustices. First, in 2009 we forced the VMRO [VMRO-DPMNE, the party then in power] to withdraw lawsuits against the war-disabled [about returning compensation from the state]. Second, we also forced them to agree to professional soldiers remaining employed by the army, even if in a different capacity, until retirement. Third, in 2009–2010, we forced former President Ivanov to distinguish the fallen soldiers and their families, and most recently I submitted an initiative to distinguish three dead generals. Finally, if it wasn’t for us, most people would have entirely forgotten the war.”*⁴²⁴ In 2008, *Dignity (Dostoinstvo)* also proposed a new law for security forces veterans, which Parliament did not pass.⁴²⁵ In March 2011, the association formed the basis of a new political party, *Dignity (Dostoinstvo)*, led by Angelov. It aimed to solve the veterans’ problems and meet their demands through the political arena and become the “third Macedonian brand” – “the partisans formed the communist party, from which SDSM was created, the komiti formed or are associated with VMRO, so *Dostoinstvo* is the third brand – the defenders of 2001.”⁴²⁶

As well as *Dostoinstvo*, there have been other, less publicly visible, veterans’ associations. For instance, *ZUVO 2001–2002*, the Association of participants in the armed actions in defence of the sovereignty of the Republic of Macedonia 2001–2002 was formed in Prilep in 2002. It aimed to include all reserve conscripts called to serve and sent to the former armed conflict regions at that time.⁴²⁷ The primary goal of *ZUVO 2001–2002* is to be included in the 2002 Law and for its members to be granted rights to free healthcare, education and social security, and benefits for length of service. As the association’s president Rubin Sekuloski says: *“If we got these things, we would gain status in society, instead of being called drunks, thieves and so on. Then, even if I die, I’ll know that what I did was at*

420 Ministry of Internal Affairs of Republic of Macedonia, op cit.

421 Ibid., 3–4.

422 Interview with Stojanče Angelov, Skype, 26 April 2021.

423 Ibid.

424 Ibid.

425 Krzhalovski op cit., 5.

426 Interview with Stojanče Angelov.

427 Taleski, Goran (2020) *War stories by the Prilep veterans from 2001*. Prilep: Peace Action, available [here](#) [original in Macedonian], 11.

*least recognised by being given that status. So, for me, that is justice.*⁴²⁸ While ZUVO 2001–2002 used to have many members and some power, over the years some members have died, others have become disillusioned and disheartened by their position in society and others have emigrated, leaving around 150–200 fee-paying members and around 50–60 active members.⁴²⁹ Another veterans' association is Karpalak, formed in Prilep by and for reservists who survived the Karpalak ambush.⁴³⁰

NLA veterans, on the other hand, are in no way protected by law. In fact, it can be argued that the 2002 Law mentioned above goes a step further by defining the security forces as those who “participated in an organised defence of the independence, territorial integrity and sovereignty of the Republic of Macedonia and in preventing the violent overthrow of the democratic institutions established by the Constitution of the Republic of Macedonia”, thus excluding NLA veterans.⁴³¹

The NLA was demobilised in spring 2002 following the signing of the OFA in August 2001 and the end of hostilities in November 2001. A new political party, the Democratic Union for Integration (DUI), was formed on 5 June 2002, whose leadership was practically the same as the leadership of the NLA.⁴³² The Association of NLA veterans was formed the same year. As Raim Limani, a former NLA commander and member of the DUI and the association explains: *“The association was formed in 2002 and the founding assembly held in Skopje. The founders were NLA commanders, they initiated this. Informally, all NLA participants are members, even though other people can also become members [...] On the division between the DUI political party and the association, formally they are separate entities but in practice I cannot say that the association is immune to party influence, especially if you take into consideration that the leaders of the association are the former leaders of the NLA and that the former leaders of the NLA are also leaders of the DUI. So, it is almost impossible to be immune to political influences, even though I have been against this from the very beginning. The DUI has done some things for the veterans, but far from enough. They should have done more.”*⁴³³

Raim Limani was specific about the association's goals: *“The association was formed with the goal of protecting the rights of former NLA members to be resocialised and included like all other social groups. There are also other goals, but this is the main goal. But I think we haven't succeeded, as many NLA members are barely surviving. Of course, that is the case with other groups too, but these people deserve a little more attention as they were directly involved in the armed conflict [...] In the association's founding documents it was mentioned that we aim to get a law that protects NLA members too. I can't speak to the reasons why this hasn't happened, but you can see there is resistance from the Macedonian political parties in this regard.”*⁴³⁴

Disappointed by the implementation of the OFA and the inadequate addressing of the reasons that led to the armed conflict, as well as the “undignified representation of NLA veterans' interests by the

428 Interview with Rubin Sekuloski, former reservist and current president of ZUVO 2001–2002, Viber, 7 April 2021.

429 Ibid.

430 Taleski (2020) op cit., 13.

431 Ministry of Internal Affairs of Republic of Macedonia, op cit., 1.

432 Taleski, Dane (2011) 'From bullets to ballots: guerrilla-to-party transformation in Macedonia', paper presented at the Political Science Departmental Seminar, Central European University, available [here](#)

433 Interview with Raim Limani, Viber, 9 April 2021.

434 Interview with Raim Limani.

DUI,⁴³⁵ the Organisation of the War Veterans of the NLA was formed. As explained by its president, Besim Hoda: *“We formed the organisation in April 2005, immediately after the official period requested for the implementation of the OFA [...] The organisation has 1,014 members [...] To this day, NLA soldiers are treated legally as terrorists who threatened the sovereignty and integrity of the country in 2001. The only exceptions are those NLA soldiers who are now temporarily part of the government, which includes most of the NLA leadership. Those who were murdered, their families, the war-disabled, as well as NLA soldiers who suffered physical and psychological harm, are still ignored by everyone. On the contrary, they sadly only serve as a political card for the parties during election campaigns. And the NLA sadly continues to be used as political propaganda from both sides. This is why we formed an independent organisation, the Organisation of War Veterans of the NLA, which was formed primarily as a counterweight to the other NLA war veterans’ NGO, which is inside the DUI and creates policies for it rather than for the cause of Albanians and the reason for or goal of the NLA. The organisation is formed of non-politically aligned NLA soldiers who believe their demands, ideals, friends who died and their families are treated as a political card and manipulations are made in their name. This is due to the law itself not treating all sides of the armed conflict equally [...] We work to show resistance to the manipulative nationalist propaganda of the Albanian political parties during the election campaign, to protect the NLA soldiers from such abuse, and to react when our members are unjustly attacked and blamed by the state institutions for their participation in the war.”*⁴³⁶

Without directly being asked about it, some interviewees spoke about their rights in relation to the rights of veterans from the other side of the armed conflict. For example, Besim Hoda noted: *“In principle, we have nothing against members of the state security forces receiving benefits because, as shown by the very change of the constitutional order with the Ohrid Agreement, it was the state, not the people who were at fault. We never fought against them being able to enjoy their rights, along with war veterans and the war-disabled. We’ve always advocated for both sides to enjoy the same rights.”*⁴³⁷ Somewhat similarly, even though emphasising that NLA veterans might have “received more” than the reserve military conscripts, Rubin Sekuloski said: *“I am even ready to say that we should all get our rights. We all participated in the war. They too have children, mothers, fathers, sisters... We are all victims of the governance at the time, victims of the system.”*

