

Humanitarian Law Center Kosovo

Subject: Annual report

Period covered in report: January 1st 2015 –December 31th 2015

Prishtinë/Pristina, February 2016

1. Organizations background

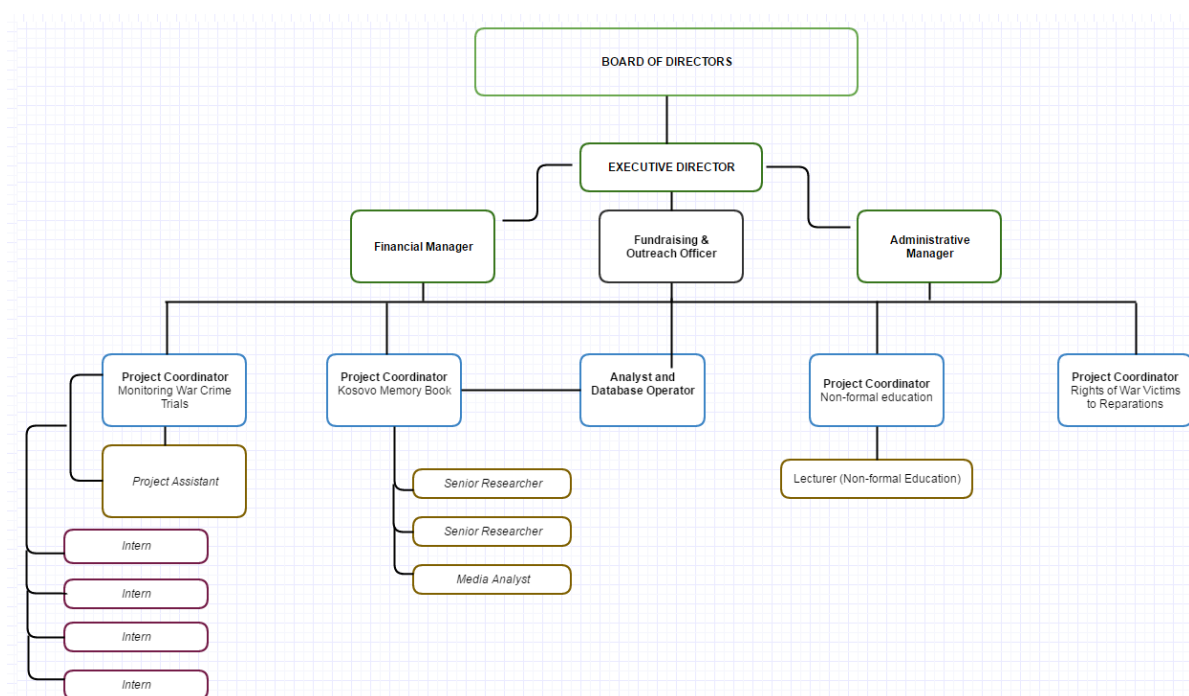
The Humanitarian Law Center (HLC) Kosovo was established in Prishtinë/Pristina in May 1997, by a well-known human rights activist, Mrs. Nataša Kandić, as a branch office of the Humanitarian Law Center. Until the outbreak of hostilities between Serbian security forces and the Kosovo Liberation Army in February 1998, HLC Kosovo focused on documenting police repression towards Albanians, investigating cases of torture, illegal detention, and political trials. After this date, HLC Kosovo shifted its focus to documenting the killings and disappearances of Kosovo Albanians and Kosovo Serbs. When NATO intervened in 1999, HLC Kosovo temporarily moved its office to Montenegro, where it continued its documentation work among the Albanian refugees there. Following the June 1999 peace agreement that ended the war, HLC Kosovo returned to Prishtinë/Pristina to continue its documentation work. Since that time, HLC Kosovo has published numerous reports, advocated for the rights of victims, monitored trials, urged authorities to bring war crimes perpetrators to justice, and investigated the killing and disappearances of Albanians, Serbs, Roma, Bosnians and other minorities in Kosovo. Today, HLC Kosovo focuses its work on documenting crimes, trial monitoring and support to the victims in the exercise of their right to justice and to reparations. Additionally, HLC Kosovo has developed a program on educating the youth about the past and how to deal with it, by designing a non-formal and participant-oriented curriculum, based on facts and on victims' stories.

Since April 2011, HLC Kosovo has been registered as a new independent organization registered at the Ministry of Public Administration of the Republic of Kosovo. Nonetheless some of HLC Kosovo's projects and activities are conducted in cooperation with HLC in Serbia, such as the Initiative for Regional Commission for the Establishment of the Facts about War Crimes and other Gross Violations of Human Rights Committed on the Territory of the Former Yugoslavia (RECOM).

The board members of HLC Kosovo are:

- Nataša Kandić, human rights activist, Serbia
- Teki Bokshi, lawyer, Kosovo
- Ismet Hajdari, journalist, Kosovo
- Kosovare Kelmendi, lawyer, Kosovo
- Mario Mažić, human rights activist, Croatia and
- Veton Nurkollari, artist, Kosovo
- Bekim Blakaj, executive director of HLC Kosovo.

Organizational governing bodies (Management and Board) share power, and usually function together when it comes to decision-making processes. HLC Kosovo organizes two meetings per year with all board members. During these meetings, HLC Kosovo's executive director presents the narrative, financial and external audit report, and reports to board members on the functionality of the organization. Board of the directors is a decision making body and is responsible for the strategic development of the organization.



The fourth HLC Kosovo Board meeting took place on 17th of June 2015. All Board members were physically present at the meeting, along with the administrative manager and the financial manager.

2. HLC Kosovo's Vision and Mission

The vision of HLC Kosovo is a society that faces the past and where rights are respected equally. HLC Kosovo seeks to fulfill its **mission** by contributing to the Kosovo's ability to establish the rule of law, face the past and restore the dignity of victims.

