



Republika e Kosovës
Republika Kosovo-Republic of Kosovo
Kuvendi - Skupština - Assembly

Legislature VI
Spring session

Assembly of the Republic of Kosovo, in support to Article 65 (1) of the Constitution of the Republic of Kosovo and Article 6.1 and 52 of the Rules of Procedure of the Assembly, at the plenary session held on 16 May 2019, upon the proposal of the ad-hoc committee, established with the decision of the Assembly dated 15.04.2019 for drafting a project-resolution on the genocide committed by Serbia in Kosovo, adopts this:

R E S O L U T I O N
on Genocide committed by Serbia in Kosovo

Considering the following:

- The Charter of the United Nations, 24 October 1945;
- UN Universal Declaration of Human Rights, 10 December 1948;
- Declaration of the General Assembly of UN in the Resolution 96 (I), 11 December 1946, where genocide is qualified as crime according to international law, that is contrary to the spirit and aims of United Nations and condemned by the civilized world;
- Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948;
- Geneva Conventions from 1949, especially Convention IV for to the Protection of Civilian Persons in Time of War, as well as Additional Protocols I and II from 1977;
- International Convention on Civil and Political Rights, 16 December 1966;
- Roma Statute of the International Criminal Court, 17 July 1998, for punishing crime of genocide, crimes against humanity and war crimes;
- UN Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity, 26 November 1968, regardless of the time when they were committed, for all war crimes, crimes against humanity committed during war or peace, defined in the Card of Military Tribunal in Nyberg, on 8 August 1945, confirmed with the Resolutions 3 (I) dated 13 February 1946 and 95 (I) dated 11 December 1946 of the UN

General Assembly, especially “serious violations” listed in the Geneva Convention from 12 August 1949, for protection of war victims; expulsion with armed attacks or invasion as well as inhuman acts of the apartheid policy, and the crime of genocide defined according to the Convention on the Prevention and Punishment of the Crime of Genocide from 1948, even if such acts do not present violation of the rights of the country where they were committed.

- Resolutions of the UN General Assembly: A/HRC/RES/37/26, 23 March 2018; A/HRC/RES/7/25, 28 March 2008; A/HRC/RES/22/22, 22 March 2013;

A/HRC/RES/28/34, 27 March 2015, on prevention of the crime of genocide, which requires intensification of state institutional efforts, especially in the justice system, for identification, prosecution and adjudication of acts that could lead to genocide.

Based on the:

- Report of the UN Special Rapporteur A/53/322 of the UN General Assembly dated 11.09.1998, for murders and arbitrary executions of Albanian citizens in their homes and a great number of expelled persons, destruction of Albanian settlements by the military artillery of the Federal Republic of Yugoslavia (FRY - Serbia and Monte Negro), especially the Serbian one and burned and destroyed by intentional post-military operations;
- Report of the Secretary General of UN A/53/556, dated 30.10.1998; S/1998/912, from 3 October 1998; S/1999/293, from 17 March 1999, for murdering thousands of Albanian civilians, mainly children, women and old people, for deportation of nearly 1 million of Albanians from their homes and settlements, out of which more than 800.000 in neighboring countries; with more than 100.000 houses and objects, out of which more than 900 schools were entirely ruined, damaged or burned, “with a degree of destruction that clearly proves the use of a non-discriminatory and non-proportional force against civil population”, with the aim of “uprooting groups of Kosovars, by blocking every effort to find help”; and calling for engagement of the international community for collecting and providing sources of humanitarian aid, as a response to the Un Agency Consolidated Inter-Agency Appeal for Humanitarian Assistance Related to the Kosovo Crisis;
- Statement of the UN Secretary General in the 53rd Session of the UN Commission on Human Rights, E/CN.4/1999/SR.19, 9 July 1999, for the end of 20 century “under the dark cloud of the crime of genocide” by “outbursts of indiscriminate violence and mass killings”, which is characterized as “the campaign of ethnic cleansing committed by Serbian authorities in Kosovo, with the aim to: expel from Kosovo or to kill as many ethnic Albanians as possible, by denying one nation their fundamental rights, the right to life, freedom and security.”
- UN Security Council Resolutions 1168 (1998), 31 March 1998; 1199 (1998), 23 September 1998; 1203 (1998), 24 October 1998; 1239 (1999), 14 May 1999; and 1244