When asked about relations with other veterans’ associations, be it from the same or other side in the armed conflict, the sentiments among some seem to be that they *“have the capacity to work together towards not just ensuring that all of [their] needs are met and bringing the veterans together, but also towards broader societal reconciliation”*.⁴³⁸ In that direction, in 2018 there was an initiative, an initial step towards reconciliation, led by Stojanče Angelov and Abedin Zymberi.⁴³⁹ According to Angelov, *“Twenty years have passed, it’s time for us to finally reconcile. In fact, we are even late. The number of people killed during the armed conflict, from both the defenders and the NLA, is relatively low, even though of course they are tragedies. But we shouldn’t wait another 100 years to reconcile. And this is what I want to work on next [...] As for the initiative with Abedin, I know him as a war enemy. Why do I respect and*

435 Interview with Besim Hoda, former NLA soldier and President of the Organisation of War Veterans of the NLA, Viber, 14 April 2021.

436 Ibid.

437 Ibid.

438 Interview with Raim Limani.

439 1TV.mk (2018) ‘On different sides in 2001, now fighting together for peace: Angelov and Zimberi in Studio 1’, 21 December, available [here](#) [original in Macedonian].

*choose him? In the Kumanovo–Lipkovo region we didn't have a single atrocity. We fought, we killed each other, the security forces killed ten civilians of the Zymberi family who just happened to be in the wrong place at the wrong time, as they didn't expect that there would be civilians in the village in the middle of the fighting. And that is a huge loss that Abedin suffered; his daughter was among those killed. Yet, despite that loss, he didn't allow anger to get the better of him. We had two soldiers captured by them and at most they might have been slapped, but they were not beaten or abused. That's why I respect him because he was a soldier. He personally defended the captured saying he would kill anyone who hit them. Even when it comes to civilians, yes, many people left, but there wasn't any atrocity committed. This is why I chose Abedin as someone from the other side. I think the initiative was better accepted on our side, but Abedin had a hard time with the people in his village.*⁴⁴⁰

Reflecting on the initiative aimed at showing that “we all need to reach out to one another and move past the armed conflict,” Zymberi said: *“What happened, happened. Now we need to go forward and work together to create a joint state. Twenty years after the armed conflict we still see so much hate speech, especially on the online media. It is even worse than in 2001 [...] Regarding the initiative, the intellectuals really supported my efforts with General Angelov. However, many others in the village, who don't understand the essence of the work, didn't like it. [...] But I think they have eventually started understanding what the real motivation was. But now I can't be the one making all the steps [...] I'm a veteran, but I'm not on the list of veterans, and I don't feel represented by anyone. The party that has come out of the armed conflict represents the interests only of those close to the party. Other veterans have remained on the sidelines. Basically, it should be the veterans' association doing what I did with Stojanče. But because basically the association just produces more nationalism, they add more fuel to the fire and create more hatred. So, they attacked our initiative. They don't want us to carry it forward.*⁴⁴¹

The dire situation many veterans are in was emphasised by nearly everyone when discussing the needs of veterans. Similarly, the lack of psychological assistance was stressed by nearly all interviewees. Angelov, for example, stressed: *“We underestimated the PTSD. I am someone with PTSD and to this day I don't feel like a person who has PTSD [...] Most of those from the special unit are like this, which led to a couple of people being killed and a few instances of severe bodily injuries [...] The PTSD translated in all sorts of different ways: some died of cancer, some died of heart attacks, some became alcoholics, some committed domestic violence, some divorced, including myself. There were a lot of manifestations within the families that were never treated.*⁴⁴²

Some of the interviewees linked basic needs not being met with veterans' dissatisfaction and their lack of justice. Limani, for instance, said: *“When someone's existential needs are not met, you cannot expect them to be satisfied. This is why we wanted the law and why we wanted NLA members to be included in the different spheres of society, which in our view would have contributed to reconciliation. Right now, there is distrust, huge distrust, from NLA members towards state institutions and even political parties. We don't have specific numbers or a mapping out of the needs of all former NLA members, but anecdotally, from those here in my village, most have left the country to survive. So, the passing of such a law would help with satisfying certain needs, bringing people closer and, ultimately, with reconciliation.*⁴⁴³

440 Interview with Stojanče Angelov.

441 Interview with Abedin Zymberi.

442 Interview with Stojanče Angelov.

443 Interview with Raim Limani.

He emphasised that they are currently working on reforming the association, making it more active, and potentially delineating it from the party, ensuring that they have their own position on ongoing developments.⁴⁴⁴

Nearly all interviewees stated that the veterans, on both sides, are only remembered during electoral campaigns. Some interviewees emphasised that both the veterans and associations need what happened in 2001 to be remembered. In that regard, Angelov said: “*We don’t have any institutional memory of 2001 [...] We all keep our personal memories, but if I die today, the things I know that have not been documented anywhere will be lost.*”⁴⁴⁵

It seems that the veterans’ associations have many different needs and that those needs might differ from association to association, depending partly on their proximity to those in power. In some cases, even if not identified in those words, help with organisational capacity building could be useful, as well as skills development so that they can record their experiences and increase their public visibility. In nearly all cases assistance with advocacy and with further steps in transitional justice could be helpful. Altogether, however, the veterans’ associations, or at least the interviewees included here, appear to be much more ahead in terms of readiness for and the process of reconciliation than some other parts of the society.

Considering the lack of available online archival material from the time of the armed conflict, due to many of the biggest media organisations at the time having since ceased to exist, oral histories and veterans’ knowledge of the 2001 events can be critical in developing a culture of remembrance of the armed conflict. To that end, the recommendation is to work with the veterans around this. Another recommendation is to work with the associations on establishing a dialogue between the different sides. Some of the veterans have the potential to contribute to, if not lead, a national discussion on the armed conflict and on reconciliation.

PEOPLE FROM THE ARMED CONFLICT-AFFECTED REGIONS MORE BROADLY

There are at present no associations that unite people in the armed conflict-affected regions specifically around their experiences or joint needs. Talking about the possible reason, Metin Muaremi noted, “People are not organised in associations because many of them are connected to political parties as a way of getting a job. Given how high the unemployment rate is, they see that as the only way. There are a lot of divisions within the ethnic groups too and they then lose the perspective that they should act.”⁴⁴⁶ With that in mind, the research and interviews have identified the situation and needs of three broad groups affected by the armed conflict, directly or indirectly, and which could be potential groups for collaboration.