In 2015, the Humanitarian Law Center Kosovo (HLC Kosovo) implemented activities under its two main programs: **Kosovo Activities on Transitional Justice** and **Regional Cooperation**. Under the former, HLC Kosovo's activities were focused on promoting reconciliation through truth telling, criminal accountability, institutional reform, reparations and education of youth on transitional justice issues. Under the later, HLC Kosovo implemented activities that had impact on improving regional cooperation in the transitional justice field, which is crucial due to the regional character of the wars in the former Yugoslavia, including the Kosovo conflict, and to the movement of victims and perpetrators across the region.

HLC Kosovo's activities at large have the goal to contribute towards the creation of better social environment for Kosovo society that will entrench positive peace and the rule of law in the country. For this, the activities have several interrelated aims: to identify all victims of war crimes in Kosovo and provide them with justice and reparations, and fight impunity of perpetrators. It also intends to provide a fact-based historical truth and educate new

generations about what happened in the past in order to create a collective memory based on facts enabling everyone to accept victims from the other community.

3. Strategic planning HLC Kosovo 2015-2017

From 27th – 29th of September, 2014, the HLC Kosovo engaged in a strategic planning meetings jointly with Nenad Golčevski as a facilitator to plan the strategy of the organization for the 2015-2018 period. The meeting focused on the SWOT analysis of the organization and SMART analysis of each project. As a result of this strategic planning, HLC Kosovo staff came up with new activities and projects that have been initiated in 2015 and will be developed over a three years period.

The new transitional Justice Programme is composed of 3 essential components:

1. The monitoring and reporting on war crimes trials: While keeping local trials as a central focus, the Programme extended the monitoring to the work of the soon-to-be Special Court. In this respect, the HLC long-term goal is to be established as the watchdog and main expert organization providing unbiased information on the work of the Special Court

2. The representation of victims: HLC Kosovo will actively engage in locating victims and their families and representing them in court in Kosovo and Serbia.

3. The Education on Transitional Justice: Spreading knowledge on Transitional Justice within professional and non-professional communities will remain a priority.

These objectives are to be attained in the frame of two main programs - **Kosovo Activities** and **Regional Cooperation** – gathering in total **7 projects**, themselves divided in specific and targeted subprojects. These projects are seeking both:

- the continuation of existing projects: such as: Monitoring War Crimes trials, ethnically and politically motivated crimes; Non Formal Education; RECOM; Kosovo Memory Book (joint project with HLC Serbia); Reparations for Victims of unlawful detention (joint project with HLC Serbia); Batajnica Memory Initiative (joint project with HLC Serbia)
- the development of new activities: such as Monitoring the work of Special Court (to be established); Representing victims in cases for War Crimes and submitting criminal reports; Publication on completed court cases; Promoting the realization of the right to Reparation and strategic litigation for war victims; and develop new activities within existing projects

The year 2015 marked the initiation of this new strategy, and the results this last year will be closely monitored in order to inform, amend and adjust the new Programme in the remaining years of implementation.

HLC Kosovo currently employs 12 staff members and one intern, after two new staff members were recruited in early 2016. While previous reports established our weakness in terms of

fundraising and outreach, HLC Kosovo has newly acquired a new team member to assist with these tasks. Finally, one of our team members was recently assigned with the maintenance of our website and from last August, 9 articles were posted in two or three languages, Albanian, Serbian and English. These articles were also shared on our Facebook page.

4. Completed project's and activities January, 1st 2015 –December, 31th 2015

During 2015, HLC Kosovo has implemented the following projects:

- Monitoring War Crime Trials;
- Kosovo Memory Book;
- Non-formal education for youth in Kosovo on Dealing with the Past;
- Batajnica Memory Initiative;
- Support for victims of unlawful detention in the exercise of the right to reparations;
- Finding perpetrators of war crimes
- RECOM initiative

4.1. Monitoring War Crime Trials and Politically and Ethnically Motivated Crimes in Kosovo for the period of January – December 2015

Kosovo judiciary system is still engaged in prosecuting war crimes cases related to the conflict that has ended fifteen years ago. Due to the sensitivity of certain cases, presence of international judges and prosecutors was introduced in the Kosovo judiciary through the EULEX's rule of law mission as European biggest civilian mission ever. Although the creation of new EULEX's Special Court for crimes committed between 1998 and 2000 was announced, local judiciary is still a chief pillar of bringing justice to victims of the war crimes and human rights abuses. International Criminal Tribunal for the former Yugoslavia (ICTY) has almost ended its work and small number of cases related to Kosovo crimes was finalized several years ago.

HLC Kosovo is still the only organization to systematically cover, monitor and analyze majority of the war crime trials and trials for ethnically and/or politically motivated crimes at the Kosovo level. Thus, all professional and general audience relies on the HLC Kosovo reporting in order to receive unbiased information about the trials.

The practice of writing report on each court sessions, publishing the analysis following the final verdicts and comprehensive annual reports additionally strengthened the HLC Kosovo position as main source to provide recommendations on best ways of improving the performance of the judiciary, as well as legislation and procedures applied in trials for war crimes and ethnically and/or politically motivated crimes.

During the reporting period, HLC Kosovo continued monitoring sensitive trials for war crimes and ethnically and politically motivated crimes before the mixed panels in Kosovo. Based on its monitoring findings, HLC Kosovo has produced an annual report, which contains important recommendations on how best to improve the performance of the judiciary and legislation and procedures applied in trials for war crimes and ethnically and politically motivated crimes.

