

CRIMES AGAINST HUMANITY: THE CHARACTERISTICS OF KOSOVO AND RWANDA VICTIMS

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ABSTRACT

Objective: Crimes occurred in Rwanda (1994) and Kosovo (1999) have been considered as genocides. Our main objective was to describe the difference between the crimes committed in Kosovo and Rwanda based on the victims found in each area according to their age, gender, and way to die.

Methods: Bodies were found in those places selected by field observers. We have included all human and material elements that were found near the bodies in Rwanda and Kosovo. We also have taken photographs to the lesions in some cases to document our findings. As a criterion for inclusion, it was necessary to be able to identify the form of death and the ethnic group (in Rwanda, Tutsi or moderate Hutus, and in Kosovo, the Kosovar Albanian victims). All samples that did not meet the requirements to determine personal characteristics were excluded.

Results: A total of 1044 bodies were individually studied, 857 from Rwanda and 187 from Kosovo. Our results reveal differences in the injuries presented in most Rwandan victims, were most were due to machetes or canes, and those in Kosovo where most were due to firearms or explosions. Most of the bodies studied in Rwanda belong to the Tutsi ethnic group and were not buried. However, the majority of the bodies found in Kosovo were individually buried.

Conclusions: We conclude that there are differences in the studied victims attending to their characteristic and their wounds in Kosovo and Rwanda.

Keywords: Forensic Anthropology Population Data; Rwanda; Kosovo; genocide; dental analysis; war crime.

INTRODUCTION

The International Criminal Hague Tribunal described the events in Kosovo in 1999 as crimes against humanity. In particular, it determined that acts of genocide had been committed. This same qualification had been given to the crimes that occurred in Rwanda in 1994 [1,2].

War crimes were defined by the Nuremberg Trials as a “violation of the uses and customs of war,” such as the murder, ill-treatment, deportation, and forced labor of civilians and prisoners, the execution of hostages, and destruction not due to military reasons. The International Statute adopted by the Security Council, Resolution 827, May 25, 1993, article 5, defines forms of crimes against humanity (UN, Resolution 827, 1993) as criminal acts that are committed in the course of an armed conflict, that are of an international or internal character, and that are directed against any civilian population, with the result of murder, extermination, reduction to serfdom, expulsion, imprisonment, torture, rape, persecution for political, racial, or religious reasons, or other inhumane acts.

Genocide comprises acts perpetrated in times of peace or war with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group. The term “genocide” was created by the Polish jurist, of Jewish origin, Rafael Lemkin in 1944 to describe the atrocities committed by the Nazi regime against Jews and Gypsies. The 1st time that crimes were classified as such in an international document was in 1945 against the major war criminals of the Third Reich in the Nuremberg Trials [3].

The term of genocide is confused with calamities, war crimes, or large-scale killings. Several authors indicate that the boundaries of this concept are not precise, provoking doubtful situations, and serious controversies.

Given the above, it seems that the difference between a war crime and a genocide lies in the characteristics of the target population and

the purpose of the persecution. Genocide seeks the total elimination of an ethnic, political, or racial group, primarily seeking the death of women and children, given that they are responsible for the continuity of the group; in contrast, war crimes attempt to eliminate a particular group, which can be defined by the same racial, religious, or cultural characteristics, but they do not eliminate the group indiscriminately.

The hypothesis of our study is that Kosovo victims, unlike those in Rwanda, were not randomly chosen because of their birth, but rather, were people belonging to a revolutionary political group.

To demonstrate our hypothesis, our team has travel to Rwanda and Kosovo sponsored by Human Rights Watch and Hague Tribunal, to determine victim’s characteristics, according to their age, gender, race, and the way of death.

The findings of our study will allow us first to have a record of the victims of both conflicts and their characteristics and second, we will be able to demonstrate our hypothesis that will assist the justice system to qualify the crime.

