The Loss of the Kosovo Cultural Heritage
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Abstract

Comunemente, sono considerate operazioni di sostegno della pace la “conflict prevention”, la “peace making”,
la “peace keeping”, la “peace enforcement”, la “peace building” e la “humanitarian aid”. Eppure, nel marzo del
1999, con l’intervento militare nella Repubblica Federale Jugoslava, ha avuto origine un nuovo genere di “ope-
razione bellica” che vede il coinvolgimento di più Potenze alleate contro Stati sovrani con lo scopo presunto di
ristabilire la pace e/o la sicurezza internazionale.

Nel presente articolo viene esaminata la situazione del patrimonio culturale del Kosovo che, a circa sei anni
dall’intervento delle truppe della NATO, continua ad essere a rischio di distruzione anche per l’inadeguatezza
delle truppe della “Kosovo Force” (KFOR) e del disinteresse della Comunità politica internazionale.

1. Introduction

“Conflict prevention”, “peace making”, “peace keeping”, “peace enforcement”, “peace
building” and “humanitarian aid” are typically assumed to be operations to maintain
peace. However, in March 1999, the military intervention in the Federal Republic of
Yugoslavia represented a new type of “war-operation” which saw the involvement of
several Powers allied against Sovereign States, presumably with the aim of restoring
peace and/or international security. An aim which George W. Bush subsequently
took to its extreme with his “executive order” of 13 November 2001 and with the
beginning of two interminable conflicts in Afghanistan and Iraq, which clearly demon-
strated the United States’ willingness to act unilaterally to combat Islamic International
terrorism.
Thus we have witnessed a regression on an international level to a kind of “primitive”
state, since humanitarian war gives States the indiscriminate right to fight and renders
the peace-keeping aims of international law completely useless.
This article looks at the situation of cultural property in Kosovo which, six years after
the intervention of NATO troops, is still at risk of destruction because of the inade-
quacy of the Kosovo Force troops (KFOR) and the lack of interest on the part of the
international political community.

2. Socio-political situation

Kosovo is an independent province in the Federal Republic of Yugoslavia where, after
the arrival of the NATO troops and the withdrawal of the Serbian forces, various

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1 Maniscalco 2006.
2 One of the extraordinary measures decreed by Bush was the institution of a court martial for non-American
terrorist suspects.
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ethnic and religious groups remain, all of them living separately without any integration, divided into Muslim Kosovo-Albanians (they are the majority and consider themselves the only leaders of socio-political life); Catholic Kosovo-Albanians (the absolute minority); Orthodox Kosovo-Serbs (a tiny part of the population who have been forced into restricted, isolated areas, protected by the multinational peace-keeping forces); Muslim Slavik-Gorans in the Daragash area; Bosnians in the Jupa region in the Prizren Municipality; Rom gypsies (who are either Christian or Muslim). There are numerous refugees, in Serbia and abroad, who are still waiting for the right conditions to be able to return home.

Traces of the original agricultural-pastoral economy remain in the fertile, green, rolling landscapes where poplar, oak and numerous majestic walnut trees grow. Apart from agriculture, which appears not to be rationally organised, there is no sign of any production going on, just widespread occupation on the part of small businesses involved in the large-scale reconstruction process.

Currently the presence of the KFOR peace-keeping force, the OECD administrators (Organisation for Cooperation and Economic Development) and the UNMIK (United Nations Interim Administration Mission in Kosovo”), not only guarantees the survival of minority groups, the arrival of state-sector salaries and the provision of basic services but also, because of its collateral effects, constitutes the country’s biggest source of income.

On first appearance, certain cities (for example Prizren, Peć and Priština) seem really lively with their outdoor cafes where crowds of young people congregate and provide the atmosphere.

However, if you stop for a closer look, you can see that lots of houses are still in ruins, souk-bazaars burnt down and the typical Kullas (fortress-houses made out of local stone) destroyed (fig. 1), power stations blasted away and railway stations damaged.

Some Serbo-Orthodox churches whose walls still stand despite the UCK5 arson attacks, are for the moment closed and looked after by NATO forces (fig. 2).