4.1.1. Court Monitoring

Within its project Monitoring War Crime Trials and Politically and Ethnically Motivated Crimes in Kosovo for the period of January 1st – December 31st, 2015, HLC Kosovo conducted a total of **180** days of monitoring trial sessions, produced daily reports from these monitoring and conducted **23** meetings with students undertaking an internship at HLC Kosovo. HLC Kosovo has collected **1253** documents from investigation phase, main trial, minutes, evidences, testimony of witnesses and decisions were collected from **16** cases amounting to **20961** pages of court documents in pre-trial proceedings, main-trial and investigations, from the following cases:

- Gani Konjuhi et al. noun as “Gračanica” (*Ethnic*) - **25 sessions**;
- Sabit Geci et al. noun as “Drenica I” (*War crime*) - **16 sessions**;
- Agim Demaj et al. noun as “Drenica II” (*War crime*) - **10 sessions**;
- Oliver Ivanovic et al (*War crime & Ethnic*) - **78 sessions**;
- Radovan Radic and Milovan Kasalovic (*Ethnic*) - **14 session**;
- Milaim Zeka and Rustem Rrukolli - 6 sessions (*Disclosure of identity of anonymous witness*) - **1 session**;
- Irfan Haqifi et al (Terrorism) – **1 session**;
- Kujtim Bytyqi et al (Terrorism) - **5 sessions**;
- Kasalovic & Sovrlic (Ethnic) - **10 sessions**;
- Valon Jashari et al (Terrorism) - **2 sessions**;
- Slobodan Sovrlic et al (Ethnic) - **7 sessions**;
- Zarko Veselinovic (Ethnic) - **1 session**;
- Latif Gashi et al (War crime) - **1 session**;
- Agron Krasniqi at al "Klecka case" (War crime) - **2 sessions**;
- Xhemshit Krasniqi (war crime) - **1 session**;
- Sahit Halitaj (War crime) - **1 session**;

4.1.2. Preparation and printing of annual report “High-profile Trials: Justice Delayed”¹

HLC Kosovo after drafting the annual report from war crime trials monitoring during 2014, in the beginning of 2015 HLC Kosovo printed the report in three languages and started organizing the roundtable. Evidencing as a main obstacle for those trials the issue high profile trials, HLC Kosovo has decided to name the report "High-profile Trials: Justice Delayed". The report was translated in three languages, Albanian, Serbian and English. The report contains 5 (five) following chapters and HLC Kosovo analysis on finished cases: 1) Deciding (hearing) upon

¹ <http://hlc-kosovo.org/?wpdmdl=3983>

indictment, 2) First Instance Trials, 3) Retrials, 4) Appellate proceedings and 5) The Decision of the Supreme Court of Kosovo (Supreme Court of Kosovo in the third instance and Supreme Court of Kosovo ruling on requests for the protection of legality.

4.1.3. Roundtable discussion - "High-profile Trials: Justice Delayed"

HLC Kosovo held a roundtable on 31st March 2015, where they published their yearly report on monitoring war crime trials and politically and ethnically motivated trials for 2014. After the opening statements, the first session was dedicated to the presentation of the report in front of the audience which included the Deputy Minister of Justice for the Republic of Kosovo, representatives from embassy, representatives from EULEX, SPRK as well as lawyers and journalists who work in the field.

Ms. Anka Kurteshi – Hajdari was the coordinator of the project to produce this report 'high-profile trials: Justice Delayed', related to victims of serious crimes in Kosovo society, such as war crimes with political and ethnic motives. Ms. Kurteshi – Hajdari explained that the produced evaluation is derived from the extensive monitoring work of the HLC Kosovo in war crimes trials in the last 15 years. The collected data on war crimes trials brings the conclusion that, despite disagreements over who is responsible for this failure, justice is still lacking for victims.

The following session, based on: 'The war crimes trials - The dignity of the victims?' was introduced by: the Chairman of the Kosovo Judicial Council, Mr. Enver Peci; Mrs. Judit Trait, Acting Chief EULEX Prosecutor; Vladimir Mikula participated on behalf of Malcolm Simmons; President of EULEX-Kosovo Judges, Sevdije Morina, Chief Prosecutor of SPRK; Feride Rushiti, representative of Kosovo Rehabilitation Centre for Tortured Victims and some other representatives. The debate ended by a speech by the executive director of HLC Kosovo, Mr. Bekim Blakaj, who advocated to give more room to the prosecution of war crimes.

4.1.4. Prepared and published case analysis

During the reporting period, HLC Kosovo prepared and published 5 (five) finished case analyses: Ivan Radivojević²; Radovan Radic & Milovan Vlaskovic³; Agim Demaj et al⁴; Sabit Geci et al⁵ and Kasalovic & Sovrlic⁶.

4.1.5. Online published finished court cases

During this period HLC Kosovo had a technical problem with its web site, for this reason we have not published any documents from finished court cases.

² <http://hlc-kosovo.org/?wpdmdl=4107>

³ <https://www.facebook.com/HLCkovo/posts/687288091399475>

⁴ <http://hlc-kosovo.org/wp-content/uploads/2015/12/Agim-Demaj-and-others-Analysis.pdf>

⁵ <http://hlc-kosovo.org/wp-content/uploads/2015/12/Agim-Demaj-and-others-Analysis.pdf>

⁶ <http://hlc-kosovo.org/?p=4260>

4.1.6. Internship

During the reporting period, HLC Kosovo hosted **15** interns to monitor war crime trials and ethnically and politically motivated crimes in Kosovo. Reports were drafted by students following each trial session.

All students have prepared the reports for the trials that they monitored. In total **521** students reports were submitted during the reporting period. HLC Kosovo's coordinator held a total of **23** meetings with interns to discuss and analyze the trial sessions that they have monitored.

4.1.7. Official meetings

The cooperation of the HLC Kosovo and the Judicial institutions is becoming stronger. From January to June HLC Kosovo had several meeting with the highest judicial representatives: Enver Peci-Head of the Judicial Counsel, Aleksandër Lumezi-Chief Prosecutor, Sevdie Morina – Chief of Special Proesutor offive, Sali Mekaj-President of the Appeal Court, Imer Hoxha-President of the Basic Court of Prizren, Valon Dërguti-President of the Basic Court of Prizren branch in Gjakova, Kada Bujupi-President of the Basic Court of Mitrovica, Martin Hacket – Prosecutor, Jonathan Ratel – Deputy Chief Prosecutor, Dragana Nikolic Solomon – Deputy Head of PPIO also some meeting with lawyers, jugdges ect.

