



# Dealing with the Past Principles

**Principle: Victims and survivors of armed conflict must be treated with integrity and dignity**

**Case study**



## Dealing with the Past Principles

The Dealing with the Past Principles is a civic initiative, promoted by an informal coalition that consists of five organizations and one expert: Humanitarian Law Center Kosovo, Kosova Rehabilitation Centre for Torture Victims, Integra, Youth Initiative for Human Rights, BIRN Kosova and Nora Ahmetaj. The group has embarked on a joint initiative to chart and endorse a set of principles that will inform and guide political and public actors on how to engage with victims, survivors, painful pasts, and historical narratives. This initiative aims to prevent harmful discourse and actions related to the legacy of the conflict and will serve as a reference document to which anyone violating its principles will be held morally accountable. The aim is, therefore, to apply these principles and respect the values and sentiments they embody to ensure that victims and survivors are not harmed and that our actions on dealing with the past will contribute to the process of healing and reconciliation.<sup>1</sup> Now that the principles have been developed and arranged, as well as well properly elaborated, it is crucial to have them presented to the general public and correctly promoted. We believe that one way to get people to understand the importance of such principles is to talk about the harms, the consequences, and the pain and suffering that can be caused in situations where those principles are violated. Therefore, the coalition will publish some case studies compiled by the Humanitarian Law Center Kosovo (HLCK) and we will attempt to bring concrete examples from the past where the principles were appropriately used or even misused. One of those principles is “Victims and survivors of armed conflict must be treated with integrity and dignity”.

### **Victims and survivors of armed conflict must be treated with integrity and dignity**

Society must acknowledge victims’ suffering and treat them with respect and dignity. Harmful stigma and prejudice must be opposed and countered at all levels. This is fundamental in supporting victims in their reintegration in society. Society in Kosovo must treat equally women, men, and children who have suffered during the conflict. Through their inclusion in society, their experiences are acknowledged and respected.

### **Introduction**

According to the Office of Justice Programs, under the U.S. Department of Justice, “the core rights for victims of crime include, inter alia, the right to be treated with fairness, dignity, sensitivity, and respect.”<sup>2</sup>

Victims’ rights are also protected by our applicable legislation and further guaranteed by the Constitution of the Republic of Kosovo. These rights are part of and guaranteed under fundamental human rights as inviolable rights, which are certainly protected and respected even during various criminal proceedings.

The Constitution of the Republic of Kosovo, which represents the highest legal act of our country, under its provisions, namely in articles 23 and 26, stipulates the protection of human dignity and integrity. According to these articles, it is stated that “human dignity is inviolable and is the basis of all human rights and fundamental freedoms” and that “every person enjoys the right to have his/her physical and psychological integrity respected.”<sup>3</sup>

The International Committee of the Red Cross (ICRC) in one of its publications notes that “society must teach young people the minimum standards of behavior which will ensure that human dignity and integrity are respected both in times of war and of peace.”<sup>4</sup> According to a Sbunker publication, “When victims’ stories are told, victims become more than just a number. By virtue of inclusion in a collective, their experiences are vested

<sup>1</sup> Principi-Eng (yih-ks.org)

<sup>2</sup> Office of Justice Programs, U.S. Department of Justice, <https://www.victimlaw.org/victimlaw/pages/victimsRight.jsp>

<sup>3</sup> Constitution of the Republic of Kosovo, articles 23 and 26, page 7, <https://gzk.rks-gov.net/ActDocumentDetail.aspx?ActID=3702>

<sup>4</sup> International committee of the Red Cross, Protection of victims of armed conflict through respect of International Humanitarian Law, <https://www.icrc.org/en/doc/resources/documents/misc/57jpnz.htm>



with value and understanding.”<sup>5</sup>

Therefore, in light of the importance of treating war victims in Kosovo with dignity and having their experiences equally acknowledged by society, the following will provide a case study of a survivor of wartime sexual violence in Kosovo publicly sharing her rape story. This case study represents a good example of respecting this Dealing with the Past Principle. Apart from the fact that she has taken such a pivotal step in her life, she has also advocated for the recognition of all the experiences of victims of sexual violence in Kosovo. Consequently, her story was met with extremely positive feedback from state and non-state actors, but she has also received the same positive energy by the citizens of the Republic of Kosovo, in addition to receiving great civic support. Her story has been heard all over Kosovo, and beyond.