The Christian-Orthodox population no longer officially exists and the few people left have been forced into isolated buildings or villages (often without electricity) which are governed and protected by the KFOR. Their stay is enforced and they have no opportunity of contacting the outside world.

There are still a lot of dangerous areas either covered in unexploded bombs and/or

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1 Immediately after the entry of the NATO troops, the National Museum of Kosovo in Priština held an exhibition to celebrate the work of the UCK partisans.

2 L’UNMIK was set up through the “United Nations Security Council” Resolution no. 1244.

3 Serbian title corresponding to the KLA, Kosovo Liberation Army.
contaminated with depleted uranium.
The original Serbian place names have been erased (fig. 3) or replaced by Kosovan-Albanian ones so that Peć is now called Peja. Most buildings of worship have been damaged or destroyed.
The future status of the region is uncertain. Formally Kosovo remains an independent province in the Federal Republic of Yugoslavia, but the UN resolution n. 1244 which defines its status also states that reference needs to be made to the Rambouillet accord of 1999. This relies on principles of self-determination whereby the people decide the definitive structure of the area. And a vast majority of Albanians call on this principle as a way of achieving independence.

Public Administration is entrusted to the UNMIK for the time being, and they, along with local figures, continue to organise various aspects of administration and management. Public sector workers complain that they are underpaid, unsatisfied, demotivated and destroyed by the long crisis and conflict - marked by extreme violence - and they appear confused, powerless and scared albeit admirably anxious to go back to their old social roles.

Cunning ex managers have made the most of the situation and, in some cases, have even managed to influence the actions of the UNMIK.

There are numerous non-governmental organisations working in the area but is often
unclear how their individual projects contribute to an overall strategy of coordinated intervention. In fact, we have often seen how more than one non-governmental organisation puts forward similar proposals or makes the same promises, making the situation extremely confusing for the local authorities. Some projects which were submitted to me in 2001 proved to be incomplete and totally lacking in methodology or scientific approach, thus revealing how little sensitivity and cultural knowledge of art or restoration of monuments many of the “cultural heads” of non-government organisations have. Road maintenance is nonexistent as are any kind of road signs. In a context as dramatic and complex as this, it is obvious that protecting the cultural heritage is not something that is taken into consideration.6

3. Loss of unmovable cultural heritage

It is possible to focus on four distinct phases within the recent Kosovo crisis which led to the destruction or damage of unmovable cultural property:7

a. beginning of the civil conflict between Serbs and Kosovo-Albanians;
b. NATO bomb attacks on the Federal Republic of Yugoslavia;
c. the return of Muslim Kosovo-Albanian refugees;
d. post-war reconstruction.

During the first phase (from the end of 1998 to the beginning of 1999), which was more like an internal conflict, no significant damage was caused to cultural or cult buildings.

The real destruction of the monuments started after the questionable aggressive intervention on the part of NATO between March and June of 1999.8

The international political community, in fact, had failed to take into account that the Serbian troops would take advantage of the chaos and disorder caused by the bomb-attacks (which were often off-target) to accelerate the process of “ethnic cleansing” and to hijack the NATO resolution. During that time, the regular army and, above all, the police and the various Serbian paramilitary units not only deported and massacred the Kosovo-Albanian population using similar methods to those used in Bosnia between 1992 and 1995 (like mass rape), but also pillaged and destroyed places of worship (e.g. the Mušutište and the Vučitrn mosques, fig. 4)9 and private and public property belonging to “the enemy”.

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6 On damage to cultural property in war areas cf. Maniscalco 2006.
7 On damage to unmovable cultural property in Kosovo, see CRPO 1999; IPCM 1999; Maniscalco 2000.
8 See Maniscalco 1999, 109-121. See, also, the web page <http://www.decani.org/default2.html>.
9 These buildings had no cultural value, but had great spiritual significance for local populations.
What is more, significant damage was also inflicted by the NATO bombs on civilians and Serbian and Kosovan monuments. We only have to think of the damage caused by the April 1999 air raids to some of the bastions of the historical “Kalemegdan” fort; to the St. Mark’s and Holy Trinity church and Museum of Contemporary Art in Belgrade; to the “Cele Kula” (or Cranial Towers) and fortress in Niš; to the Monasteries in Gračanica and Novo Hopovo; to the Peć Patriarchate (figs. 5–6) or to the Imperial Mosque (or Mehmet Fatih) in Priština.