(1999), 10 June 1999 regarding the crimes committed in Kosovo by RFY military forces (Serbia and Montenegro), especially those of Serbia and severe humanitarian situation of Albanian refugees within Kosovo and neighboring countries;

- Resolution of the UN Security Council S/RES/1820 (2008), 19 June 2008, which stresses out that “rape and other forms of sexual violence can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide”, and requests exclusion of sexual violence crimes from amnesty provisions in the context of conflict resolution processes;
- Resolution of the UN Security Council S/RES/2467 (2019), 23 April 2019, on the responsibility of the states to end impunity and inaction in regard to those who commit crimes of genocide, crimes against humanity and war crimes against civilians, noting with concern that only a very limited number of perpetrators of sexual violence have been brought to justice;
- United Nations General Assembly Resolution 47/121, 18 December 1992, which stresses out that mass expulsion of defenseless civilians from their homes and the pursuit of “ethnic cleansing” policy is a form of genocide;
- Declaration and Plan of Action of the World Conference on Human Rights organized by the United Nations General Assembly in Vienna, on 25 June 1993, especially paragraph 28, which stresses out that practices of mass violation of human rights in the form of genocide, “ethnic cleansing” and systematic rape of women in war situations, as well as mass expulsion of people from their homes and their countries, are unforgivable and should be punished at any time;
- Recommendation of the Parliamentary Assembly of the Council of Europe 1403 (1999), 28 April 1999 and the Resolution 1182 (1999), 30 March 1999 on refugee crises within Kosovo and from Kosovo to neighboring countries, Albania, Macedonia and Montenegro, on the risk of refugees being murdered or dying.

Considering the following facts:

- Year 2019 marks 20 anniversary of the War in Kosovo and crimes committed by armed forces of FRY (Serbia and Montenegro), especially Serbian, of the programmed, planned and institutionalized campaign, with the goal of ethnic cleansing of Albanian population and forced change of ethnic composition of Kosovo, by expulsion of nearly 1 million Albanians, killing nearly 12 thousand defenseless civilians, mainly Albanians, including members of other communities such as Bosnians, Turks, Roma, Ashkali, Egyptian, among which 1392 were children, more than 800 were younger than 5 years old and 1739 women;
- During the period 1998-1999, Serbian forces have committed nearly 100 evidenced collective massacres towards the defenseless civilian population in Kosovo, mostly Albanians, destroying their settlements and houses, brutally killing children, women and old people, by burning them alive in front of others, in places like: Likoshan, 28 February