### Case of Vafije Krasniqi

On the occasion of marking the 19<sup>th</sup> Anniversary of the Kosova Rehabilitation Centre for Torture Victims (KRCT), and in cooperation with Radio Television of Kosovo (RTK), Vafije Krasniqi, a survivor of wartime sexual violence in Kosovo, gave an interview and shared her story with all attendees and viewers who were following her. She publicly shared the story of her rape when she was just 16 years old<sup>6</sup>.

Such an account, provided by Krasniqi, was the first open account by one of the victims of sexual violence in Kosovo<sup>7</sup>. And as such, in addition to receiving much support, her story has paved the way for the recognition of other victims of wartime sexual violence in Kosovo.

On the same day when she shared her story, the first one to express her support was the Former President of Kosovo, Atifete Jahjaga. In a post on her Facebook page, she wrote that Vafije Krasniqi “broke the silence by speaking out openly about her harrowing experience as a result of the crime committed against her... Therefore, Vafije’s example is a story of hope that, in the face of adversity, with commitment from each of us, we will assure the survivors that they are not alone, and that we will always be by their side – especially in their next battle, that of access to justice<sup>8</sup>”!

Vafije Krasniqi’s story encouraged a significant number of victims to apply for their status as victims of sexual violence in Kosovo. This has been confirmed by the online news portal Insajderi, where it was stated that only during the week of Krasniqi’s public statement, about seven hundred women raped during the war were verified by the Government Commission for verification of victims of sexual violence<sup>9</sup>.

Provision of appropriate support in view of her experiences allowed her to be included in society as an equal to all other citizens, recognizing her pain and suffering, as well as that of many other victims who have shared their own experiences similar to hers.

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Being the first victim to publicly share her story, Vafije Krasniqi was commended extensively by various local actors, who honored her for the courage and bravery she showed by disclosing her story to everyone. In this way, she became the voice of many silent victims wrapped under the cloak of stigma. She inspired everyone to fight for the rights that they are legally entitled to enjoy and to seek justice for the crimes perpetrated against them.

For her courage, she received various awards and recognition from the highest state institutions. After her televised statement, she was decorated with the title “Meritorious Citizen of the Republic of Kosovo” by the then President of Kosovo, Hashim Thaçi. In the speech given by the former President Thaçi, he thanked Vafije Krasniqi for the extraordinary courage she had shown. Among other things, he said that he awarded this award

<sup>5</sup> Sbunker, Victimology in transitional justice, <https://sbunker.net/teh/89998/viktimologjia-ne-dreitesine-tranzicionale/>

<sup>6</sup> Online video, RTK, 16.10.2018, [https://www.youtube.com/watch?v=0xalrKa\\_bNg](https://www.youtube.com/watch?v=0xalrKa_bNg)

<sup>7</sup> Telegrafi, 17.10.2018, <https://telegrafi.com/rrefimi-vafije-krasniqit-dy-dekada-pas-tmerrit-te-perjetuar-gjate-luftes-ne-kosove-video/>

<sup>8</sup> Insajderi, 16.10.2018, <https://insajderi.org/postimi-prekes-i-jahjages-me-gruan-kosovare-viktme-e-dhunes-seksuale-gjate-luftes/>

<sup>9</sup> Insajderi, 16.10.2018, <https://insajderi.org/kush-eshte-vafije-krasniqi-goodman-gruaja-e-dhunuar-gjate-luftes-qe-do-rrefehet-sonte-publikisht-ne-rtk/>



“for her work and contribution given to the protection and promotion of truth”.

Further, on the same day, she met with the then Prime Minister of Kosovo, Ramush Haradinaj, who stated “by setting an example for many other victims, you are the voice of the truth that happened to our people and in this way, you pave the way for justice that has been lacking for two decades.”

After this meeting, Vafrije Krasniqi stated that with the support she has received from her family and friends, she has managed to continue living her life and thus become the voice of many other victims<sup>10</sup>.