After the return of the Kosovo-Albanian population, which was made easier by the KFOR troops’ position on the ground and the flight of the Serbs, a new unfortunate phase of destruction began, focusing this time on Orthodox-Serb cultural property. From the middle of June 1999 onwards, groups of vandals started to set fire to many churches or to bomb them, removing all icons or other easily-transportable objects first.

Some of the recent, irreparable damage to the Kosovo monumental heritage can be traced back to the post-war reconstruction phase, and to the implementation of illogical and ill-chosen conservation methods and techniques. This was the case with the Peć Mosque or the Gazi Ali Bey Mosque at Vučitrn. What is more, the conflict in Kosovo has led to the almost wholesale destruction of local culture, partly because cultural buildings (libraries, theatres, cinemas etc) were physically destroyed, partly because a significant part of the movable historical-artistic property was forcibly removed to Belgrade when Serbian troops withdrew; and also because there are no funds to pay for staff in the

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10 According to accusations made by the Institute for the Protection of Cultural Monuments of Serbia.

cultural sector and because the “ethnic conflict” between possible local authorities makes it impossible for them to communicate or work together.

3.1. The destruction of the Kosovo-Albanian Cultural Heritage

During the civil conflict between Serbia and Kosovo-Albania and during the NATO bombing, the Islamic cultural heritage, as well as that of the Kosovo-Albanians, was the object of treacherous attacks carried out mainly by the police and Serbian paramilitary groups.

Thus in the city of Djakovica, the Hadum Mosque (XVI century) was set fire to (fig. 7), while the annexed library (fig. 8) and the old Madrasah (fig. 9) were razed to the ground. In the city of Peć, the Serbs sent the old Turkish-Albanian bazaar up in flames, as well as the Haxhi Beut Mosque (dating back to 1462). The damage to the latter was mainly interior. When the floors with their carpets and wooden floorboards burnt, along with the moucharabie and all the other wood inside, it reached temperatures of over 1000 °C, so that many works made of marble (for example the Mihrab marble and the Kebla marble with its delicate bas-relief decoration and its win-

7-8. Djakovica, the Hadum Mosque and Library.
dow frames and columns in granite and pink marble from the loggia crumbled to the touch before conservation work was carried out (fig. 10). Even the Hammam Mosque, which dated back to the XV century was set fire to. However, the major damage was caused by the aggressive reconstruction work financed by Saudi Arabia. The restoration work which was done on this mosque is the absolute antithesis of what restoration of a monument should be, with its lack of any apparent scientific project, the use of unsuitable materials and techniques, and the lack of authorisation or supervision on the part of the competent authorities. This situation was allowed to happen because neither the Municipal Authorities nor the UNMIK had the wherewithal to effect control, surveillance or protection.

There is little information available as to who caused the damage in the little town of Vučitrn, or to the minaret on the Mosque at Gazi Ali Bey\textsuperscript{12} which, when it fell, brought down a large part of the building with it, and damaged the cemetery area.\textsuperscript{13}

### 3.2. Kullas

The most important traditional Kosovo-Albanian building is the Kulla, a stone-built house in the distinctive shape of a tower, making it useful both as a dwelling and as a defensive building in case of attack.

\textsuperscript{12} The building of the mosque in Gazi Ali Bey dates back to 1410.