- 1 March 1998, 24 civilian victims; Qirez 28 February - 1 March 1998, 24 civilian victims; Prekaz 5-7 March 1998, 59 civilian victims, 55 from Jashari family; Lybeniq, first massacre 25 May 1998, 10 civilian victims; Fortesë (former Bellacerkë), 18 July 1998, 12 civilian victims; Rancë (Shtime) 26 August 1998, 11 civilian victims; Kleçkë, 27 August 1998, 8 killed and more than 30 wounded, civilian victims; Shalë e Bajgorës 15-17 September 1998, 12 civilian victims; Çyçavicë 22-24 September 1998, 24 civilian victims, 6 killed by a hammer-hit to the head; Gullboc (Malishevë) 26 September 1998, 14 civilian victims; Abri e Epërme, 26 September 1998, 24 civilian victims from Delijaj family; Lubeniq, second massacre 1 and 7 April 1999, 100 civilian victims, including pregnant women and children from 2 years old; Raçak, 15 January 1999, 43 civilian victims; Ura e Rakovinës 24 January 1999, 4 civilian victims; Leshan i Suharekës, 2 March 1999, 29 civilian victims; Reznik (Vushtrri) 6 March 1999, 9 civilian victims were burned; Mitrovicë 13 March 1999, 6 civilian victims; Ternave (Podujevo) 20 March 1999, 4 killed and 11 wounded, civilian victims; Skenderaj, 20 March 1999, 29 civilian victims; Kotlinë (Kaçanik), 24 March 1999, 26 civilian victims; Podujevo, 24 and 25 March 1999, 36 civilian victims; Celinë, 25 March 1999, 82 civilian victims; Fortesë (former Bellacerkë), 25 March 1999, 46 civilian victims; Goden, 25 March 1999, 28 civilian victims; Randobravë, 25 March 1999, 8 civilian victims from Pajaziti family; Krushë e Vogël, 26 March 1999, 113 civilian victims; Krushë e Madhe, 25, 26 and 27 March 1999, 241 civilian victims; Tërrnje (Suharekë), 25 March 1999, 28 civilian victims; Suharekë, 26 March 1999, 48 civilian victims, members of Berisha family; Padalishtë, 26 March 1999, 19 civilian victims, members of Imeraj family; Landovicë, 26 March 1999, 23 civilian victims; Mamushë, 27 March 1999, 18 civilian victims; Dardhishtë (Obiliq), 27 March 1999, 11 civilian victims from Rama family; Gjakova, 27 March 1999, 6 civilian victims from Çerkezi family; Izbicë, 28 March 1999, 114 civilian victims; Matëçan (Pristina), 28 March 1999, 21 civilian victims; Podujevo, 28 March 1999, 19 civilian victims, members of Duriqi, Bogujevci, Llugaliu and Gashi family; Beleg (Deçan), 28 March 1999, killed and missing 66 civilians; Dumnicë e Epërme, 29 March and 11 April 1999, 6 civilian victims caused by shelling; Mitrovica, 29 March 1999, 4 civilian victims; Llashticë e Gjilanit, 30 March 1999, 22 civilian victims, several were burned alive; Burim (Malisheva), 31 March 1999, 34 civilian victims; Pastasel, 31 March 1999, 106 civilian victims; Lybeniq (Pejë), 1 April 1999, 60 civilian victims; Cercë, 1 April 1999, 6 civilian victims from Rexha family; Gjakovë, 2 April 1999, 6 civilian victims, a mother with 5 children age 1988-1997 from Vejsa family; Nagac (Rahovec), 2 April 1999, 31 civilian victims; Sopi, 2 April 1999, 35 civilian victims; Kralan, 2-4 April 1999, 100 civilian victims; Pristina (Lagja Arbëri), 3 April 1999, 7 civilian victims; Çupevë e Epërme, 4 April 1999, 45 civilian victims; Popovë (Podujevo), 4 April 1999, many civilian victims, all internal immigrants; Rezallë, 5 April 1999, 41 civilian victims; Kokaj (Gjilan), 5 April 1999, 6 civilian victims; Prroi i Rakocit and Lagja e Re in Kaçanik, 9 April 1999, 58 civilian victims; Lubizhdë e Hasit, 12 April 1999, nearly 18 civilian victims; Fshati i Vjetër (Ferizaj), 13 April 1999, 7 civilian victims; Mitrovica,

14 April 1999, 26 civilian victims; Sllovi and Lipjan, 15 and 16 April 1999, 41 civilian victims; Skenderaj, 16 April 1999, 13 civilian victims; Mitrovica, 16 April 1999, 9 civilian victims; Çikatovë e Vjetër, 17 April 1999, 128 civilian victims; Paklek i Vjetër, 17 April 1999, 41 civilian victims; Hade (Obiliq), 17-18 April 1999, 10 civilian victims, some were burned alive; Ribari i Vogël, 18 April 1999, 25 civilian victims; Devë (Gjakova), 18 April 1999, 7 civilian victims, Bobi family; Bërrnicë e Epërme, 18 April 1999, 6 civilian victims; Hallaq i Vogël, 19 April 1999, 20 civilian victims; Makoc, 20 April 1999, 42 civilian victims; Grashicë, 21 April 1999, 60 civilian victims; Nakaradë in Fushë Kosovë, 21 April 1999, 16 civilian victims, members of Mirena family; Dragaçinë (Suhareka), 21 April 1999, 11 civilian victims, old people that were thrown into a well alive; Koliq, 22 April 1999, 21 civilian victims; Mejë and Korenicë, 27 April 1999, nearly 500 civilian victims were taken from the column of people heading Albania; Guskë, 27 April 1999, 25 civilian victims; Dobrosh, 27 April 1999, 38 civilian victims; Korenicë, 27 April 1999, 65 civilian victims; Nabërxhan, 1,2,10 and 12 May 1999, 30 civilian victims; Studime, 2 May 1999, 116 civilian victims; Bukosh, 3 May 1999, 35 civilian victims; Pejë, 12 May 1999, 7 civilian victims from Bala family; Korishë, 13 May 1999, 71 civilian victims, as a result of using civilian population as a human shield against NATO bombing by the Serbian forces; Qyshk, Pavlan and Zahaq (Peja), 14 May 1999, 77 civilian victims; Carrallukë, 17 May 1999, 23 civilian victims, members of two Krasniqi families; Dubrava Prison, 21 and 22 May 1999, 97 prisoners were executed and massacred; Vushtrri, 22 May 1999, 68 civilian victims; Vushtrri, 24 May 1999, 8 underage girls; Tusus (Prizren), 26 May 1999, 27 civilian victims and 247 burnt houses; Gërxhaliu family, 31 May 1999, 12 civilian victims; Mitrovica, 8 June 1999, burned civilian victims; Bala family in Peja, 12 June 1999, 7 civilian victims, including 5 underage children; etc.;¹ Vërbovc and Shtuticë, 30 April 1999, 275 civilian victims; Pogleku i Ri, 17 April 1999, 53 civilian victims; 27 March 1999 Dardania I and II (Brezhaniku I and II) Peja 46 civilian victims!

