

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

Case No. IT-02-54-T

IN THE TRIAL CHAMBER

Before: Judge Richard May, Presiding
Judge Patrick Lipton Robinson
Judge O-Gon Kwon

Registrar: Mr. Hans Holthuis

Date Filed: 28 February 2002

THE PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

PROSECUTION'S SUBMISSION OF THE EXPERT REPORT OF ANDRAS
RIEDLMAYER

The Office of the Prosecutor:

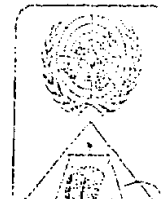
Mr. Geoffrey Nice
Mr. Dirk Ryneveld
Ms. Hildegard Uertz-Retzlaff
Mr. Dermot Groome

Amicus Curiae:

Mr. Steven Kay
Mr. Branislav Tapušković
Mr. Mischa Wladimiroff

The Accused

Mr. Slobodan Milošević



THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

THE PROSECUTOR

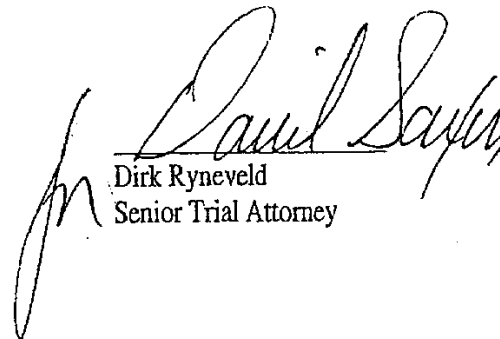
v.

SLOBODAN MILOŠEVIĆ

Case No. IT-02-54-T

**PROSECUTION'S SUBMISSION OF THE EXPERT REPORT OF ANDRAS
RIEDLMAYER**

Pursuant to Rule 94bis of the Rules of Procedure and Evidence, the Prosecution submits the expert report of Andras J. Riedlmayer. The English version of this report was previously disclosed to the accused Slobodan Milošević and the *Amici Curiae* on 18 January 2002. The B/C/S version of this report was previously disclosed to the accused Slobodan Milošević and the *Amici Curiae* on 07 February 2002.


Dirk Ryneveld
Senior Trial Attorney

Dated This Twenty-Eighth Day of February 2002
In The Hague
The Netherlands



K0212802

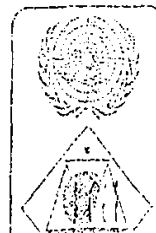
THE DESTRUCTION OF CULTURAL HERITAGE IN KOSOVO, 1998-1999:

A Post-war Survey

Principal Investigators: Andrew Herscher and András Riedlmayer

Technical production: Donna Viscaglia

© 2001 Kosovo Cultural Heritage Project, Cambridge, Massachusetts USA



K0212803

Table of Contents

- 1.0 Introduction**
- 1.1 Background to Survey**
- 1.2 Survey Goals and Methodology**

- 2.0 Findings**
- 2.1 Damage to Cultural Heritage Attributed to NATO Bombing**
- 2.2 Damage to Historic Civil Architecture**
- 2.3 Damage to Islamic Architectural Heritage**
- 2.4 Damage Catholic Architectural Heritage**
- 2.5 Damage to Serbian Orthodox Architectural Heritage**

- 3.0 Use of Database**

- 4.0 Biographies of Principal Investigators**

- Appendix 1: Maps of Damaged or Destroyed Cultural Heritage in Kosovo**

- Appendix 2: Description and Analysis of Documentation Sources**

- Appendix 2: Allegations of Destruction of Cultural Heritage in Kosovo, 1998-99**

1.0 Introduction

1.1 Background to Survey.

During and after the 1998-1999 conflict in Kosovo allegations were made by various parties concerning the destruction of cultural heritage. In general, these allegations came from the following sources: governmental organs and professional institutions in the Federal Republic of Yugoslavia (FRY); the Serbian Orthodox Church; interviews with refugees from Kosovo conducted by humanitarian relief organizations and other NGOs; and media reports from the conflict zone. (see Appendix 3)

Following the end of hostilities in June 1999, it was evident that there was an urgent need to conduct an independent assessment of what had happened to cultural heritage in Kosovo during the conflict. However, amidst the human drama of the post-war return of refugees, the discoveries of mass graves and other evidence of atrocities, and the urgency of providing shelter before the onset of winter, the fate of heritage was not foremost among the concerns of the international organizations active in Kosovo. In response, the authors established the Kosovo-Cultural Heritage Project in July 1999. The first task of the project was to prepare and carry out a post-war field survey in Kosovo. This survey was supported by a grant from the Packard Humanities Institute and sponsored by Harvard University.

The first two months of the survey were devoted to the compilation of a comprehensive database of all available primary and secondary sources documenting Kosovo's cultural heritage before the war and establishing advance contacts with international experts and with local sources in Kosovo. Following a briefing by the staff of the Office of the Prosecutor at the International Criminal Tribunal for the Former Yugoslavia (ICTY), the authors proceeded to Kosovo and carried out field investigations and collection of documentation from local sources from 13 to 31 October, 1999.

Additional documentation was obtained in follow-up visits to Kosovo in October 2000 and March 2001 and from the UN civil administration, the Serbian Orthodox

2.0 Findings

2.1 Damage to Cultural Heritage Attributed to NATO Bombing

A number of important historical and religious monuments and sites in Kosovo were alleged, by the Yugoslav authorities and others, to have been destroyed or seriously damaged by NATO air strikes, among them: the Gracanica; the Decani monastery; the Pec Orthodox Patriarchate complex; the Church of the Virgin Ljeviska and the Sinan Pasha Mosque in Prizren; the Prizren League Museum; the Hadum Mosque complex in Djakovica/Gjakova; the historic bazaars in Djakovica/Gjakova and Pec/Peja; the Catholic church of St. Anthony in Djakovica/Gjakova; and two old Ottoman bridges, Terzijski most/Ura e Terzive and Tabacki most/Ura e Tabakeve, near Djakovica/Gjakova. The historic centers of Prizren and Prishtina were also alleged to have been totally destroyed by NATO bombardment.

Of the above sites, not one was found to show any sign of damage attributable to an air attack. Some, including the Serbian Orthodox sites and several of the non-Serbian heritage sites (the Sinan Pasha Mosque, the two Ottoman bridges), were found to be completely intact.

Others were damaged or destroyed, but the damage had clearly been done from the ground up (the Prizren League Museum, the Hadum Mosque complex, the historic bazaars in Pec/Peja Djakovica/Gjakova) and not from the air. The St. Anthony's Catholic church in Gjakova had not been hit in the air strikes, but it had been taken over and turned into a military facility by the Yugoslav Army. The monuments in the historic center of Prizren were completely intact, except for the Prizren League Museum. Three old houses in the old part of Pristina had collapsed from the air blast when the post and telecommunications building was hit by a NATO missile, but the major monuments in the old town suffered no ill effects.