\textsuperscript{13} Even the Central Mosque, although it had no historical or architectural value, was completely destroyed because it symbolised the enemy’s religion.
The Kullas were mainly built between the end of XVIII century and the first two
decades of the XX century in Kosovo, in Albania and in the North of Macedonia.
Their origin is Albanian, because Albanian society’s division into clans, frequently at
war, led to the construction of fortified groups of buildings which provided suitable
defence in the event of incursions from rival clans.
The Kullas were built with particularly thick outside walls – the stone walls were
about 1.20 m thick – and the insides were made entirely of wood and were very
light. This type of construction technique provided both strength and resistance, as
is demonstrated by how well-preserved the Kullas are despite the frequent wars and
natural disasters over the centuries. Since the interiors are made of wood, the number
of rooms and the layout could be changed with very little carpentry work depending
on the owner’s needs and taste.
The lower floor is normally used as work space, animal stalls, ovens, etc.; the first
floor has the living quarters and men’s rooms and the second floor (and the third if
there is one) houses the women’s rooms and is characterised by a series of little
windows that the women could look out of without being seen or, more importantly
could be used as openings for firing weapons from in case of war.
The ceilings consist of wooden beams used as the basis for a board which then
functions as a floor. The rooms are created by wooden cross planks which are then
plastered.
Particular attention is paid to the door and window frames.
In 1999 the majority of the Kullas in Kosovo were damaged or destroyed by the Serbs.
If some of the stone walls which are particularly thick and strong managed to survive
the Serbian incursions, the wooden interiors were practically all destroyed in the fires.
Some of the most historically/architecturally interesting Kullas which were destroyed
were:
- Peć (figs.11-12): Sheremet Kulla (XIX century); Pasha Kulla (XIX century); Haxhi Zeka Kulla (XIX century); Zenel Begu Kulla (XIX century); Gorajve century (XIX century).
- Dečani: Rexhe Alise Kulla (XVIII century); Muse Iber Hyses Kulla (XVIII cent-
tury); Zimer Himes Kulla (XVIII century); Gjikokajve Kulla (XIX century); Deme Ukajve Kulla (XIX century).
- Junik: Ibrahim Hoxhes Kulla (XVIII century); Beqe Hajdarit Kulla (XVIII cen-
tury).
Nivokaz was also particularly important, a Kosovo-Albanian rural centre with lots of
Kullas dating back to XVIII and XIX century which were all razed to the round or
damaged by the local police and paramilitary Serbs (figs. 13-14).

13–14. Nivokaz. Almost all the Kullas, dating back to XVIII and XIX century, were razed to the round or damaged by the local police and paramilitary Serbs.
Only one building was saved, presumably because its owner was previously on friendly terms with the police.

In the immediate post-war period I had the opportunity to see that there were numerous mines and unexploded bombs on the land and among the ruins in Nivokaz. Other buildings which typified the Kosovo-Albanian culture, and for this reason were burnt down by the Serbs, were Adem Aga Gjoni’s house (XVIII century) in the town of Prizren, and the Sheremet and Haxhi Zeka mills (both XIX century), in the city of Peć.

3.3. The destruction of the Serbian-Orthodox cultural heritage

The Rambouillet Agreement of February 1999 did not consider the safeguarding of the cultural heritage of Kosovo within the rules of engagement of NATO troops. Besides this, the lack of personnel charged with the protection of cultural property in the ranks of the armies of the states which ratified the 1954 Hague Convention and late action to save the Serbian-Orthodox cultural heritage by the KFOR contingent, made it relatively simple for KLA extremists and independence seekers to desecrate and destroy the Serbian-Orthodox religious and cultural heritage of Kosovo.

The devastation of Serbian churches and monasteries actually began in June 1999, immediately following the deployment of KFOR in Kosovo and could have been avoided by placing NATO troops close to Serbian buildings. KFOR’s action, however, was both late and inconclusive as surveillance of Serbian cultural property was decided after many buildings had already been torched or destroyed. Ironically, surveillance was actually set up to protect previously destroyed sanctuary ruins such as the Church of the Holy Virgin Church at Bijelo Polje, the St. Parasceva’s Church at Drsnik and the Monastery and Church of the Holy Virgin at Dolac (fig. 15).

Despite my own suggestions to the heads of the cultural sector of UNMIK and the top brass of KFOR’s Italian contingent, no emer-

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14 Cf., infra, paragraph 5.
gency action was taken to recover and conserve murals which had collapsed during the conflict.\textsuperscript{15}

What I saw was that before torching and destroying Serbian places of worship the perpetrators made off with icons and other treasures that were easy to move.\textsuperscript{16}

The list of immovable Serbian-Orthodox cultural property destroyed or damaged in recent years by Kosovo Albanians is long indeed. At the same time I do think that it is worth looking at the situation of the most valuable property from an architectural and historical-artistic point of view.