One such group is that of the smaller ethnic communities, particularly Roma people living in the armed conflict-affected regions. Given the continuous systemic discrimination and lack of state protection that Roma people have faced both in Yugoslavia and since independence, members of the Roma community were put in a position where they had to make a difficult choice during the armed conflict – support the NLA fighters and their fight for better minority rights or sometimes be recruited

444 Ibid.

445 Interview with Stojanče Angelov.

446 Interview with Metin Muaremi.

in the security forces and support the fight for the territorial integrity of the country.⁴⁴⁷ This has rarely been acknowledged. As Akif Kariman, one of the initiators of the most visible Romani civic movement Avaja, rightly points out: *“When we talk about 2001 and about reconciliation, the whole time the discussion focuses on ethnic Macedonians and ethnic Albanians, and the others are forgotten [...] In fact, there were many things I didn’t know [about the experiences of the armed conflict] until I started doing interviews with members of the Roma community, including my mother.”*⁴⁴⁸ At the same time, at a political level, Dehran Muratov, a journalist of Romani background, notes that *“2001 made those smaller ethnic communities more visible with the political agreements, the Ohrid Agreement. Before 2001 they were invisible because they were merged with one or the other [bigger] ethnic community, depending on where you live [...] Today thanks to the OFA [some people from the smaller communities] have guaranteed positions, which was not the case beforehand.”*⁴⁴⁹

Both Roma people’s involvement in the armed conflict and the impact it has had on them are made invisible. At the same time, there is fear of talking about those experiences, with a lot of distrust due to the decades of discrimination, oppression and exclusion the community has faced. There is a need to provide safe spaces where Romani people can share their experiences of the armed conflict. The recommendation in working with the Roma community is to prioritise the gathering of oral histories of lived experiences and, through that and other activities, make those experiences visible and potentially initiate a discussion on remembering 2001 beyond the two dominant narratives discussed in the final section of this study.

Another group is the country’s history teachers. At present, history textbooks stop with the country’s independence, so the 2001 armed conflict is not covered in any way. Additionally, the history textbooks cover the historical events “pertinent” to the Albanian people and those “pertinent” to the Macedonian people separately, with the former being taught to the dominantly Albanian classes and the latter being taught to the dominantly Macedonian classes. The other communities are not even mentioned in the textbooks.⁴⁵⁰ Although there have been some initiatives by teachers and civil society organisations to include smaller ethnic communities in the textbooks, as well as initiatives to develop a joint, historical narrative about the 2001 armed conflict, those initiatives were ultimately not accepted by government education bodies and the Ministry of Education.⁴⁵¹ Some of the history teachers interviewed stated that their involvement in the civil society sector and various initiatives and projects stems from the detected need for better history textbooks and better history teaching.⁴⁵²

The identified needs include more activities that bring the history teachers together, since most do not have contact with each other, to help them build trust in one another and work together in ensuring that history is taught in an inclusive and accurate way that encourages students to learn

447 Taleski, Goran, Kols, Tomas, Jusufi Saliu, Fllanza and Kitanoski, Boro (2014) *Извини, ама ти си од погрешна националност / Më fal, por ti je nga kombësia e gabuar*, Prilep: Peace Action, available [here](#) [in Macedonian and Albanian].

448 Interview with Akif Kariman, Zoom, 22 April 2021.

449 Interview with Dehran Muratov, Zoom, 13 April 2021.

450 Focus group with history teachers: Merjem Emini (primary school history teacher in Tetovo), Kenan Iseni (high school history teacher in Skopje) and Harun Rexhepi (primary school history teacher in Tetovo), Zoom, 23 April 2021.

451 Focus group with history teachers; Interview with Mire Mladenovski, primary school history teacher in Novo Selo, Zoom, 12 April 2021.

452 Focus group with history teachers; interview with Mire Mladenovski; interview with Irena Mladenovska, primary school history teacher in Skopje, Zoom, 13 April 2021.

about the other communities in their society. The recommendation for the work with history teachers is to organise activities not only with history teachers from the armed conflict-affected areas but also more broadly, if possible.

The third group is that of young people from the regions most affected by the armed conflict. Since 2001 is not covered in the school curriculum and is largely absent from the national discourse, young people born around and after 2001 learn about the armed conflict mainly from their families. As a result, trauma or “forgetting” of the armed conflict is also passed on from older generations. Additionally, with students from different ethnicities largely attending separate schools or at least classes, there are rare instances of young people having to come together and learn from one another. In an attempt to challenge this division, some young activists have organised interventions in the public space, through murals and posters.⁴⁵³

In some instances, young people from different ethnicities do not speak the same (local) language or refuse to speak the language of the other ethnicity and resort to communicating in English when needed. In some cases, when translation would be necessary in Macedonian or Albanian, English is used for expediency reasons. One such example is the meetings of the executive team of the Union of High School Students, even though all the documents of the Union are in both Albanian and Macedonian.⁴⁵⁴

The identified needs of young people, both those who were children during the armed conflict and those born after 2001, and the recommendation in working with them is to encourage activities that establish dialogue for trust building and continue developing a culture of remembrance.

3.3 Official initiatives to deal with the past in North Macedonia

The initiatives to deal with the country’s past, and the 2001 armed conflict in particular, have been limited at best. This section outlines some of the official and unofficial initiatives that are relevant in terms of dealing with the past.

OHRID FRAMEWORK AGREEMENT AND LEGAL CHANGES

The Framework Agreement concluded at Ohrid, also known as the Ohrid Framework Agreement (OFA), marked the official end of hostilities between the NLA and the state security forces, even though there were still some clashes later in the year and in 2002. The OFA was signed on 13 August 2001 by the country’s then president and representatives of the Internal Macedonian Revolutionary Organisation–Democratic Party for Macedonian National Unity (VMRO-DPMNE), the Social Democratic Union of Macedonia (SDSM), the Democratic Party of Albanians (DPA) and the Party for Democratic Prosperity (PDP).⁴⁵⁵ Notably, the OFA was not signed by representatives of the NLA. Instead, the Albanian community was considered represented through the DPA and PDP signatories, in coordination with the NLA. The Agreement was ratified by Parliament on 16 November 2001.⁴⁵⁶

⁴⁵³ Interview with Jetmir Asani and Valon Kuçi, peace activists from Skopje, Zoom, 14 April 2021; interview with Elena Saveska, peace activist from Tetovo, Zoom, 16 April 2021.

⁴⁵⁴ Interview with Blendi Hodai, President of the Union of High School Students, Zoom, 16 April 2021.

⁴⁵⁵ Ohrid Framework Agreement (2001), op cit.

⁴⁵⁶ Canada: Immigration and Refugee Board of Canada (2003) *Macedonia: Implementation of the Framework (Ohrid) Agreement*, available [here](#).

The OFA rejects “completely and unconditionally” “[t]he use of violence in pursuit of political aims” and emphasises the multiethnic character of Macedonia and the importance of the Constitution meeting the needs of all citizens.⁴⁵⁷ Among the basic principles it also stresses that “[t]he development of local self-government is essential for encouraging the participation of citizens in democratic life, and for promoting respect for the identity of communities.”⁴⁵⁸ The development of decentralised government is one of the main aspects included in the OFA. It also includes a number of other provisions relating to: the cessation of hostilities and voluntary disarmament, and complete disbandment of ethnic Albanian armed groups; non-discrimination under the law and equitable representation of communities in all public administration bodies; special parliamentary procedures that ensure there is no tyranny of the majority on a number of critical issues; the right to education and the use of languages, as well as emblems as an expression of identity. The Agreement also has three annexes: Annex A contains the agreed constitutional amendments that guarantee certain political and cultural rights; Annex B outlines the legislative modifications in at least nine laws necessary for the implementation of OFA; and Annex C includes provisions on implementation and confidence-building measures, including the role of the international community.