In the countryside, one village mosque (at Jablanica near Prizren) had its roof damaged by a NATO air strike, as confirmed by the Islamic Community. A disused Catholic church (St. Peter and Paul's in Djakovica/Gjakova) also suffered damage

Church authorities, the Islamic Community of Kosovo, the EU/IMG project, municipal and regional institutions and organizations and other sources.

1.2 Survey Goals and Methodology

The primary goal of the survey was to document cases of the deliberate destruction of cultural property during the 1998-1999 conflict in Kosovo and its immediate aftermath.

In the absence of overriding military necessity, the deliberate destruction of cultural property is a violation of international law and those responsible for ordering and carrying out such attacks can be prosecuted for war crimes. According to the statute of the ICTY, these crimes include the “seizure of, destruction, or willful damage done to institutions dedicated to religion, charity, and education, the arts and sciences, historic monuments, and works of art and science.”¹

This survey was not limited to properties designated as historic monuments by the Institute for the Protection of Cultural Monuments of Kosovo.² While the 1954 Hague Convention requires that protected monuments be designated and marked as such, the 1977 Protocols I and II Additional to the Geneva Conventions of 1949 use a more inclusive wording, which is also reflected in the ICTY’s statute. Furthermore, the criteria employed in listing monuments for protection by the Yugoslav authorities in Kosovo before the war had been conditioned to a considerable extent by ideological considerations.³

Thus, the survey attempted to ascertain the condition of all cultural and religious monuments in Kosovo, whether listed or not, that were alleged to have been destroyed or damaged during the 1998-1999 conflict in Kosovo, according to Yugoslav governmental and professional institutions, refugee interviews, media reports and other sources. The survey also assessed claims concerning post-war revenge attacks on cultural and religious monuments associated with Kosovo’s ethnic Serb population.

However, close to 80 Orthodox churches and monasteries were damaged or destroyed between June and October 1999, most in the weeks immediately following the cessation of hostilities in June 1999. Around 40 of these buildings were vandalized, and around 40 buildings suffered serious structural damage or were destroyed completely. The majority of these buildings were village churches, many of them built during the last 20 years. Approximately 15 dated from the medieval period. The major medieval Orthodox shrines however, have been under close guard by KFOR and have not been affected. Many of the attacks on Serbian Orthodox churches occurred in areas where Islamic architectural heritage had previously been targeted and may have been acts of retribution (e.g. Zociste/Zoqishte, Musutiste/Mushtisht, a number of communities in southeastern Kosovo). But some clusters of attacks occurred in areas where there was no corresponding wartime destruction of Islamic architectural heritage (e.g. in the areas around Klina/Kline and Urosevac/Ferizaj).

Between October 1999 and this writing, 11 additional incidents resulting in damage to Serbian Orthodox architectural heritage have been reported. Nine of these incidents involved repeat attacks on sites that had been damaged previously.

3.0 Use of Database

The database was created with FileMakerPro Version 5.0. Database entries are divided into five sections: 1) building identification; 2) building condition, including a narrative description of damage and pre- and post-war photographs when available; 3) informant statements when available; 4) bibliography; and 5) media accounts.

To search in the database, select "mode" in the menu bar (control-F) and then select "find" in the drop-down menu. A blank record will then appear. Keywords can be entered in one or more fields on the blank record. After selecting all keyword parameters, press the "find" button, which is located on the left margin of the record. All records fulfilling the search terms will then appear as numbered rolodex cards in

near Lake Radonjic), Catholic churches and most houses of Catholic Albanians appear to have been left unharmed.⁵

The Catholic Church of St. Anthony in Pristina and St. Anthony's Catholic Church and the adjacent Franciscan convent in Djakovica/Gjakova were occupied by Yugoslav army troops at the beginning of the NATO air war and were used as military facilities, a violation of the laws of war analogous to misuse of the Red Cross symbol. In the case of the Pristina church, a VJ anti-aircraft radar installation was mounted in the church steeple, endangering both the church and the surrounding thickly-settled residential neighborhood. In the case of the church in Djakovica, officers and troops from the nearby Yugoslav army base moved into the church, the parish house and the convent "half an hour before the NATO bombing started" according to the parish priest. The VJ troops ejected the priests and nuns and used the church buildings as a command center for the following two months.⁶

2.5 Damage to Serbian Orthodox Architectural Heritage

Serbian Orthodox architectural heritage in Kosovo included churches, monasteries and cemeteries. Many published statistics on the number of churches in Kosovo do not distinguish between extant churches and archeological sites.⁷ A recent publication of the Institute for the Protection of Cultural Monuments of the Republic of Serbia lists 210 Serbian Orthodox churches, monasteries and cemeteries in Kosovo as monuments and sites under legal protection.

Yugoslav authorities claimed that NATO air strikes targeted or caused damage to Orthodox churches and monasteries in air strikes during the spring of 1999. All allegations of damage inflicted on churches and monasteries in Kosovo by NATO bombing proved to be unsubstantiated. Some buildings reported to have been damaged by bombing were, in fact, completely undamaged (e.g. Pec Patriarchate, Gracanica, Visoki Decani). Some buildings reported to have been damaged by bombing were in fact found to be damaged, but the nature of this damage indicated that it could not have been inflicted by air strikes (Drsnik).

According to statistics published in 1993, there were 607 mosques in Kosovo. Of these, 528 were congregational mosques (xhamia), of which 498 were in active use, and 79 smaller neighborhood mosques (masxhid), of which 70 were in active use.⁴ During 1998-1999, approximately 225 of these mosques were damaged or destroyed. Much of this damage was clearly the result of attacks directed on the mosque: explosive devices planted in the mosque or inside the minaret; artillery aimed at the minaret, or fires started in the mosque. In some cases, such attacks were accompanied by anti-Albanian or pro-Serbian graffiti written on mosque walls and inside the mihrab (prayer niche) and vandalism directed at religious scriptures (torn up, burned and desecrated Qur'ans), and mosque furnishings. In some contexts, mosques and other Islamic architectural heritage were the only buildings in a neighborhood that had been singled out for attack. In the municipality of Pec/Peja, every one of the district's 49 Islamic monuments was attacked in 1998 and 1999: 36 mosques, half of them dating from the 15th–18th centuries, two Sufi shrines (dervish lodges), an 18th-century medresa, a 15th-century hamam, all nine Qur'an-readers' schools (mekteb), and the historic archives and library of the Islamic community.

2.4 Damage to Roman Catholic Architectural Heritage

Roman Catholic architectural heritage in Kosovo includes churches, convents and friaries of the religious orders, and some rural shrines. Areas with significant Catholic population include northwestern Kosovo (Klina municipality), western Kosovo (the Has region, west and south of Djakovica/Gjakova), and southeastern Kosovo (Skopska Crna Gora/Karadak region around Vitina/Viti. There are also Catholic churches in and around Prizren, the seat of the Roman Catholic bishopric, and in most larger cities in Kosovo. Most Catholics are ethnic Albanians, along with small numbers of Croats and Roma.