From mid-June to late July 1999, most Serbian churches and shrines housing this property were attacked by Kosovo Albanian residents. Then after KFOR soldiers were placed on guard at those churches still intact KLA extremists proceeded to destroy Christian-Orthodox churches and monasteries with mortar bombs or just waited until NATO surveillance dropped off – either because the situation was thought to be safer and/or simply because the KFOR contingent was gradually reduced in size. In chronological order the churches most recently ravaged are the “St. Andreas Church” at Podujevo\textsuperscript{17} (figs. 16-18), the “Church of the Holy Virgin” at Obilic\textsuperscript{18} and the “Church of the Protection of the Most Holy Theotokos” at Babin Most (Obilic).

\textsuperscript{15} On topic, cf. Maniscalco 2006, 102-111.
\textsuperscript{16} On art theft in war cf. Maniscalco 2006, 131-144.
The most important buildings from a historical-artistic point of view, however, were damaged between June-July 1999:

- Monastery of St. Apostle Mark, at some 3 km from the village of Koriša. According to one manuscript the monastery was built in 1467. It lost a great deal of its movable cultural wealth and several of its original frescoes during the Turkish invasion and the two world wars; however its library did house a huge collection of manuscripts and ancient tomes. It was blown up by explosive in June 1999 (fig. 19).

- Church of the Holy Virgin at Koriša. It was a small chapel decorated with frescoes from several different periods (XVI - XVII centuries). It was desecrated and demolished along with the nearby cemetery in June 1999 (fig. 20).

- Church of St. Nicholas and St. Elijah’s Church (XVI century), in the village of Liubižda. They housed icons, books and religious ornaments which, in part, were destroyed or irrevocably damaged in the fires started by Kosovo Albanian extremists in June 1999.

- Church of St. Basil the Great, in the village of Srbica. Dating back to 1863, it was demolished by KLA extremists and icons and books (from the XVIII and XIX centuries) housed within were most likely seized.

- Monastery of Devič and the Church of the Holy Virgin, close to the village of Srbica. Dating back to the mid-XV century, this ‘unfortunate’ building complex suffered serious damage in the Second World War. It was desecrated, attacked and plundered and the nuns and priest were abused by KLA affiliates from the 15

19 The building housed a fine collection of XIX century icons and holy ornaments.
to 17 June 1999.
- St. George’s Church, in the village of Rudnik. Dating back to the XIV century and restored two centuries later, it was raided and dynamited in August 1999.
- Holy Archangel Gabriel Monastery, in the village of Binače. Dating back to the XIV century, restored and rebuilt several times over the centuries. The XVI century frescoes were still visible before the monastery was destroyed and the tiny church ransacked by persons unknown in June 1999. Ancient liturgical ornaments from the sanctuary were most likely plundered (fig. 21).
- Monastery of St. Uroš, in the village of Šarenik (near Uroševac). Dating back to the late XIV century, was demolished in June 1999 (fig. 22).
- Monastery and Church of St. Archangels at Gornje Nerodimlje. The whole building complex, which housed XIV-XV century frescoes, as well as graves in the cemetery nearby was desecrated and destroyed. In addition, an ancient pine tree standing close to the monastery, believed to have been planted by Emperor Dušan, was cut down and burnt to ashes (fig. 23).
- Church of the Holy Virgin (early XIV century) and Holy Trinity
Monastery (XV century). The whole building complex, situated in Mušutište (Prizren) – one of the villages which suffered the most during the war – was razed to the ground between the second half of June and the first half of July 1999. Before destroying it, persons unknown stole part of a valuable collection of manuscripts (XIV-XVIII century) housed in the monastery, as well as icons adorning the two buildings. The Holy Trinity Monastery standing on the hill of Rusenica could only be reached by a steep mule-track and had no KFOR protection. This meant that for quite some time it came under attack, even after it was destroyed. In June 2000, I actually witnessed locals setting alight the monastery ruins – beneath which were still buried movable cultural property and liturgical ornaments (fig. 24).

- Zočište Monastery and the Church of Holy Cosmas and Damian, at some 5 km from the city of Orahovac. The site was adorned with XII-XIV century frescoes and housed a fine collection of icons, books and holy ornaments. The church was dynamited and the monastery desecrated and torched in September 1999. The most

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20 Mentioned as far back as 1327.
valuable historical-artistic objects were most likely appropriated.