Further, from July to december 2015, our staff had the following additional meetings with: Enver Peci - Head of the Judicial Counsel; Aleksandër Lumezi - Chief Prosecutor; Jonathan Ratel - Deputy Head of Special Prosecution Office; Sevdie Morina - Chief of Special Prosecutor office; Sali Mekaj - President of the Appeal Court; Imer Hoxha - President of the Basic Court of Prizren; Valon Dërguti - President of the Basic Court of Prizren branch in Gjakova; Kada Bujupi - President of the Basic Court of Mitrovica; Martin Hacket - Prosecutor; Charles Hardaway, Damare Elizabeth Theriot - Prosecutors; Dariusz Sielicki, Roxana Comsa, Florent Latifaj - Judges; Dragana Nikolic Solomon - Deputy Head of PPIO; Ramiz Krasniqi, Bajram Tmava, Haxhi Millaku, Albana Kelmendi, Agim Lushta, Miodrag Brklac, Nebojsa Vlajic, Zivojin Jokanovic, Dobrica Lazic – Lawyers; Burhan Maxhuni, Eron Prekazi - Representative of victims; Asja Zujo, Arber Jashari, Chiara Tagliani, Vera Manuello, Alana Vasak, Dukagjin Kerveshi, Adnan Isufi – Legal officers ect.

4.2. Kosovo Memory Book

During the project period our research was focused in two directions. On the one hand, the verification of data for already evidenced victims and subsequent amendment of the narratives about circumstances of death or disappearances of those victims. On the other hand, our

research has focused on searching for new potential victims not yet registered in our database. For this purpose we conducted interviews and filled verification forms in order to complete, amend, and verify our database information. All the new data acquired both from the field research, media analysis and external sources were entered in our database by our media analysts, who also processed and analysed information coming from a variety of other sources.

4.2.1. Verifying information for already evidenced victims

In order to collect more information about existing victims, during the reporting period HLC Kosovo's researchers have conducted in total **86 interviews** with witnesses and/or family members of victims. Two interviews were conducted with family members of Serb victims while other 84 interviews were conducted in order to get information about Albanian victims. Apart of interviews with witnesses and family members of victims, HLC Kosovo's researchers have conducted the process of verification of some data about existing victims. In those cases researchers didn't conduct interviews but they have contacted family members and other persons in order to ask for specific information. They have filled out **313 forms for verification of data**. 297 forms contained data for Albanian victims, 15 for Serb victims while 1 was for Roma victim. In general, HLC Kosovo's researchers have collected information about 481 existing victims.

4.2.2. Collecting information about potential victims

When it comes to potential victims, HLC Kosovo's researchers have searched for information about **171 potential victims**. They have conducted 23 interviews and filled out 119 forms for verification. During this process HLC Kosovo concluded that out of these 171 potential victims, 3 of them were real victim, 27 of them are alive, 29 are already evidenced victims but their names were wrongly written in other sources, 16 of them are not war related victims (natural death, accidents, etc.), 16 of them were killed but not because of war (suicide, revenge, traffic accident etc.), 21 of them are indirect war victims (died due to the lack of food, medicine etc.) and for 59 of them HLC was not able to find any information. In total, out of these 171 potential victims, we concluded that 147 were not war victims, and 24 were war victims.

4.2.3. Collecting evidences, documents and photos

During reporting period HLC Kosovo field researchers have collected a total of 1188 **different types of evidences**. 345 of them are certificates of death, identification and exhumation. Researchers have made 500 photos of memorials. 138 photos of victims were collected. 35

personal documents of victims were collected, as well as 170 other types of documents. All those evidences were entered on KMB database.

In total, and included these 1188 pieces of evidence collected in the field, our media analyst entered **4767** new documents in our database, from a variety of sources (photos, confirmations, memorials, court documents etc.).

4.2.4. Media clipping

From 1st January until 31st of December 2015 HLC Kosovo has extracted 1357 **texts** in different written media are related to war victims. In these media items HLC Kosovo enriched information about 4152 victims. All texts were translated in Serbian and all 1357 texts were analyzed and entered into Kosovo Memory Book database.

4.2.5. Public presentation of KMB database

Independent evaluation of the Kosovo Memory Book was conducted in March, 2012 the Human Rights Data Analysis Group (HRDAG)⁷. On December 10th 2014 the evaluation team submitted two reports – one made by HRDAG Executive Director Mr Patrick Ball and HRDAG Field Consultant Ms Jule Kruger, and one made by Professor Michael Spagat from the Royal Holloway, University of London. The reports concluded that the Kosovo Memory Book database documents all or nearly all the human losses during conflict in Kosovo during the period 1998 – 2000.

During the reporting period, the Humanitarian Law Center (HLC) and the Humanitarian Law Center Kosovo (HLC Kosovo) presented publicly their findings from the evaluation of database of Kosovo Memory Book Database in **six** different occasions. Each time, international experts on quantitative and statistical analyses of human losses in armed conflicts presented the results of their evaluation of the Database.

The first public presentation took place at the National Library of Kosovo in Pristina, on 4th February 2015. More than 130 persons were present, among them professors, family members of victims, representatives of Institutions, Ambassadors, student and wider audience. The second one took place in Gjakova on the 26th of March and gathered several municipal officials. On the request of the mayor we then organized another presentation on the 6th of May attended by associations of families of victims. Finally, on the occasion of the international human rights day, several members of the Coalition for RECOM presented existing research on human losses and detention facilities operating during the wars in the territory of the former

⁷ <https://hrdag.org/2015/02/04/kosovo-memory-evaluation/>

Yugoslavia on the 14th of December. This event, that entailed publicly presenting our findings from the Kosovo Memory Book, will be detailed further in section 4.7. below related to the RECOM Initiative. The same presentation was carried out in Zagreb on 16th December 2015 and in Belgrade on 18th December 2015.