The OFA is widely considered to have been fully implemented.⁴⁵⁹ Nevertheless, while it existed, the Association of IDPs from Aračinovo Zora frequently reminded those in power that the provision on all parties working to “ensure the return of refugees who are citizens or legal residents of Macedonia and displaced persons to their homes within the shortest possible timeframe” had not been implemented. Those shortcomings notwithstanding, even though the OFA contains no direct provisions that require or strongly encourage dealing with the past, the overall implementation has brought certain elements of transitional justice to the country and represents a good starting point, limited as it may be, for the development of a peaceful society. How parties in power have used the OFA and the legal and institutional changes that have stemmed from it, on the other hand, is a different issue, beyond the scope of this study.

ICTY CASES AND AMNESTY

There were a number of alleged war crimes committed during the armed conflict in Macedonia. Four war crimes trials against NLA members were initiated in 2002, which were then transferred to the jurisdiction of the ICTY Office of the Prosecutor later that year. The four cases included: (1) the Mavrovo Road Workers Case, referring to the kidnapping, torture and abuse of five employees of the Mavrovo Construction Company in August 2001; (2) the Neprošteno Case, referring to the abduction of 12 civilians by NLA soldiers in July–August 2001 in the Tetovo region; (3) the Lipkovo Water Reserve Case, referring to “the forty days-long restriction of tap water supply to the city of Kumanovo by the closing of the vents on the Kumanovo water pipe system near Lake Lipkovsko, which was under NLA control in this period”;⁴⁶⁰ and (4) the NLA Leadership Case, referring to all the NLA leadership being charged with committing several war crimes on the principle of command responsibility. Additionally, in 2004, the ICTY Office of the Prosecutor also opened an investigation into the Ljuboten Case, in which the former Minister of Internal Affairs, Ljube Boškoski, and a former police officer acting as an escort inspector in the president’s security unit at the Ministry of Internal

457 Ohrid Framework Agreement (2001), *op cit.*, articles 1.1, 1.3 and 1.4.

458 Ohrid Framework Agreement (2001), *op cit.*, article 1.5.

459 Marusic, *op cit.*

460 Stanoeski, Oliver (2013) ‘Post-conflict Macedonia Transitional Justice: Conceptual Issue and Definition’. Skopje: Institute for Democracy. 107.

Affairs, Johan Tarčulovski, were charged with war crimes committed by the state security forces in the village of Ljuboten in August 2001.

While Boškoski was acquitted, Tarčulovski was found guilty and sentenced to 12 years imprisonment.⁴⁶¹ The other four cases, due to the UN Security Council's demand that all ICTY investigations should be completed by the end of 2007, were transferred back to the Macedonian judiciary in February 2002.⁴⁶² All four cases were eventually terminated with the 2011 authentic interpretation of the 2002 Amnesty Law.

The Parliament of the Republic of Macedonia passed the Amnesty Law in 2002 in an effort to protect former combatants on both sides from prosecution for crimes committed during the 2001 armed conflict. The Law explicitly excluded war crimes, crimes against humanity and other international law violations that fell under the jurisdiction of the ICTY.⁴⁶³ Nevertheless, in July 2011, this restriction was bypassed with Parliament adopting a so-called authentic interpretation of the Amnesty Law, allowing for amnesty to be applied to all cases returned to the country's judiciary from the ICTY.⁴⁶⁴ The Jama Case, which referred to the four bodies of three Albanians from Macedonia (Hajredin Halimi, Islam Veliu and Ibrahim Veliu) and a Bulgarian citizen (Radoslav Badev) found in a mass grave in the Jama area and which had been stuck at the Primary Public Prosecutor's Office for years, was also terminated with the authentic interpretation.⁴⁶⁵

Xhevdet Hajredini captures the political bargaining dynamics behind this decision well: "*The Hague Tribunal returned the cases to be tried here. But instead, the parties then in power decided that the authentic reading of the law should include these cases too. And the leaked tapes showed that the VMRO-DPMNE supported the law in exchange for the DUI, their coalition partner at the time, not asking for anything else. On the recordings you can hear Gruevski asking VMRO MPs to enter to vote and ensure there is a quorum, adding "so that we are comfortable/free the rest of the mandate." And it's true, in that period DUI didn't put forward any other demands. But yes, I think those cases should have gone to the court because when you have an amnesty, it doesn't mean that what you are accused of never happened.*"⁴⁶⁶ In many ways, it is precisely the last point that has been a stumbling block in the country's dealing with the 2001 armed conflict as the authentic interpretation of the Amnesty Law effectively prevented victims getting justice and any responsibility being established.

VETERANS' LAW AND RELATED INITIATIVES

The disarmament, demobilisation and reintegration (DDR) processes are usually a key component in societies recovering from armed conflict. While the first two – disarmament and demobilisation – were included in the OFA text in relation to NLA fighters, the reintegration of those participating in the armed conflict on either side was not taken into consideration at the time of signing. Two decades later, the so-called Defenders' Law remains the only, limited at best, state-level attempt to reintegrate a small number of former security forces veterans. In the meantime, some NLA veterans

⁴⁶¹ International Justice Resource Centre (2021) "Boškoski & Tarčulovski (IT-04-82)", available [here](#).

⁴⁶² Stanoeski, op cit., 107.

⁴⁶³ Kulašić, Emina (2012) *Transitional Justice in Macedonia and its relations with Democracy*. Skopje: Centre for Research and Policy Making, 4.

⁴⁶⁴ Ibid.

⁴⁶⁵ Stanoeski, op cit., 108.

⁴⁶⁶ Interview with Xhevdet Hajredini.

close to the DUI have been hired by state institutions. Nevertheless, the lack of state reintegration efforts⁴⁶⁷ remains a critical shortcoming and at the centre of various veterans' groups' core demands. In many ways the reintegration of veterans requires a form of dealing with the past in terms of how NLA fighters are treated by the law and state.

As mentioned in the previous sections, the Law on the Special Rights of Members of the State Security Forces and Members of their Families was passed in 2002, with amendments in 2003, 2004 and 2007. The Law focuses primarily on war-disabled veterans, their families and the families of fallen members of the security forces. It guarantees certain rights regarding employment, housing, one-time cash benefits, education and family pensions.⁴⁶⁸ The rights of those veterans who are not war-disabled are limited to preferential treatment in public employment and access to free higher education. The NLA veterans are not included in the Law, as explained above.

There have been some new legal initiatives relating to veterans. These include the 2008 initiative by the veterans' association Dignity (Dostoinstvo),⁴⁶⁹ with the proposed law including provisions regarding free healthcare and exemption from co-payments for all members of the security forces who took part in the 2001 armed conflict, the possibility of retiring five years early, and recognition of the reservists' service as double time. In 2010, a number of members of Parliament, led by Abedin Zymberi and Daut Rexhepi, proposed a law for NLA soldiers modelled on the existing 2002 Law for security forces' members, but also included provisions for the families of civilian victims.⁴⁷⁰ Another initiative in 2012 proposed a law that largely included Dostoinstvo's 2008 demands, added new rights, and further clarified the conditions for claiming rights granted by the 2002 Law.⁴⁷¹ None of these initiatives have been adopted by Parliament, nor for that matter successful in stimulating a broader social discussion that would entail dealing with the past.