- Church of the Holy Virgin. Built in the XVI century, it stood in the village of Bijelo Polje, which was partly razed to the ground by Serbian refugees themselves anxious not to give up their dwellings to the enemy. It was also for this reason that the area around the church was laid with dynamite and mines. The Church of the Holy Virgin was plundered and burnt to the ground (fig. 25).

- Church of St. Parasceva, in the village of Drsnik (near Klina). Of uncertain origin it was restored in the second half of the XVI century, as the well-preserved frescoes testified right up until the recent conflict when the church was ransacked and burnt to the ground (figs. 26–27).

- Monastery and Church of the Holy Virgin, in the village of Dolac. The church was adorned with frescoes dating back to the XIV and XVII centuries. Despite the KFOR presence the whole building complex was desecrated, dynamited and destroyed in June 1999. As we monitored in 2000, I informed the competent authorities about the likelihood of discovering icons and holy ornaments still buried under the rubble. I also suggested
emergency action to recover the remains of the frescoes which had not been destroyed at the end of the conflict (fig. 28).
- St. Nicholas’ Church in the village of Kijevo (around 15 km south-east of Klina). Dating back to the XIV century, it housed a valuable collection of icons and a considerable amount of ancient books. The church and nearby cemetery were destroyed in June 1999. In all likelihood valuable movable cultural property was seized.

KFOR surveillance proved more diligent and effective in certain enclaves of villages and monasteries still inhabited by Serbs. This was the case with the monasteries of Dečani, for example, of Gračanica, of the Patriarchate

21 The Monastery of Dečani has been included in UNESCO’s “World Heritage List”; cf. Decisions adopted at the 28th session of the World Heritage, Suzhou, China, 28 June - 7 July 2004, WHC-04/28 COM/26, Paris, 29 October 2004, pp.43-44. Inclusion in the “World Heritage List” was subsequently decreed for the “Patriarchate of Peć”; the “Gračanica Monastery” and the “Church of the Virgin” at Ljeviša. Cf. “Medieval Monuments in Kosovo”, <wch.unesco.org/en/news/268>. Despite KFOR surveillance, persons unknown, to threaten, have aimed their mortars several times close to the monastery. This is another reason why the Monastery of Dečani and other “Medieval Monuments in Kosovo” were included in the “List of World Heritage in Danger” (July 13, 2006).
of Peć and the farm village of Velika Hoca, whose only access was protected by NATO forces\(^{22}\) (figs. 29-30).

4. Protecting movable cultural property

The considerable number of wars occurring in the last half century, from Cambodia to Vietnam, Afghanistan to Nigeria, Lebanon to Yugoslavia, have proved just how difficult it is to protect movable cultural property from being seized in crisis periods.\(^{23}\) In areas torn apart by war or natural catastrophe the illegal trafficking of objects of art rises due to the absence of law and order, the needs of the population - who will do almost anything to survive - and the black-market. Receiving stolen goods is actually fairly easy thanks to the compliance of the international market, where the growth in demand is directly proportional to the crisis in the country where the theft occurs.

What happens is that as local currency is devalued, archaeological finds and historical-artistic property end up becoming, along with jewels and gold, the main currency for payment and exchange.

During the conflict which began in early 1999 Kosovo was stripped of its movable cultural property in three clear and distinct periods:

- a. NATO bombing in the Federal Republic of Yugoslavia;
- b. Serbian military forces returning to Belgrade;
- c. Kosovo Albanian refugees re-entering.

During the first phase it is likely that persons unknown took advantage of the period of general anarchy and confusion to take possession of artefacts from public or private collections and religious buildings. Before being murdered or banished from their homes many Kosovo Albanian civilians were actually stripped of their belongings by the Serbian police or paramilitary.

As well as the damage caused to Kosovo immovable cultural property by NATO bombing, by Serbian troops and KLA militia raids, retreating Serbian troops systematically stripped the museums of Kosovo. According to some sources, forced to retreat

\(^{22}\) Because of access difficulties and KFOR's presence the 12 Serbian-Orthodox churches dating back to the XIV-XIX centuries suffered no damage in the recent crisis. Inhabitants of Velika Hoca, however, are in forced isolation, at some distance from any other Serbian community and in constant danger with threatening night-time Albanian mortar bombs.

by the KFOR peacekeeping force, Serbs transported almost all the archaeological collections from the museums of Kosovo to Belgrade, making these museums practically redundant.