4.3. Dealing with the past: innovative non-formal education opportunities for youth in Kosovo

The objective of the project is to keep Kosovo audience aware and active in understanding transitional justice principles, and to promote the importance of implementation of transitional justice mechanisms such as: criminal prosecutions, reparations, institutional reforms and truth commissions to enable Kosovo society to move forward. HLC Kosovo aims to put special emphasis on the dissemination of accurate facts through its non-formal education activities. For this purpose, HLC Kosovo is working since 2011 throughout the whole Kosovo to reach out to as many university and high school students as possible, as well as a wider Kosovo audience. The final aim of the project is to include Transitional Justice in civic education official curricula.

During the Reporting period HLC Kosovo within its project: “Dealing with the Past: Innovative Non-Formal Education Opportunities for Youth in Kosovo”, has held sixteen (16) workshops in high schools, twelve (12) presentations and organized a summer school on transitional Justice.

4.3.1. Workshops

During the Reporting period HLC Kosovo within its project: “*Dealing with the Past: Innovative Non-Formal Education Opportunities for Youth in Kosovo*” has held **16** workshops in secondary schools.

Each workshops starts with a short **documentary movie**, highlighting the risks contained in societies who did not deal with their past and refrained from implementing the four pillars of Transitional Justice. The short movie also serves well as a base ground for a debate that later opens the path for introduction to Transitional Justice. In the second part of the Workshop, HLC Kosovo informs students briefly with the history of Yugoslavia (Dissolution: Wars, Causalities...etc.), with a focus on Kosovo. After examples are presented to the students, together with facts and findings, students are presented all four pillars of transitional justice and their respective particularities.

For better understanding of the topic, as well as greater engagement students, HLC Kosovo offers a chance to the students to participate in a **mock-truth commission**, during which students take different roles (Commissioners, Victims, Perpetrators and Observers) and mock

the work of a truth commission during a public hearing, as well as preparing a one paragraph “report” with their recommendations.

At the end of each workshop, students fill out our **evaluation sheets**. From the feedback that we gathered from the students, we noticed a pattern with the most common answers. Although workshops last for five hours, students often thought that they should’ve lasted longer. They all stated that this topic was important and the vast majority of them stated that this topic should be a part of their school curricula.

It has also been noticed that the student’s engagement during the lectures as well as their approach to the topic **depended on their region of origin**. For example, in the regions that were more damaged by war, and where students personally lost someone during the war or knew that there were victims in their community, participants were more willing to talk about the crimes and casualties committed by both sides. Whereas in parts of Kosovo where students were not so exposed to the atrocities, it was noticed that students would rather talk about victims of their ethnic community and perpetrators of other communities, as there was somewhat of a lack of empathy for the victims of other ethnic backgrounds as well as justification of the crimes committed by persons of the same ethnic background. Even though these children were only one or two years old during the conflict, many still harbored judgmental attitudes towards other ethnic groups.

Until the day of this reporting HLC Kosovo organized **16** workshops, gathering a total of 591 students, in the following high schools:

1. Hamdi Berisha – Malishevë - 21.01.2015 (30 students participated)
2. Upliana - Lipjan - 26.01.2015 (31 students participated)
3. Ismail Qemaili – Kamenice - 28.01.2015 (36 students participated)
4. Tehnicka Ekonomska Skola- Vrbovc - 03.02.2015 (27 students participated)
5. Haxhi Zeka – Istog - 18.02.2015 - (42 students participated)
6. Hamzë Jashari – Skenderaj - 03.03.2015 (37 students participated)
7. Ruzhdi Berisha – Dragash - 10.03.2015 (31 students participated)
8. Gjon Buzuku – Prizren - 12.03.2015 (62 students participated)
9. Vllezerit Frasheri – Decan - 20.05.2015 (35 students participated)
10. Gjimnazi Skenderbeu –Kaçanik – 01.10.2015 (32 students participated)
11. Mederesja e mesme Alaudini – Prishtinë - 10.11.2015 (33 students participated)
12. Gjimnazi Dardania Han I Elezit - 13.11.2015 (31 students participated)
13. Gjimnazi Selajdin Mullaabazi - Mici Rahovec - 16.11.2015 (35 students participated)
14. Xhevdet Doda - Prishtinë - 24.11.2015 (28 students participated)
15. Hoxhë Kadri Prishtina – Prishtinë - 02.12.15 (69 students participated)
16. shkollën teknike “28 Nëntori” - Prishtinë - 09.12.2015 (32 students participated)

Overall, HLC Kosovo was very satisfied with the organization and student participation and interest shown during the lectures. High school students were very active during discussions, raised very interesting issues mostly related to reparations and war crime trials. 1998-1999 was

well known in terms of Kosovo's recent history, but lacked information about causalities particularly about victims of other communities. In general, HLC Kosovo is very pleased with how the students are responding to and engaging with the topics; they show a strong interest in the topic and also often ask for more information.

4.3.2. Presentations and Lectures

In addition to the workshops, HLC Kosovo was invited to give a presentation on Dealing with the Past and Transitional Justice, with the focus on the facts and findings of the causalities during the 1998-2000 in Kosovo.

During the reporting period, **12** of these presentations were held:

1. ISPE College, Pristina – 08.01.2015
2. BarCamp, Ferizaj – 10.04.2015
3. Pristina University/ Faculty of Philosophy – 13.05.2015
4. Universiteti AAB, Gjakove – 19.05.2015
5. University AAB, Pristina – 21.05.2015
6. ISPE College, Pristina – 18.06.2015
7. ACDC, North Mitrovica – 30.06.2015 - organized with the help of ACDC in Mitrovica.
8. Kolegji ISPE-Prishtine - 14.10.2015
9. Kolegji ISPE-Prishtine - 17.10.2015
10. Kolegji ISPE-Prishtine - 21.10.2015
11. Kolegji ISPE-Prishtine - 24.10.2015
12. Universiteti Iliria -Prishtine - 17.11.2015

4.3.3. Summer School on Transitional Justice

In August 2015, HLC organized a summer school on transitional justice in Prizren, for which 30 people were interviewed, with **18** students eventually taking part. The three first days of the school gave the theoretical background on various aspects on transitional justice to the students, under the following lectures:

- DAY 1: Introduction to transitional justice, the Kosovo Memory Book and the process of identification of missing persons, Truth commissions and Initiative for RECOM, and the issue of memory.
- DAY 2: the right to justice, trials for war crimes on courts in Kosovo, the ICTY and the special Chamber for War Crimes in Serbia
- DAY 3: material and symbolic reparations
- DAY 4: field visits to victims' communities

- DAY 5: Institutional reforms and dealing with the past in official education system in particular

Lectures were provided by our staff members and in cooperation with other members of Kosovo civil society engaged in transitional justice such as the ICMP, INTEGRA, SENSE, CRDP, and YIHR Kosovo.