Based on our fieldwork, information from local Roman Catholic clergy, and other sources, it appears that damage to Catholic churches was limited to a handful of village churches near Djakovica/Gjakova and Klina/Kline (a total of 7 churches damaged, 2 destroyed). Even in areas where there was extensive burning of Albanian houses and destruction of Islamic religious monuments (e.g. the district around Bec,

Hasan Pavataj in Gornji Streoc/Strelac i Eperim) or Serb civilians (Kulla of Jashar Pasha, Pec/Peja) as the perpetrators of attacks on kullas. In some cases (Pec/Peja), the only kullas to survive in a town were those owned or occupied by Serb families.

The survey has 45 entries documenting damaged or destroyed kullas. Because so many kullas are located in villages and rural areas which the authors of the survey were not able to access due to bad road conditions, the survey without a doubt underreports damage to kullas in Kosovo. Comprehensive post-war surveys of kullas have recently been conducted under the auspices of UNMIK in five municipalities: Pec/Peja Decani/Deçan, Djakovica/Gjakova, Istok, and Klina. These surveys indicate that kullas in Kosovo were a prime target for attacks during 1998-1999. In the municipality of Decani/Deçan, for example, 70 out of 263 kullas were almost or totally destroyed (category V) and another 161 were significantly damaged (categories III and IV); our survey data suggest that most of this damage occurred during 1998 and 1999.

The konak is another type of traditional Ottoman-era urban residential building. Many konaks in Kosovo were identified with the prominent Albanian families who had lived in them for generations and comprised municipal or regional monuments. Like kullas, konaks were often singled out for attack by arson. In many cases, a damaged or destroyed konak was found surrounded by a context of undamaged modern buildings.

2.3 Damage to Islamic Architectural Heritage

Islamic architectural heritage in Kosovo includes mosques, tekkes (dervish lodges of the Sufi lay brotherhoods), medresas (theological schools), mektebs (schools for Qur'an readers), Islamic libraries, hamams (bath-houses), turbes (mausolea) and traditional bazaars built to support Islamic charitable organizations. All of the above building types were attacked during 1998 and 1999, with the preponderance of attacks aimed at mosques.

from air blast during a missile strike on a nearby Yugoslav army base. No other damage to heritage sites attributable to NATO action.

2.2 Damage to Historic Civil Architecture

Attacks on historic civil architecture were concentrated on two types of targets: Ottoman-era urban centers, composed of commercial buildings and mosque complexes, and traditional residential buildings in both urban and rural areas (see map of damaged/destroyed historic civil architecture).

Three out of the four well-preserved historic urban centers in Kosovo suffered severe devastation during the spring of 1999—Pec/Peja, Djakovica/Gjakova, and Vucitrn/Vushtrri. Despite allegations by the Yugoslav authorities, it was evident from the nature of the damage that this destruction was not the result of aerial bombardment, but of fires set on the ground in individual buildings. Statements of eyewitnesses identified Serbian police, Yugoslav army troops, paramilitaries and, in some cases, Serb civilians as perpetrators of these attacks. These attacks appear to have been aimed at the destruction of buildings and cultural and religious monuments associated with Kosovo's Albanian population; each urban center was composed of a mix of Ottoman-era and 20th century buildings and in each case the modern buildings were left largely untouched or suffered only collateral damage.

The kulla is a fortified stone house indigenous to this region of the Balkans. In Kosovo, there were at least 500 kullas before the war, concentrated in the western and northern parts of the province. While urban kullas were constructed as individual buildings, in rural areas kullas were constructed in complexes of up to 15 or 20 buildings. Most kullas in Kosovo were built during the 18th and 19th centuries and were inhabited by generations of the same Albanian families. Kullas were both associated with the particular families who built and inhabited them, and were widely regarded as symbols of Albanian culture and identity. In both villages and towns, kullas were singled out for attack during 1998 and 1999. In many cases, a kulla was burned while all surrounding buildings were left unscathed. In some cases, eyewitnesses identified Serb soldiers (Kulla of Shaban Curi and Kulla of Kamer

the upper left corner of the margin. Records can be searched by clicking on these cards or by entering card numbers below the rolodex.

Keyword searching can be done in any field, including: district name (municipality) in Serbian; town name, in Serbian or Albanian; building name, in Serbian, Albanian, or English; building use; building type; and building condition. For example, in order to find all damaged Catholic Churches in the database, specify "Catholic Church" as a keyword in "building type" and specify "damaged" as a keyword in "building condition."

To find keywords in fields with different options, select the field and a drop-down menu will display all keyword options.

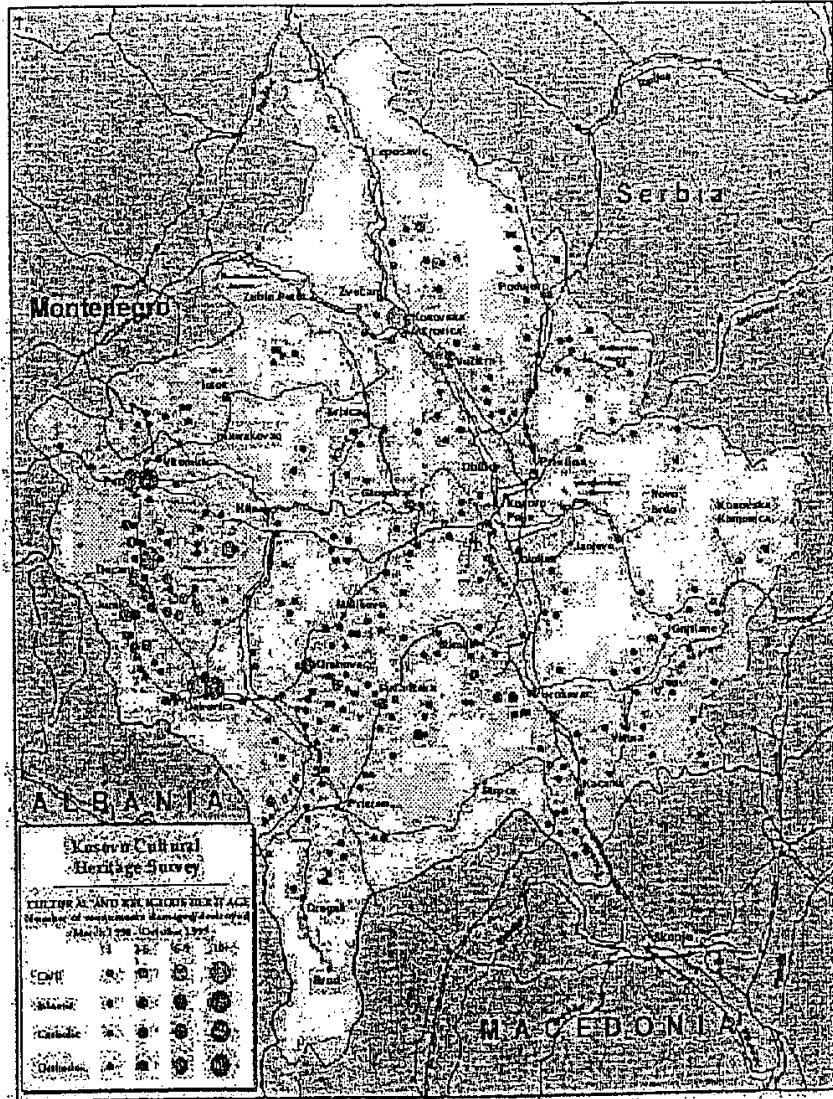
Truncated searching is allowed in all fields. For example, to find "Catholic Church of the Little Lady," it is possible to enter only "lady" in the "building name" field. Or, if the correct spelling of a building name is unknown, a portion of the name can be used as a search parameter. For example, to find "Hamidi Mosque," it is possible to enter only "ham" in the "building name" field. The search terms are not case-sensitive.