MEMORIALISATION THROUGH MONUMENTS

To date there are no state-funded memorials to the 2001 armed conflict per se, but there have been significant efforts – mainly by individuals, groups of people, various organisations and associations, and local authorities – to memorialise those killed in 2001 through monuments. A significant monument dedicated to the fallen security forces members of 2001 was placed opposite Parliament, in the capital's municipality of Centar in 2011. Beyond that, in different parts of the country there are monuments to those killed in the armed conflict. The positioning of the monuments nearly always following a form of ethnic spatialisation,⁴⁷² whereby monuments to the fallen security forces members can be found in areas with a majority ethnic Macedonian population and monuments to the fallen NLA members in areas with a majority ethnic Albanian population. For example, in Neprošteno/Nepreshten there are two monuments – in the so-called Albanian part of the village

467 There have been some limited and rather narrowly focused efforts by civil society organisations in this regard. For example, the 2007 project of the Macedonian Centre for International Cooperation worked with 600 veterans from both sides on their English language and computer skills, description available [here](#) [original in Macedonian].

468 Ministry of Internal Affairs of Republic of Macedonia, op cit.

469 Krzhalovski, op cit. 5.

470 Ibid.

471 Ibid., 6.

472 See Stavrevska, Elena (2016) 'Space, Class and Peace: Spatial Governmentality in Postwar Bosnia and Herzegovina'. In *Spatialising Peace and Conflict: Mapping the Production of Places, Sites and Scales of Violence*, eds. Annika Björkdahl and Susanne Buckley-Zistel, 141–158. London: Palgrave Macmillan.

there is a monument erected in 2002 to two Albanian men killed in fighting between the NLA and police, while in the so-called Macedonian part of the village a monument was erected in 2014 to four of the kidnapped Macedonians, Krsto Gogovski, Stojan Mihajlovski, Vasko Mihajlovski and Cvetko Mihajlovski.⁴⁷³ There have been rare instances where these lines of symbolic demarcation have been crossed. For example, the memorial plate for reservists killed in an ambush at Karpalak commemorates mainly Macedonian victims in an area with a majority Albanian population. Nevertheless, this plate is frequently destroyed or removed without anyone being held accountable.

In addition to the memorials to victims (or as NLA soldiers are referred to, martyrs), there have been a few attempts by the DUI, in particular, to memorialise the 2001 armed conflict more broadly. To name but two examples, in 2008 in the capital's Čair/Çair municipality, the DUI opened a Museum of Freedom, which places the 2001 armed conflict in the broader struggle for the Albanian people's rights.⁴⁷⁴ And in 2021, the DUI's leader, Ali Ahmeti, promised that a long-awaited monument to the Albanian women, mothers, sisters of the Lipkovo/Likovë municipality would be completed in November 2021.⁴⁷⁵

More recently, there has been a trend of religious institutions becoming active in the memorialisation, with some dedicating a memorial plate or even building places of worship honouring the victims of 2001. One such example is the mosque currently being built in Matejče/Mateç dedicated to the martyrs of 2001.⁴⁷⁶

There is no official register of memorials about the 2001 conflict, so the exact number is unknown, but anecdotal evidence suggests that it is significant. Peace Action has been mapping out not only the memorials around the country but also the inscriptions on them, and are expected to finish sometime in 2022.

CIVIL SOCIETY ORGANISATIONS' WORK ON DEALING WITH THE PAST

One initiative that has garnered most public attention in terms of dealing with the past is for a regional commission to establish facts about war crimes and other serious human rights violations committed in the former Yugoslavia from 1 January 1991 until 31 December 2001, known as the Initiative for RECOM.⁴⁷⁷ The Coalition for Regional Commission (RECOM), a network of civil society organisations from the post-Yugoslav space, was launched in 2008 and extended to Macedonia in 2009, with Peace Action coordinating the Coalition's work in the country and Boro Kitanoski becoming the first national coordinator.⁴⁷⁸ By June 2011, when the Coalition for RECOM Assembly adopted the statute of the future RECOM Commission, Peace Action had established a solid network of partners in the country – including civil society organisations, associations of people affected by the armed conflict and individuals, organised one national and two regional consultations on the RECOM statute, and coordinated the participation of delegations in consultations abroad.⁴⁷⁹

473 Toevski, Sveto (2013) 'Monuments of the new divisions', *DW*, available [here](#) [original in Macedonian].

474 Vreme (2008) 'NLA museum opened', 29 November, available [here](#) [original in Macedonian].

475 Kanal 5 TV (2021) 'Ahmeti in Stupčane: Today is a special day, we must honour all fallen fighters', 2 May, available [here](#) [original in Macedonian].

476 Bfi.mk (2021) 'The foundation of the Mosque "Martyrs of the year 2001" laid in Mateç, Kumanova', 6 June, available [here](#) [original in Albanian].

477 RECOM Reconciliation Network (2021), 'About RECOM', available [here](#).

478 Interview with Boro Kitanoski, Zoom, 22 April 2021.

479 Stojcevski, Predrag (2013) 'The Initiative for RECOM between two issues of "Otvoreno"', available [here](#) [original in Macedonian].

The Initiative for RECOM gave some visibility to the necessity of dealing with the country's past. As Kitanoski says, "Even though Macedonia was pretty unimportant in the regional framework, RECOM seemed like a chance to do some of the work needed here at home."⁴⁸⁰ In fact, some of the interviewees contacted for this study, including some of the veterans, praised the initiative for providing space to discuss difficult topics. In 2011, the Initiative changed approach, selecting so-called public advocates, one per country, who are meant to lobby the countries' presidents to support the establishment of RECOM. This has changed the nature of activities in North Macedonia and, in some ways, narrowed down the scope. In September 2021, funded through EU foreign policy instruments, the RECOM Network opened a call for civil society organisations to submit proposals for small projects that contribute to transitional justice, confidence building and regional reconciliation.⁴⁸¹

In addition to RECOM, a small number of civil society organisations have worked in the area of peace education and conflict resolution. These include Peace Action (Prilep/Tetovo), Centre for Human Rights and Conflict Resolution (Skopje), Center for Non-Violent Action (Belgrade/Sarajevo), Center for Balkan Cooperation LOJA (Tetovo), Macedonian Centre for Civil Education (Skopje), and the First Children's Embassy Megjashi (Skopje). For over a decade, KURVE Wustrow, the Centre for Training and Networking in Nonviolent Action, has provided support for projects that focus on peacebuilding and dealing with the past in the Republic of North Macedonia as part of the Civil Peace Service programme of Germany's Federal Ministry of Economic Cooperation and Development. The focus of many of them has been on working with teachers, students and schools in developing sensibilities needed for conflict resolution and peacebuilding.⁴⁸² Peace Action, however, stands out as the only organisation that focuses significantly on dealing with the past and the 2001 armed conflict.