On the fourth day, HLC organized the field visits to the following places:

- Landovicë/Landovica – students met with survivor Ibish Morina
- Krushë e Madhe/Velika Kruša - students were welcomed by Fahrije Hoti
- Starogradsko/Starogradsko – students met mayor of village Zoran Cirković and his wife Sanja Savić

In all villages the students had the opportunity to hear similar stories of the experiences of the war of survivors and relatives of victims about events of the war in their villages, how many people were killed, wounded, and still missing and how the bodies were found and identified. These visits illustrated the importance of uncovering the truth about the past, in order to need bring perpetrators to justice, forgive and move on rather to take revenge.

4.4. Batajnica Memory Initiative - (main partner HLC in Serbia)

The project's goal is to raise awareness about what happened in Batajnica through a **documentary movie**, which will tell the story of the mass graves in Batajnica and through organizing post-screening debates in Serbia and Kosovo. In previous years, through its database, HLC Kosovo identified the family members of victims who were found in mass graves in Batajnica and then contacted them for the oral interviews.

During the reporting period HLC Kosovo in cooperation with HLC Serbia completed the transcript and translated the taken interviews, and also finalized the process of the correction of the mentioned transcripts. In January 2015, HLC Kosovo assisted HLC team from Belgrade in recording a documentary film, by visiting and shooting different scenes in areas where crimes have been committed. The recording scenes were taken in Korenicë/Korenica, Mejë/Meja, Pejë/Pec, Lubeniç/Ljubenic, Prizren, Prishtinë/Pristina, Mitrovicë/Mitrovica, Gadime/Gadimlje, Slllovi/Slovinje, Gjakovë/Djakovica etc. The documentary will be screened in Kosovo in 2016, after it appears at the 66th Berlin International Film Festival.

4.5. Victim and witness counseling: Support for victims of unlawful detention in the exercise of the right to reparations - (main partner HLC in Serbia)

Since 2004, HLC Kosovo, together with the HLC in Belgrade, has provided support to victims of illegal detention from Kosovo in the exercise of their right to material reparation from the Republic of Serbia before the courts in Serbia.

Medical examination

During the reporting period, from January 1st until December 31st of 2015, HLC Kosovo organized medical examination of four ex-prisoners in Prishtina, where medical expert engaged by Basic Court from Belgrade to do the examination of the victims of unlawful detention. Three victims of unlawful detention were examined by the expert (Ajet Zatriqi, Ramë Topalli and Ali Topalli).

Court sessions

During the reporting period **2** court sessions were held in front of Belgrade's courts. HLC Kosovo staff member accompanied victims of unlawful detention **Mr. Hajriz Murati and Fejzullah Maqastena**. More court sessions are expected in the coming months on pending cases.

Assistance to victims to build cases

During the reporting period, HLC Kosovo team has continued to maintain contact and verify data with witnesses and affected families from Suhareka (**Case Berisha**), as well as explaining their rights in demanding reparation in Belgrade courts for compensation for damage caused during the war and unlawful detention.

In June also, HLC Kosovo began monitoring the procedure for obtaining reparations **in Kosovo** and began building a case for granting reparations in Kosovo to the family of victim **Shefqet Terrnava**. This was done build collecting birth certificate, certificate of death and medical expertise of death, copy of the family statement in court, discharge paper with expertise, acknowledgment letter, and news article for the death of victim.

Follow-up on court decisions

During the reporting period, final court decisions were rendered for the following victims, attributing them reparations:

- **Smajl Gashi - Llapushnik - 200.000 dinars**
- **Tahir Bytyqi – Gjurgjic - 300.000 dinars**

- **Rrahman Elshani – Krajkovë - 200.000 dinars**
- **Hysni Podrimqaku – Krajkovë - 300.000 dinars**
- **Bekim Istogu – Vrbovac – 200.000 dinars**

Regarding these final decisions, team members of HLC Kosovo met with the parties in the field and in the office, in order to explain to them the content of the court's decision and the procedure to follow to make them enforceable, involving the gathering of relevant documents from the beneficiaries. Accordingly, were gathered **20** copies of attorney special authorization, **20** copies of bank authorization, **20** copies of approved litigation costs, **10** certificate of residence and **10** copies of ID.

Also during the reporting period, first instance decisions were given for the following cases:

- **Behram Saiti - 125.000.00 dinar**
- **Enver Baleci - 125.000.00 dinar**
- **Elmi Musliu - 250.000.00 dinar**
- **Faton Halilaj - 370.000.00 dinar.**
- **Agim Limani - 200.000.00 dinar**
- **Sadik Limani - 200.000.00 dinar**

HLC Kosovo informed the victims that the state attorney decided to file complaint (appeal) on those verdicts, and the HLC attorney also filed complain due to the small amount granted. HLC also appealed in August against first instance verdict that denied the claim for **Faik Maqestena**, and for that purpose collected **2** copies of ID, **14** Medical consultations, **1** court ruling, **2** Hospital discharge forms, and **1** Ruling document for pension.

Finally, in August the Constitutional court_gave positive decisions for Case **Basri Zhitija, Sokol Demaku, Isuf Isufi, Xhemajl Kastrati** and **Sadri Terdevci**. HLC Kosovo therefore collected the needed documents to make the decisions enforceable: **3** Special Authorization for attorney and **5** copies of ID. Parties were informed about appeal dismissals of the Constitutional Court for **Refik Hasani, Sokol Jakupi, Agim Ibrahim** and **Zijadin Blakqori**. HLC is preparing an application to the European Court for Human Rights, for which it has gathered **12** special authorization for attorney, and **4** copies of ID.