4.0 Biographies of Principal Investigators

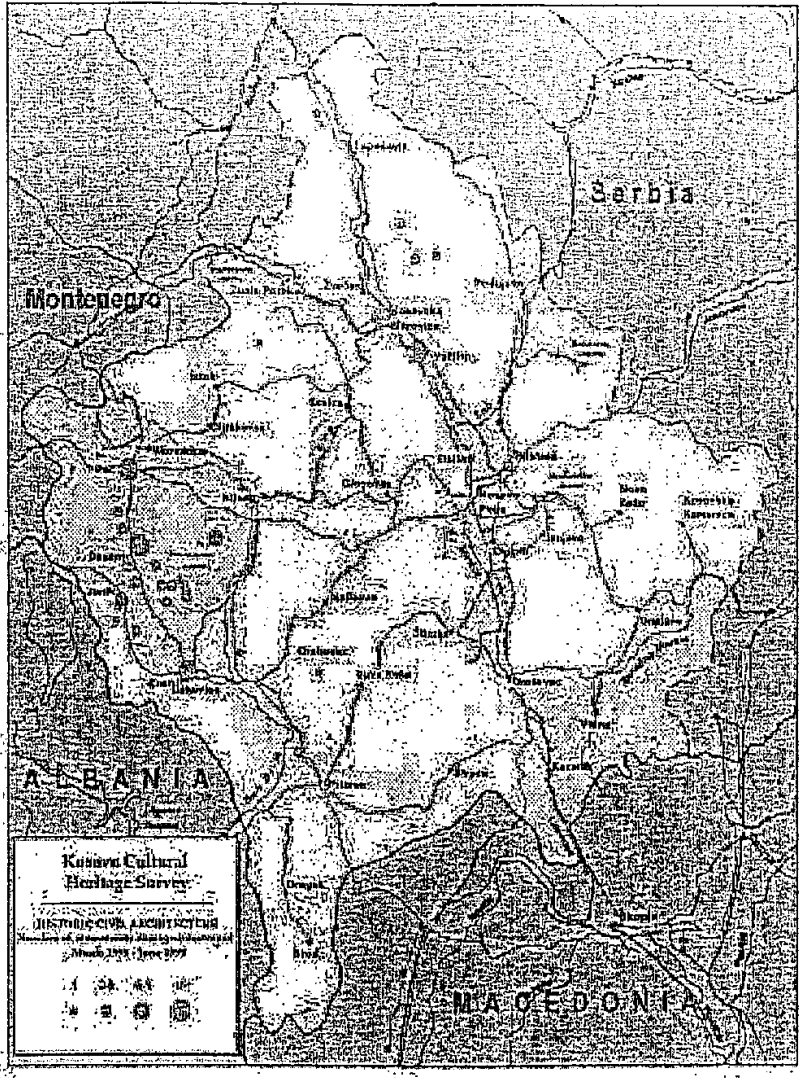
Andrew Herscher, BA, MArch, Ph.D. (expected in 2002), is an architect and architectural historian. He has worked on and written about architectural heritage in Bosnia, the Czech Republic, Kosovo and Slovenia. In January 2001, he was appointed co-director of the Cultural Heritage Unit in the Department of Culture of the United Nations Administration Mission in Kosovo.

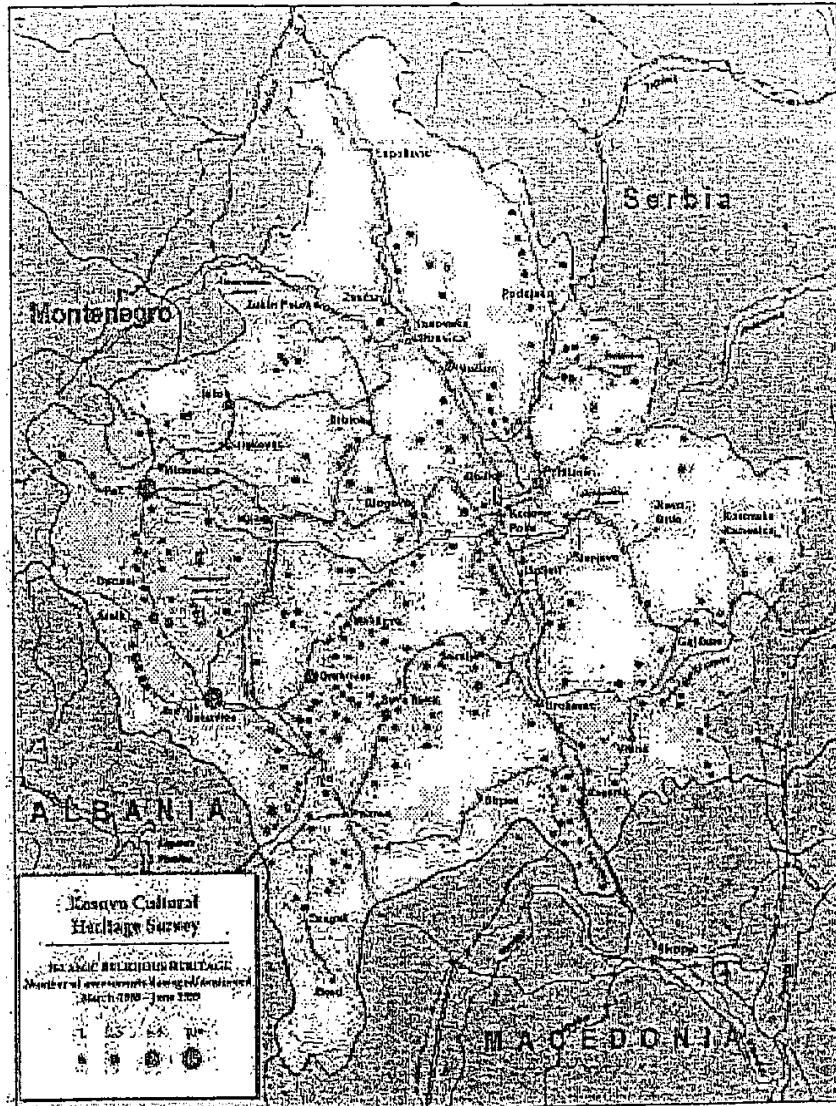
András J. Riedlmayer, BA, MA, MS, Cand. Phil., directs the Documentation Center of the Aga Khan Program for Islamic Architecture at the Fine Arts Library, Harvard University, and is a recognized expert on the cultural heritage of the Ottoman-era Balkans