METHODS

Bodies were found in those places selected by field observers. We have included all human and material elements that were found near the bodies in Rwanda and Kosovo. We also have taken photographs to the lesions in some cases to document our findings. This work had the ethical committee approval from the UAX (Ref./UAX.123/2017).

As a criterion for inclusion, it was necessary to be able to identify the form of death and the ethnic group (in Rwanda, Tutsi or moderate Hutus, and in Kosovo, the Kosovar Albanian victims). All samples that did not meet the requirements to determine personal characteristics were excluded.

Table 1: Distribution of Rwandan victims by sex and children as well as the cause of death

	Nyamirambo	Detail	Nyarubuye	Sake	Cyanica	Nyumba	Lake Musegera	Total
Men		123	74	44			1	
Women		190	97	56				
Children		72	89	61			1	
Uncertain	Pit		49	2	Pit	Pit	129	
Total No.	Excluded	385	309	163	Excluded	Excluded	131	988
Machete		133	79	61				
Cane		118	131	78				
Shooting			1					
Other		134	98	24				
Total	Excluded	385	309	163	Excluded	Excluded	131	988

Rwanda

The study focused on the churches, villages, and marshes where the bodies appeared on the ground and without burial, in addition to mass graves. The procedure followed was that adopted in the investigation of victims of major disasters, from the photographic report (photograph of the area, the corpses, the injuries, and their surroundings) to the analysis of the bodies of the victims (anthropometric study, personal objects). Due to the dispersion of the long bones, the skulls, particularly the dentition, were especially useful in facilitating the determination of age and gender, using dentometric analysis. Dental elements were analyzed to determine age, making three clear groups: Adult men, women, and children. The apparent age was calculated, applying the growth criteria of Nolla (1960), with respect to the eruption of permanent teeth [4].

For the determination of ethnic group, it should be noted that the difference between the two main groups in Rwanda is simply administrative (the identity document includes Tutsi or Hutu ethnicity). Nevertheless, some differences that identified the origin of groups based on cranial measurements published by Jean Hiernaux (1976) could be observed in a high percentage of the bodies in this study [5].

Kosovo

The corpses were exhumed by removing the earth that covered the graves, using small instruments, and applying procedures similar to those that are followed in archeological excavations. To determine age, divisions were made by decades of age, with the first decade being from birth to 10 years old, since the majority were adult men. With the exception of some heavily destroyed bodies, it was not difficult to make the age determination. The determination of gender was not difficult either. In specific cases of skeletonizing or fire damage, the pelvic region was analyzed to aid in general differentiation.

RESULTS

The total number of corpses studied was 1044 corpses, 857 from Rwanda (82%) and 187 from Kosovo (18%).

Rwanda

The total number of bodies inspected was 988. However, only 857 were cited in the study because the remaining 131 could not be analyzed in detail due to limited access. Table 1 shows the bodies investigated, the specific areas where they were found (Nymirambo, Ntarama, Nyarubuye, Sake, Cyanica, Nyumba, and Lake Musegera), gender, the distribution of men, women, and children, and the injury causing death. In addition to those indicated, there are an indeterminate number of bodies, an estimated 200 appearing in mass graves, wells, or rivers that could not be analyzed for lack of suitable instruments. The percentage of men, women, and children with identifiable bodies was 28.23% (242), 40.02% (343), and 26.02% (223), respectively.

Kosovo

The total number of corpses studied in Kosovo was 187. Table 2 shows the distribution among men, women, and children and the specific places where they were found (Rakos, Imeraj, Sara Dram, Ruhot, Cerce, Temal, Nabergjan, Nabergjan-esplanada, Nabergjan-B, and Veric).

Table 2: Kosovo. Distribution according to sex and children

Places	Men	Women	Children <15 years	Sex uncertain	Total
Rakos	97				97
Imeraj	6	11	2		19
Sara dram	8	5			13
Ruhot	10	2		2	14
Cerce	5	3			8
Temal	1	4	3		8
Nabergjan	2	2			4
Nabergjan-esplanada	6	3			9
Nabergjan-b	11		1		12
Veric	2	1			3
Total	148	31	6	2	187

Table 3 shows the distribution depending on the location and the cause of death.