Assistance to victims in ongoing cases:

HLC Kosovo is in direct and constant communication with victims of illegal detention in order to inform them of the court procedure, process, and results. As a matter of example, during the month of August 2015, HLC held meetings with **Hajriz Murati, Idriz Spahiu, Isa (Sokol) Demaku, Sefedin Morina**, who were informed about their case in Belgrade courts to inform them about their cases.

Also during the reporting period HLC Kosovo has contacted survivors and family members of victims from family **Duriçi, Bogujevci and Llugaliu** (Podujevo case), from whom were taken consent for the judicial representation of victims in the European Court of Human Rights in Strasbourg. From them HLC Kosovo has collected 13 authorizations for HLC lawyer and 1 extract of birth.

4.6. Victim and witness counseling: Finding perpetrators of war crimes - (main partner HLC in Serbia)

HLC Kosovo has, during the reporting period, carried on its activities of assisting victims in pressing charges against perpetrators of war crimes during the war in Kosovo. This involved visiting victims of war crimes and their families, and first to collect the consent from family members and witnesses to represent them at the Serbian courts and their permission to hand over their early taken statements to the special prosecutor for war crimes in Serbia. Further, this project involves conducting interviews with them to gather additional evidence and explain the relevant procedures to file criminal reports.

Accordingly, during the reporting period, HLC Kosovo has continued maintaining contacts and verifying data with witnesses and affected families from the region **Reka e Keqe, Rezalle and Poklek i Vjeter, Meja and Korenica, and Zahaq and Çyshk** for the criminal reports that HLC is submitting against officers who were officially responsible in these region during the war. **53** meetings with victims and witnesses from all different case were organized to verify data with the relevant parties in order to strengthen their cases. During these meetings **9** authorizations from attorneys, **10** agreements of representation in court, and **8** copies of ID were gathered. Also, during reporting period HLC Kosovo has conducted 6 verification on circumstances of massive crime committed by Serbian forces in village of Korenicë/Korenica in municipality of Gjakovë/Djakovica on 27.04.1999.

4.7. RECOM Initiative

The objective of the project is achieving a regional consensus regarding the past that is based on facts. Advancing the process of reconciliation between different communities, groups and institutions, will be done through creation of **Regional inter-state Commission for Establishing and Disclosing the Facts about all Victims of War Crimes and Human Rights Abuses in the Territory of the Former Yugoslavia, from 1991 – 2001 (RECOM)**.

RECOM process, which began as an initiative of a handful of human rights NGOs, is now driven forward by the regional Coalition for RECOM with more than 1900 members – organizations

and individuals from all post-Yugoslav states. Along with these members, HLC Kosovo has been engaged for years in gaining public and institutional support for the establishment of RECOM by lobbying with governments of former Yugoslav states.

During the reporting period there were a small number of activities within the project, mainly to inform coalition members about latest development as well distributing RECOM bulletin *!Voice*. During the reporting period *!Voice* issue 20 was published and distributed to all relevant institutions, organizations, embassies etc.

Two public events held under the RECOM flag were organized. Firstly, on the occasion of the International Day of Human Rights, several members of the Coalition for RECOM presented existing research on human losses and detention facilities operating during the wars in the territory of the former Yugoslavia. Such presentation was held on the 14th of December 2015 in Pristina. Four speakers participated - **Nataša Kandić** (Humanitarian Law Center), **Bekim Blakaj** (HLC Kosovo), **Dzenana Karup Drusko** (Association for Transitional Justice, Accountability and Remembrance - TPOS), and **Slaven Raskanović** (Dokumenta) - and 69 people attended, from various media and civil society organizations in Kosovo. The documentation presented aimed to support the establishment of an official regional Commission (RECOM) to establish facts about the war crimes committed in the former Yugoslavia and initiate reconciliation. It showed that naming all victims, establishing the circumstances in which they lost their lives and facts about detention camps are preconditions to achieving regional cooperation and make progress towards reconciliation. The same presentation was carried out in Zagreb on 16th December 2015 and in Belgrade on 18th December 2015.

Secondly, on the 21st of December, HLC Kosovo organized a public debate on reconciliation in the region with its RECOM partners. Where is the process of reconciliation in the region currently standing? What contribution is made towards it by regional politicians? What is the role of the EU in facilitating the reconciliation process in the former Yugoslavia? What is and what should institutional reconciliation look like? How can the legacy of the International Criminal Tribunal for the Former Yugoslavia be used to start the process of reconciliation? What role is there to play for civil society organizations? What is the potential of RECOM in addressing some of the issues raised by reconciliation? These questions were discussed by the following panelists in the debate: Žarko Puhovski, Enver Hoxhaj, Avni Arifi, Petar Miletić and Azem Vllasi. The debate was attended by over 50 representatives of the Kosovo institutions, international organizations operating in Kosovo, non-governmental organizations, embassies based in Pristina, and arouse great interest from the public. As special emphasis was put on role of local politicians in the reconciliation process, some of the panelists expressed their regret that the dialogue between Pristina and Belgrade is not one between societies but rather between officials merely, therefore populations on both sides don't feel the benefit of it. The event was reported in the media in 32 different occasions, and participants of the debate were invited in four TV debates regarding the topic of reconciliation.

4.8. Regional school on transitional justice

The regional school on transitional justice is an 8-days non-formal educational program focusing on instruments that ponder the past. The attendees of the program will have the opportunity to hear lectures on: established elements of juridical process at the Hague tribunal and national court processes on war criminals; out-of-court mechanisms for establishing elements on crimes in the past; victims having their human rights violated and archive/media contributions for affirming truth and responsibility; processes of consolidation in post-conflict societies. Apart from these topics, which the participants will be able to tackle through the lectures, they will be also able to communicate and talk on the developmental processes of adopting strategies on transitional justice in Bosnia and Herzegovina, Kosovo and Serbia, along with respective experts from the countries mentioned previously.