As well as their trainings, which according to every interviewee who had attended them have been remarkably effective, Peace Action is also the first organisation in the country to have started creating a repository of oral histories of the armed conflict, which it started in 2008. In many cases, such as in the villages in the Šar Mountains/Malet e Sharrit in the country's northwest, Peace Action interviewees were the first people to listen to the stories and experiences of those affected by the armed conflict.⁴⁸³ As part of the process, trained interviewees collect experiences that many were never asked about and that highlight aspects of the armed conflict that would otherwise have remained invisible in the public domain. These experiences include those of people living in villages where hostilities took place, women affected by the armed conflict, internally displaced persons, veterans, members of smaller ethnic minorities, and so on. In that sense, the oral history books and launch events provide an opportunity for people to at the very least start thinking about what happened in 2001. So far, the impact of the repository has been at least twofold. On the one hand, in a context where the 2001 armed conflict is not taught in schools or publicly discussed, the online oral history publications have provided unique materials for those interested in learning about this part of the country's history. In that sense, the repository has also been invaluable for researchers. At the same time, the oral histories have had an impact through the publication launch events, where a space was created for neighbours to hear the experiences of the 'others', for veterans from different sides to meet each other, and for similarities in experiences to be recognised across ethnic divisions.

480 Interview with Boro Kitanoski.

481 RECOM Reconciliation Network (2021) 'Call for small grants', 1 September, available [here](#) [original in Macedonian].

482 Interview with Safet Ballazhi, Skype, 12 April 2021; Interview with Ana Bitoljanu, Zoom, 21 April 2021.

483 Interview with Fllanza Jusufi Salii, Zoom, 23 April 2021.

Most recently, the Peace Action team has collaborated with the History Teachers' Association of Macedonia in working with history teachers on the Interpretation of Modern Times common history project.⁴⁸⁴ As part of the project, the history teachers and Peace Action team have developed pilot history classes taught to mixed groups of students, a handbook for extracurricular history activities for primary and secondary schools, and an analysis used for modernising history textbooks.⁴⁸⁵ These efforts come in the context of the 2001 armed conflict not being mentioned at all in schoolbooks and students of different ethnicities studying separate histories. In that sense, the work with the history teachers, and teachers more broadly, is an important contribution to dealing with the past.

3.4 General national discourse about the 2001 armed conflict in North Macedonia

The year 2021 marks the 20th anniversary of the 2001 armed conflict. Yet, despite two decades having passed, there is hardly any visible national discourse about what happened, the circumstances that led to it, or its consequences. The 2001 armed conflict is entirely absent from the school curriculum and is not mentioned in either civic education or history textbooks. The lack of national discourse about the armed conflict is reflected in, and to an extent a result of, several interrelated dynamics.

The first is the political elites' or political leaders' discourse about the armed conflict. In some ways, at the national level that part of the country's history is by and large considered to have been concluded with the Ohrid Framework Agreement. It is assumed by political elites that no further discussion is needed about what preceded the Agreement or what made it necessary. For example, at the 2020 Independence Day celebrations, then Prime Minister Zaev noted that the 2001 armed conflict "ended with the Ohrid Framework Agreement [by which] all involved actors [...] took responsibility on behalf of the common future."⁴⁸⁶ Similarly, a few years earlier in 2018, at the 17th anniversary of the signing of the OFA, Ali Ahmeti, leader of the DUI which was part of the governing coalition, called the country and the OFA "an example of armed conflict resolution" and of transforming armed conflict situations into dialogue.⁴⁸⁷

One would be hard pressed to find statements by political leaders in power today that focus on the armed conflict solely or that decouple the armed conflict from the OFA. In fact, most statements treat the armed conflict as an event that led to the OFA, which in turn has provided the basis for the country to build "its functional multiethnic and multicultural democracy", according to Minister Osmani.⁴⁸⁸ However, such framing allows the armed conflict to be viewed without historical continuity and with no recognition of the events, dynamics and oppressions that contributed to it. Equally importantly, it allows for the armed conflict and the reasons behind it to be portrayed as something dealt with and concluded with the signing of the OFA, while those directly affected still struggle with its impact. This

484 Interview with Goran Taleski, Zoom, 23 April 2021.

485 Ibid.

486 Government of the Republic of North Macedonia (2020) 'Prime Minister Zaev at the celebration on the occasion of Independence Day: The dream of all previous generations for an independent and free state has come true, today 29 years since the Declaration of Independence, our homeland has the most friends', 8 September, available [here](#) [original in Macedonian].

487 Fazlagic, Admir (2018) 'The Ohrid Agreement established trust between the ethnic communities in Macedonia', *Anadolu Agency*, 13 August, available [here](#) [original in Macedonian].

488 Ibid.

then further conceals the need for initiatives that discuss the armed conflict, its consequences, and even the connection between the implementation of the OFA and armed conflict resolution.

The second and related dynamic is the existence of two rather separate and opposing narratives at the level of ethnic groups, primarily ethnic Albanians and ethnic Macedonians, even though the groups themselves are far from homogenous or unified around these narratives. The narratives are also temporally different. While the narrative among ethnic Albanians starts in the days of Yugoslavia, usually the 1960–1970s and the oppression, discrimination and various forms of violence at that time, the narrative among ethnic Macedonians usually starts with 2001. In that context, the narrative among many ethnic Macedonians that the armed conflict spilled over from Kosovo and was over control of territory, with guerrilla groups aiming to threaten the integrity of the country and even create a “greater Albania”, remains significantly present.⁴⁸⁹ Initial communiqués from the NLA, starting with one in late January 2001 where they claim that their goal is the liberation of ethnic Albanians in Macedonia, are often used as evidence to support this narrative. However, the NLA’s discourse changed from March 2001, when they stated that their goal was to ensure constitutional rights and equality for ethnic Albanians within the existing borders of Macedonia.⁴⁹⁰ In the context of the above narrative among ethnic Macedonians, and following the logic that the armed conflict was about territorial control, the NLA are still referred to as terrorists and the state security forces as defenders (braniteli, in Macedonian).⁴⁹¹ The signing of the OFA within this narrative, even among those who recognise that what drove the armed conflict was a struggle for certain rights, is then seen as a form of “capitulation”,⁴⁹² as unjust for ethnic Macedonians, brought about through force and pressure from the international community, and giving ethnic Albanians the status of “second constitutive people in the country and an opportunity for future federalisation”.⁴⁹³

On the other hand, the dominant narrative among the country’s ethnic Albanian population is that the armed conflict, or “the war” as most of them refer to it, was fought over basic human rights. This narrative connects the 2001 armed conflict to a longer history of discrimination and oppression of ethnic Albanians, which intensified after Macedonia’s independence. This included police repression; exclusion from society; attempts to assimilate Albanians, including the lack of possibilities to study in Albanian; the low participation of ethnic Albanians in state institutions, mainly in low-paid jobs; and the privatisation of the capital in the transition period.⁴⁹⁴ Critically, in this narrative, the “enemy” is not the ethnic Macedonians, but the institutions. Or as Abedin Zymeri, an NLA veteran, put it – “the armed conflict was not fought against the people, but against the institutions because we felt discriminated against.”⁴⁹⁵ In the context of this narrative, the OFA represents the realisation of ethnic Albanians’ desire to gain equal status in the country and a good basis for peace and stability.⁴⁹⁶

489 Asani Memishi, Shpresa (2021) *Resolving the 2001 armed conflict among the Macedonian and the Albanian ethnic community*, Unpublished Master thesis, University Ss. Cyril and Methodius, Skopje [original in Macedonian], 80–93; Helsinki Committee for Human Rights in the Republic of Macedonia and Center for Human Rights and Conflict Resolution (2005), *Understanding current history: The armed conflict on the territory of the Republic of Macedonia in 2001*, Skopje [original in Macedonian], 2.