Final results in Rwanda and Kosovo

To compare the results obtained in both groups, we summarize the distribution according to the classification of adults or children, the types of weapons used to cause death and approximate age.

To compare the country and the gender of the victims, we have excluded cases in which the gender is unknown. In Kosovo, we found a higher proportion of men killed than in Rwanda, and in Rwanda, the proportion of victims was higher in women ($p < 0.0001$) (Table 4).

We can also conclude that in Kosovo, the majority of the dead were adults; in contrast, in Rwanda, although there is still an adult majority, there is a high percentage (31.9%) of dead children ($p < 0.001$) (Table 5).

Table 6 shows the cause of death in four blocks, edged weapon, firearm, unknown causes (other), and natural causes, for both countries. The term edged weapon refers to the use of knives (in a few cases) and machetes and canes, which are commonly used in Rwanda. In the firearm group, both gunshots and explosives have been included. In Rwanda, there are more deaths by edged weapons than firearms; in Kosovo, the opposite is true ($p < 0.0001$).

Regarding the form of death relative to gender, it is observed that Rwandan women were mostly beaten with an edged weapon (machetes and canes). Another peculiar fact statistically confirmed is that in Kosovo, not a single man died by an edged weapon but, rather, by firearms, natural causes, or other.

When it was sought to establish a relationship between the age of the victims and the type of death, significant differences were found, but these differences are lost when analyzed by country. Thus, we conclude that this question is not important with respect to the study objective.

There was a difference in the proportion of women, men, and children killed between countries: Rwanda: Women-men-children;

Table 3: Distribution according to cause of death of the victims of Kosovo

	Shooting	Explosion	NATO	Calcinated/other	Uncertain	Total
Rakos	41	29	24	1	2	97
Imeraj	16			1	2	19
Sara dram	11				2	13
Ruhot	9			3	2	14
Cerce	1			2	5	8
Temal	6			2		8
Nabergjan	1			1	2	4
Nabergjan-esplanada	3				6	9
Nabergjan-b	7	2		1	2	12
Veric	1			1	1	3
Total	96	31	24	12	24	187

Table 4: Distribution of victims, in relation to gender and origin

Origin		Gender			Total
		Male	Female	Unknown	
Rwanda	N	251	390	216	
	%	39.2%	60.8%	25.2%	
Kosovo	N	151	34	2	
	%	81.6%	18.4%	1.6%	

Table 5: Comparison between adult and child victims in the two countries

Country		Age			Total
		Adults	Children	Unknown	
Rwanda	n	581	272	4	857
	%	68.1%	31.9%	.5%	100.0%
Kosovo	n	177	8	2	187
	%	95.7%	4.3%	1.6%	100.0%

Kosovo: Men-women-children. Examining the relationship between the type of death, gender, and age, there were significant differences ($p < 0.001$).

DISCUSSION

This is the first article, as far as we know, that analyses the differences between the victims of two different events, those in Rwanda and those in Kosovo. Although there are studies that analyze the aftermath of the victims that remain after the massacre [6], we have not found any that compare the bodies of those killed, according to age, gender, or cause of death.

In Kosovo, many mass graves and a very large number of corpses were expected to be found, although, we could only count 187 bodies (some of them dead before the attacks by the Serbian army).

The statistical results show that in Kosovo, the dead were mainly men. The opposite is true in Rwanda, where most of the deaths were women. Regarding the type of death in Rwanda, the widespread cause was machetes and canes, whereas in Kosovo, the victims were killed by gunshots or explosions.

The results obtained show clear differences in the characteristics of the victims in Rwanda and Kosovo. The sample sizes managed in the study sites and the known figures confirm that the random variability is zero; there is a clear difference between what occurred in Rwanda and in Kosovo. In their study on the application of the variable "p" (2008), Manterola *et al.* noted that its value indicates significance when its value is < 0.05 [7].