Appendix 1: Maps of Damaged or Destroyed Cultural Heritage in Kosovo

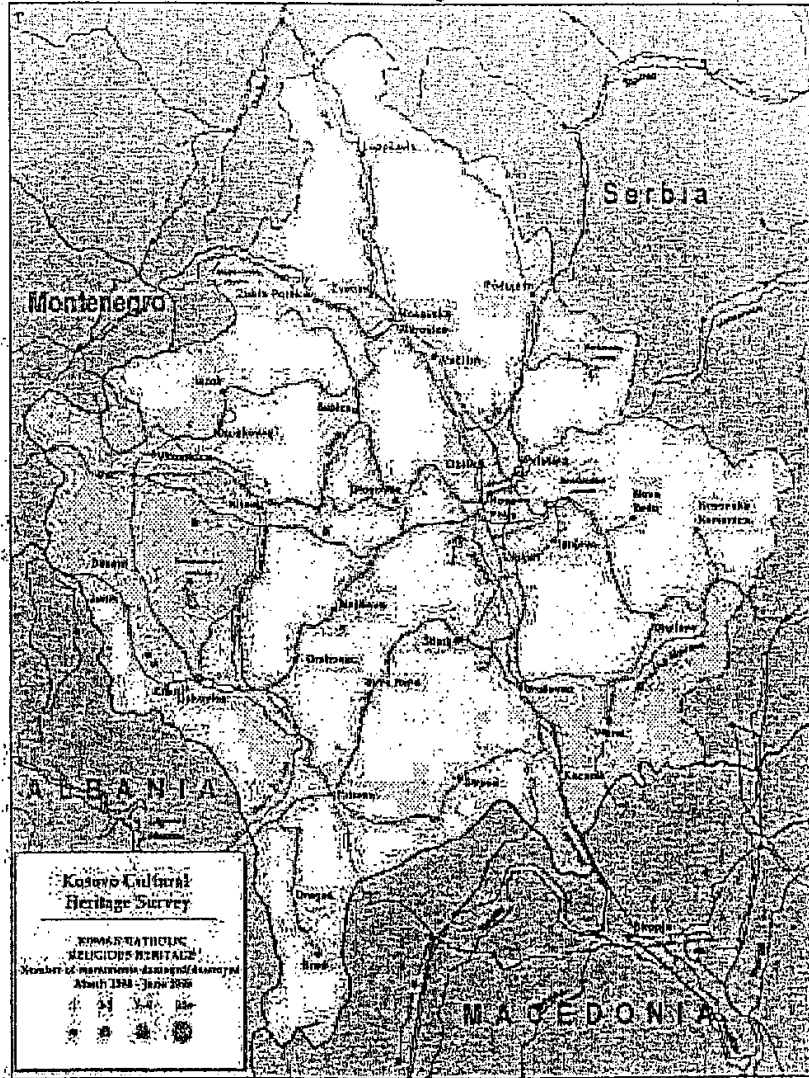


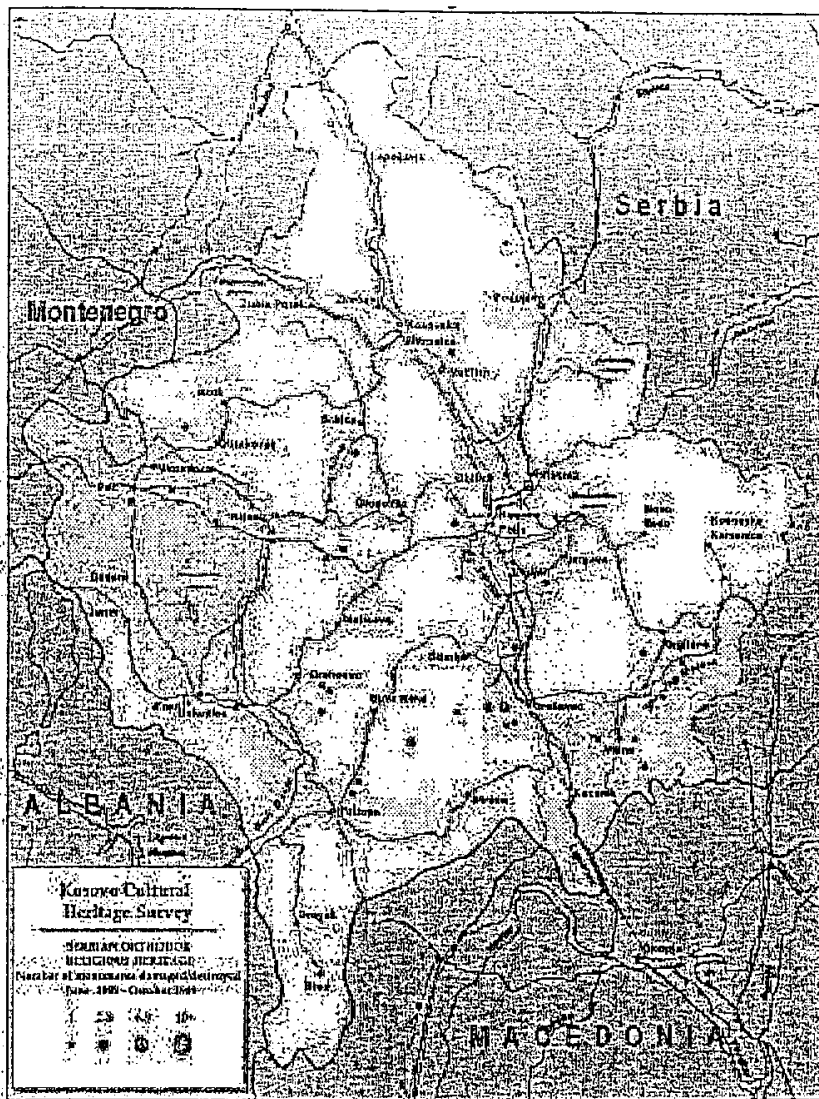
K021281.