In addition to the above, Vafrije Krasniqi also received recognition from the Ministry of Culture, Youth and Sports (MCYS). She received this award from the former Minister of MCYS, Kujtim Gashi, “for the special and rare contribution in raising awareness through art in the local and international community for the experiences and sufferings of over 20 thousand Albanian women during the 1998-1999 war in Kosovo<sup>11</sup>”.

One day after her public statement, Vafrije Krasniqi was received by the former Mayor of Vushtrri, Xhafer Tahiri. The latter awarded her the “Emblem of Vushtrri” on grounds of “extraordinary courage, for breaking the stigma...<sup>12</sup>”

In honor of this category of victims, the symbol of Kosovo’s independence, NEWBORN Monument, on the 12<sup>th</sup> Anniversary of the Declaration of Independence, was dedicated “to survivors of wartime sexual violence, to raise public awareness of the situation of survivors but particularly to fight stigma and rally more support for survivors.” According to the KRCT Director, Feride Rushiti, each of the letters of “NEWBORN” are cast with the stories of victims of sexual violence around the world<sup>13</sup>.

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Vafrije Krasniqi’s story was not only heard in Kosovo, but also in the U.S. Congress and the Italian Parliament.

On April 30, 2019, in a hearing before the Committee on Foreign Affairs held in Washington, DC, Vafrije Krasniqi gave a testimony account of her wartime rape in Kosovo.<sup>14</sup> This caused all present to sympathize with her.

On June 26, 2019, the story of Vafrije Krasniqi was also heard by the Italian Senate and Chamber of Deputies, where she testified about the rapes that occurred during the last war in Kosovo.<sup>15</sup>

In this way, she used her story as a tool to get recognition for all victims of wartime sexual violence in Kosovo, and to ensure their experiences are acknowledged and respected.

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In the 2021 Parliamentary Elections, Vafrije Krasniqi ran for election as an MP, stating “I am running for a seat in the Assembly of the Republic of Kosovo to even more actively represent the survivors of sexual violence from the recent war in Kosovo.”<sup>16</sup> As a result, she was elected among the 10 most voted deputies in Kosovo.<sup>17</sup>

Vafrije Krasniqi’s story, and the courage she showed in sharing it, made her recognized and appreciated by all citizens of Kosovo and indirectly helped all other victims under this category to be acknowledged and respected by all.

As explained above, the case study provides a positive example that should be encouraged and welcomed, but

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<sup>10</sup> Albinfo.ch, 18.10.2018, <https://www.albinfo.ch/presidenti-i-jep-medaljen-vafrije-krasniqi-goodman/>

<sup>11</sup> Ministry of Culture, Youth and Sports, Vafrije Krasniqi Goodman Receives Award from Minister Gashi, <https://www.mkrs-ks.org/?page=1,6,2136#.Yh9txorMKUK>

<sup>12</sup> Kallxo.com, 19.10.2018, <https://kallxo.com/shkurt/vafrije-krasniqi-goodman-dekorohet-me-titullin-emblema-e-vushtrrise/>

<sup>13</sup> RTK Live, 17.02.2020, <https://www.rtklive.com/sg/news-single.php?ID=412388>

<sup>14</sup> Kosovo’s wartime victims: the quest for justice, hearing before the committee on foreign affairs house of representatives, Page 5, <https://docs.house.gov/meetings/FA/FA00/20190430/109398/HHRG-116-FA00-Transcript-20190430.pdf>

<sup>15</sup> Koha.mk, 25.06.2019, <https://www.koha.mk/vafrije-krasniqi-goodman-neser-deshmon-para-senatit-dhe-kongresit-italian/>

<sup>16</sup> RTK Live, 18.01.2021, <https://www.rtklive.com/sg/news-single.php?ID=493476>

<sup>17</sup> Telegrafi.com, 04.03.2021, <https://telegrafi.com/10-femrat-te-votuara-ne-kosove/>



## Case study

not all war victims in Kosovo have been treated in this way. The case of Vasfije Krasniqi must be adopted as a model of how war victims in Kosovo should be supported and treated.

### **Recommendations**

Primarily, we recommend that the “Dealing with the Past Principles” should be respected and adopted by all political and public actors involved in dealing with the past.

All public and political actors, but also the citizens of the Republic of Kosovo must accept and treat in a dignified manner all war victims in Kosovo, especially victims of sexual violence.

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