We observed villages inhabited by Tutsis in which they annihilated all of their inhabitants because they belonged to that ethnic group. The aim of the killings was clear: To completely annihilate the group, for reasons

Table 6: Detail of causes of death by country

Country		Type of death				Total
		Edged weapon	Firearm	Other	Natural	
Rwanda	604	253	0	0	857	
	%	70.5%	29.5%	0.0%	0.0%	100.0%
Kosovo	3	147	36	1	187	
	%	1.6%	78.2%	19.1%	1.1%	100.0%

of birth, fundamentally attempting to eliminate women and children to halt the continuity of the group.

However, in Kosovo, mostly adult men were killed, all belonging to the UCK separatist group. All were political prisoners who had maintained armed struggle against the Serbian soldiers. In relation to the ages of the Kosovar Albanian victims, we observed that there were some children under the age of 15; however, they were not the main target of the crimes.

Concerning the deaths in Rwanda, all of the authors consulted agree on classifying it as a genocide; however, in the crimes investigated in Kosovo, some reasonable doubts emerge [8].

In their study on the war and the mortalities in Kosovo, Spiegel and Salama (2000) conducted a survey of 8605 people, analyzing the deaths between February 1998 and June 1999 [9]. Of the total, 64% of the deaths were attributed to war. For these authors, deaths could be considered the result of violations of the international code of conduct during the war, discussed in the context of war crimes but never in terms of genocide.

However, we have found studies in the literature that are contrary to our results, reporting acts that may be described as genocidal. In pursuit of the objectivity and scientific rigor of our study, we must reveal these versions within the discussion of our results. Iacopino *et al.* (2001), who conducted interviews with Albanian and Kosovar refugees, published that according to their testimony, Serbian forces had expelled them from their homes [10]. After being driven from their homes, the houses were burnt down by police and soldiers. A total of 14% of the refugees said that they observed them firing on some occupants of the houses who refused to leave. They also observed how they destroyed mosques, schools, or any building that had religious significance for the expelled. A total of 31% of those interviewed reported human rights abuses against some of their family members, including beatings, murders, torture, or forced separation. They also cited disappearances, gunshot wounds, and rape. The same study states that the Serbs perpetrated a systematic and brutal campaign to forcibly expel the ethnic Albanian population in Kosovo. However, it explains that the estimates of human rights abuse during this crisis are generally based on testimonial reports, with no scientific basis. This final paragraph of their study coincides with much of the data with which we have been familiar.

With regard to signs of torture in Rwanda, we were able to observe bodies that had been tortured before death. In the proceedings against Jean Paul Akayesu as the perpetrator of the genocide, the crimes of rape

and torture were sufficiently demonstrated. In this process, testimonies that explained how Tutsi women were systematically raped and tortured were collected (Process of the International Criminal Court against Jean-Paul Akayesu, 1998).

However, our team in Kosovo was only able to verify rapes and torture in one place, Temal, where eight bodies were found, of which seven were women. Three showed clear signs of having been tortured and raped. Another was killed by submersion and possible previous torture.

Despite reduced sample, we think that it is representative enough to get our objective. We had to exclude those bodies which were in mass graves and swamps because of our limited economic resources. We must insist that our investigation, as well as the data described by the forensic teams that worked *in situ*, has focused on the analysis of the injuries found in the victims studied, independent of other legal aspects.

CONCLUSIONS

Our results reveal that the injuries present in most Rwandan victims were due to machetes or canes whereas those in Kosovo were due to firearms or explosions. Most of the bodies studied in Rwanda belong to the Tutsi ethnic group and were not buried. However, the bodies found in Kosovo, with some exception, were individually buried. The statistical results show clear differences between the characteristics of the victims of both countries as well as the manner in which they died.

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