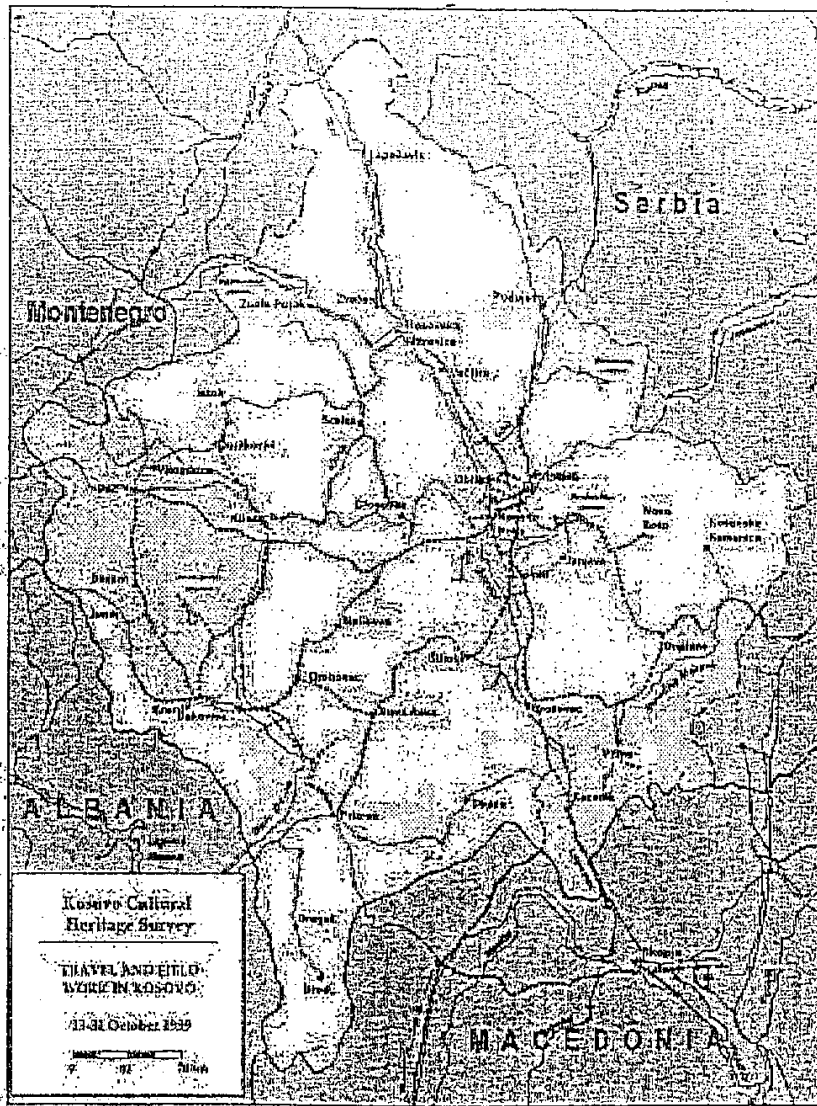




21-02-31-7
912
K021281A







Appendix 2: Description and Assessment of Documentation Sources

A2.1. Field investigations by the authors (10/99, follow-up visits 10/00 and 3/01), including site visits and collection/consolidation of photographs and other documentation from local sources. The survey database, with more than 500 entries (in a simple Filemaker database format, including selected photographs and other documentation) is attached. The project's archive of documentation on damage to cultural heritage in Kosovo, including many additional photographs, architectural plans, and other data, has been deposited at the Fine Arts Library, Harvard University.

Remarks: In the course of the initial field survey and follow-up visits we documented a total of 144 monuments and sites in person. In addition to providing us with the core entries for the database, this also allowed us to check our first-hand findings against the documentation obtained from other sources for some of the same sites in order to control its accuracy. While we covered most of the important heritage sites in Kosovo, there were some places that we were unable to visit due to security concerns at the time of our survey (Mitrovica), because of the bad state of the roads, or time constraints. This accounts for the relative underrepresentation of damaged or destroyed historic kullas in our database (45 entries). Most kullas are located in rural settings, in villages and hamlets remote from the paved roads and thus difficult to access (and not well documented in the published literature). For other categories, our survey data can be regarded as relatively complete.

A2.2. EU/IMG database (4/00) an assessment of damage to infrastructure and public buildings and facilities in Kosovo (including cultural heritage facilities), compiled 1999-2000 by the inter-governmental organization International Management Group serving as advisor to the European Commission. The study was carried out in every municipality of Kosovo by local teams, under the supervision of an international expert based in Pristina. A copy of the EU/IMG database on CD-ROM (in pdf format, readable with Acrobat Reader) is attached.

Remarks: The EU/IMG survey was focused primarily on modern infrastructure facilities (public buildings, clinics, schools, bridges, etc.) rather than heritage as such. Damage to buildings was estimated in terms of percentages, rather than specific descriptions, and the local teams didn't always share the same terms of reference—"20 percent damaged" in some cases is used to describe buildings completely gutted by fire, while in others the same percentage is used to describe a building that has been vandalized. In some cases centuries-old archaeological ruins are mistakenly catalogued as war damage (e.g. the ruined castle and medieval Catholic churches in Novo Brdo, the ancient ruins of a medieval Orthodox monastery at Mocare near Kamenica). In other cases, listed monuments that have been destroyed are not included in the database. Nevertheless, the EU/IMG database

contains a great deal of useful information, covers a lot of territory in depth and includes photographs for each site in the database.

A2.3. Islamic Community of Kosovo (KBI) (10/99, follow-up visits 10/00 and 3/01) gave us access to their archive of hundreds of photographs and other documentation on the destruction of Islamic heritage, compiled by Prof. Sabri Bajgora, assistant mufti of Kosovo and professor at the Faculty of Islamic Studies in Pristina. A selection of the KBI's documentation has been published in the book *Serbian Barbarities against Islamic Monuments in Kosova (February '98-June '99)*.

Remarks: The KBI's documentation focuses on monuments and institutions that are under the direct organizational control of the KBI (mosques, Islamic schools, Islamic archives and religious libraries). Its coverage is incomplete or lacking for some other kinds of Islamic monuments, such as dervish lodges (teqe), Turkish baths (hamam) and Islamic fountains (çeshma), mausolea (turbe), Sufi saints' shrines, etc. With regard to the KBI's documentation on mosques, we found no cases where damage had been claimed when none existed; in some cases the verbal descriptions of the extent of the damage seemed overstated, but in all cases there were photographs to compare. The dates given for destruction seem generally reliable, but the dates of construction have to be treated with some caution; often the date of the original foundation is used, rather than the date of construction of the current building on the site.