The National Museum of Kosovo in Priština, for instance, saw its archaeological sections containing mostly material from Ulpiana whisked away to the Serbian capital. The few finds disregarded by the military were of limited historical-archaeological value.

Also the Archaeological Museum of Prizren, which now lies in a serious state of decay and abandon, saw its property seized by Milošević’s militias.

The transfer of the museum wealth of Kosovo to Serbia was defined by Kosovo Albanian museum heads and archaeologists alike as an act of ‘plunder’.24

Nevertheless, as is fairly apparent from legislative failures regarding the protection of cultural property in zones at risk of war,25 technically it would be improper to speak of actual ‘plundering’ because when the archaeological material was moved to Belgrade the country was – politically speaking – still under the control of the central Serbian government, who could easily justify such action. It is also fair to say that the Serbian government has never actually concealed such ‘movements’ of property and has even organised thematic exhibitions on Kosovo (fig. 31).

Thus, as no convention currently in force was actually violated – though the seizing by force of the cultural property of Kosovo was aptly, and perhaps, provocatively planned – until the situation in the Federal Republic of

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24 In some cases Serbian soldiers were said to be involved in illicit dealings.

25 Cf., infra, para 5.
Yugoslavia changes and unless international diplomacy attempts to mediate, the museums of Kosovo will permanently cease to serve their function and this region, steeped in history and culture, will lose its historical-archaeological wealth forever.\textsuperscript{26} In Kosovo ‘archaeological looting’ is particularly thriving. One of the most damaged sites is that of Ulpiana,\textsuperscript{27} dating back to the kingdom of Trajan. Archaeological excavations conducted in 1953 brought to light the remains of the cardo, a temple, fortifications, buildings and a single-nave basilica. In the northern sector of the settlement a necropolis was identified, which revealed some epigraphs and sarcophagi, still \textit{in situ}. A lack of funds and specialised personnel as well as an extremely awkward location has meant that researchers have been unable to make a thorough study of the site, still farmed by locals who plough up all sorts of archaeological property unwittingly causing the destruction of fragile artefacts and upturning the various layers of soil. In addition, smugglers take advantage of the total absence of police or security staff and make off with any finds they can to trade them almost exclusively with foreign dealers. According to some informers looters make use of metal detectors to find coins (plentiful in the area) and metal objects. While I was involved in research at Ulpiana, I witnessed the serious state of decay of the necropolis (where several sarcophagi were damaged by persons unknown) and the northern sector of the site (fig. 32).

My own research in Kosovo revealed how KLA extremists and Kosovo Albanians seized icons and liturgical ornaments as they ransacked and tore apart Serbian-Orthodox churches.\textsuperscript{28} These thefts occurred in various churches where no traces of ancient icons were found among the ashes, just fragments of small wood frames and drawings, the unmistakable signs of systematic stripping prior to destruction (fig. 33).
The holy places where the theft of artworks occurred were the St. Elijah’s Church at Vučitrn, the Church of the Holy Virgin and the Holy Trinity Monastery at Mušutište, the Monastery of Zocište with the Church of Holy Cosmas and Damian, the Churches of the Holy Virgin at Dolac and Bijelo Polje, the Church of St. Parasceva at Drsnik and the Church of St. Nicholas at Kjevo.

In other cases, like the Monastery of the Holy Virgin at Dolac or the Holy Trinity Monastery at Mušutište, it is just possible that icons and holy ornaments still lie buried underneath the rubble as well as the remains of ancient frescoes.

Just like Bosnia and Albania as I monitored Kosovo it soon became clear that a black-market for stolen local art existed, albeit not particularly well-developed, to serve the staff of governmental and non-governmental organisations.29

5. International law disregarded

«Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state...

29 Cf. Fabio Maniscalco’s Report sent to the Italian Foreign Office on the situation of cultural property in Kosovo.
or shall require the Members to submit such matters to settlement under the present Charter...». Thus states art. 2, paragraph 7, of the United Nations Charter which, then, forbids any interference with national sovereignty.