- During the war in Kosovo from 1998-1999 FRY forces (Serbia and Montenegro), especially Serbian, have committed sexual violence on nearly 20 thousand persons, mainly Albanian women and girls, who have experienced great suffering, severe trauma and psychological wounds that never heal;
- During the war in Kosovo from 1998-1999, armed FRY forces (Serbia and Montenegro), especially Serbian, have expelled from their houses nearly 1 million Albanians, in most cases by confiscating their identification documents, vehicle documents and any other document, with the aim of destroying evidence about their identity and nationality;

¹ State Agency of Kosovo Archives, The Serb Government's Crimes in Kosova 1998-1999, volume 2, ed. Osmani, Jusuf, Pristina 2010, pg. 49-57. List of massacres is not completed, because we have not collected all the field data yet. Especially the number of victims which exceeds the data provided in this text.

² State Agency of Kosovo Archives, The Serb Government's Crimes in Kosova 1998-1999, volume 2, ed. Osmani, Jusuf, Pristina 2010, pg. 469.

- In order to hide the crimes and escape direct responsibility for genocide, state institutions of FRY (Serbia and Montenegro), especially Serbian, have forcibly displaced thousands of Albanian civilians of all ages, alive and killed;
- Except of a limited number of those who returned alive after war ended, who have experienced inhuman treatment in the prisons in Serbia, thousand bodies of Albanian civilians, massacred, buried, exhumed and reburied to lose track of crime have been found in mass graves across Serbia;
- Even 20 years after the war ended in Kosovo, Serbian state continues hiding the truth about more than 1600 persons, who are still missing due to their enforced disappearance during war in Kosovo;
- Following the principle of 'burned land', with the aim of destroying the economic basis, erasing historical memory, destroying the human basis for existence and security, armed forces of FRY (Serbia and Montenegro), especially Serbian, destroyed 100'389 thousand of residential buildings, 88'101 thousand of accompanied facilities, 358 school buildings entirely or partially ruined and from the total of 700, nearly 215 religious buildings (mosques, shrines, masjids and catholic churches), 123 health facilities, and more than 190 cultural buildings, libraries and administrative buildings, etc.²

Remembering that:

- International Criminal Tribunal for Rwanda has qualified and condemned inter-ethnic sexual violence as acts of genocide, because of the fact that rape constitutes a serious violation of the victim's physical and psychological integrity;³
- Article II paragraph (b) of the Convention on Prevention and Punishment of the Crime of Genocide considers as a form of genocide causing serious bodily or mental harm;
- Crime of genocide, crime against humanity and war crimes as the most serious crimes that have an impact on the entire international community, do not have a statute of limitations and as such cannot be left unpunished;
- It is the obligation of all countries to bring to justice all the criminals and those responsible for international crimes;
- Assembly of the Republic of Kosovo rejects as unacceptable, all political agreements between the International Criminal Tribunal and the Government of Serbia with the aim to change the definition of sexual violence as one of constitutive elements of the crime of genocide.