A2.4. Serbian Orthodox Eparchy of Raska-Prizren (10/99), extended follow-up via e-mail correspondence with Fr. Sava Janjic, with whom we exchanged photographs and other documentation concerning damage to Serbian Orthodox heritage in Kosovo. Much of the Eparchy's documentation has been published in the book *Crucified Kosovo*, also available on their website <http://www.kosovo.com/crucified/churches/>

Remarks: The Serbian Orthodox Eparchy's documentation focuses on damage to churches, monasteries and other Orthodox sites since the end of the war, including both historic sites and recently-built structures. As in the case of the KBI, the verbal

descriptions sometimes overstate the actual damage. When using documentation from external sources such as the religious authorities, we limited ourselves to those sites for which we had photographs or other independent means of verification. The dates given for destruction seem generally reliable, but the dates of construction have to be treated with some caution; often the date of the original foundation is used, rather than the date of construction of the current building on the site.

A2.5. Roman Catholic Diocese of Skopje-Prizren (10/99), we conducted interviews with Roman Catholic parish priests in Pristina/Prishtine, Klinia/Kline, Djakovica/Gjakova, and Binac/Bince. There is also some information available on damage to Catholic churches in the Djakovica/Gjakova region of Kosovo on the Franciscan order's website <http://www.ofm.org/3/just/IUSkos8.html>

Remarks: Of the three major religious communities in Kosovo, the Catholics suffered the least destruction of their houses of worship; not surprisingly, they have also been least diligent in publicizing the damage. We relied on information provided by local parish priests, who generally spoke from first-hand knowledge; in the cases we were able to verify on our own, the information provided by the priests proved to be generally reliable.

A2.6. Institute for the Protection of Monuments of Kosovo (10/99, follow-up 10/00) allowed us access to their documentation (incomplete, because Institute's archive was shipped off to Serbia in June 1999); Institute staff provided useful information, incl. some architectural plans and pre-war photographs, and the director, Dr Fejaz Drançolli, accompanied us for three days of site visits in western Kosovo (Pec, Dolac, Drsnik, Decani, Junik, Nivokaz, Djakovica, Rogovo), helping us to locate sites and contacts.

Remarks: The Institute has lost much of its original documentation and is still in the planning stages for a systematic new survey of cultural heritage sites and monuments in Kosovo. The information they provided us, for both Serbian and Albanian heritage sites, was confirmed in all cases by our site visits.

A2.7. Institute for the Protection of Monuments of Djakovica/Gjakova (3/01)

Showed us their newly completed database surveying the postwar state of architectural heritage in the municipality, including sacral architecture (mosques, dervish lodges, churches) as well as civil architecture (kullas, bazaars, etc.). Entries in the database provide photographs and other information, including detailed damage assessments. Unfortunately, the CD-ROM with the copy of the database they gave us proved to be defective. We will try to obtain another copy, which will be forwarded to the Office of the Prosecutor when received.

A2.8. Department of Urban Planning Development UNMIK-JIAS Pec/Peja (3/01)

Provided us with the summary findings of their survey of *kullas* in the municipalities of Pec/Peja and Decani/Deçan, with data broken down by location and degree of damage. A copy of the summary tables is appended. The Urban Planning Department in Pec/Peja has a detailed database of the kulla survey, with photographs, architectural drawings and other information provided for each of the buildings surveyed.

A2.9. Mrs. Sahar Rassam (3/01), a Canadian architect who, as a consultant for UNMIK-JIAS conducted a study of postwar housing reconstruction needs, including a comprehensive survey of all *kullas*, in the municipalities of Klina/Kline and Istok/Istog. Mrs. Rassam provided us with a summary of her findings: out 59 *kullas* in these two municipalities 44 had been destroyed or damaged in the 1998-1999 conflict.

A2.10. Mr. Raif Virmiça (10/99) a private scholar in Prizren and author of five books on Kosovo's Islamic heritage, he provided us with access to his extensive personal archive of pre-war photographs of Ottoman-era architecture in Kosovo.

A2.11. Mr. Xhavit Lokaj (10/99) a paintings conservator at the Institute for the Protection of Monuments of Kosovo, he gave us access to hundreds of photographs he took July 1999 documenting the destruction of architectural heritage in northern, central and western Kosovo.

A2.12. Ms. Tody Cezar (12/00-1/01) a paintings conservator with Conservation International (Lisbon, Portugal), Ms Cezar was invited to Kosovo as independent consultant by the Department of Culture UNMIK-JIAS to assess the condition of murals in historic churches, monasteries and mosques in Kosovo; she provided us with copies of her documentation and assessment report and shared her observations of the sites visited.

A2.13. Reports by the OSCE Kosovo Verification Mission

The OSCE KVM report, *Kosovo/Kosova As Seen, As Told*, includes some information regarding damage to cultural and religious heritage in Kosovo, but the information on such matters in the report is surprisingly limited and has to be treated with caution. For example, there is no information on the massive destruction of cultural heritage in the city of Vucitrn/Vushtrri, while in other cases buildings, people and other details are misidentified—e.g. the OSCE report for Djakovica refers to the March 26 murder of “the local sheikh of the Bektashi sect” and his two sons; but the local sheikh of the Bektashi dervish order, Baba Mumin Lama, is alive and well – the murdered Sheh Zenel Dervishdana and his two sons were not Bektashis, but members of the Sa’adi order of dervishes.

A2.14. Media Accounts

We made an effort to collect any specific, first-hand accounts by news reporters on the destruction of cultural heritage in media reports filed from Kosovo in 1998-1999. We discounted any reports that were of a general nature or that merely recycled second-hand information. Excerpts from first-hand media accounts are included in a separate field in our database entries for specific monuments and sites.

K0212824

Appendix 3: Allegations of Destruction of Cultural Heritage in Kosovo, 1998-1999

A3.1. Reports by Yugoslav Governmental and Professional Institutions

In the spring and summer of 1999, governmental and professional institutions in Yugoslavia reported that major damage was being inflicted on historic monuments in Kosovo by NATO's aerial bombardment. These claims concentrated on damage alleged to have been inflicted on monuments associated with the Serbian Orthodox church, but also included reports of damage to some Ottoman-era civil and religious monuments.⁸ The allegations were widely publicized on the internet and circulated in the international media.⁹ On June 1, 1999, Yugoslavia's ambassador to UNESCO announced at a press conference that the old parts of the Kosovo city of Prizren and of the provincial capital, Pristina/Prishtina, had been completely destroyed by NATO bombing.¹⁰ The Yugoslav government's official account of NATO's war-time destruction of cultural heritage in Kosovo was consolidated after the war in two white books published by the Yugoslav Ministry of Foreign Affairs.¹¹ The Yugoslav government's account was then reproduced, without any attempt to independently verify its claims, by many international specialists in cultural heritage.¹² The same Yugoslav government claims respecting damage to cultural property were also reproduced in the memorandum filed with the Office of the Prosecutor of the ICTY by Prof. Michael Mandel et al. on alleged violations of international law by the governments and officials of NATO countries.¹³