490 Ackermann, Alice (2002) ‘On the Razor’s Edge: Macedonia Ten Years after Independence’. In IFSH (ed.), *OSCE Yearbook 2001*, Baden-Baden, 117–135, 119.

491 Helsinki Committee and Center for Human Rights and Conflict Resolution, op cit., 2.

492 Asani Memishi, op cit. 91.

493 Helsinki Committee and Center for Human Rights and Conflict Resolution, op cit., 7.

494 Helsinki Committee and Center for Human Rights and Conflict Resolution, op cit., 2.

495 Interview with Abedin Zymeri, Viber, 14 April 2021.

496 Helsinki Committee and Center for Human Rights and Conflict Resolution, op cit., 7; Asani Memishi, op cit., 93-106.

The issue of the two narratives existing separately and the related separate, even contradictory, remembering of the 2001 armed conflict is poignantly captured by Lura Pollozhani, a researcher who was a child living in Struga during the armed conflict: *“When I talk to my Albanian friends, we can all agree that 2001 was an armed conflict and a horrid one but, in the end, it led to more emancipation. We don’t talk so much about the victims but about the glories. Then, one day when I was in Kumanovo with some of my Macedonian friends, including a friend whose dad had been in the military at the time, they talked about 2001 [...] from a very different standpoint, one I had never heard of until I was 27–28 years old. And I was a kid during the armed conflict. It showed me just how separately we have built our memories. I hardly recognised what they were talking about. I think on the Macedonian side there is a lack of understanding as to what led to 2001, of the inequalities that led to that sort of frustration. Understanding them is not about winners and losers. 2001 created different types of traumas for different people, which is why it is so important to have these conversations.”*⁴⁹⁷

The third and final dynamic that contributes to and at the same time exemplifies the lack of national discourse about the 2001 armed conflict is the invisibility of the topic in the broader public space, including the media. Public discussions about the armed conflict, usually organised by a small number of civil society organisations, initiatives and foundations – including Peace Action, the Initiative for RECOM and the Open Society Foundation – were sporadic even in the aftermath of the armed conflict, let alone later.⁴⁹⁸ Twenty years later, a basic search through the country’s biggest aggregator of news⁴⁹⁹ reveals that the armed conflict gets mentioned in the public space primarily when marking the anniversary of certain events, such as the beginning of the armed conflict, some of the military actions, some of the massacres and killings, and the signing of the OFA. Even then, the armed conflict is reported as a news item about a commemoration, with excerpts from statements by political representatives or victims’ families, but without any broader context or explanation about the armed conflict itself.⁵⁰⁰ Such news is usually in the media between January and August, the months during which the armed conflict of 2001 took place.

From time to time, some notable exceptions appear in the form of longer reporting stories about the armed conflict that provide context, integrate parts of the lived experiences of those affected, and reflect on the current situation. These stories to an extent contribute to filling the public space void when it comes to the discourse about the 2001 armed conflict, but they are few and far between.⁵⁰¹ Aside from them, as mentioned above the publications and promotions by civil society organisations

497 Interview with Lura Pollozhani, Google Meet, 20 April 2021.

498 See, for instance: Foundation Open Society Institute (2010) *History and Apocrypha – Demitologization of 2001: Debate*, Skopje, available [here](#) [original in Macedonian].

499 As a critical caveat, www.time.mk only aggregates news published in Macedonian.

500 To note but few examples from 2021: Kanal 5 TV, op cit.; Macedonian Media Service, op cit.; Vučevska, op cit., Trajkoski, Dejan (2021) ‘20 years since the battle to liberate Aračinovo’, Kanal 5 TV, 23 June, available [here](#) [original in Macedonian].

501 For example, see Marusic, Sinisa Jakov (2021) ‘The consequences of the armed conflict in Northern Macedonia are felt even after twenty years’, *BIRN Skopje*, available [here](#) [original in Macedonian]; Ber, Andrea (2020) ‘North Macedonia – new name, old armed conflicts’, *DW*, available [here](#) [translation in Macedonian].

– such as Peace Action,⁵⁰² Forum Civil Peace Service,⁵⁰³ and CIVIL – Centre for Freedom,⁵⁰⁴ of oral histories of those affected by the 2001 armed conflict or on topics related to dealing with the past provide rare instances of the armed conflict being discussed in the public space.

Taken together, these three dynamics point to the lack of a general national discourse and the related need for a public national-level discussion about the 2001 armed conflict, which can then also be translated into specific policies and politics that contribute to the creation of a just and peaceful society.

502 Peace Action (2021), Oral history publications, available [here](#) [originals in Macedonian and Albanian].

503 Stojanov, Darko, Kocevski, Jana, Reçica, Vlora, Bernhardt, Daniel, Ashtalkovska Gajtanoska, Ana and Jakimovska, Ilina (2019) *Revisiting 2001*, Skopje: Forum Civil peace service (forum ZFD), available

[here](#).

504 Deralla, Xhabir and Schoenefeld, Kirsten (2016) *Facing the reality: Remembering the past - shaping the future*, Skopje: CIVIL Centre for Freedom, available [here](#) [original in Macedonian].





МАС НАРО ТА

Гушишиши
Коллеј

Лета те сиел бепаси

|| МОНТАНА ||

A Roma walking down a street in Tetovo, telling his story of displacement from 2001 war in North Macedonia. Photo by: Arbnora Memeti, 2022

Conclusion

The three country studies have shown that after 20 plus years since the Yugoslav break-up wars, the Kosovo War of 1998–1999 and the 2001 armed conflict in North Macedonia, many victims and other conflict-affected groups still struggle with the legacy left by the violent past and the ways in which society does or does not deal with it. There are stark differences between these three countries in terms of the specific ways in which the conflicts developed, how they ended, and how their violent history has been dealt with. However, the ways in which victims and survivors have been treated by their respective governments or among broader society are strongly connected with how the violent past is recognised, remembered and narrated by politicians, and regulated by official institutions. As a result, most victims in the three countries are still seeking redress, truth, justice and social recognition. Most experience serious socioeconomic hardship, face obstacles in fulfilling their rights, and cope with post-war trauma.

In Serbia, all civilian victims of war and war-related human rights abuses remain politically, socially and economically neglected. The official narrative, especially over the last decade, is that Serbia did not participate in the wars of the 1990s, its only role being to defend the Serbian people, but that it suffered most and was punished hardest by the international community. All actions by the state in relation to the country's war-time past are to maintain the narrative of Serbian victimhood. Official commemorations follow this line by only commemorating attacks on Serbs, neglecting non-Serb victims, and creating a one-sided ethnocentric version of the war. There is a huge backlog in dealing with domestic war crimes, while released war criminals are rehabilitated and presented as national heroes. This process of falsifying recent history is led by the ruling political party and supported by the (state-owned) media and formal education system.