Regional School for Transitional Justice raises awareness for its participants about the importance of accepting the facts about the armed conflicts of the 1990s by all post-Yugoslav nations. By providing them with knowledge about the facts, it empowers them to spread that awareness further in their communities and countries.

The regional character of the educational programs produces an alumni network of activists and professionals active in various segments of the civil and political societies in the region. This contributes to a greater cohesion between these individual activists, as well as between their organizations from different countries of the region, and enable them to act together or in close coordination (collaboration), in order to raise awareness, and advocate for, the need of the post-Yugoslav societies to reach a shared view about their joint (common, mutual), recent, violent past.

Through educating young, socially and politically active citizens of the target countries the Regional School for transitional justice aims to achieve several interconnected goals, all aimed at facilitating the processes of peace-building through inter-ethnic dialogue, careful management of the crucial post-conflict issues, and peaceful conciliation of the conflicting historical memories held by different ethnic groups.

An additional relevance of this project comes from its segment aimed at advocating the inclusion of the fact-based educational content related to the war crimes and mass human rights abuses committed during the wars of the 1990s in the formal educational curricula of the universities in B&H, Kosovo and Serbia.

HLC Kosovo participated in interviewing participants from Kosovo. In total **53** applicants were interviewed while **7** of them were chosen. During the school HLC Kosovo has assisted in the maintenance of the school, which was held from 16th to 23th of October 2015.

5. Press releases

During the reporting period HLC Kosovo has issued several press releases addressing the issues that had to do with developments on Transitional Justice.

On the 07th of January HLC Kosovo has reacted on the attack on Serb pilgrims while they were visiting a church in Gjakova/Đakovica. The title of reaction was: Guarantee the freedom of movement and the practice of religious rites.

On the 17th of March 2015 HLC Kosovo has issued a press release on the anniversary of March riots 2014. The title of the press release was: National and International institutions have failed to address the responsibility and to restore the consequences.

On the 26th of March 2015 HLC Kosovo has issued a press release on the anniversary of NATO campaign which title was: 16 years after the bombing, which are the human losses.

On the 21st of April 2015 HLC Kosovo has published a short analysis of trial against two Serbs who were indicted for killing of Kosovo police officer. The analysis was titled: Two Kosovo Serbs acquitted of charges for the murder of police officer Zymberi.

On the 27th of April 2015, on the national day of missing persons, HLC Kosovo has issued a press release with the title: Families of the missing persons also have the right to justice.

On the 7th of December 2015, on the attack against attack on Serbs in Goraždevac/Gorazhdec.

6. Deviations, lessons learnt and Breakthroughs

Change in the composition of staff

Two persons left HC Kosovo at the end of 2015 and we are planning, in the beginning of 2016, to be recruiting 3 new staff members. Moreover, while previous reports established our weakness in terms of fundraising and outreach, HLC Kosovo has acquired a new team member to assist with these tasks.

Deviation of planned activities:

Firstly, our new strategic framework has in particular seen a redefinition of our activities concerning the integration of ethnic minorities, to give it a focus on Transitional Justice directly. After redefinition, the program 'Integration of Ethnic Minorities' does not exist as a separate entity, but has been merged into the program 'Transitional Justice', due to our evaluation process concluding that HLC Kosovo wishes to deal with ethnic minorities' issues as an integral element of planned 'Transitional Justice' activities. The period on which this paper reports essentially marked the initiation of our new strategy. From January 2015 onwards, we progressively wound out our activities on integration of minorities as they were framed until then. Our results this last year therefore must be evaluated in the context of this transition.

Secondly, we have decided to postpone the organization of the roundtable with the Ministry of Education, due to take place at the end of 2015, to the beginning of 2016. The main motive for this pertains to the political context of this end of year, where the government of Kosovo underwent serious disruptions due to internal disagreements, and in particular due to the obstruction carried out by opposition parties. According to these developments that we could not have foreseen, government officials were fully dedicated to resolve the political crisis, so we chose to postpone the roundtable to a time when they could be more focused on our demands. Moreover, during Christmas time many internationals were away from Pristina. Therefore, the roundtable will attract more relevant stakeholders (and more largely, a wider range and amount of participants) if organized at the end of January/beginning of February.

Finally, while the documentary on Batajnica is indeed ready, it has been selected to be screened at the 66th Berlin International Film Festival, which is scheduled to be held from February 11th to February 21st. Therefore, we have chosen to wait until this public release before screening it in Kosovo.

Success stories

In 2015 we have also improved visibility of the Kosovo Memory Book at the general public level, thanks to the six public presentations of human losses that were done.

One of the greatest achievements of the year was our extension of educational activities to university students, allowing us to provide an additional 12 lectures as well as our workshops to high school students. The challenge raised by this variety of audience – both in terms of age and quality – resided in providing a tailor-made programme to each target group. By adapting to this demand, our team has gained flexibility.

Moreover, on that chapter we have been making progress at the level of institutional dialogue. Indeed towards the end of 2015 we secured the participation of the Ministry of education to a roundtable we will organize in early 2016 to advocate for the inclusion of a transitional justice chapter in high school curricula.

7. Audit recommendations and perspectives for 2016

After our last external audit, the following recommendations (*inter alia*) were made:

7.1. Update and complete our Strategic Planning

7.1.1. prepare a strategic budget;

7.1.2. update the strategic plan and budget on an annual basis;

7.1.3. link the annual planning and budgeting to the strategic planning and budgeting by using the same structure and categories.

7.2. Design a fundraising strategy

- 7.2.1.** prepare a fundraising plan;
- 7.2.2.** Develop an indicator for the envisaged amount of unrestricted reserves.

Accordingly, and building on the new HLC Kosovo Fundraising and Outreach capacity, we will, in the coming months, comply with these recommendations and submit the relevant documents to the Board for approval. The decision of the board will be implemented immediately.