A3.2. Reports by Kosovar Refugees

Eyewitness accounts by Kosovar refugees interviewed by NGOs and the media in Albania and Macedonia also included claims that cultural property was being destroyed during the war.¹⁴ These claims were focused on attacks by Serb forces on Islamic religious buildings. In one survey of Kosovar refugee heads of households carried out in camps in Albania and Macedonia during April and May 1999 by the NGO Physicians for Human Rights, nearly half (47 percent) of the respondents reported seeing mosques destroyed by Serb forces before they left Kosovo; the respondents reported damage at 155 specific locations.¹⁴

A3.3. Media Accounts

International media were present in Kosovo throughout the early phases of the conflict in 1998 and early 1999 and some reporters described incidents of destruction of cultural and religious heritage in their reports. Destruction of mosques was observed in several areas, especially in western Kosovo, along the road between Djakovica/Gjakova and Pec/Peja and in the area between Prizren and Orahovac/Rahovec. During the March-June 1999 NATO air war, access by independent reporters was limited and the few accounts by journalists reporting from inside Kosovo during that period contain little information on cultural heritage. Immediately after the end of the war in June 1999, Kosovo was inundated with journalists covering the entry of NATO troops and the return of refugees, and while few reports focused on heritage as such, many refer to destroyed mosques and the devastation of historic city centers. Later in the summer of 1999, the focus of reporting was on attacks against Serbian Orthodox churches by returning Albanians. While details such as the names and age of monuments are often garbled in news reports, the first-hand descriptions of damage can serve to corroborate and supplement information from other sources.

NOTES:

¹ The Tribunal's statute and its May 1999 indictment of Yugoslav President Slobodan Milosevic and other top Yugoslav and Serbian officials, which specifies among the charges "the destruction of non-Serbian residential areas and cultural and religious sites," can be found at <http://www.un.org/icty/index.html>.

² This institution was founded in 1952 as the Institute for the Protection and Study of Cultural Monuments in the Autonomous Province of Kosovo-Metohija. For the listed historic monuments of Kosovo, see Mileta Milic, ed., *Cultural Heritage of Kosovo and Metohija* (Belgrade: Institute for the Protection of Cultural Monuments of the Republic of Serbia, 1999).

³ By the time of the outbreak of the 1998-1999 conflict, some 210 Serbian Orthodox monuments (churches, monasteries, cemeteries) in Kosovo had been granted listed status, including 40 churches built between the 1930s and the 1990s. In contrast, only 15 of the more than 600 mosques in Kosovo were listed as historic monuments, even though more than half of these mosques date from the Ottoman era (14th-19th c.). See Milic, ed., *Cultural Heritage of Kosovo and Metohija*.

⁴ Statistics on Kosovo mosques published in *Diturja Islame*, no. 49 (May 1993).

⁵ In Binac/Bince (Vitina municipality), the Catholic priest told us that his flock had been expelled by Serbian troops, along with their Muslim neighbors, 50 of 250 houses in the parish had been burned; but the Catholic church in Binac, which sheltered 200 women, children and invalids, was left unharmed.

⁶ The National and University Library in Pristina, the main building of the Kosovo Museum, and the Archives of Kosovo in Pristina were also taken over by the VJ and used as military facilities for the duration of the NATO air war. See A. Riedlmayer, "Museums in Kosovo: A First Post-War Assessment," <http://www.bosnia.org.uk/bosrep/marjune00/museums.htm> and "Libraries and Archives in Kosovo: A Postwar Report," <http://www.bosnia.org.uk/bosrep/decfeb00/libraries.htm>.

⁷ The listing of Serbian Orthodox monuments in one standard source, Gojko Subotic, *Kosovo: Art of the Sacred Land* (New York: Monacelli Press, 1998), includes many now-ruined or absent buildings.

⁸ Among the major monuments and sites which were alleged to have been destroyed or seriously damaged by NATO air strikes were: the Gracanica monastery near Pristina/Prishtina; the Decani

K0212826

monastery; the Pec Orthodox Patriarchate complex; the Church of the Virgin Ljeviska and the Sinan Pasha Mosque in Prizren; the Prizren League Museum; the Hadum Mosque complex in Djakovica/Gjakova; the historic bazaars in Djakovica/Gjakova and Pec/Peja; the Roman Catholic church of St. Anthony in Djakovica/Gjakova; and two old Ottoman bridges, Terzijski most/Ura e Terzive and Tabacki most/Ura e Tabakeve, near Djakovica/Gjakova.

⁹ See "War Damage in the Balkans," US/COMOS Newsletter, no. 2 (March-April 1999), pp. 1-3. Allegations that NATO air attacks were deliberately targeting cultural and religious heritage were given wide publicity on the internet on websites sponsored by the Institute for the Protection of Cultural Monuments of Serbia: "Cultural Heritage in Yugoslavia Endangered by NATO and KLA" <http://www.yuheritage.com/>; the Ministry of Information of the Republic of Serbia: "A Large Number of Cultural Monuments in Serbia Damaged" <http://www.serbia-info.com/news/1999-06/12/12509.html>; the Yugoslav Ministry of Foreign Affairs: "Bombing of Cultural Monuments" <http://www.mfa.gov.yu/bela/05.htm>; and the Serbian Orthodox Church: "Bombing of Serbian Shrines." http://www.spc.org.yu/Svetinje/svetinje_e.html.

¹⁰ Statement by Yugoslav ambassador to UNESCO Nada Popovic Penicic quoted in "Yugoslavia Appeals for UNESCO Aid to Restore War-damaged Monuments," Agence France-Presse, June 1, 1999.

¹¹ NATO Crimes in Yugoslavia: Documentary Evidence, I: 24 March-24 April 1999 (Belgrade: Federal Ministry of Foreign Affairs, Federal Republic of Yugoslavia, 1999) and NATO Crimes in Yugoslavia: Documentary Evidence, II: 25 April-10 June 1999 (Belgrade: Federal Ministry of Foreign Affairs, Federal Republic of Yugoslavia, 1999).

¹² See, for example, Nikos Axarlis, Spencer P.M. Harrington and Andrew L. Slayman, "Kosovo War Damage," Archaeology, vol. 52 no. 4 (July/August 1999) and James Wiseman, "Legacy of Medieval Serbia," Archaeology, vol. 52 no. 5 (September/October 1999).

¹³ <http://jurist.law.pitt.edu/icty.htm>

¹⁴ Physicians for Human Rights, War Crimes in Kosovo: A Population-Based Assessment of Human Rights Violations against Kosovar Albanians (Boston: Physicians for Human Rights, 1999), p. 86; Physicians for Human Rights allowed us access to their raw interview data, which we used in planning our survey; we assisted PHR in editing the list of locations for consistency of spelling of geographic names.