And yet the war which exploded in the Federal Republic of Yugoslavia showed not only a diametrically opposed operational trend, but also the ineffectiveness of international conventions, practically ignored.30

So, though it did not actually declare war on its adversary and in clear defiance of several international treaties, NATO forces bombed a sovereign state with missile warheads and weapons, threatening both the environment and the civilian population with depleted uranium and cluster bombs.

The ‘human safety’ factor was the catchphrase used to legitimise the international political community’s own harsh anti-Serb ‘crusade’, aided by the silent assent of most of the world’s press.

In addition, to provide adequate justification and reasons for this rather irregular action, in 1999, a good seven years after the ferocious conflict in Bosnia, it was finally decided to declare Slobodan Milošević - with whom until just a few months before ministers and government heads of the main European countries were still talking - a war criminal.

As far as cultural heritage is concerned little attention was paid by fighting parties to the Hague Convention of 1954 for the protection of cultural property in the event of armed conflict.31

The distinctive emblem provided for by art. 16 to mark the presence of cultural property, for example, has hardly ever been used or displayed according to the Regulations for the Execution.32

These regulations, ex art. 20 (clause 2), state that:

«[...] the emblem shall, in the event of armed conflict and in the cases mentioned in Articles 12 and 13 of the Convention, be placed on the vehicles of transport so as to be clearly visible in daylight from the air as well as from the ground.

The emblem shall be visible from the ground:

(a) at regular intervals sufficient to indicate clearly the perimeter of a centre containing monuments under special protection;
(b) at the entrance to other immovable cultural property under special protection.»

When the symbol was applied on the outside of monuments or main Orthodox Kosovo monasteries it was targeted or torched by fighting factions.

In several circumstances, in breach of the first clause of art. 4, according to which “The

High Contracting Parties undertake to respect cultural property situated within their own territory as well as within the territory of other High Contracting Parties by refraining from any use of the property and its immediate surroundings or of the appliances in use for its protection for purposes which are likely to expose it to destruction or damage in the event of armed conflict; and by refraining from any act of hostility directed against such property”, museums and places of worship were used, especially by Serbian troops, to cache arms or for military ends. A prime example is the National Museum of Kosovo at Priština, whose roof was used during the war as a Serbian anti-aircraft post.

Among the causes of destruction, damage or stripping of the cultural wealth of the Federal Republic of Yugoslavia is the failure to uphold the norms of art. 3, according to which:

“[The High Contracting Parties undertake to prepare in time of peace for the safeguarding of cultural property situated within their own territory against the foreseeable effects of an armed conflict, by taking such measures as they consider appropriate.”33

In addition, no NATO army was equipped with personnel specialised in the safeguarding of cultural property, as provided for by art. 7, paragraph 2.34 What is more, surveillance of Kosovo cultural property by KFOR contingents was extremely limited and far too late.

The Kosovo crisis, then, highlighted once again just how outdated and difficult to apply the 1954 Hague Convention actually is. Art. 4 for example, though obliging the High Contracting Parties to guarantee the respect for the cultural property present in its territory or that of another state, does provide an exemption clause “in cases where military necessity imperatively requires such a waiver”.

This “unavoidable military necessity” is also considered in article 11, according to which in “exceptional cases” immunity of cultural property under “special protection” may be waived as long as it is declared by at least a division commander. 35

One of the main limitations of the Convention is that it underestimates the risks to cultural property during internal conflict. In particular, article 18 states:

“[…] the present Convention shall apply in the event of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognised by one or more of them [...]”

“[…] The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed

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resistance [...]».

Only article 19 (clause 1) includes some vague and imprecise clauses in the event of a non-international war:

«[...] In the event of an armed conflict not of an international character occurring within the territory of one of the High Contracting Parties, each party to the conflict shall be bound to apply, as a minimum, the provisions of the present Convention which relate to respect for cultural property [...]».

This vagueness, which came up in the course of other crises, allowed Serbian central government to transfer to Belgrade all the collections of the various museums of Kosovo which, unless the political scenario undergoes any change, will never see their treasures again.

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