Concludes that:

- The killing of children, women, old people, and civilians in general, mainly Albanian, during the war in Kosovo 1998-1999 constitutes a crime of genocide in the sense of the definition of genocide in the Convention on Prevention and Punishment of the Crime of Genocide;
- Expulsion of Albanians and ethnic cleansing of Kosovo constitutes crime of genocide and severe violation of the Convention on Prevention and Punishment of the Crime of Genocide;
- Enforced disappearance of Albanian civilians constitutes crime against humanity and severe violation of the United Nations Declaration on the Protection of All Persons from Enforced Disappearance;
- Sexual violence in armed conflict, that is war, constitutes crime of genocide in the sense of the definition of the genocide in the Convention on Prevention and Punishment of Genocide;
- After war ended in Kosovo, there were no political punishments for the proved genocide performed by the Serbian regime in Kosovo, while political and judicial institutions in ²Serbia continue denying the crime of genocide in Kosovo, and consequently, they refuse to pay for their damages; ³
- Systematic crime committed by the Serbian regime aimed extermination of the Albanian people in Kosovo, and therefore constitutes crime of genocide;
- Acknowledging the crime of genocide against Albanians in Kosovo presents a humanitarian act, which would alleviate the suffering of the genocide survivors and it would honor the memory of the genocide victims.

Remembering that:

- On 15 January 1999 Serbian forces committed genocide in Recak, where 42 Albanian civilians were massacred;
- This monstrous act has mobilized the international community to end genocide policy in Kosovo, and in regard to this they organized the International Conference on Kosovo in Rambouillet;

³ Trial Chamber I of the ICTR has defined rape as "physical invasion of a sexual nature, committed on a person under circumstances which are coercive." Prosecutor v. Akayesu, Case No. ICTR-96-4-T, Judgment, P 598 (Sept. 2, 1998) [hereinafter Akayesu Judgment].

- The fact that the Serbian regime refused peaceful solution to the Kosovo Dispute and continued conducting the policy to commit genocide against Albanians in Kosovo;
- NATO military intervention to end crime of genocide against Albanians in Kosovo and to end the great humanitarian crises caused by FRY forces (Serbia and Montenegro), especially Serbia;
- Kosovo Assembly declares January 15 Day of Commemoration of Genocide against Albanians in Kosovo.

Requires from the state of Serbia:

- To accept the fact that this country, in clear contradiction with the Convention on Prevention and Punishment of the Crime of Genocide, dated 9 December 1948 and in severe violation of the Geneva Conventions dated 12 August 1949 and additional Protocols of these conventions, has committed war crimes, crimes against humanity and genocide in Kosovo in the period 1998-1999;
- To clarify the fate of all those that are still considered missing and were forcibly disappeared by FRY forces (Serbia and Montenegro), especially Serbia, during the war in Kosovo 1998-1999, and earlier;
- To bring to justice those who are responsible for crimes of genocide, crimes against humanity and war crimes in Kosovo 1998-1999;
- To repair the damage done by genocide, crimes against humanity and war crimes which can still be repaired;
- To express its determination to ensure, through measures taken at the national level and international cooperation, the punishment of those who have planned, committed or enticed genocide, crimes against humanity and war crimes in Kosovo 1998-1999
- To pay the war indemnity, by compensating for all the damage and destruction of the material infrastructure in Kosovo.

Assembly of Kosovo:

- Considering the fact that denial of the crime of genocide, crimes against humanity and war crimes is considered to be the most serious offense that can be made to the victims of these crimes, their families and the entire nation that experienced genocide, crimes against humanity and war crimes;
- Given the fact that fair and comprehensive information is an essential condition against denial, of all the presented stances and explanations with the aim of denying and destroying the truth about the genocide in Kosovo committed by FRY forces (Serbia and Montenegro), especially Serbia during the war period 1998-1999;

- Requires from all political and scientific institutions in Kosovo, to be maximally engaged in order to entirely clarify the genocide committed in Kosovo and to ensure political support for acknowledgment of the fact that Albanians were victims of genocide;
- recalling with concern that efforts to deny or justify the crime of genocide, as defined in the Convention and is already established as such in to the international law, could endanger or undermine the fight against impunity, reconciliation and efforts to prevent genocide,⁴ takes the initiative of including in the Criminal Code of the Republic of Kosovo, as a criminal act the act of allowing, justifying, denying, minimizing genocide, war crimes and crimes against humanity, committed in Kosovo by the Serbian forces against the Albanian population in Kosovo.

No.06-R-017

Pristina, 16 May 2019

President of the Assembly

Kadri VESELI

The Resolution shall be sent to:

- Government of the Republic of Kosovo,
- Assembly Archive

⁴ Resolution of the UN General Assembly: A/HRC/RES/37/26, 23 March 2018, on Prevention of Genocide.