

117TH CONGRESS
2D SESSION

H. CON. RES. 94

Expressing the sense of Congress regarding the end of impunity of unpunished Serbian sexual war crimes during the 1999 Kosovo war in the case of United States citizen and sexual war crime survivor Vafije Krasniqi Goodman and other survivors of sexual and gender-based violence.

IN THE HOUSE OF REPRESENTATIVES

MAY 31, 2022

Mr. ALLRED (for himself, Mr. ESPAILLAT, Mr. TORRES of New York, Mr. VARGAS, and Mr. VEASEY) submitted the following concurrent resolution; which was referred to the Committee on Foreign Affairs

CONCURRENT RESOLUTION

Expressing the sense of Congress regarding the end of impunity of unpunished Serbian sexual war crimes during the 1999 Kosovo war in the case of United States citizen and sexual war crime survivor Vafije Krasniqi Goodman and other survivors of sexual and gender-based violence.

Whereas Vafije Krasniqi was 16 years old during the 1999 Kosovo war and living in Stanofc i Poshtem, Kosovo, then under the control of the Republic of Serbia, which was part of the Federal Republic of Yugoslavia and led by Serbian President Slobodan Milosevic;

Whereas, on April 14, 1999, a Serbian police officer entered Ms. Krasniqi's family home in Stanofc i Poshtem, Kosovo, looking for all male occupants, and ordered Ms.

Krasniqi to go to the police station to give a statement about her father and brothers, who were not present;

Whereas the Serbian police officer threatened to shoot everyone present, including Ms. Krasniqi and her mother, before forcibly removing Ms. Krasniqi from the house and taking her to a Serbian village nearby;

Whereas the Serbian police officer forced Ms. Krasniqi into an empty house off the main road and threw her onto dried corn stacks before taking her to his car, where he started raping her despite her yelling and screams for him to stop;

Whereas Ms. Krasniqi was held at gunpoint and raped repeatedly before losing consciousness;

Whereas, once Ms. Krasniqi regained consciousness, she begged the Serbian police officer to kill her, and the Serbian police officer responded by saying, “No, I won’t because you will suffer more this way”, and threatened to take her to an area full of Serbian forces where more people would rape her;

Whereas the Serbian police officer later went into a local store in the same village, from where an older, crippled Serbian man emerged and forced Ms. Krasniqi out of the car and took her to an unfinished house where he raped her;

Whereas, a few hours later, Ms. Krasniqi was taken back to her village where she was left out on the street and told not to tell anyone about what had transpired;

Whereas Ms. Krasniqi did not want to go home having to explain to anyone what had happened to her, but instead walked through the village cemetery and hoped that her life would come to an end then and there;

Whereas, upon arriving at her uncle's house hours after the assault, Ms. Krasniqi did not have to say a word, as everyone knew what had happened, witnessing her scratches, bruises, cuts, and torn clothes;

Whereas Ms. Krasniqi reported her case to the Kosovo Liberation Army (KLA) the day after she was raped on April 15, 1999;

Whereas, in March 1999, with the support of the United States, NATO began a 78-day air campaign against Serbian forces in Kosovo after efforts to negotiate an end to the Kosovo war collapsed, leading to Serbia's agreement to cease all military activity in Kosovo and to facilitate the withdrawal of Serbian forces from Kosovo, and the deployment of a NATO-led Kosovo Force (KFOR);

Whereas the United Nations Security Council then passed Resolution 1244 on June 10, 1999, which established the United Nations Interim Administration Mission in Kosovo (UNMIK) as a temporary government until Kosovo's own institutions had developed and demonstrated the capacity to self-govern, which included various powers, such as the authority to administer justice in Kosovo and the ability to investigate and prosecute serious crimes committed during the war;

Whereas Ms. Krasniqi reported her case to UNMIK on September 10, 1999, with no outcome, as well as to the French KFOR on April 21, 2004, but inaction of both these bodies caused additional difficulties and delays in her case;

Whereas Kosovo declared independence on February 17, 2008, and has since received the recognition of over 100 states, including the United States and 23 of the 28 Eu-

ropean Union member states, though Serbia still rejects such claim;

Whereas the European Rule of Law Mission in Kosovo (EULEX) was launched in 2008 as a civilian mission to support rule-of-law institutions, accountability, and compliance with international human rights standards in Kosovo, as well as to support the Specialist Chambers and Specialist Prosecutor's Office in line with relevant Kosovo legislation within the framework of United Nations Security Council Resolution 1244;

Whereas Ms. Krasniqi moved to the United States in 2001, naturalized as a citizen in 2004, and now lives in Rowlett, Texas, with her husband and two children, each of whom are also United States citizens, and she has also taken the last name Goodman;

Whereas Ms. Krasniqi Goodman reported her case to EULEX authorities and gave five interviews from August 2010 to July 2012, and witnesses gave several testimonies from February 2011 to August 2012;