Serbian law recognises war veterans and invalids, civilian victims (killed or disappeared) and civilian invalids and their families as victims, along with refugees and displaced persons. However, only ethnic Serbs are eligible under these criteria. The law discriminates against other categories of victims. War-related sexual violence is not recognised at all, and the issue has received little attention in war crimes cases. Victims of crimes committed after 20 June 1999, including Serbs, are not recognised by either Serbia or Kosovo. They are the clearest example that many victims remain hostage to political interests.

Overall, Serbia's national discourse about the wartime past is predominantly military and masculine, magnifying military victories over civilian casualties, and the heroism of men over the suffering of women – despite women making up a high proportion of victims. Any evidence of Serbia's responsibility for crimes committed is systematically hidden by institutions. Serbian victims have hardly any voice as the public memory is dominated by politicians and institutions. Women's experiences of war and the suffering of non-Serbs are completely missing in this official discourse. Within this politicised, exclusivist and militaristic discourse, it is hard for victims to pursue their mission and have their needs addressed.

In North Macedonia, the 2001 armed conflict officially ended with the signing of the Ohrid Framework Agreement (OFA), which entailed changes in the country's constitutional, legal and institutional framework, and addressed several core grievances of the Albanian and other ethnic minorities. While this has been important, there have not been any official, state efforts to determine the origins and facts of the armed

conflict or to deal societally with the past. The failure to establish and publicly discuss historical facts about the origins of the conflict reinforces the general understanding among Macedonians that it was instigated by Albanian terrorists over territorial control, while for the Albanian population it was a fight for basic human, political and cultural rights. Memorialisation is initiated by citizens, veterans' organisations and some municipalities and reflects the exclusive, monoethnic understanding of what happened.

The ICTY prosecuted one war crime case. Other alleged war crimes were transferred back to domestic courts and were amnestied in 2011, which effectively prevented responsibility being established or victims finding justice. Elements in the ODA that should have guaranteed the safe return of refugees and IDPs have not been effective because of (the perceived) lack of security and the number of destroyed or damaged homes. Apart from veterans of the state security forces and their families, victims and other conflict-affected groups are not recognised by law and have nowhere to turn for support. The political elites treat the armed conflict as an event that ended with the OFA, ignoring its historical context and the impact on affected groups in society.

The lack of any national fact-finding and discussion about the conflict and the absence of laws or official initiatives recognising victims and other the conflict-affected groups, combined with the fact that alleged war crimes were amnestied, has made the history of the conflict invisible. As a result, the victims are invisible and society in general has not learned about the conflict or dealt with its legacy. There have been only a handful of unofficial victims' groups, and these have ceased to exist. Veterans' associations, from both sides, remain active and relatively visible in the public domain. Interestingly, it is these veterans' associations that also appear to have some readiness for a reconciliation process.

Compared with Serbia and North Macedonia, Kosovo developed an extensive legal framework with regards to dealing with the legacies of the 1998–99 war, which affected most of the population. After the end of the war, Kosovo was under UN administration, which focused on prosecuting war crimes and institutional development and reform. There is still a large backlog in prosecuting war crimes, with many families of victims and missing persons having lost trust in ever knowing the truth or finding justice. The Kosovo and Serbia governments are still in the process of normalising relations, with stalled progress on finding the missing and no cooperation on war crimes cases.

Broad categories of war victims are recognised in laws that have been adopted since 2010, but most exclude non-Albanian victims. According to official representation of the war period, Albanians were freedom fighters and Serb forces the sole perpetrators of severe crimes, denying the suffering of victims of crimes committed by the KLA. As in Serbia, and in line with patriarchal norms, the war period is portrayed through stories and symbols of strong fighters and masculine heroism, including through memorials that are largely monoethnic and intertwined with nationalist discourse. The media often contribute to this narrative.

At first, no consideration was given to war-related sexual abuse as it was taboo. Only after pressure from civil society were victims of war-related sexual abuse included as an official category in the law. However, little attention is still given to the broader experiences of women during and after the war.

Several government initiatives to deal with the past have been developed but a lack of political will, limited institutional capacities and resources, and the politicisation of those initiatives has meant that they have had little effect on advancing truth, justice and reconciliation in Kosovo. The political elite's divisive, nationalistic political agenda is harming inclusive memorialisation, while reinforcing ethnonationalist feelings.

In Serbia and Kosovo, many victims have formed groups, both informal and formal. Most of these are organised around a shared issue and focus on resolving members' personal concerns, such as finding missing family members, prosecuting those responsible for the death of a family member, receiving redress, fulfilling property rights, collecting information about victims and crimes, and commemorating victims and anniversaries. Some publicly share reports and victims' stories, inform the public about certain developments, and advocate for certain measures. In North Macedonia this happened to a certain extent, but since the general discourse is that the armed conflict was settled and the OFA largely implemented, and given that they have received no official recognition, victims mostly suffer in silence.

Members of victims' groups usually try to support and take care of each other, for example by providing humanitarian assistance to the most vulnerable families or arranging legal support. The broader victims' group or association is usually represented by a few individuals who are themselves affected. This means that they often bring a lot of energy and commitment, but their work may not always be well thought out strategically.

A few (umbrella) associations are supported financially by the state or donors, but most are voluntary. As they are focused on their direct concerns, they have no space to advocate for transitional justice in a broader societal sense.

While there are specific differences, war victims and other affected groups in the three countries share comparable needs. Priorities include:

- knowing the truth about what happened to deceased or missing loved ones
- legal support to seek justice for the crimes committed against themselves or their families
- recognition of their status as victims, regardless of their ethnicity
- economic support to provide for their families, including access to healthcare
- psychological support to deal with their war-time experiences and "unresolved grief"
- memorialisation of the past, including through oral histories, to preserve knowledge and combat social stigma and discrimination.

To be able to achieve their priorities and fulfil their mission, war victims and other affected groups also need technical support in the following areas:

- mapping out and bringing together other victims with similar needs and experiences, including the second generation, so that the various groups can organise, represent themselves and advocate for their rights
- financial support to maintain their (in)formal victims' group and include younger generations in their mission
- capacity building in advocacy, lobbying and developing campaigns
- understanding the principles of transitional justice to place their experiences in a broader social context, while also contributing to a more peaceful future
- awareness and understanding of gender aspects of suffering and the specific needs of women
- establishing partnerships, both with other victims' groups and NGOs, to help broaden their focus in terms of gender aspects, strengthen their advocacy position, and increase project management skills

- technical assistance to help associations strengthen their financial sustainability, management skills and human resources.

While not directly mentioned by the interviewees themselves, the research also points to the following issues to be addressed more broadly:

- victim-centred responses to dealing with the past, including depoliticisation of victims' wartime experiences and mission, and inclusive and accurate teaching of history
- recognition of gender aspects of suffering and the specific needs of women victims and survivors
- creating a culture of remembrance of the violent past based on multiperspectivity to encourage dialogue to build trust and potentially establish dialogue between different sides.

