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Kosovo: Compensation for wartime rape survivors, but still no justice

Nearly two decades after thousands of women and girls in Kosovo were systematically raped during the 1998-99 armed conflict, the survivors are about to receive long-awaited recognition and compensation for the rape and torture they endured. Yet only a handful of perpetrators have been convicted for these crimes, and survivors are still fighting for justice, said Amnesty International in a new report.

“Wounds that burn our souls”: Compensation for wartime rape survivors, but still no justice, reveals the devastating physical and psychological consequences of sexual violence suffered by survivors, who - until now - have been marginalized by society and received no government support.

“Survivors of horrific sexual violence have been let down for years by the international community and successive governments. Perpetrators have escaped prosecution whilst survivors have been marginalised, forgotten and denied access to justice. This is beginning to change, but there is still a long way to go,” said Gauri van Gulik, Amnesty International’s Deputy Europe Director.

Rape and other forms of sexual violence were widespread during the Kosovo war, as Serbian police, paramilitaries and the Yugoslav Army waged a campaign of persecution and violence against Kosovo Albanians. Albanian women and girls were subjected to rape and other forms of sexual violence amounting to torture. After the ceasefire, women and girls from Serb and Roma communities were also raped, in revenge attacks by members of the Kosovo Liberation Army.

Four of Yugoslavia’s Serbia military and political leaders were convicted for sexual violence as a crime against humanity by the International Criminal Tribunal for the former Yugoslavia. Only one perpetrator, a Kosovan, has been convicted in a Serbian court, and none at all in Kosovo, where after the war, United Nations and, from December 2008, European Union police and prosecutors were responsible for

investigating these crimes. However, international investigators often failed to follow up on leads or diligently record evidence.

This leaves a massive challenge for Kosovo's war crimes prosecutors, now taking over from international bodies. Lacking funding, resources and political support, they will struggle with a caseload of around 1,000 unsolved war crimes, including cases of sexual violence.

Many survivors knew those who committed the crimes by name. One survivor even provided UN investigators with an ID card which had fallen out of the pocket of a soldier while he was raping her, yet this case has never reached the courts.

"We have no hope that we will get justice," one woman told Amnesty International. "I was 30 when it happened, and now I am almost 50. Maybe I will be dead by the time they solve it".

Without any real prospect of justice for most, reparations are ever more significant. As one woman told Amnesty International: "Rape is a wound that will burn your soul day by day. It will make you ashamed in front of your family, in your community. You will carry it all of your life."

Another survivor told Amnesty International: "For 18 years, we have lived with hidden wounds that cannot be healed, but a pension will help us survive. It will help with medication and raising children, and will at least help us through life with some respect".

Following legal amendments in 2014, a process is now in place for survivors to apply for support. From January 2018, they will be entitled to receive a monthly payment of €230 as compensation for the physical, psychological, economic and social impact of conflict-related sexual violence on their lives.

"The compensation that will soon be offered to survivors of sexual violence is financially and symbolically significant, but for many, it will be too little and too late," said Gauri van Gulik.

"Those responsible for the crimes against them must be brought to justice and the authorities must provide adequate healthcare and psycho-social support they so desperately need to overcome the trauma and rebuild their lives."

For more information or to arrange an interview contact press@amnesty.org or stefan.simanowitz@amnesty.org or 0044 (0) 20 7413 5566 or 0044 7904 39812

International Secretariat, Amnesty International, 1 Easton St., London WC1X 0DW, UK
www.amnesty.org