Whereas, on November 12, 2012, the Special Prosecution Office of the Republic of Kosovo (SPRK) filed the indictment PPS nr. 89/2012 against the perpetrators Jovica Dejanovic (DOB 09/11/1954), the Serbian police officer, and Djordje Bojkovic (DOB 11/13/1940), the older and crippled Serbian man, with the then-District Court of Mitrovica, which was amended on November 30, 2012;

Whereas the main trial was held between April 4 to 15, 2013, and on April 17, 2013, the Basic Court of Mitrovica announced the judgment that both perpetrators were acquitted of the charge of war crime against the civilian

population (rape), punishable under Articles 22 and 142 CC SFRY;

Whereas, on October 31, 2013, the SPRK Prosecutors submitted a joint appeal proposing that the judgment of the first instance court be modified and Jovica Dejanovic and Djordje Bojkovic be convicted of the criminal offense of war crime against civilian population, or in the alternative, to return the case to the court of first instance for a retrial;

Whereas the Appellate Public Prosecutor moved the Court of Appeals to grant the appeal of the Special Prosecutors, and the Court of Appeals rendered its judgment on May 27, 2014, and found both Jovica Dejanovic and Djordje Bojkovic guilty and convicted them of the war crime against civilians under Article 142 CC SFRY (now Article 153 CCRK), sentencing them to 12 years and 10 years of imprisonment, respectively;

Whereas, on July 2014, Jovica Dejanovic and Djordje Bojkovic filed their appeals against the judgment of the Court of Appeals PaKr 503/13 dated May 27, 2014, and the Supreme Court of Kosovo rendered a ruling for the immediate release of Jovica Dejanovic and Djordje Bojkovic from the detention on remand;

Whereas Jovica Dejanovic and Djordje Bojkovic were released, and nobody has been held responsible for the sexual war crimes committed against Vasefje Krasniqi Goodman;

Whereas all prior mechanisms for pursuing accountability for war crimes in Kosovo have fallen short in bringing perpetrators of sexual violence to justice, including the Inter-

national Criminal Tribunal for the former Yugoslavia, UNMIK, EULEX, and the Kosovo judicial system;

Whereas the Centers for Disease Control and Prevention (CDC) reports that approximately 20,000 individuals were the victims of conflict-related sexual violence during the Kosovo war, and Human Rights Watch reports that rape was used as a weapon of war and instrument of ethnic cleansing by Serbian forces during the Kosovo war;

Whereas 20 years later and after approximately 20,000 individuals raped, there has only been one perpetrator brought to justice, Zoran Vukotic, by Prishtina Basic Court on July 5, 2021;

Whereas the United Nations Security Council Resolution 1820 was unanimously adopted on June 19, 2008, condemning the use of sexual violence as a tool of war, and declared that “rape and other forms of sexual violence can constitute war crimes, crimes against humanity or a constitutive act with respect to genocide”;

Whereas the United Nations Security Council Resolution 2467 was adopted on April 23, 2019, “recalling the responsibilities of States to end impunity and to prosecute those responsible for crimes of genocide, crimes against humanity, and war crimes, perpetrated against civilians”; and

Whereas Vafije Krasniqi Goodman testified before the Committee on Foreign Affairs of the House of Representatives on April 30, 2019, in a hearing titled “Kosovo’s Wartime Victims: The Quest for Justice”, testifying for justice on behalf of her case and the 20,000 individuals raped during the Kosovo war: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That it is the sense of Congress that—

3 (1) those individuals who are responsible for the
4 sexual war crimes on April 14, 1999, of United
5 States citizen Vashije Krasniqi Goodman in Kosovo
6 should be brought to justice as per United Nations
7 Security Council Resolutions 1820 and 2467;

8 (2) it is reprehensible that no individuals have
9 been found guilty for their sexual war crimes against
10 Ms. Krasniqi Goodman;

11 (3) the Government of the Republic of Serbia
12 should stop protecting and glorifying any persons
13 who were involved in war crimes during the Kosovo
14 conflict and should make it a priority to investigate
15 and prosecute any such individuals;

16 (4) the United States should devote sufficient
17 resources to fully assist and properly monitor efforts
18 by the Government of Serbia and its relevant min-
19 istries and offices to investigate and prosecute cases
20 of sexual violence during the Kosovo war, properly
21 account for the role of such tactics in the attempted
22 ethnic cleansing during the Kosovo war, and hold
23 the Government of the Republic of Serbia account-
24 able for fully implementing its international, bilat-
25 eral, and national commitments in these regards;

1 (5) progress in resolving Ms. Krasniqi Good-
2 man's case and those involving other survivors of
3 sexual violence during the Kosovo war should remain
4 an important bilateral priority between the United
5 States and the Government of the Republic of Ser-
6 bia;

7 (6) the House of Representatives believes that
8 all unpunished war crimes, including those involving
9 sexual violence, should be properly investigated and
10 prosecuted by all judicial institutions with jurisdic-
11 tion over war crimes committed during the Kosovo
12 war; and

13 (7) rape remains an unacceptable weapon of
14 war throughout the world, and the United States
15 should stand up for its citizens and people worldwide
16 to hold perpetrators accountable, thereby sending an
17 important message to the world that there are con-
18 sequences for committing such crimes.

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